

**Submission  
No 84**

## **INQUIRY INTO POUNDS IN NEW SOUTH WALES**

**Organisation:** Kip Happy Stays

**Date Received:** 18 August 2023

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Kip Happy Stays

18 August 2023

Portfolio Committee No. 8 – Customer Service  
Parliament House  
Macquarie Street  
Sydney NSW 2000

Dear Committee Secretary,

Kip welcomes the opportunity to provide this submission to the Committee's Inquiry into Pounds.

Kip is a provider of pet boarding and dog day-care services at six locations in New South Wales and 25 locations nationally. We are a team of over 300 people dedicated to enriching the lives of the dogs and cats in our care. We support robust and considered legal protections for companion animals including when they are in our care.

Among the terms of reference of the inquiry is a review of the adequacy of the laws, regulations and codes governing New South Wales pounds, including the Companion Animals Act 1998 (NSW) and the NSW Animal Welfare Code of Practice No 5 – Dogs and cats in animal boarding establishments (1996).

Kip makes the following submissions in relation to heading 1(d) under the terms of inquiry:

1. A single code of practice for pounds and commercial boarding establishments is not appropriate and separate codes should be established for the separate types of establishments.
2. A review of the boarding code should ensure the code is humane, commercially viable, flexible, consistent, and fair.

#### **Unsuitability of one-size-fits-all code**

Managing animals in a pound environment is more difficult than in a commercial boarding establishment. This means that different minimum infrastructure and staffing levels may be appropriate for managing the different establishments. There are many critical differences between the establishments which mean that a single code is not appropriate.

As distinct from pounds, boarding establishments:

- know about the behaviours and history of the animal as they can and do ask owners questions about the animal's background.
- can discharge the animal from their care if the animal is not coping (to a safe emergency contact)
- can decline to accept animals which they believe will not be suitable for their specific boarding establishment.
- board pets for a defined period.
- are accountable to the owner of the pet for its condition and the overall boarding conditions.
- have strict vaccination requirements which significantly reduce the prevalence of disease.

If the code of practice is updated with a focus on pounds (which based on the terms of this inquiry would be likely) and the codes are not bifurcated, there may be unintended consequences. As one example, it may be reasonable to propose that no two dogs should ever be housed together in a pound,<sup>1</sup> the same would not be reasonable in a commercial boarding establishment as multiple dogs can be safely kennelled together – in fact for some dogs being kennelled alone would be detrimental to their psychological wellbeing. If that rule were applied to kennels it would significantly reduce boarding availability, potentially leading to an uptick in surrender rates as owners are unable to secure accommodation at commercial facilities as well as doing severe damage to the commercial feasibility of most boarding kennels. This is just one example, and it is difficult to provide more as we do not know what alterations the committee may recommend.

If the committee does not agree with our recommendation to bifurcate the code and proceeds to adopt a one-size-fits-all approach, we would request that any update to the code be done in consultation with major service providers such as us as well as industry bodies such as PIAA.

### **Factors to consider when changing the code**

When considering changes to the code, we submit that a successful code will have the following characteristics.

#### Humane

Animals must be kept in a hygienic, enriching, safe and comfortable manner as the first objective of any code.

#### Commercially viable

Availability of boarding is an essential element in reducing surrender rates. Finding appropriate boarding is already a large challenge for many owners and any initiatives which reduce the supply of boarding slots or increase the price may aggravate this problem. The issue is particularly acute in Sydney where there has been significant withdrawal of supply of commercial boarding establishments, as the large parcels of land on which they once sat in Western Sydney are subdivided. While Kip operates at the top end of the market, we recognise the need for economical providers to service the needs of customers with lower budgets and we are wary of any changes which impose significant additional retrofit costs on our peers (which would then have to be passed on to customers) potentially pricing those customers out or impairing the viability of the business.

#### Flexible

The code should be flexible to recognise the variety between boarding needs for different animals in different parts of the state. A kennel in Cooma is likely to be best designed as all in doors, while in Ballina, a covered and sheltered but open-air kennel may be appropriate. Similarly, a young boxer with an ACL tear might be best suited to being kennelled and exercised in smaller areas than one would expect so as not to re-aggravate an injury, while a Jack Russell might benefit a lot of space. Simple

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<sup>1</sup> We make no submission in respect to pounds; we simply note this may be a reasonable position to hold.

reference to the weight or height of either dog may produce undesirably prescribed solutions. The code should be careful not to adopt a one-size fits all approach. Flexibility ensures that kennels can respond to their pet customers and their local area to tailor the best service.

#### Consistent

Any enforcement mechanism for the code should be consistent and predictable. One body should be responsible for enforcement of the code across the state. In Victoria, individual councils are responsible for enforcement of the relevant code. This is undesirable as different priorities of different councils creates idiosyncrasy and unpredictability in the enforcement of the code.

#### Fair

If imposing updated rules in relation to the construction of facilities, the code should consider that many of these have already been constructed in accordance with the existing code. Careful consideration should be given to whether a new standard should also contain legacy exemptions.

### **Conclusion**

We are advocates for the rights of companion animals and feel passionately about advancing their cause, we believe this inquiry will make recommendations which significantly improve animal welfare in New South Wales pounds. We want to work together to ensure that any changes to the code leave it fit for purpose as applied to commercial boarding establishments. We are ready and willing for additional requirements to be imposed on us in conducting our business, so long as they are implemented in accordance with the above principles. We would be open to providing comments on a draft code or providing a further submission as the inquiry continues. I am also happy to appear in person to provide evidence if it is of assistance to the committee.

Kind regards

Samuel Leigh  
Director  
Kip Happy Stays