

**Submission
No 100**

INQUIRY INTO POUNDS IN NEW SOUTH WALES

Organisation: Pound Rescue Incorporated

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POUND RESCUE INCORPORATED

ABN 87379938341

An animal welfare charity registered with the Australian Charities & Not for Profits Commission

Pound Rescue Incorporated is a volunteer run organisation dedicated to saving dogs and cats from death row in pounds across NSW.

SUBMISSION for the Inquiry into pounds in New South Wales

Terms of Reference

(c) welfare challenges facing animals in pounds across New South Wales, including the provision of housing, bedding, feeding, exercise, enrichment, veterinary treatment

1. The welfare challenges in NSW pounds are well documented and publicised. As a rescue organisation we have seen it all. We will address just one welfare challenge (failing):-
2. Parvo virus a contagious disease, which is particularly deadly to puppies, and which results in a dog suffering a horrible death, is prevalent right across NSW. This is well known. Yet outside of Sydney, impounded animals are rarely vaccinated against parvo virus. We have on numerous occasions rescued a litter of pups or a single pup to discover they have parvo and despite the best efforts of our vets, at a cost of many thousands of dollars, many of these pups die or we decide to humanely euthanise to prevent further suffering. And when we bring in a dog with parvo, other animals in our care are put at risk of also contracting the virus.
3. Apart from the suffering of the animals, the cost of a pound vaccinating young dogs, at least, against parvo virus is miniscule compared to the cost to rescue organisations and the community in trying to save the lives of the dogs. Rescue organisations are self-funded; we raise funds from the community to pay vet fees and bring animals back to health when they suffer these horrific diseases. This is the same community that pays rates and charges to local government and a plethora of taxes to the State Government.
4. Recommendation: Government funds essential vaccination of impounded animals and Local councils are held accountable.

(d) 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), as well as the adequacy of the current enforcement and compliance regime

5. Given the suffering of animals in council pounds, and the high euthanasia rate, clearly these pieces of legislation are not adequate or are inadequately enforced or both. We will address just a couple of provisions in the Companion animals legislation:-

Alternative action to destroying companion animals.

6. Sections 64(5) and 64A(2) of the *Companion Animals Act 1998* impose a duty on councils to consider whether there is an alternative action to that of destroying the animal and (if practicable) to adopt any such alternative.
7. Councils, however, retain their discretion in relation to a dangerous or menacing dog.
8. As the *Companion Animals Act* is currently implemented it is very easy for an employee of a council pound to 'assess' a dog as dangerous or menacing and book the dog in for euthanasia without any attempt to find an alternative. There are no legislative requirements as to the manner of assessment of a dog and by whom the dog must be assessed. An animal rehoming officer or a ranger with an imperative to reduce the number of dogs, or with a dislike of a particular dog, can use the dangerous or menacing provisions as a way of solving the problem.
9. We are aware of this happening and can name the pound/s and provide further information if requested. We have rescued dogs in this situation (one dog had already been sedated by the vet in readiness for the pentobarbital injection) when alerted to what was happening by another person at the pound (a whistle blower). These dogs were of good temperament and were subsequently successfully rehomed.
10. Section 64B prescribes an alternative action that councils must take before destroying an animal – that is, contact with 2 rehoming organisations. This provision was added to the Act following the atrocity at Bourke during Covid-19.
11. Section 64B was enacted in good faith and with the best intentions but unfortunately, it has led a large part of the community to believe that they can relax now because "it is illegal for a council pound to euthanise an animal". People say this to us nearly every day; they think this system is all fixed now. Councils cannot kill.

12. The reality is that council pounds still euthanise many healthy rehomeable animals, especially when the pound fills up. Rescue organisations are presently under enormous pressure and suffering unprecedented requests to take in abandoned animals. All a pound has to do is flick an email to two of these overburdened rescue organisations, have both organisations respond that they cannot assist, and the pound is free to legally euthanise.

Compulsory identification and microchipping

13. There are failings in the compulsory identification and microchipping regime regulated by Part 2 of the *Companion Animals Act 1998* and the *Companion Animals Regulation 2018*, and the guidelines issued by the Departmental Chief Executive pursuant to the Regulation which apply to authorised identifiers and councils.

14. It is not uncommon to rescue a dog or a cat from a council pound to find that, whilst there is a microchip implanted in the animal, no information about the microchip, or the animal has been entered on the NSW Pet Registry. The animal cannot therefore be identified. This defeats the purpose of the compulsory identification and microchipping regime and may result in the animal being euthanised in a council pound because the pound cannot identify and notify the owner.

15. To give an example: Last week we rescued a young adult dog from a council pound in north-eastern NSW, transporting the dog to a veterinary practice in Sydney for health check, vaccination and desexing. The dog had been microchipped by his owners last year (i.e., before he was impounded).

16. After the vet work was completed and before the dog was to be transported to a home for trial adoption, we checked the NSW Pet Registry. We did this to double check that the registry had been updated, with the change of ownership to us and the desexing of the dog. We discovered that no information about the dog had been entered on the NSW Pet Registry. This meant that:-

- a) the authorised identifier who had implanted the chip in the dog last year had failed to enter the required information on the registry.
- b) The ranger at the council pound in north-east NSW, although aware that the dog did not appear on the registry, had nonetheless put the dog on transport to Sydney. It has happened before, and there is always a risk, that a dog will escape from transport and get lost.
- c) The veterinary practice in Sydney had not so much as looked at the NSW Pet Registry when desexing the dog – to check its ownership, age, status etc. – let alone updated the registry to indicate that the dog had now been desexed.

When we remonstrated with the veterinary practice about this, we were informed by the compliance manager that the veterinary practice had no obligation to look at and update the registry.

Further this compliance manager informed us that when the veterinary practice microchipped an animal for us, as an authorised identifier, as they often did, they had no legal obligation to record the required information on the registry. Their only obligation was to post the PIA form to the local council for the council to record the information on the registry.

17. This young dog was let down on three separate occasions by three different people who failed to ensure that the dog and his information was recorded on the NSW Pet Registry as required by the legislation. This is not an isolated incident; this happens time and time again.
18. Recommendation: Authorised identifiers and those involved in updating the NSW Pet Registry be required to undergo continuing education in their obligations under the legislation and the consequences for animals of their failure to comply with the legislation. Sanctions to be imposed for non-compliance.

Euthanasia of dogs by veterinarians for private clients/owners

19. We put our rescue dogs and cats into homes on trial adoption. If the trial is not successful, we take the animal back. It is a term of our adoption agreement that the animal remains in our name on the NSW Pet Registry until the adoption is confirmed.
20. We have, on more than one occasion, been informed by a person who has a dog on trial adoption that they have had the dog euthanised. It is incomprehensible to us why a person would do this when we will always take the dog back. But the motivation of human beings, especially when it comes to animals, is often unfathomable. Does not a veterinarian have a legal obligation to check the ownership of an animal before euthanising the animal? To check the NSW Pets Registry and ascertain who is the registered owner? Section 7 *Companion Animals Act* includes within the definition of 'owner' the registered owner.
21. Recommendation: If it does not already exist, impose on veterinarians a legal duty to ascertain the identity of the registered owner of an animal and attempt to seek permission from that registered owner to euthanise the animal. If this legal duty already exists, impose sanctions on veterinarians who euthanise animals at the request of clients without establishing ownership of the animal.

(e) factors influencing the number of animals ending up in New South Wales pounds, and strategies for reducing these numbers.

22. ---- Puppy farms and backyard breeders;
 - Purchase of a puppy or kitten on impulse, often from a retail shop located in a big shopping centre;
 - ‘Accidental’ mating of undesexed male and female family dogs resulting in one or more unwanted litters; Lack of mandatory desexing legislation.
23. Recommendation: Outlaw puppy farms and backyard breeders; be courageous and stand up to the pet industry and outlaw the sale of companion animals in pet shops;
24. Introduce mandatory desexing of companion animals; provide a scheme to assist with the cost of desexing for owners unable to afford the cost (outside of the National Desexing Network, the AWL initiative in offering vouchers for desexing etc.)

(g) the role and challenges of behavioural assessments in New South Wales pounds

25. In our experience the majority of NSW pounds, if not all, fail to carry out proper and valid behavioural assessments of dogs before they make the decision to euthanise on the grounds that the dog is aggressive or otherwise a risk to the public. It is rare that a pound engages a qualified and experienced animal behaviourist to assess an animal. An informal and amateur assessment by a council ranger or pound rehoming officer, inside the pound, is the best that may be offered to the animal.
26. A pound is a highly stressful and novel environment and dogs, and cats, experience fear, anxiety and confusion. It goes without saying that it is not possible to carry out a proper and valid behavioural assessment in a pound environment.
27. To give an example: Last month we were informed by the animal rehoming officer at a regional pound that a young 12-month-old dog was so deranged and aggressive that the kindest thing to do was to euthanise the dog. The pound will filling up and as always, the animal rehoming officer was under pressure to free up pens for new dogs coming into the pound.
28. The animal rehoming officer provided a video of the alleged aggressive dog to support her contention that he needed to be euthanised. To any person who can read the body language of dogs it was clear that the dog was not the aggressive dog the rehoming officer had described. The rehoming officer simply did not have the skills to read the dog and assess his behaviour.
29. We have rescued many dogs and cats from this regional pound over the years and were able to obtain a 24 hour stay of euthanasia and permission for a behaviourist

to go into the pound and assess the dog. The behaviourist assessed the dog outside the pound; the dog was unsure but not the aggressive. The behaviourist then took the dog home, and he is doing well, living in her home with her family and socialising with her dogs. He is a young rehomeable dog who now has a future.

30. The animal rehoming officer expressed surprise at the behaviour of the dog outside the pound and said to us ‘ he is a different dog!’”
31. Recommendation: Carrying out a proper assessment of animals requires resources, finances and staff that most council pounds presently do not have. Legislation needs to provide a protocol, as well as the resources and funding for assessment of impounded animals before a decision is made about their future.
