

**Submission
No 126**

INQUIRY INTO POUNDS IN NEW SOUTH WALES

Organisation: Cat Protection Society of NSW

Date Received: 25 August 2023

**NSW Legislative Council
Portfolio Committee No. 8 – Customer Service
Inquiry into pounds in New South Wales**

Submission from the Cat Protection Society of NSW

Cat Protection advocates for animal welfare to be considered in a One Health/One Welfare framework, and this applies to pounds and related services, including local government companion animal management, shelters, rescue groups and veterinary services.

Even in an ideal world, there will be a need for pound services because animals become lost, people face situations where relinquishment for rehoming is their only option, and additionally in the real world, puppy farmers breed for profit without concern for consequence and people with little regard for animal welfare dump pet animals.

The legal framework cannot regulate the animals, it can only seek to regulate the behaviour and actions of people. When it was introduced in 1998, the Companion Animals Bill represented a significant regulatory and cultural shift in the way cats and dogs were perceived and 'managed'. The Bill was vastly improved by the many amendments introduced by members in each House, and over the years there have been many amendments to both the Act and supporting regulations.

It is helpful to look back on those debates in Parliament a generation ago: some of the issues raised 25 years ago remain contentious (eg cats being allowed to roam), some have evolved to reflect changed community attitudes which have elevated the status of non-human animals, recognising they have intrinsic value. The popularity of television vet/pet programs and public education initiatives showing the benefits of positive-reinforcement behaviour management strategies and environmental enrichment for cats and dogs have positively influenced the way people look after their pets. We can also observe some real improvements such as declining euthanasia rates of dogs in pounds, increased foster care programs and the engagement of shelters and rescue in the overall effort to promote companion animal health, safety, and wellbeing.

Some matters that were mooted never came to pass. In the second reading speech to the Legislative Council, the Attorney General stated that: "A major project will be to transfer the provisions for council pounds, presently covered by the Prevention of Cruelty to Animals (Animal Trades) Regulation, into the Companion Animals Act. At this time all aspects of the operations of council pounds, whether run directly by local council or under contract by an animal welfare organisation or veterinarian, will be reviewed in relation to procedures, holding periods, standards of care, public access, adoption rate for animals, and the like." (Hansard, Legislative Council, 1 July 1998, p6853).

Technology has improved and microchipping is no longer novel but there is still no regulation pertaining to the standard for microchips used. Like the legislation, the Companion Animal Register that was new in 1998 has been renovated and updated over the years, but it is aged infrastructure.

There are still no standards and guidelines for pounds and shelters. Although there have been reviews commenced by the NSW Department of Primary Industries (DPI) only the code of practice for boarding cats and dogs is in place as a proxy. It is inadequate. Cat Protection has sought to fill that gap with free information on shelter health which we developed with the generous input of Vanessa Barrs, Professor of Feline Medicine and Infectious Diseases <https://catcare.org.au/shelter-health/> and with free information sessions with pound and shelter staff. Although we are a relatively small shelter, we employ best-practice feline sheltering, constantly learning and adapting, and sharing our knowledge and experience.

There remain vast differences between councils' interpretations of the Companion Animals Act and between their practices in companion animal management. This has particularly been the case with assisting lost and stray cats and has meant not only residents in affected areas being underserved and veterinary clinics being overwhelmed, but decades of inadequate and skewed data. A council pound that refuses to accept cats can boast a 'nil' euthanasia rate purely on the basis that you cannot kill an animal that is not there. The data gap is compounded by the lack of definition clarity on pound data (particularly in relation to cats) and the non-collection of data from shelters and authorised rescue groups.

Over recent years, there have been reviews of animal welfare regulation, including the proposed animal welfare law to replace the outdated Prevention of Cruelty to Animals Act. These reviews led by DPI frequently included broad consultation and sometimes sector-only consultation. Previous Ministers for Local Government established the Companion Animals Taskforce and later, the Responsible Pet Ownership Reference Group. These advisory bodies comprised companion animal experts and practitioners and were chaired by MPs with a great commitment to companion animal welfare, two of whom were practising veterinarians. The work of these bodies was significant. Additionally, in 2022 the NSW Office of Local Government (OLG) engaged the Centre for International Economics (CIE) to review, consult and report on rehoming of companion animals in NSW <https://www.olg.nsw.gov.au/councils/responsible-pet-ownership/rehoming-practices-review/>

To put it bluntly, over the past many years, the sector has given significant time and effort to contribute to these reviews and processes. While there was a recent and very welcome investment by government in companion animal welfare, the reform process was delayed and then stalled. There is, however, a wealth of recent information and opinion available to government to guide a fresh attempt at updating the regulatory framework for companion animal welfare in NSW. The existing framework is outdated, difficult to navigate and does not promote a One Welfare best-practice approach.

Cat Protection would be pleased to assist the Committee's inquiry into pounds, but we submit that the current overarching legislation (auspiced by OLG and DPI) mitigates against finding the best way forward to protect animal health and welfare, to positively support pet owners, and to promote community health, safety and amenity, and environmental protection.

Resourcing challenges, including the adequacy of funding given towards the operation of pounds by local and state governments

As noted above, there is wide variability between councils/Local Government Areas (LGAs) in terms of effort, expenditure, services, and demand. There are also vast differences in access to support services, such as veterinarians, as noted in submissions to the inquiry into the veterinary workforce shortage. Challenges are different in rural, regional, remote, and metropolitan LGAs, and socio-economic demographics vary between and within LGAs.

Given some 69% of households own pets and others plan to acquire a pet, <https://animalmedicinesaustralia.org.au/report/pets-in-australia-a-national-survey-of-pets->

[and-people-2/](https://www.abs.gov.au/statistics/people/housing/housing-mobility-and-conditions/latest-release) and given housing mobility in Australia <https://www.abs.gov.au/statistics/people/housing/housing-mobility-and-conditions/latest-release> it seems illogical to tie funding for companion animal income and expenditure to LGAs. It also seems inefficient to expend so much costly administration in registration for relatively small returns. Reduced fees and then free registration for pets from pounds and shelters has been very welcome and an excellent incentive for adoptions but, putting aside the importance of councils monitoring dangerous dogs, what is the cost-benefit of registration fees as they are currently structured? Is it fair that LGAs with the most socio-economic disadvantage experience the highest levels of demand for pound services? (Refer to CIE Report summary "Pattern of cats and dogs entering and leaving pounds" page 3). Why is there so much effort to apply a user-pays principle to pet ownership which confers community-wide benefits, including substantial health and economic benefits?

There is a lack of funding and a lack of appreciation of the One Welfare benefits to local communities of providing integrated animal services (not just pound services, but active supportive interventions including discounted/free desexing, vaccination, microchipping and registration, social support for vulnerable pet owners [including overwhelmed pet owners] and appropriate action on hoarding).

The adequacy of pound buildings and facilities

Many are outdated or non-existent. In the absence of standards for pounds, quality varies considerably.

Facilities that are not built with infectious disease management and shelter health and well-being strategies in the design/upgrade stage risk creating broad risks to public and animal health. For example, porous materials that cannot be effectively cleaned create a reservoir for viruses, including parvovirus, and zoonoses such as ringworm, among other diseases. New animals can contract disease from the environment and then infect other animals. Without strict standards applying to facilities, and especially since many pounds do not vaccinate on entry, and because all animals entering pounds experience stress, the risk of disease transmission remains high.

Many facilities still have cats and dogs in close proximity, which is stressful to both species. They should not be able to see, hear or smell each other.

Welfare challenges facing animals in pounds, including the provision of housing, bedding, feeding, exercise, enrichment, veterinary treatment, vaccination and desexing

Unless an animal enters a pound with a current valid vaccination certificate, they should be vaccinated on entry. They should also be treated for parasites and be health checked by a veterinarian or a qualified, experienced veterinary nurse. Funding must be adequate to provide housing that promotes shelter health (as noted earlier, Cat Protection has produced guidelines on our catcare.org.au website but there are also many other freely available sources of information). We commend the Fear Free Shelters program to reduce stress on animals in pounds and shelters <https://fearfreeshelters.com/>

The principle of capacity to care is vital to animal welfare (and the health and wellbeing of the animals' carers). Any pound or shelter operating beyond its capacity is doing a disservice to the animals, their human carers, and the community.

Managing capacity to care means managing admissions, which requires a One Welfare approach, working with the community, and dealing with the legislative lacuna which leaves community cats undesexed.

The adequacy of laws, regulations and codes governing pounds, including the Companion Animals Act (1998) and Animal Welfare Code of Practice – Dogs and cats in animal boarding establishments (1996)

As earlier noted, these are outdated, inadequate or absent and there is a need for a comprehensive rethink and redrafting (or first drafting) to bring the regulatory framework into line with contemporary science, evidence-based best-practice and community standards, and to ensure that it works to best serve the needs of companion animals, people, and the environment. This includes seeking to prevent moral injury to people, the consistent collection of quality data (from shelters and rescue groups as well as pounds and councils) and it needs to be supported by adequate investment so that good animal welfare is not confined only to wealthy LGAs.

Factors influencing the number of animals ending up in pounds and strategies to reduce those number

Most cats going into pounds are “stray” (in LGAs where stray cats are accepted). Cat Protection is aware that the Australian Pet Welfare Foundation (APWF) is making a submission to the Inquiry, and refers the Committee to their submission, as well as the CIE Report mentioned earlier.

A particular and pressing current issue relates to housing insecurity and pet-unfriendly rental accommodation, combined with cost-of-living pressures. This means that more people are struggling and while many people will make extreme sacrifices to keep their pets (including choosing homelessness over pet relinquishment) understandably many people do not. The recent NCOSS report highlights the financial stress that so many are experiencing.

<https://www.ncoss.org.au/policy-advocacy/policy-research-publications/barely-hanging-on-the-cost-of-living-crisis-in-nsw/>

Combined with the increased number of pets acquired in the lockdown period of the Covid-19 pandemic, this has created a perfect storm for pet relinquishment. We make the observation here, based on experience and anecdotal evidence from pounds, that many people feel great distress and shame at having to surrender a beloved family pet, and adopt strategies to conceal the relinquishment (such as having a third party take the animal in as ‘lost’ and then not being contactable to reclaim them). We urge all providers of human services to recognise the human-animal bond and to support their clients to keep their pets where that is possible.

Cat Protection maintains our opposition to puppy farms as cruel, unnecessary, and contributing to overpopulation of pets. Any cats adopted or sold should always be desexed (as well as vaccinated and microchipped and registered) prior to transfer to a new owner. Dogs might need to be desexed at a later age but should at least be vaccinated, microchipped and registered.

Euthanasia rates and practices, including the adequacy of reporting euthanasia rates and other statistics

We have already noted the paucity and inconsistency (in practice and interpretation) in data collection. The CIE Report also covers this issue. It is impossible to make good use of such poor data. As also previously noted, data must also be collected from other parties such as shelters and rescue groups.

We again refer the Committee to the submission of the APWF and the CIE Report, in particular, in relation to cats being presented to pounds with a likely outcome of being killed when they might otherwise live good lives, desexed, and with community care.

Euthanasia practice must be regulated, ethical and humane, noting this can be a particular challenge in regional and remote LGAs without access to veterinary services, and any LGA experiencing shortages in veterinary services. This issue deserves examination by the Veterinary Practitioners Board, Australian Veterinary Association and the Australian Institute of Animal Management (largely representing rangers) and other relevant stakeholders to find a way forward for humanely and ethically dealing with euthanasia of animals where that is warranted. Animals should never be euthanased in front of other animals, and euthanasia should not be considered as a convenience but where it is in the best interests of the animal. Euthanasia decisions should always be made on a case-by-case basis and not subject to a tick-a-box exercise.

The role and challenges of behavioural assessments

There are many validated methods for behavioural assessment of dogs and cats, but these depend on the staff administering them being properly and consistently trained in the use of those tools and, vitally, the situation of the animal being assessed. Every animal will be stressed, to a greater or lesser degree, but stressed, on arrival at a pound or shelter. They have been subjected to removal from their normal environment, likely experienced a stressful trip to the service, they may have untreated health issues and they are almost certainly traumatised by the strange new surroundings and unfamiliar smells, sounds and sights. It is highly inappropriate to imagine a test of temperament is fair to the animal at this point and even an animal who reacts with docility in that frightening circumstance might actually be a feisty animal when they are settled.

Behavioural assessments cannot be done on entry if they are to have any value, and they cannot be done using outdated cruel methods (such as poking at animals to see whether they react). They should be based in Fear Free principles, undertaken only by trained and qualified staff, and contextualise the background of the animal.

On entry, apart from essential veterinary health care, the focus must be on helping the animal to feel secure, safe, free from harm from people and other animals, and all the interventions must be focused on assisting the animal to settle and providing them with reassurance but also space to retreat. This means their total environment matters, beyond their holding apartment.

Cat Protection's annual reports detail how we treat the cats in our care, from admission to adoption <https://catprotection.org.au/annual-report/>

We provide individualised care and focus equally on hygiene and physical health as we do on the mental health and behaviour of our cats and kittens. These feed into each other, for better or worse, and there is no point having a perfectly hygienic sterile facility which is super-stressful because the animals' immune systems will be compromised and this will put them at high risk of getting sick – as well as being distressed and suffering poor welfare.

Relationship between pounds and animal rescue organisations

Positive and constructive relationships that assist animal welfare – and especially to deal with the peaks of kitten season – are vital. While it might seem difficult or even unfair to impose obligations on volunteer groups or charities, it is important for community confidence and for animal welfare that any groups working with pounds to help with fostering or

rehoming meet minimum standards, operate only within capacity, keep accurate records, and report on outcomes. An updated Pet Registry could assist to facilitate some of this.

Again, we refer to the CIE Report and the APWF submission in relation to the matter of caring for cats who are formally unowned (but often very much loved).

Challenges associated with the number of homeless cats for pounds and animal rescue organisations, and strategies to address these

As above, we refer the Committee to the submission of the APWF and the CIE Report. The situation for cats remains challenging as the majority of cats entering pounds are not legally owned (that is, they are not microchipped and registered) and the outcome for cats is poor, though has somewhat improved over recent years. Essentially though, a cat entering a pound is more likely to be killed than find a home.

Strategies for improving the treatment, care and outcomes for animals in pounds

Strategies need to include improved funding, an improved legislative framework and improved capacity to support pet owners keep their pets, so they do not end up in pounds. This includes a focus on return-to-owner and recognition of the importance of pets to people by social service providers (including domestic violence refuges, hospitals, mental health facilities, supported accommodation, foodbanks, etc). Strategies also need to consider the demand-side, to allow people who want pets to adopt, for example, through more pet-friendly rental regulations and practices.

Access to affordable desexing is imperative. While the majority of owned cats are desexed (consistently around 90%) (refer to Ipsos reports commissioned by Cat Protection <https://catcare.org.au/cats-in-the-community/>) there are also consistently owners who plan to desex their cats but have delayed the surgery due to cost. Because cats reach sexual maturity at a young age and can be pregnant with kittens while still kittens themselves, closing that gap is imperative <https://www.nature.com/articles/s41598-020-79513-6>

Any other related matter

In our submission to the shortage of veterinary services, we noted that the dearth of pound and companion animal services from councils unreasonably and heavily shifts the burden of lost, stray and homeless cats and dogs onto private veterinary clinics. They are left with the moral hazard of what to do; they are not paid to provide any services (except in the cases of those few clinics who have formal agreements with councils to provide pound services). This issue has been raised by vets with councils for many years. Animal welfare charities such as Cat Protection make a significant impact on reducing the incidence of feline homelessness, but the entirety of animal welfare cannot be left to charities alone, nor can vets be expected to fill the gaps with unpaid work.

Cat Protection would also like to refer the Committee to the research and advocacy pages of our website which include materials relevant to this Inquiry.

<https://catprotection.org.au/research/> <https://catprotection.org.au/advocate-for-cats/>

We are grateful for the Committee's consideration and time.

Kristina Vesik OAM
Chief Executive Officer
Cat Protection Society of NSW
103 Enmore Road Newtown NSW 2042
www.catprotection.org.au www.catcare.org.au