

**Submission  
No 131**

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

**Organisation:** RSPCA NSW  
**Date Received:** 25 August 2023

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**DATE** 25 August 2023

## **RECOMMENDATIONS**

RSPCA NSW recommends the following steps be taken to address the issues identified in our response to the Terms of Reference:

1. An urgent review of the *Companion Animals Act 1998* (NSW) (**CAA**).
2. Prioritise and complete the Companion Animals Register redevelopment.
3. Recommence the review of the *Prevention of Cruelty to Animals Act 1979* (NSW) (**POCTAA**) and the 2022 Animal Welfare Bill.
4. Develop and implement a mandatory code for animal welfare standards and guidelines for animals in NSW pounds.
5. Develop a mandatory code for animal welfare standards and guidelines for animals in NSW shelters and rescue organisations.
6. Fund targeted, free feline desexing programs in NSW with a multi-year commitment (and a longitudinal study in respect of the efficacy of the funded desexing programs).
7. Fund animal welfare organisations to invest in prevention programs, targeted outreach in rural and regional NSW, desexing, homelessness, domestic violence and aged care programs.
8. Resource programs that work with semi-owners of cats to support them as responsible care givers to prevent the cats and kittens from reproducing and entering pounds and shelters.
9. Provide the resourcing necessary to ensure that the infrastructure of NSW council pounds is aligned with the available modern international guidelines on animal shelter facilities.<sup>1</sup>
10. Increase the overall capacity to impound cats and dogs in NSW to meet obligations for animal management while working on long term strategies to reduce animal intake.
11. Dedicate resources to the training and qualification of council pound staff in the disciplines of canine and feline behaviour and welfare.
12. Finalise the Rehoming of Companion Animals Draft Report and adopt its recommendations.<sup>2</sup>
13. Address the recommendations of the NSW Inquiry into the veterinary industry shortage in NSW with respect to any strategies to increase access to vet care for council pounds and resourcing to meet desexing programs.<sup>3</sup>

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<sup>1</sup> The Guidelines for Standards of Care in Animal Shelters. Second Edition. (2022). *Journal of Shelter Medicine and Community Animal Health*.

<sup>2</sup> The Centre of International Economics (2022) Rehoming Companion Animals in NSW Report. [https://www.olg.nsw.gov.au/wp-content/uploads/2022/10/CIE-Draft-Report\\_NSW-OLG\\_Rehoming-of-Companion-Animals-in-NSW.pdf](https://www.olg.nsw.gov.au/wp-content/uploads/2022/10/CIE-Draft-Report_NSW-OLG_Rehoming-of-Companion-Animals-in-NSW.pdf)

<sup>3</sup> <https://www.parliament.nsw.gov.au/committees/inquiries/Pages/inquiry-details.aspx?pk=2964>

## TERMS OF REFERENCE

### **(a) resourcing challenges affecting New South Wales pounds, including the adequacy of funding given towards the operation of pounds by local and state governments**

RSPCA NSW has no visibility over the allocation of council and state government funding to pound operations, or companion animal management more broadly. Recent estimates found the total cost of companion animal management in NSW for all LGAs is approximately \$43m annually.<sup>4</sup>

However, there is evidence that greater resourcing is needed to support the operation of pounds to meet the demand for their services. This includes a need for greater investment in strategic animal management programs to reduce the demand on pounds. RSPCA NSW is aware of council pounds that are, at times, at capacity or overcrowded without sufficient space to accept and hold additional stray and surrendered animals.<sup>5, 6</sup>

Investment in training of staff in animal health and behaviour, to best support the welfare of animals in pounds, appears to be limited. Inadequate training of animal care staff will have significant consequences for animal welfare and public safety.

### **(b) the adequacy of pound buildings and facilities in New South Wales**

RSPCA NSW does not have knowledge of all NSW council animal holding facilities. However, it is apparent that there is a large variation in establishments with some pound infrastructure aged and apparently quite basic in construction, while other facilities are quite new. It seems though, that regardless of the age, most pound facilities are reporting significant capacity constraints. Some pounds have historically not been staffed full time or are still staffed primarily via volunteers. Volunteers are vital in the animal welfare sector, as RSPCA NSW well knows from experience. However, aspects of risk assessment and mitigation, health and behaviour management and suitability for rehoming require expertise and experience which must be developed within the organisations responsible for the functions under particularly the *Prevention of Cruelty to Animals Act 1979* (NSW) (POCTAA) and the *Companion Animals Act 1998* (NSW) (CAA).

Mandatory standards for animal welfare in NSW pounds and shelters are vital to provide the direction necessary to ensure that facilities all meet a minimum standard. In the absence of a legislated minimum standard, facilities should be designed and managed to meet contemporary evidence-based guidelines for sheltering animals.<sup>7</sup>

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<sup>4</sup> The Centre of International Economics (2022) Rehoming Companion Animals in NSW Report. [https://www.olg.nsw.gov.au/wp-content/uploads/2022/10/CIE-Draft-Report\\_NSW-OLG\\_Rehoming-of-Companion-Animals-in-NSW.pdf](https://www.olg.nsw.gov.au/wp-content/uploads/2022/10/CIE-Draft-Report_NSW-OLG_Rehoming-of-Companion-Animals-in-NSW.pdf)

<sup>5</sup> <https://www.portnews.com.au/story/8067298/dumping-animals-faster-than-we-can-save-them-shelters-urgent-plea-to-community/>

<sup>6</sup> [https://www.facebook.com/BlacktownAHF/photos/a.606850059427811/1295345987244878/?type=3&locale=hi\\_IN&paipv=0&eav=AfYrxEzZuDTWePDoSEeQLEMYctcy5BfCubqiLq6VZItuE56LuQNM8r1FHSadXUNmpyw&\\_rdr](https://www.facebook.com/BlacktownAHF/photos/a.606850059427811/1295345987244878/?type=3&locale=hi_IN&paipv=0&eav=AfYrxEzZuDTWePDoSEeQLEMYctcy5BfCubqiLq6VZItuE56LuQNM8r1FHSadXUNmpyw&_rdr)

<sup>7</sup> The Guidelines for Standards of Care in Animal Shelters. Second Edition. (2022). Journal of Shelter Medicine and Community Animal Health. doi:<https://doi.org/10.56771/asvguidelines>.

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

All animals that enter a pound facility will experience welfare challenge. The reasons for this are many. Cats and dogs that are surrendered to the facilities will experience a separation from a potential attachment figure and the resulting anxiety and uncertainty.

For all stray, seized and surrendered animals, the novelty of the pound environment is challenging particularly as the environment involves confinement.<sup>8</sup> Confinement carries with it a loss of choice and control that predisposes animals to frustration<sup>9</sup> and an inability to carry out their full behavioural repertoire, such as soiling away from their resting areas<sup>10</sup> or choosing to be close to, or far from, other animals and people. Despite the inherent stress confinement causes, facility design can ameliorate the impacts. For example, it is recommended that cats are provided multi- compartment housing with space for elevated resting areas, hides, scratching items, food, water, enrichment objects and litter trays, with these resources separated by at least 60cm.<sup>11, 12</sup> It is unknown how many pounds provide this kind of space for individual animals. However, due to the demands on capacity, it seems unlikely that enclosures in most pounds would be designed to optimise space.

Unavoidably, council pounds subject an animal to a range of aversive smells and sounds that trigger protective emotions including barking and howling, disinfectants and the pheromonal communication from other fearful animals.<sup>13</sup> All animals in council pounds will experience some degree of fear, anxiety and frustration which can, in many cases, be intense and prolonged for the duration of their stay.<sup>14</sup>

The behavioural signs that an animal is in a negative emotional state can be subtle and are easily misinterpreted.<sup>15</sup> The ability to recognise these signs consistently and accurately, and the knowledge to respond appropriately, requires significant training and experience. Insufficient access to expertise in the field of canine and feline behaviour and welfare is a significant risk to the welfare of animals in pounds. Their daily management is likely to be suboptimal and outcome decisions compromised.

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<sup>8</sup> Hennessy MB, Willen RM, Schiml PA. Psychological Stress, Its Reduction, and Long-Term Consequences: What Studies with Laboratory Animals Might Teach Us about Life in the Dog Shelter. *Animals* (Basel). 2020 Nov 7;10(11):2061. doi: 10.3390/ani10112061. PMID: 33171805; PMCID: PMC7694980.

<sup>9</sup> Mellor DJ. Operational Details of the Five Domains Model and Its Key Applications to the Assessment and Management of Animal Welfare. *Animals*. 2017; 7(8):60. <https://doi.org/10.3390/ani7080060>

<sup>10</sup> Hart BL, Hart LA, Thigpen AP, Tran A, Bain MJ. The paradox of canine conspecific coprophagy. *Vet Med Sci*. 2018;4(2):106-114. doi:10.1002/vms3.92

<sup>11</sup> Ellis, S.L.H., Rodan, I., Carney, H.C., Heath, S., Rochlitz, I., Shearburn, L.D., Sundahl, E. and Westropp, J.L. (2013). AAFP and ISFM Feline Environmental Needs Guidelines. *Journal of Feline Medicine and Surgery*, [online] 15(3), pp.219–230.

doi:10.1177/1098612x13477537. <https://journals.sagepub.com/doi/pdf/10.1177/1098612x13477537>

<sup>12</sup> The Guidelines for Standards of Care in Animal Shelters. Second Edition. (2022). *Journal of Shelter Medicine and Community Animal Health*. doi:<https://doi.org/10.56771/asvguidelines>.

<sup>13</sup> Ellis, S.L.H., Rodan, I., Carney, H.C., Heath, S., Rochlitz, I., Shearburn, L.D., Sundahl, E. and Westropp, J.L. (2013). AAFP and ISFM Feline Environmental Needs Guidelines. *Journal of Feline Medicine and Surgery*, [online] 15(3), pp.219–230.

<sup>14</sup> Townsend L, Gee NR. Recognizing and Mitigating Canine Stress during Animal Assisted Interventions. *Vet Sci*. 2021 Oct 27;8(11):254. doi: 10.3390/vetsci8110254. PMID: 34822627; PMCID: PMC8623698.

<sup>15</sup> Heath S. Understanding feline emotions: ... and their role in problem behaviours. *Journal of Feline Medicine and Surgery*. 2018;20(5):437-444. doi:10.1177/1098612x18771205

Usually, where animals are displaying signs that they are failing to cope with their environment, environmental change is the appropriate remedy. Where animals must remain within a pound or shelter and environmental change is not possible, providing anxiolytic medication is often an appropriate and humane therapeutic response.<sup>16</sup> Prompt veterinary assessment of every animal entering a council facility is not currently available and the approach to accepting the cost of medical interventions, such as anti-anxiety medication, is not uniform across councils.

There has been an approach by some councils to limit veterinary treatment costs to what would be considered emergency or first aid care. However, POCTAA requires persons in charge of an animal to provide it with necessary veterinary treatment. Where a veterinarian has directed a diagnostic, prophylactic or therapeutic intervention it could be considered that the treatment is necessary and should not be withheld. It is acknowledged that the cost to care for the number of animals entering council facilities is immense. The cost for the care for an individual cat or dog has been estimated in the range of \$79 and \$3,000 depending on their time in care and their needs.<sup>17</sup>

The risk of disease for animals is higher in council pounds than domestic environments because of the density of the animal populations, their unknown health and vaccination/worming status and the physiological impacts of emotional stress on their immune systems. Outbreaks of viral diseases such as canine parvovirus, feline infectious respiratory disease and feline panleukopenia have significant welfare impacts through the associated pain, malaise and potential death. Other diseases such as dermatophytosis (ringworm) spread rapidly throughout the population and, while not a source of pain, causes significant welfare impost by compromising rehoming options and leading to lengthy treatment and holding periods. There is also the risk of zoonotic disease which can impact human care-givers, either by exposing them to risk of infection, or by making caring for populations of infected animals more onerous.

Veterinary consultation and care are crucial to the maintenance of high standards of animal care, necessary for statutory compliance for euthanasia decisions, optimal euthanasia techniques<sup>18</sup>, prescription of effective prophylactic medication such as live vaccines and desexing procedures for prompt rehoming of animals. RSPCA NSW has been approached by multiple council facilities experiencing increased housing durations for their animals and subsequent capacity issues due to being unable to access enough veterinary care. Veterinary clinics, already at capacity, have been unable to accept the additional case load required to desex their animals when required. RSPCA NSW Sydney veterinary hospital has also been unable to resource the entirety of the case load requested of it by local pounds. While unable to reduce the existing RSPCA veterinary case load undertaken throughout the week, sporadic Sunday desexing surgery days have been run at RSPCA Sydney to provide some assistance to Liverpool and Campbelltown councils.

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<sup>16</sup> Sherman, Barbara & Papich, Mark. (2003). Pharmacologic management in veterinary behavioral medicine. *The Veterinary clinics of North America. Small animal practice.* 33. 365-404, vii. 10.1016/S0195-5616(02)00130-4.

<sup>17</sup> The Centre of International Economics (2022) Rehoming Companion Animals in NSW Report. [https://www.olg.nsw.gov.au/wp-content/uploads/2022/10/CIE-Draft-Report\\_NSW-OLG\\_Rehoming-of-Companion-Animals-in-NSW.pdf](https://www.olg.nsw.gov.au/wp-content/uploads/2022/10/CIE-Draft-Report_NSW-OLG_Rehoming-of-Companion-Animals-in-NSW.pdf)

<sup>18</sup> AVMA Guidelines for the euthanasia of animals: 2020 edition <https://www.avma.org/resources-tools/avma-policies/avma-guidelines-euthanasia-animals>

Without mandatory standards or training requirements to support the welfare of animals in council facilities, and barriers to accessing veterinary and qualified animal behaviour professionals, there are few assurances that their husbandry and care is optimised for good welfare.

**(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**

**The regulatory environment is not definitive or exhaustive:**

The regulatory regime in respect of the ownership, minimum standards of care, sheltering and impounding use in animal trades, companion animals and the systems and services which support these issues is complex, antiquated and failing to deliver for the people and animals of NSW.

An attempt to list the regulatory framework applying to animals in NSW, will inevitably omit some aspect if only because of the length of the list, however if the Committee accepts for present purposes that this includes:

- The *Companion Animals Act 1998* (NSW) (**CAA**) and associated regulations 2018 (**CAReg**).
- Guideline on the exercise of functions under the Companion Animals Act - 2015, issued by the NSW Office of Local Government.<sup>19</sup>
- The *Prevention of Cruelty to Animals Act 1979* (NSW) (**POCTAA**) and associated regulations 2012 (**POCTAR**).
- The NSW Animal Welfare Code of Practice No 5 – Dogs and cats in animal boarding establishments 1996 (NSW) (**the Boarding Code**).

None of the applicable legislation, regulation, codes, or guidelines speak cohesively to each other. They are administered by different government departments, and the CAA is quite imprecise. They do not, for example, operate on an agreed set of definitions, such that concepts like *stray*, *feral*, *infant*, or *pet* are not defined, rehoming organisation is often used interchangeably with rescue and pounds with shelters.

The CAA can only govern what Council does within their own LGAs, it does not speak at all to what Council should do with animals from other LGAs, which is strange given Councils often share pound facilities, so their destination is often the same.

More importantly, none of the applicable legislation covers the field in terms of the mechanisms by which an animal (companion or otherwise) might come into the custody of a pound, shelter or rehoming organisation. This might seem trivial, but the consequence is that the operators of shelters, pounds and rehoming organisations have to resort to significant and repeated statutory or regulatory interpretation in order to determine their legal obligations to animals which come into their care.

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<sup>19</sup> Please note this does not have the force of law, but has been issued by the OLG to aid OLG officers, Councils, NSW Police and animal welfare organisations or any 'approved person' (such as a vet) that may be authorised by the Chief Executive, Local Government of the Office of Local Government under section 75(7)(a1) of the Act to access information in the Register to identify seized or lost companion animals (see clause 1.2.1).

In addition, whilst companion animals are defined for the purposes of the CAA as meaning cats and dogs (there having been no other companion animals prescribed by the CReg), that definition does not accord with public perception of what is understood by the term companion animal, so the obligations upon pound operators to make reasonable attempts to locate an owner, hold an animal for a period to permit its owner to find it, and give notice to owners of an impounded animal, do not apply to the non-cat or dog animals which end up with pound operators.

**The Boarding Code applies via POCTAR to boarding establishments boarding for fee or reward:**

The introduction to the Boarding Code reads:

1.2 It applies to the welfare of dogs and cats held and cared for at an animal boarding establishment.

1.3 Establishments which provide commercial boarding services, Council Pound services and veterinary hospital services must comply with the standards of this code.

However, whilst the terms of reference refer to the adequacy of the boarding Code, and the Introduction (replicated above) refers to the Council pound operators complying with the standards in the Code, Schedule 1 to POCTAR lists the Code as applicable to animal trades being **animal boarding establishment** (that is, a business in the course of which dogs or cats are boarded for fee or reward). Arguably, shelters and pounds which do not board cats or dogs for fee or reward are not caught by the Regulation, and so do not have to comply with the Code.

The 2015 Guideline on the Exercise of Functions under the Companion Animals Act has apparently been under review for many years, and the OLG funded a detailed report on the rehoming of companion animals in September 2022. However, both documents are extremely long, complex, and the Guideline was explicitly designed to guide use of the Companion Animals Register (**CAR**)<sup>20</sup> which is not the same as directing Council functions under the CAA (even though that's what it is meant to do).

**The note at the beginning of Part 7 (procedures for dealing with seized or surrendered animals)**

**CAA** is important in interpreting the provisions below it, it provides:

This Part generally applies in relation to companion animals that are seized under the authority of this Act or that otherwise end up at council pounds. The requirements and procedures of this Part are not intended to apply to lost or injured animals that are taken by members of the public to animal welfare organisations (such as the RSPCA) or to a vet merely so that they can be treated or reunited with their owners. The Part also does not apply to animals that are surrendered to animal welfare organisations (unless the organisation also operates as a council pound).

If companion animals (other than those seized under the authority of this Act) end up at a council pound (eg by being surrendered or abandoned), they may be dealt with by the pound operator under this Part.

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<sup>20</sup> There are other issues with CAR access, which are arguably beyond the scope of this inquiry, but which should be considered if and when the CAA is reviewed.

The consequence of this note is that it seems likely that Parliament intended the RSPCA and even private vets to play a role (and likely necessarily incur some cost) for microchip scanning and probably holding for a period of time in order to reunite animals with their owners.

Thereafter Part 7 requires animals seized under the CAA to be delivered to the animals' owner, a council pound or an approved premises (which includes any premises operated by an approved person as defined – namely the premises of an approved animal welfare organisation (RSPCA NSW, Cat Protection Society or AWL)).<sup>21</sup>

There has been a lot of ambiguity around the presentation of cats because they are regularly unaccompanied outside, they are often presented as stray or unowned. Councils regularly cite the application of the CAA as the reason why they do not collect, or 'have no power to collect' stray cats and dogs. However, a fair reading of the CAA, in conjunction with the then-Ministers Circular, Councils are obliged to perform their function pursuant to the CAA. That includes taking stray cats and dogs presented to it. While RSPCA NSW insists that there are a number of strategic approaches to be implemented to prevent cats entering pounds, where a cat is presented to a pound in the belief that it is owned but lost, the pound should accept it. Where an animal is presented to a rehoming organisation under the same circumstances, the rehoming organisation is required to present the animal to the pound within 72 hours pursuant to s63A CAA. However, there is no requirement that the pound accept an animal thus presented.

The Blacktown Animal Rehoming Centre for example, has the following under the tab **"I have found a stray cat what do I do?"**<sup>22</sup>

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Council has no power to collect cats that roam onto your property  
There are no restrictions on cats roaming other than in prohibited areas such as food preparation/consumption areas and wildlife protection areas as outlined in the [Companion Animals Act 1998](#)  
You can report a nuisance cat by contacting 9839 6161 or completing the online form.

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The clear implication is that Council will only involve itself with nuisance cats in accordance with s31 CAA.

#### **Issues relating to animal management per the CAA:**

Where an animal has come into custody and notice is required to be given under s63 CAA, the legislation provides that if the animal is not claimed that the animal may be destroyed or sold after the period of fourteen (14) days following the giving of the notice. Notice is ordinarily given by posting a letter to the last known address of the registered (or otherwise known) owner.

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<sup>21</sup> CAA s62

<sup>22</sup> <https://www.blacktown.nsw.gov.au/Services/Pets-and-animals/Blacktown-Animal-Rehoming-Centre>



The use of the word "give" in the legislation brings into application s76 *Interpretation Act (NSW) 1987*. This means that the notice isn't deemed to have been given until seven (7) working days after the letter has been posted, and then a full fourteen (14) days must be given from that day. To avoid this unnecessary effluxion of time, RSPCA NSW has previously suggested that section 154(3) be amended to require a holding period of three days for unidentified feline and seven days for identified feline, and that the Act specify that the holding starts from the date of entry into custody. We further suggest that the same period be specified for canines.<sup>23</sup>

Stray cats are rarely captured by the definition of 'seized' under the CAA and, consequently, council facilities rarely accept transfer of stray cats from approved charitable organisations. Therefore, the burden of undertaking the council function falls to rehoming and charitable organisations.

The CAA has the longest statutory requirement for the holding of identified stray animals in Australia. For comparison, a summary of jurisdictional statutory holding periods are as follows:

State	Identified	Un-Identified
Victoria	8 days	8 days
WA	7 working days	3 working days
NSW	14 working days	7 working days
Tas	5 working days	3 working days
Qld	Nil (RSPCA QLD practice: 5 days)	Nil (RSPCA QLD practice: 3 days)
SA	Nil	Nil

The adverse consequences of lengthy pound stays include:

- at-capacity pound facilities with reduced capacity to care for animals,
- increased animal stress,
- subsequent increased rates of infectious disease,
- reduced home-ability
- higher euthanasia rates due to infectious disease, behavioural decline and capacity limitations
- impact on staff responsible for managing animals over longer times.

This cascade of issues and poor outcomes, related to length of stay, is well described by shelter medicine experts.<sup>24</sup>

**The Companion Animals Amendment (Rehoming Animals) Bill 2021:**

On 4 March 2022, the Rehoming Animals amendment commenced, amending the CAA by inserting a new s64B which requires councils to give written notice to two rehoming organisations and take

<sup>23</sup> RSPCA NSW Submission into Animal Welfare Policy in NSW, 28.02.2022; <https://www.parliament.nsw.gov.au/lcdocs/submissions/77525/0080%20RSPCA%20NSW.pdf>

<sup>24</sup> Karsten CL, Wagner DC, Kass PH, Hurley KF. An observational study of the relationship between Capacity for Care as an animal shelter management model and cat health, adoption and death in three animal shelters. *Vet J.* 2017 Sep;227:15-22. doi: 10.1016/j.tvjl.2017.08.003. Epub 2017 Aug 7. PMID: 29031325.

reasonable steps to advertise online or via social media that the animal is available for rehoming before destroying an animal pursuant to s64 or s64A CAA.

There are consequences, perhaps unanticipated, at the time of its enactment, that have eventuated following this amendment. Of course, the stimulus for the amendment was in response to the shooting deaths of a number of dogs, whom a rehoming organisation had offered to rehome, during the worst of the COVID19 pandemic. There is no doubt that the unnecessary killing of animals should be avoided, the question is whether POCTAA and the CAA on their own or in conjunction with each other achieve that end with no unintended consequences.

The provision itself speaks to councils being required to take certain action - s64B(1) "A council must, before taking action under section 64 or 64A to destroy a seized or surrendered animal -".

A Council is defined per s5 CAA:

*council* means -

- (a) the council of an area under the Local Government Act 1993, or
- (b) the Lord Howe Island Board in relation to Lord Howe Island (the Lord Howe Island Board's *area* for the purposes of this Act), or
- (c) the person appointed under section 6 (1A) in relation to land within the Western Division that is not within an area under the Local Government Act 1993 (the appointed person's *area* for the purposes of this Act).

RSPCA NSW currently operates pounds on behalf of Council (although it will cease at the conclusion of current contracts). We are also relevantly, an authorised rehoming organisation. It is therefore uncertain whether RSPCA NSW (or any other entity performing pound services on behalf of a Council) is required to comply with s64B.

In addition, the s64B(9) exclusion of operators of council pound provides that "**rehoming organisation** does not include a council or another operator of a council pound".

In the definitions to the CAA, rehoming organisation is defined: *rehoming organisation* means -

- (a) a council or any other operator of a council pound, or
- (b) the Animal Welfare League NSW, or
- (c) the Cat Protection Society of NSW Limited, or
- (d) the Royal Society for the Prevention of Cruelty to Animals; New South Wales, or
- (e) any other organisation that is, for the time being, designated as a rehoming organisation by the Departmental Chief Executive under section 88B.

For the exclusion of rehoming organisation in subs (9) to have any work to do, it must intend to exclude Council pounds and another operator of a Council pound. So one Council pound cannot rehome to another Council pound. Obviously, this attempts to avoid animals shuffling (even administratively) between pound operators and being euthanised anyway. Whatever the confusion about RSPCA NSW's exclusion from being a relevant rehoming organisation for the purposes of this section, there can be no confusion that we are also, in some locations at least, an operator of a Council pound.

These technical issues of the legislation aside, there are concerns that the requirement to approach rehoming organisations or other rescues to take animals that are otherwise unable to be retained by the Council pound (whoever is operating it).

Section 64(2) CAA permits Council to destroy feral or “infant” (the Act’s word, not ours) animals prior to them serving the impound period.

Section 64 CAA - Unclaimed seized or surrendered animal may be sold or destroyed  
... (2) However, the council may, in accordance with any policy that has been adopted by the council in relation to the management of feral or infant companion animals, destroy the seized or surrendered animal concerned before the end of any such period referred to in subsection (1).

In practice what this provision in conjunction with appropriate policy settings permitted, prior to the amendment, was the humane destruction of feral cats and infant companion animals which were too young to survive without the queen or dam. As s64B provides that **prior to taking any action to destroying an animal** pursuant to s64 or s64A, Councils must make the animals available for rehoming to two rehoming organisations, and give them 7 days to arrange their collection. This causes significant problems, both for shelter capacity, holding periods, but more importantly it makes the rehoming organisation or Council hold infant or feral animals for 7 days, whose experience of that holding period is likely to be particularly poor. Where the Council or other pound operator has no neonate carers, then in order to comply with POCTAA and not commit or permit to be committed, acts of cruelty on infants in their care, they must breach the CAA in order to destroy prior to the completion of a holding period or being made available to two rehoming organisations and on the internet / social media.

RSPCA NSW is aware of several cruelty complaints involving members of the public purporting to run rescue organisations receiving animals (particularly cats) from Council pound operators pursuant to s64B. On one occasion animals adopted to the rescue from Council were seized in the weeks and months that followed, for example on one occasion in populations of 70 cats in a residential home. There is a lot of pressure experienced by the operators, staff and volunteers of pounds, shelters, rehoming organisations and rescues to make space, treat, rehabilitate, and ultimately provide love and affection for animals so that they can, in time, be rehomed. The staff and volunteers of RSPCA NSW know that, they have been ‘doing’ animal welfare for some 150 years. However, the professional, personal, economic and other costs associated with statutory attempts to reduce unnecessary destruction of animals needs to be weighed against the potentially unintended consequences enumerated above.

#### **Injured / unwell animals and veterinary clinics:**

In respect of injured or unwell animals requiring veterinary treatment or hospitalisation, the situation is also very unclear, because for obvious reasons they can’t be presented to a pound as required in accordance with s63A. There is no indication who is to fund the treatment required for injured stray animals, but POCTAA requires treatment to be provided. In combination with animals regularly left at veterinary clinics, the impost on private veterinarians can be significant.

Animals left at veterinary clinics are not necessarily abandoned (s11 POCTAA), nor are they stray. Where their owners simply cannot afford to pay the invoice, vets are left with animals that they do not legally own, and in respect of which there is sufficient ambiguity such that pounds will often not accept the animals. In that case the vet has the invoice unpaid, and then potentially has to accept liability for transferring, rehoming or adopting animals for which they do not really have good title, but in respect of which they cannot indefinitely board the animals. RSPCA NSW is aware of individual animals living at veterinary clinics for over five months following surgery whilst the vets attempt to negotiate the reclaiming or rehoming of animals they have cared for.

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

Animals arrive at pounds due to being surrendered by their owner or as stray animals brought in by council rangers or by members of the public. It is likely that some of the animals being represented as “stray” are animals that are being surrendered by an owner not wanting to disclose that fact. Annually 23,000 dogs and 21,000 cats enter NSW pounds.<sup>25</sup> Many more animals are delivered to animal welfare and rescue organisations. In financial year 2023 RSPCA NSW accepted 5,814 stray dogs and cats and over 3,000 surrendered cats and dogs.

According to RSPCA NSW data, an animal is surrendered, most often, because their owner has too many animals to care for (17% of surrenders), cannot afford the basic care of their animal (15%) or is moving house (10%). A proportion are surrendered because the owner cannot afford necessary veterinary treatment (7%) and others because the owner has become too ill to care for the animal (7%). These data accord with several studies that report owner factors (i.e., capacity to care, financial constraints, personal circumstances) are more commonly a cause of animal relinquishment than animal factors (e.g., problem animal behaviours).<sup>26, 27</sup>

It is not always clear why stray animals reach pounds. However, for the 72% of unclaimed animals, it can fairly be assumed that reasons may cross over with those given for surrendering an animal. In particular, the breeding (often inadvertently) of animals in excess of demand, or capacity for an individual to provide care, will lead to straying, abandoned, unowned and semi-owned populations. The finding that dogs entering pounds are often large breeds of young, adult age<sup>28</sup> is suggestive, at least in part, of a population of dogs that may have been allowed to escape unsecure yards or may

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<sup>25</sup> The Centre of International Economics (2022) Rehoming Companion Animals in NSW Report. [https://www.olg.nsw.gov.au/wp-content/uploads/2022/10/CIE-Draft-Report\\_NSW-OLG\\_Rehoming-of-Companion-Animals-in-NSW.pdf](https://www.olg.nsw.gov.au/wp-content/uploads/2022/10/CIE-Draft-Report_NSW-OLG_Rehoming-of-Companion-Animals-in-NSW.pdf)

<sup>26</sup> Jensen JBH, Sandøe P, Nielsen SS. Owner-Related Reasons Matter more than Behavioural Problems-A Study of Why Owners Relinquished Dogs and Cats to a Danish Animal Shelter from 1996 to 2017. *Animals (Basel)*. 2020 Jun 19;10(6):1064. doi: 10.3390/ani10061064. PMID: 32575574; PMCID: PMC7341242.

<sup>27</sup> Eagan Bailey H., Gordon Emilia, Protopopova Alexandra. Reasons for Guardian-Relinquishment of Dogs to Shelters: Animal and Regional Predictors in British Columbia, Canada. *Frontiers in Veterinary Science*. 2022 Vol 9 - <https://www.frontiersin.org/articles/10.3389/fvets.2022.857634>

<sup>28</sup> The Centre of International Economics (2022) Rehoming Companion Animals in NSW Report. [https://www.olg.nsw.gov.au/wp-content/uploads/2022/10/CIE-Draft-Report\\_NSW-OLG\\_Rehoming-of-Companion-Animals-in-NSW.pdf](https://www.olg.nsw.gov.au/wp-content/uploads/2022/10/CIE-Draft-Report_NSW-OLG_Rehoming-of-Companion-Animals-in-NSW.pdf)

not be recovered by an owner due to discontent with their behaviour (often characteristic of adolescent canine behaviour).<sup>29</sup>

There is an association between high intakes of both cats and dogs into pounds and lower socioeconomic areas.<sup>30</sup> This finding, along with the reasons provided for animal surrender, both indicate the importance of prioritising animal management programs targeted at areas of socioeconomic disadvantage. Of these targeted programs, there is a good evidence base for making available free, accessible desexing.<sup>31, 32</sup> The main reason given for feline relinquishment (cats and kittens) is related to overpopulation (“too many animals”). This is also reflected in the nature of the stray feline population, which is characterised by, in the vast majority, being unidentified, undesexed and dominated by litters of kittens. At RSPCA NSW, last year, 2,700 stray kittens were accepted and 1,700 stray adult cats. It follows that targeted, high, intensity desexing programs reduce pound and shelter intake. No doubt, this has informed the recent recommendation by the Rehoming of Companion Animals in NSW Draft Report that the government provide a sustained, annual multi-million-dollar contribution to targeted feline desexing programs in NSW.<sup>33</sup>

Among the most commonly reported reasons for relinquishing an animal to RSPCA NSW were fourteen per cent of dogs and cats relinquished due to owner financial or physical incapacity. Therefore, programs that support owners to access affordable veterinary care and provide emergency care for their pets, during owner illness, will prevent a proportion of these animals entering the pound system.

Financial barriers to accessing veterinary care are only growing. The cost of veterinary services has increased significantly as demand for services increases and, at least in part, to support the necessary uplift in veterinary remuneration and to respond to increased cost of business delivery. Simultaneously, with the rising cost of living and financial pressures, there have been deepening levels of poverty with more than one million people in NSW living in poverty.<sup>34</sup> Pounds will be impacted if increased numbers of animals are relinquished or abandoned out of financial desperation.

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<sup>29</sup> Asher Lucy, England Gary C. W., Sommerville Rebecca and Harvey Naomi D. 2020 Teenage dogs? Evidence for adolescent-phase conflict behaviour and an association between attachment to humans and pubertal timing in the domestic dog *Biol. Lett.* 16:20200097

<sup>30</sup> The Centre of International Economics (2022) Rehoming Companion Animals in NSW Report. [https://www.olg.nsw.gov.au/wp-content/uploads/2022/10/CIE-Draft-Report\\_NSW-OLG\\_Rehoming-of-Companion-Animals-in-NSW.pdf](https://www.olg.nsw.gov.au/wp-content/uploads/2022/10/CIE-Draft-Report_NSW-OLG_Rehoming-of-Companion-Animals-in-NSW.pdf)

<sup>31</sup> Benka VA, Boone JD, Miller PS, et al. Guidance for management of free-roaming community cats: A bioeconomic analysis. *J Feline Med Surg.* 2022;24(10):975-85.

<sup>32</sup> <https://www.g2z.org.au/assets/pdf/Benefits%20of%20Funding%20Co-operative%20Desexing%20programs.pdf>

<sup>33</sup> The Centre of International Economics (2022) Rehoming Companion Animals in NSW Report. [https://www.olg.nsw.gov.au/wp-content/uploads/2022/10/CIE-Draft-Report\\_NSW-OLG\\_Rehoming-of-Companion-Animals-in-NSW.pdf](https://www.olg.nsw.gov.au/wp-content/uploads/2022/10/CIE-Draft-Report_NSW-OLG_Rehoming-of-Companion-Animals-in-NSW.pdf)

<sup>34</sup> <https://www.theguardian.com/australia-news/2023/apr/26/latte-line-poverty-rates-worsen-in-parts-of-sydney-creating-a-30-gap-between-some-suburbs#:~:text=The%20state%2Dwide%20poverty%20rate,rates%20between%202016%20and%202021.>

Providing access to affordable veterinary care is one important strategy to address this. The demand for this type of assistance is great, with RSPCA NSW receiving seven hundred enquiries for support for veterinary costs from around NSW in a one-year period. Over \$100,000 was spent assisting 144 clients with the cost of providing veterinary care to 150 animals at private veterinary clinics around NSW. This is in addition to the financial support given to RSPCA NSW veterinary clients. RSPCA veterinary hospitals have offered a 35% discount on veterinary bills to Centrelink card holders at an annual cost of \$172,000 dollars. An additional \$50,000 was spent throughout the year paying for the emergency treatment of animals owned by eligible clients at the RSPCA veterinary clinics. Of the clients surveyed, 50% confirmed that they would have had to surrender their pet if they had not had financial assistance for veterinary costs, confirming this is a strategy that keeps animals out of pounds and shelters.

Similarly, RSPCA NSW has evaluated the impact of programs that provide support to pet owners with vulnerabilities, such as the elderly. Investing in helping aged pet owners with veterinary care, emergency boarding during owner illness and in-home assistance with their animals prevented the surrender or abandonment of 28% of the animals in the program.<sup>35</sup>

**(f) euthanasia rates and practices in New South Wales pounds, including the adequacy of reporting of euthanasia rates and other statistics**

Approximately 9% of canines entering pounds, and 1/3 of cats, are euthanised.<sup>36</sup> The main reason for canine euthanasia in pounds is reported to be that the dog is behaviourally unsuitable.<sup>37</sup> This accords with the findings of RSPCA NSW in respect of the major barrier to rehoming canines entering care.<sup>38</sup> It is not unexpected that dogs that are characterised as large breed, adult dogs that have been abandoned or allowed to escape a home, and are then not reclaimed by an owner are a high risk population for potential behavioural challenges. It is unlikely that a high proportion have been carefully bred to genetically select for sound health and temperament or provided an optimised early life to maximise their emotional capacity and resilience. Additionally, while experiencing the stress of an impound facility, or shelter, ensuring the welfare of the dog and successful rehoming becomes difficult in many cases.

The main reason for cats being euthanised is that they are categorised as feral, or infant. In the experience of RSPCA NSW, a large number of unweaned, orphaned, dependent kittens are presented at animal care facilities every year. If there is no means to hand raise these kittens, or their viability is poor, it may be a humane option to proceed with euthanasia.

The combining of the euthanasia categories “infant” and “feral” is problematic for understanding the council euthanasia data. It is unlikely that pounds are receiving many feral cats if the term “feral” is understood to be cats that have no relationship with or dependence on humans (neither direct nor

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<sup>35</sup> <https://www.rspcansw.org.au/wp-content/uploads/2023/05/SROI-Report-Aged-Care-digital.pdf>

<sup>36</sup> The Centre of International Economics (2022) Rehoming Companion Animals in NSW Report. [https://www.olg.nsw.gov.au/wp-content/uploads/2022/10/CIE-Draft-Report\\_NSW-OLG\\_Rehoming-of-Companion-Animals-in-NSW.pdf](https://www.olg.nsw.gov.au/wp-content/uploads/2022/10/CIE-Draft-Report_NSW-OLG_Rehoming-of-Companion-Animals-in-NSW.pdf)

<sup>37</sup> Ibid

<sup>38</sup> [https://www.rspcansw.org.au/wp-content/uploads/2022/11/A5\\_RSPCA\\_Annual\\_Report\\_WEB.pdf](https://www.rspcansw.org.au/wp-content/uploads/2022/11/A5_RSPCA_Annual_Report_WEB.pdf)

indirect), and live and reproduce in the wild.<sup>39</sup> It is very likely that most of the cats entering the pound are fearful (for reasons previously described) and some may have low sociability to humans due to a combination of genetics and early learning. Understanding and determining the difference between feral, unsocialised and frightened, yet socialised, cats requires adequate education of pound staff.

However, in circumstances where there are many thousands of cats seeking homes each year, rehoming cats of low sociability, to an environment appropriate to their needs, can be difficult. As there is a general community preference for avoiding the euthanasia of healthy animals, finding ways to support semi-owners of cats of low sociability, to humanely and responsibly manage these cats provides a method to reduce pound feline intake and euthanasia. These approaches have also been shown to benefit the community by reducing cat related nuisance complaints and effectively reduce populations over time.

Inevitably, the most effective way of reducing euthanasia of animals in pounds is to prevent their entry into the facilities. Focusing on euthanasia rates without addressing the root cause of the ongoing and significant over-population of unowned and unwanted animals in our community is short sighted.

It is accepted that it will be necessary to euthanise some animals that present to pound facilities to prevent suffering or, at times, for statutory reasons. The *NSW Poisons and Therapeutic Goods Act 1966* makes it legal for non-veterinarians to obtain the authority to possess and use pentobarbital for the humane destruction of animals. Despite this, RSPCA NSW shares the view of the Australian Veterinary Association that veterinary oversight is essential to protect the welfare of animals being euthanised.<sup>40</sup> This is because veterinarians are best placed to assess welfare, administer euthanasia drugs without adverse events (e.g. extravasation of irritant solutions) and are legislated and capable of using sedative and anaesthetic drugs.

The current limitations to accessing veterinary care, particularly in regional and rural NSW, are no doubt causing strain on council pounds, and risking the welfare of animals.

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

It is important to consider and seek to understand the behaviour of animals residing in NSW pounds. The primary reason for this is that the animals' welfare depends upon it. Assessing an animal's behavioural indicators is one of the main methods for evaluating its emotional state so that we can make informed judgements about its current welfare. Extrapolating on this to predict future welfare is difficult, but it is necessary for making good quality, efficient outcome decisions.

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<sup>39</sup> RSPCA Australia. Identifying best practice domestic cat management in Australia, *Identifying-Best-Practice-Domestic-Cat-Management-in-Australia-RSPCA-Research-Report-May-2018.pdf* (2018, accessed 21 April 2023)

<sup>40</sup> <https://www.ava.com.au/policy-advocacy/policies/euthanasia/use-of-euthanasia-drugs-by-non-veterinarians/> Accessed 24 August 2023.

Other reasons for seeking to evaluate an animal's behaviour include:

- Determining the needs of the animal and providing the appropriate management strategies, for example, a hands-off approach in an animal that appears fearful, medical therapy if pain is suspected, anxiolytic medication for profound fear and anxiety.
- to keep staff safe
- to protect the safety and wellbeing of other animals in the community and people
- to determine what kind of home might be appropriate and what ongoing support might be required.

Over ten years ago, the Companion Animals Taskforce, recommended the development of a model behavioural assessment for the use of councils.<sup>41</sup> However, this does not reflect the current evidence on the weaknesses of standardised behaviour assessments and can no longer be supported as an approach to evaluating animal behaviour in council pounds.

Standardized behaviour tests for dogs have very poor validity and predictive value for assessing the future behaviour of the animal.<sup>42</sup> There is a growing body of research that questions the value of formal behaviour testing of dogs in shelters as a tool for predicting the behaviour that they are likely to exhibit when in a home environment.<sup>43, 44, 45</sup>

The testing approach of 'pushing an animal to see what is in there' has very little application for risk mitigation in a future home environment and may increase the risk for people interacting with the dog in future, as a consequence of what they learn during the 'testing' process.

When animals are experiencing acute or chronic fear, stress and/or anxiety, their ability to learn adaptively is impaired.<sup>46, 47</sup> In this state, however, they do rapidly learn through associations ('one trial learning') as a means of finding relief or safety. For example, if a dog is communicating discomfort during a behaviour test with subtle body language or avoidance, and this is not responded to appropriately and the test proceeds, the dog has few options other than to escalate to a growl, snap or bite. The learning that occurs is that subtle signs of discomfort are ineffective at achieving safety and relief and they are more likely to escalate to a bite without warning in the future.

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<sup>41</sup> <https://www.olg.nsw.gov.au/wp-content/uploads/Companion-Animals-Taskforce-report-to-Ministers.pdf>

<sup>42</sup> Patronek, G.J. and Bradley, J., 2016. No better than flipping a coin: Reconsidering canine behavior evaluations in animal shelters. *Journal of Veterinary Behavior*, 15, pp.66-77.

<sup>43</sup> Mohan-Gibbons, H., Dolan, E.D., Reid, P., Slater, M.R., Mulligan, H. and Weiss, E., 2018. The impact of excluding food guarding from a standardized behavioral canine assessment in animal shelters. *Animals*, 8(2), p.27.

<sup>44</sup> McGuire, B., 2019. Characteristics and adoption success of shelter dogs assessed as resource guarders. *Animals*, 9(11), p.982.

<sup>45</sup> Clay, L., Paterson, M., Bennett, P., Perry, G. and Phillips, C.C., 2020. Do behaviour assessments in a shelter predict the behaviour of dogs post-adoption?. *Animals*, 10(7), p.1225

<sup>46</sup> de Castro, A. C. V., Fuchs, D., Morello, G. M., Pastur, S., de Sousa, L., & Olsson, I. A. S. (2020). Does training method matter? Evidence for the negative impact of aversive-based methods on companion dog welfare. *Plos one*, 15(12), e0225023.

<sup>47</sup> Henshall, C., Randle, H., Francis, N., & Freire, R. (2022). The effect of stress and exercise on the learning performance of horses. *Scientific reports*, 12(1), 1918.



Due to the nature of the pound environment, animals are constantly exposed to stressors on intake and during their stay. This tends to have a cumulative effect. How they respond to this situation depends on many environmental and genetic factors, including:

- Their coping style (avoiding and trying to escape, fighting, or trying to make something go away, or shutting down and hiding).<sup>48</sup>
- Their ‘emotionality’, which relates to how quickly they will become physiologically aroused when they perceive a threat.<sup>49</sup>

Predictive testing in a pound or shelter facility environment is problematic, because:

- It is likely to capture false negatives or false positives

Studies carried out by Marder and colleagues found that only 45% of dogs that tested as food aggressive exhibited similar behaviour in the home.<sup>50</sup> In addition, it found the return rate of these dogs was lower than the general population. In an additional study, 45% of food aggressive dogs did not perform this in their new home, and 22% of the dogs that did not show resource guarding in the shelter, did so in the home. It has been suggested in subsequent reviews, that this testing method is no better than ‘flipping a coin’.<sup>51</sup>

- Interacting with animals in these testing scenarios often means animals learn in a way that we do not want them to, and that is potentially harmful to future human/animal interactions.
- It can lead to fear, stress and anxiety that contrasts with the recommended current standard of care in animal shelters.<sup>52</sup>

Best practice in shelter behaviour assessment captures information over multiple timepoints and multiple sources.<sup>53, 54</sup> Further, it acknowledges that optimising the animal’s environment and meeting species-specific needs can avoid and mitigate the effects of physiological stress that confound the interpretation of an animal’s personality.<sup>55</sup> The challenges to incorporating this into daily operations include allocating sufficient resources, and acknowledging that investing in this is vital for collecting accurate information on the animal’s responses in different contexts. Identifying

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<sup>48</sup> Barnard, S., Wells, D.L. and Hepper, P.G., 2018. Laterality as a predictor of coping strategies in dogs entering a rescue shelter. *Symmetry*, 10(11), p.538.

<sup>49</sup> Denenberg, S. ed., 2020. *Small animal veterinary psychiatry*. CABI.

<sup>50</sup> Amy R. Marder, Anastasia Shabelansky, Gary J. Patronek, Seana Dowling-Guyer, Sheila Segurson D’Arpino, Food-related aggression in shelter dogs: A comparison of behavior identified by a behavior evaluation in the shelter and owner reports after adoption, *Applied Animal Behaviour Science*, Volume 148, Issues 1–2, 2013, Pages 150-156, ISSN 0168-1591, <https://doi.org/10.1016/j.applanim.2013.07.007>.

<sup>51</sup> Patronek, G.J. and Bradley, J., 2016. No better than flipping a coin: Reconsidering canine behavior evaluations in animal shelters. *Journal of Veterinary Behavior*, 15, pp.66-77.

<sup>52</sup> Newbury, S., Blinn, M.K., Bushby, P.A., Cox, C.B., Dinnage, J.D., Griffin, B., Hurley, K.F., Isaza, N., Jones, W., Miller, L. and O’Quin, J., 2010. Guidelines for standards of care in animal shelters. *Association of Shelter Veterinarians*, pp.1-64.

<sup>53</sup> Rayment, D.J., De Groef, B., Peters, R.A. and Marston, L.C., 2015. Applied personality assessment in domestic dogs: Limitations and caveats. *Applied Animal Behaviour Science*, 163, pp.1-18.

<sup>54</sup> Newbury, S., Blinn, M.K., Bushby, P.A., Cox, C.B., Dinnage, J.D., Griffin, B., Hurley, K.F., Isaza, N., Jones, W., Miller, L. and O’Quin, J., 2010. Guidelines for standards of care in animal shelters. *Association of Shelter Veterinarians*, pp.1-64.

<sup>55</sup> Hennessy, M. B., Willen, R. M., & Schiml, P. A. (2020). Psychological stress, its reduction, and long-term consequences: What studies with laboratory animals might teach us about life in the dog shelter. *Animals*, 10(11), 2061. King, T., Hemsworth, P.H. and Coleman, G.J., 2003. Fear of novel and startling stimuli in domestic dogs. *Applied Animal Behaviour Science*, 82(1), pp.45-64

and interpreting animal behaviours correctly is critical to the process achieving good outcomes.<sup>56</sup> Further, safely and effectively modifying behaviour and assessing outcomes is a highly skilled activity, and the ability to communicate and teach others these skills require additional expertise.

In 2022 the process for assessing and recording behaviour within RSPCA NSW shelters changed to adopt a more contemporary approach. This consists of a collation of observations taken over multiple time points and sources from intake to adoption, leading to a detailed summary of the animal's response to normal daily interactions and is accompanied by corresponding management instructions as required. This aims to assist potential adopters in making informed choices about whether they have the environment, lifestyle and skills to provide the care required.

All staff responsible for evaluating behaviour and RSPCA NSW have, or are in the process of obtaining, formal qualifications to support this complex work.

#### **(h) the relationship between New South Wales pounds and animal rescue organisations**

Animal rescue organisations encompass a diverse range of animal rehoming groups. Some rely entirely on a foster care network while others also have sheltering facilities. Some organisations focus on an individual species or breed and others will accept any animal they have capacity to care for. Some of the rescue groups have been designated as rehoming organisations pursuant to s88B CAA. Animal welfare organisations RSPCA NSW, AWL NSW and the Cat Protection Society of NSW (defined pursuant to s5 CAA as approved animal welfare organisations) also have a relationship with pounds and play a significant role in stray and surrendered animal care.

Data from financial year 2021 indicate that, annually, NSW council pounds transfer 6,751 dogs and 8,290 cats to other organisations for rehoming.<sup>57</sup> This means approximately half as many animals are rehomed directly from pounds as are transferred out for rehoming by other organisations. This indicates the scale of the dependence on rescue and welfare groups to care for animals from pounds that are not reclaimed.

Animal rescue groups are not subject to a mandatory code of practice, are unregulated, unfunded and rely on the good will of people who are emotionally invested in the cause. Add to this the scale of the issue they face, and it is evident that this system carries with it significant risk for both animal welfare and human wellbeing.

The relationship between pounds and the three CAA approved animal welfare organisations relates also to these organisations being listed in s62 CAA as premises to which stray or seized animals should be delivered, and then transferred to a council pound. As many council pounds refuse to accept felines into their facilities, and may also have limited hours of operation, RSPCA NSW receives annually 2,762 kittens, 1,693 cats, 1,209 dogs and 150 pups that are stray. This is not a reasonable or sustainable outcome for several reasons.

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<sup>56</sup> Munch, K.L., Wapstra, E., Thomas, S., Fisher, M. and Sinn, D.L., 2019. What are we measuring? Novices agree amongst themselves (but not always with experts) in their assessment of dog behaviour. *Ethology*, 125(4), pp.203-211.

<sup>57</sup> The Centre of International Economics (2022) Rehoming Companion Animals in NSW Report. [https://www.olg.nsw.gov.au/wp-content/uploads/2022/10/CIE-Draft-Report\\_NSW-OLG\\_Rehoming-of-Companion-Animals-in-NSW.pdf](https://www.olg.nsw.gov.au/wp-content/uploads/2022/10/CIE-Draft-Report_NSW-OLG_Rehoming-of-Companion-Animals-in-NSW.pdf)

Part 7 of the CAA details the procedures for dealing with stray animals which includes how to attempt notification of an owner and a period of 7 – 14 days of detainment (depending on the whether the animals are identified) before the animal can be given an opportunity to be rehomed. The procedures in this Act apply to councils, not RSPCA, and yet RSPCA is the recipient of many thousands of stray animals that must be cared for appropriately. Section 31A POCTAA applies to how RSPCA may rehome animals in its care. However, the provision is completely inconsistent and unsuitable for managing thousands of stray animals, with a requirement to hold every animal, even those unidentified, for 21 days. This only serves to prevent animals from proceeding to rehoming in a timely fashion, increase the risk of disease, behavioural decline and euthanasia and compromises the welfare organisation's capacity to care for more animals, including those the subject of cruelty and neglect. With a statutory responsibility to enforce POCTAA, and few other agencies empowered with this activity, it is unacceptable that resources are deferred from this task to caring for stray animals on behalf of council pounds.

The relationship between pounds and rescue and welfare organisations and the roles and responsibilities of each require legislative clarification and a refinement to achieve better outcomes across the broad scope of animal management and welfare work that exists.

**(i) the challenges associated with the number of homeless cats living in New South Wales for both pounds and animal rescue organisations, and strategies for addressing this issue**

A paradigm shift is essential if the challenges associated with feline population management in NSW are to be successfully addressed.

The annual intake of felines into NSW pounds is extremely high and has not reduced in over a decade. Cats are typically in pounds for a longer period than dogs and less than 5% are reunited with an owner compared to almost 50% of dogs. A much higher proportion of cats are euthanised, than dogs, with almost 1/3 not making it out of a facility alive.<sup>58</sup>

The futility of this system, whereby we as a community continue to impound and euthanise large numbers of cats every year, incurring millions of dollars in costs to do so and achieve no overall progress could not be more obvious nor more disheartening. At the core of the problem for pounds and rescue organisations is the extraordinary number of cats in the community that are unwanted, un-owned or semi-owned. The semi-owned and unowned domestic cat population in Australia has been estimated at 0.7-2 million, or 60-100 cats per 1,000 human residents depending on location.<sup>59, 60, 61, 62</sup> There is no way to house, care for and rehome all the cats that are in this circumstance and so

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<sup>58</sup> The Centre of International Economics (2022) Rehoming Companion Animals in NSW Report. [https://www.olg.nsw.gov.au/wp-content/uploads/2022/10/CIE-Draft-Report\\_NSW-OLG\\_Rehoming-of-Companion-Animals-in-NSW.pdf](https://www.olg.nsw.gov.au/wp-content/uploads/2022/10/CIE-Draft-Report_NSW-OLG_Rehoming-of-Companion-Animals-in-NSW.pdf)

<sup>59</sup> Kerr CA, Rand J, Morton JM, et al. Changes associated with improved outcomes for cats entering RSPCA Queensland shelters from 2011 to 2016. *Animals*. 2018;8(6):95.

<sup>60</sup> Alberthsen C, Rand JS, Bennett PC, et al. Cat admissions to RSPCA shelters in Queensland, Australia: description of cats and risk factors for euthanasia after entry. *Aust Vet J*. 2013 Jan;91(1-2):35-42.

<sup>61</sup> Legge S, Murphy BP, McGregor H, et al. Enumerating a continental-scale threat: how many feral cats are in Australia? *Biol Cons*. 2017;206:293-303.

<sup>62</sup> Tan K, Rand J, Morton J. Trap-neuter-return activities in urban stray cat colonies in Australia. *Animals*. 2017;7(6):46.

a constant cycle of overwhelmed facilities and care givers exacerbates the welfare issues facing these animals.

The role for pounds and shelters, in cat management, should be to conduct those functions which can be successfully achieved. That includes reuniting identified cats with their owners and rehoming surrendered cats and kittens that are highly sociable. Shelter and pound environments carry unacceptable welfare cost to poorly socialised, unowned and semi-owned cats which frequently results in long stays, stress related disease occurrence (specifically infectious feline respiratory disease), unsuccessful rehoming attempts and euthanasia. As trapping cats for neuter and release is not accepted practice, and occupies a legal grey space between the CAA and POCTAA, the best opportunity to manage these cats differently and more effectively is to leverage off, and support, the compassionate members of the public who are providing care for many (possibly most) of the unowned cats in NSW.<sup>63</sup>

This semi-owned population are generally sexually intact with a high reproductive rate due to supplementary feeding and hence their offspring contribute to animal shelter intakes and swell the feral and owned pet cat populations. Semi-owned cats may or may not be socialised with people;<sup>64</sup> however a lack of socialisation to people makes many semi-owned cats unsuitable to be rehomed<sup>65</sup> and may be a barrier to semi-owners assuming full ownership. Nonetheless, cat semi-owners can have high levels of attachment to the cats they care for, and care provided to semi-owned cats, while variable, can be indistinguishable from care provided to owned cats.<sup>66</sup> These care givers are integral to the success of management programs, but will only engage with management programs if the approaches are humane and non-lethal.

Cats are prolific breeders so arresting the exponential growth of the population requires a well-resourced and evidence-based approach which has never previously been meaningfully attempted across NSW. What we know is that the system of ad-hoc capturing and removing of approximately 30,000 felines annually (to pounds and shelters) for adoption and euthanasia does not have any benefit to population control and may stimulate increased population growth through reduced competition for resources and subsequent increased neonatal survival.

Interventions must be applied at a sufficient intensity to impact population growth.<sup>67</sup> The use of high intensity culling is extremely labour intensive, carries a range of animal welfare risks, does not have public support and presents an unacceptable risk to the wellbeing of the individuals implicated in

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<sup>63</sup> Zito S, Paterson M, Morton J, et al. Surrenderers' relationships with cats admitted to four Australian animal shelters. *Animals*. 2018;8(2):23.

<sup>64</sup> Toukhsati SR, Bennett PC and Coleman GJ. Behaviors and attitudes towards semi-owned cats. *Anthrozoös* 2007; 20: 131-142.

<sup>65</sup> Hurley KF and Levy JK. Rethinking the animal shelter's role in free-roaming cat management. *Front Vet Sci*. 2022, 9:847081

<sup>66</sup> Ma, G., McLeod, L., Zito, S. 2023. Characteristics of cat semi-owners. *Journal of Feline Medicine and Surgery*. In Press.

<sup>67</sup> Benka VA, Boone JD, Miller PS, et al. Guidance for management of free-roaming community cats: A bioeconomic analysis. *J Feline Med Surg*. 2022;24(10):975-85.

destroying large numbers of healthy animals. Thankfully, targeted high intensity desexing programs, as a more effective and palatable alternative have had demonstratable success.<sup>68</sup>

Cat overpopulation is most significant in areas of socioeconomic disadvantage.<sup>69</sup> The barriers to desexing owned cats or responding to the presence of unowned or semi-owned cats are many and include a lack of financial resources, a lack of transport, mental or physical illness or disability, social isolation, lack of English language ability or literacy. RSPCA NSW community cat programs, targeted to assist these communities, indicate that feline shelter intake declines along with euthanasia of cats when high intensity, free accessible desexing is available. However, for these programs to be successful, understanding the ownership status of the cats in the community is essential as is working with semi-owners to facilitate good cat management.<sup>70</sup>

Strategies that would assist these feline care givers, and reduce cat over-population include:

- Resource the analysis of key target areas for prioritised community cat programs and the evaluation of their outcomes.
- Provide accessible (free) desexing for unowned cats where someone is committed to their ongoing care.
- Provide assistance with trapping, providing carriers and transporting cats to desexing programs, or for surrender where they are socialised cats.
- Provide accessible surrender options to prevent abandonment of cats that are no longer wanted or for those overwhelmed with too many cats.
- Engage proactively and positively with people who care for unowned cats.
- Remove regulatory fees and processes that disincentivise cat carers from taking responsibility for and identifying unowned cats they care for. Registration fees for cats, and annual permit fees for undesexed cats have become barriers to people taking responsibility for unowned cats they care for, particularly when this involves multiple cats.
- Provide legal certainty that an unidentified, semi-owned cat that the semi-owner is seeking to take responsibility for does not require an impounding period before it can be desexed, microchipped and returned to the semi-owner's care.
- Consider allowing registration of unowned cat colonies to a locally committed rescue group where appropriate education and resourcing for desexing, vaccinations, anti-parasitic and veterinary treatments can be facilitated.

Adopting strategies that seek to manage cats in the community requires patience and understanding by all stakeholders. It is understood that there can be opposition to any methods of management that do not involve the removal of cats for fear that there will not be an immediate mitigation of risks to wildlife and community nuisance issues. However, no alternative strategies are currently available that mitigate these risks while the proposed method of targeted neutering of cats has been shown to

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<sup>68</sup> 21. Levy JK, Isaza NM, Scott KC. Effect of high-impact targeted trap-neuter-return and adoption of community cats on cat intake to a shelter. *Vet J.* 2014;201(3):269-74.

<sup>69</sup> The Centre of International Economics (2022) Rehoming Companion Animals in NSW Report. [https://www.olg.nsw.gov.au/wp-content/uploads/2022/10/CIE-Draft-Report\\_NSW-OLG\\_Rehoming-of-Companion-Animals-in-NSW.pdf](https://www.olg.nsw.gov.au/wp-content/uploads/2022/10/CIE-Draft-Report_NSW-OLG_Rehoming-of-Companion-Animals-in-NSW.pdf)

<sup>70</sup> McDonald JL, Clements J. Engaging with socio-economically disadvantaged communities and their cats: Human behaviour change for animal and human benefit. *Animals.* 2019;9(4):175.

reduce populations over time and reduce nuisance complaints. After one year of targeted free cat desexing through the RSPCA NSW/NSW Environmental Trust Keeping Cats Safe at Home Project, cat nuisance complaints have reduced dramatically in Campbelltown (-56%), City of Parramatta (-49%), Shoalhaven (-56%) and Weddin Shire (-66%) council areas. Thereby providing a good evidence basis for supporting strategies involving population management through community cat programs.

**(j) strategies for improving the treatment, care and outcomes for animals in New South Wales pounds**

See recommendations 1 – 13.

**(k) any other related matter.**