

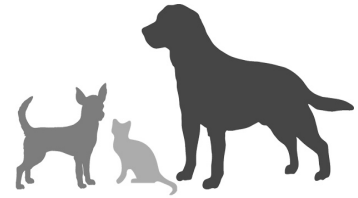
**Submission  
No 134**

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

**Organisation:** Lawyers for Companion Animals

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## **Principal**

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## **Submissions on Inquiry into pounds in New South Wales (2023)**

### **Background**

For over 20 years I have practised as a solicitor.

Since 2011 I have practised in the area of companion animal law. I founded the law firm Lawyers for Companion Animals.

I have represented many clients with regards to their companion animal legal issues.

I have also written many submissions or letters affecting companion animals. This includes submissions relating draft legislation or regulations, puppy farms/dog breeding, animals in pounds, dangerous dogs, Domestic Animal Management Plans (Victoria), animal management, the regulation of the pet food industry, breed specific legislation, advised on the Cat Act WA, inquiry into the feral and domestic cats in Australia, various enquiries into greyhound racing (including the most recent one relating to banning the export of greyhounds for racing), the high euthanasia rates in pounds and shelters etc, just to name a few.

My work has mainly involved dealing with councils throughout the whole of Australia. Therefore, I have a broad working knowledge of the laws affecting companion animals throughout Australia.

My other experience in this area includes being a panel member of the Independent review into the management of dogs in the ACT, more details here;

[https://www.cityservices.act.gov.au/\\_data/assets/pdf\\_file/0003/1251345/Independent-Expert-Review-into-the-Management-of-Dogs-in-the-ACT.pdf](https://www.cityservices.act.gov.au/_data/assets/pdf_file/0003/1251345/Independent-Expert-Review-into-the-Management-of-Dogs-in-the-ACT.pdf)

All panel members were chosen for their cross-disciplinary and national and international expertise in dealing with dogs. The panel members are:

- **Mr James W Crosby (Chair):** Mr Crosby is an international expert based in the United States and has worked with the ACT Government to investigate the fatal dog attack that occurred in October 2017. He has tertiary qualifications in veterinary science, animal behaviour and animal crime investigations. Mr Crosby was consulted in the development of the 'Calgary Model' which is recognized as being the world leading model in dog management.
- **Mr Bill Bruce:** Mr Bruce is an international expert based in Canada and was the former Director of Animal and Bylaw Services for the City of Calgary. He has tertiary qualifications in engineering and a background in policy and legislative development, community development and communication, mediation and negotiation. Mr Bruce is responsible for the development and implementation of the Calgary Model for dog management.
- **Dr Michael Hayward:** Dr Hayward is a member of the Australian Veterinary Association and a past President of the ACT Division. He is a practicing veterinary surgeon and is an owner/director of the Gungahlin Vet Hospital. Dr Hayward is the former chair and member of the ACT Animal Welfare Advisory Committee and was involved in the development of the Australian Animal Welfare Strategy.
- **Ms Anne Greenaway:** Ms Greenaway is the Principle Solicitor at Lawyers for Companion Animals. She has tertiary qualifications in law, with experience in animal law, and extensive experience as a criminal lawyer. She has represented hundreds of dog owners (in various jurisdictions throughout Australia) whose dogs have been involved in attacks. She also represents owners of dogs and cats who are victims of dog attacks. Ms Greenaway is a guest lecturer in Companion Animal Law at the University of New South Wales.
- **Ms Naomi Maxwell (reviewer):** Ms Maxwell has expertise in regulatory design and policy development and has undertaken regulatory reform for state and commonwealth governments in Australia, including in the ACT. She has tertiary qualifications in science (zoology) and law. Ms Maxwell drafted the ACT's *Animal Welfare and Management Strategy 2017-2022* in consultation with peak animal welfare and management groups and the ACT Government.

I will now address each of the 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**

It is difficult to comment on this point as often it is hard to identify the funding provided to councils by governments in council's financial documents. And how such funding is spent. This needs to be a lot clearer and more transparent.

I suggest that NSW councils be required to implement similar protocols as those in Victoria, namely Domestic Animal Management Plans.

Under Section 68A of the *Domestic Animals Act 1994*, every Council in Victoria must prepare a Domestic Animal Management Plan.

An example of a comprehensive Animal Management Plan for the City of Casey is

available on their website and can be downloaded.<sup>1</sup>

The Victorian government has set up a website called Know your Council. This website has some information about council spending.

The NSW government should do something similar but ensure that there is a proper breakdown in figures when it comes to both pound management and animal management as often these can go hand in hand.

Ratepayers and pet owners need to be able to clearly see the costs and revenue as they apply to each council. It is unclear how much funding is received; unclear how much is spent and on what.

It is unclear how cat and dog registration fees are spent. I understand the registration monies go into a Companion Animals Fund kept and managed by the Office of Local Government.

The state of many of the pounds in NSW indicate that there is either inadequate funding for the maintenance of the pounds, the funds are squandered or whatever funds are available are not being used at all. It is not possible to ascertain what is spent on ranger's salary, food, enrichment, beds, dog trainers, legal fees for dangerous dogs/ regulated dogs, vet bills. There needs to be a proper breakdown of costs. At the moment there is no transparency so it really is impossible to carry out a performance review of sorts as to whether a council pound is managing its funds responsibly and appropriately and/or whether the funding available is adequate.

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

Many pound buildings and facilities are run down and do not provide appropriate housing for dogs and cats, especially in very hot or very cold weather. It is not uncommon for dogs and cats to die in the pounds in very hot or very cold weather. Sadly, unless there is media attention on this issue, those responsible often go unpunished and the problem that caused the death of the animal is not fixed.

Pregnant animals give birth in freezing cold conditions and the pups die of hypothermia. I heard of another case of this happening only a few weeks ago.

While there are standards, no one that enforces standards.

Breaches of the Prevention of Cruelty to animals Act occur on a regular and recurring basis in NSW pounds. I do not know how many prosecutions there have been for animal cruelty in council pounds. I suspect that there have been very few if any. Animals that are sick, pregnant or old or with various medical issues often do not receive veterinary treatment. That is a clear breach of POCTAA.

I understand that pound at Quirindi pound now has new facilities, however despite this being a place that receives high temperatures in summer and very low temperatures in winter, no air conditioning was installed to address these issues.

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<sup>1</sup> <https://www.casey.vic.gov.au/sites/default/files/2021-12/Domestic%20Animal%20Management%20Plan%202021-2025.pdf>

**( 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**

My observations and experience is that many councils consider the housing of stray and surrendered animals to be of little importance. Pounds are often located next to garbage tips which is historically where the (deceased) animals would be tossed like garbage after they were killed.

The level of non-compliance in many impounding facilities and management practices is also contributing to extensive animal suffering and misery. Penalties for non-compliance with legislation including Prevention of Cruelty to Animals Act 1979 appears to be non-existent.

It should be acknowledged that the treatment and neglect of homeless and vulnerable impounded animals under NSW's traditional animal pound and shelter model is unacceptable. Steps should be taken immediately to phase out This model (along with the accompanying attitudes of staff within some NSW councils) which manages animals under 'waste management' or 'feral pest management' policies, focusing on disposal rather than care, rehoming and adoption

**(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**

I am unsure why the Impounding Act was not referred to in the terms of reference. Or the Prevention of Cruelty to Animals Act.

Successive NSW Governments have only ever paid lip service to animal welfare and wellbeing, in a reactive rather than proactive manner when it comes to pounds and shelters. The laws, regulations and CoP (Code of Practice) and adequacy of oversight, compliance and enforcement regimes continue to fail impounded animals. A new, revised and stand-alone CoP for NSW pounds and shellers is needed.

In 2014 a draft - Dogs and Cats in Council Pounds and Animal Shelters Guidelines 2014 was considered. Here we are almost 10 years later – the draft is still not finalised. This speaks volumes. This draft needs to be updated and finalised. Community consultation and input should occur.

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

This question has been done to death, including in the NSW companion animal taskforce which myself and many others contributed to around 10 years ago. It beggars belief that decent, experienced and knowledgeable people put time and effort into providing comprehensive submissions and they appear to be, for the most part, ignored.

Serious efforts need to be made to enforce the out-of-control backyard breeding of dogs. These breeders are often poorly educated, unsophisticated and highly irresponsible people, whose prime motivation is a quick buck to supplement their Centrelink payments. I

have particular concerns about the breeding of American Staffordshire dogs which again appear to attract highly undesirable owners. Of course, this will not be a popular thing to say, and I am not suggesting that all staffy owners are bad, or even that this breed of dog is bad. But they are strong powerful dogs and often end up in the wrong hands. Having also been involved in representing clients in dog attack matters, American Staffordshire dogs are very commonly the breed of dog involved when it comes to attacks, especially when it comes to dogs or other animals, not so much when it comes to humans. I have argued before that people who own dogs should have a licence (in the same way that people want to drive need a drivers licence). This out-of-control breeding of staffy dogs means that the pounds are full of them. Large powerful dogs that often have not been socialised and at times have been beaten by the previous owner, often meaning that the poor dog is scared of men (the usual perpetrators). Rescue groups, yet again, are left to pick up the pieces of discarded animals, dumped in out of hours cages or surrendered. It is grossly unfair that these kindhearted rescue people have to use up their own finances, time and emotions to try to fix often damaged and neglected dogs. Where is the sense of responsibility from governments, both state and local? Why is not more being done about the proliferation of back yard breeders, that made a quick buck, move on dogs quickly and never have to face the consequences of their actions.

Similarly greyhound racing people also breed excessively and dogs that are not fast enough are routinely dumped at drop off cages or end up in pounds.

While some effort has been made to regulate the breeding of dogs, it seems that next to no-one is actually carrying out the regulation.

People who dump their animals in the drop off cages avoid surrender fees and when the council contacts them, they often lie and say they rehomed the dog and the new owner must have done it "not my dog anymore". Shameful conduct for which there is no penalty (that is enforced anyway).

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

Immediately halt all NSW pound and shelter shooting. The shooting of cats and dogs and this being used as a euthanasia method should be ceased immediately. All NSW pound 'euthanasia' methods should be stopped apart from intravenous injection for compassionate reasons.

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

The reality is that some councils simply have a "could not give a damn" attitude when it comes to euthanasia rates and putting in the time and effort to rehome cats and dogs.

I remember years ago when I lived in the Wellington area of NSW the kill rate for cats was 100%. Other pounds had similar high kill rates for cats. This council made zero effort at all to rehome cats. No photos, no descriptions, nothing. At the time, I rang and asked if I could come in (free of charge to them) and take photos of the cats and dogs and also write a descriptor to assist with the rehoming. I provided examples of where this was happening at other NSW pounds (with volunteers). Those that I approached were entirely disinterested

and used the usual excuse when kind-hearted community spirited people want to help, that having a non-staff member there represented an “OH and S risk”. This is garbage, this is typical for some pounds, but this is the type of thing that those willing and able to help are faced with.

Some rural pounds appear to be particularly bad.

If council staff can find a “friendly trainer” that will happily assess a dog or cat as aggressive or feral it makes the jobs (of lazy council staff) that much easier.

The dog training industry is not regulated, hence anyone can and does call themselves a “behaviouralist” some of them having no qualifications. These untrained “behaviouralists” can and do, a lot of damage to dogs with their antiquated views and out of date methods.

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

This can be problematic when rescue groups become aware of animal cruelty or neglect issues. Often if they dare to speak out, they are black-banned by the pound and then can't rescue any dogs or cats. It is emotional blackmail of the highest order. the welfare concerns for dogs at the Bourke Shire Council pound is a case in point. <sup>2</sup>

#### **(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**

This matter has also been done to death on previous occasions. Low cost desexing for low-income households is one obvious answer. Also trap, neuter release for the unowned cats.

The answers are out there. Governments simply refuse to put the resources in to solve the problem which surely means it will get worse.

Legislation should also be introduced that require governments, local and state to have a Duty of Care to those in animal rescue organisations. Many of these kind-hearted people become burnt out rescuing animals day in, day out. More attention needs to be given to the mental health of animal rescuers.

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

Improved funding from State governments to local governments.

There also needs to be licencing for cat and dog owners.

Mandatory education (courses) for anyone owning a pet.

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<sup>2</sup> <https://www.abc.net.au/news/2023-06-11/bourke-pound-under-scrutiny-over-treatment-of-nine-dogs/102450962>

There should be changes to the law so that council rangers can seize animals if the laws are being broken (eg back yard breeders).

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

RSPCA also operates some council pounds. Due to the differing legislative requirements and the terms of reference it seems that the “shelters” are not being considered in these Terms of Reference which is unfortunate.

The answers to the questions raised in these terms of reference have been done to death. There appears to be little or no genuine will on the part of government to address the issues or provide adequate funding to address the large numbers of back yard breeder, who seemingly breed their dogs with impunity, while at the same time making a tidy profit. The issue of non-complainant pounds and nothing being done about them is serious. Time and time again, nothing is done, until the matter hits the media.

Cats are routinely killed in council pounds without proper checks for microchips. Friendly cats are deemed “feral” or “diseased” so they can be quickly disposed of.

Legislation needs to be introduced so that every single animal entering a pound or shelter MUST be photographed. This will also give owners (especially cat owners) closure if they lose their cats and the cat has been impounded and killed.

Animal activists are often defamed by councils when they speak out. Many years ago, I assisted Lisa Ryan when she was defamed by staff in a NSW pound. I understand Ms Ryan has sent this letter to the Inquiry separately. This letter should be an attachment to this submission.

Other important points include;

if animals are old, young, unweaned, unwell, suffer a disability, or even timid, their chances of being killed increase substantially with many in this category not making it out alive.

Despite the availability of evidence-based and life-saving programs designed to stop the killing and suffering, our NSW pound and shelter system continues to actively support and enable the killing of impounded animals with little or no public transparency and accountability.

Mandatory Local Government Council Strategic Companion Animal Management Plans should be introduced, with attached policies and KPI's to enable ongoing 4 yearly 'local' public consultation periods, reviews and improvements in line with evolving public expectations – like in Victoria.

A new OLG NSW Pound and Shelter Reform website should be established which includes, an online complaint form and 1800 'hotline' tailored specifically for public pound and shelter complaints and concerns;

Inspection and enforcement powers for agencies authorised under POCTAA should be widened and enhanced to undertake routine NSW pound and shelter inspections and enforcement;

An annual grants program for NSW not-for-profits should be introduced, including self-



funded and volunteer rescue, rehoming and advocacy organisations – as in Victoria;

Introduce NSW pound and shelter initiatives to support vulnerable or at-risk animal owners or caregivers during periods of intense need, in order to keep animals in homes and ensure the welfare and wellbeing of both humans and animals. This should include those experiencing:

- Financial stress, homelessness or are at risk of homelessness;
- Domestic violence;
- Emergency management incidents (e.g., bushfires and floods) and;
- Physical or mental health issues, including hospital stays or other medical needs.

Thank you for allowing myself and others to take part in this Inquiry. I appreciate the extension of time provided due to my personal circumstances and apologise that this submission was somewhat rushed.

I also wish to state in closing that there are some fantastic people who work in council pounds. Some staff (including the lower-level kennel staff) do go the extra mile, the council works with volunteers who help with the animals and walk the dogs. It very much depends on the culture set by the senior managers as good staff can become crushed by lazy apathetic managers who do not have the same basic respect for animals or will to see them cared for properly. I remember hearing a while back of a long-term manager at pound in outer South West Sydney telling the weekend staff not to feed the dogs very much as they would “shit less”. If deprived of food and this meant less cleaning work for them.

Other sadder stories I have heard repeated all over Australia and indeed the world occur when pounds are managed by truly sadistic and psychopathic individuals. These people would identify the “softer” staff who might later become “troublemakers” and speak out about what goes on in the pounds. What these managers would do is take notice of the animals that the staff member developed a fondness for and slot that animal for euthanasia if the staff member questioned or made waves about the way animals were treated.

That is truly evil. And yet it happens.

Kind Regards

Anne Greenaway  
PRINCIPAL