

# Draft Submission on the Rehoming Practices Review draft report

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Local Government NSW (LGNSW) is the peak body for local government in NSW, representing NSW general purpose councils and related entities. LGNSW facilitates the development of an effective community-based system of local government in the State.



# OVERVIEW OF THE LOCAL GOVERNMENT SECTOR



Local government in NSW employs more than **55,000 people**



Local government in NSW looks after more than **\$136 billion of community assets**



Local government in NSW spends more than **\$1.9 billion each year on caring for the environment, including recycling and waste management, stormwater management and preserving and protecting native flora and fauna**



NSW has 450 council-run libraries that attract more than **34.8 million visits each year**



Local government in NSW is responsible for about **90% of the state's roads and bridges**



NSW councils manage an estimated **3.5 million tonnes of waste each year**



NSW councils own and manage more than **600 museums, galleries, theatres and art centres**

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## Opening

Local Government NSW (LGNSW) is the peak body for local government in NSW, representing all NSW general purpose councils and related entities. LGNSW facilitates the development of an effective community-based system of local government in the State.

LGNSW welcomes the opportunity to provide feedback on the Rehoming Practices Review draft report. Councils are regulators of the *Companion Animals Act 1998* and many also operate pounds and rehome animals that are surrendered or otherwise come into their care.

LGNSW has consulted with councils to inform this submission. To meet the consultation timeframe, this is a draft submission until it is reviewed and endorsed by LGNSW's Board at its next meeting, and any amendments will be forwarded in due course.

## Background

The Office of Local Government has embarked on a review of Rehoming Practices for companion animals in NSW. The overarching objectives of the Review are to reduce unnecessary euthanasia of companion animals and to increase successful rehoming of companion animals. The Review has also considered ways to improve the efficiency of the system, which will enable these outcomes to be achieved at a lower cost.

## LGNSW Policy Positions

The LGNSW [Policy Platform](#) consolidates the voices of councils across NSW, reflecting the collective positions of local government on issues of importance and guiding LGNSW in its advocacy on behalf of the local government sector.

Position 13.6 of the Platform calls for amendments to legislation to enable councils to more effectively manage the nuisance effects of cats on residents and wildlife, including streamlining the process of animal registration, and limiting the roaming of cats beyond their owner's property.

LGNSW's Annual Conference, held in late October 2022, also considered several motions calling for changes to improve companion animal management in NSW. For example, Hornsby Shire Council's motion was adopted (Resolution 143 / 2022) calling on the NSW Government to:

1. amend the *Companion Animals Act 1998* to enable councils to euthanise feral cats in accordance with animal welfare ethics and the policy adopted by the relevant council, and
2. provide funding and resources to enable councils to be compliant with the additional requirements placed upon them by the 2022 amendment to the *Companion Animals Act 1998*.

The 2022 Annual Conference also received seven motions seeking improvements to companion animal management, and five of these motions specifically called for regulations that would enable councils to implement cat containment or curfew policies. Councils would prefer to see a focus on owner / community education regarding desexing and responsible ownership, to avoid animals being surrendered or requiring rehoming in the first place.

## Response

We welcome the consultation and engagement with councils that OLG and The Centre for International Economics (The CIE) have undertaken in preparing this report. The draft report comprehensively collates and analyses the available data and makes eight recommendations. LGNSW's responses to these recommendations are outlined below.

### Report Recommendation 1 – Community Cat Program

*The NSW Government to establish an ongoing funding arrangement for a community cat program which councils can apply to and could be run in partnership with the RSPCA or a similar experienced body. This would be targeted to councils with the highest cat intakes. Councils would need to show that they can target the areas with the highest problems and to report on outcomes. The expected cost of a program that would reduce cat euthanasia by one third is \$2 million per year on average, initially run over a five year period. Councils would benefit financially from this through reduced pound intakes. However, rather than seeking co-funding from councils, this cost saving would allow councils to redirect resources into increasing adoption rates for remaining animals.*

A funded program to further assist with desexing and rehoming cats is supported, noting the report estimates that \$2M would assist approximately 30 councils out of 128 in NSW. Of course, tackling the areas with the largest cat problem is sensible but care must be taken to ensure the selection criteria reflect what is happening on-ground. The draft report notes that some councils are not accepting cat surrenders nor trapping cats as they have no or limited holding capacity. As such, using 'highest cat intakes' as recorded through the Companion Animal Registry (CAR) as a selection criterion will mean some areas that need the most help will miss out.

The program application process should be made as simple as possible to reduce administrative burden on councils, particularly those that have limited staff capacity to fill out application forms and complete additional reporting requirements.

We note that some councils and welfare organisations already run subsidised programs to help minimise the number of reproductive cats. While desexing helps limit the population, it does not address cat roaming (territorial disputes, noise issues) and the significant threats cats pose to native fauna. Cats that are not confined to residences have a greater chance of being impounded or causing issues that may result in them being surrendered – thus adding to the rehoming burden. As such, it is strongly recommended that other measures to improve owner recognition of these issues and prevent cat roaming be considered within the review. See 'other issues' below for more detail on cat confinement policies specifically.

#### LGNSW Recommendations:

1. That if OLG proceeds with a Community Cat Program that:
  - a. the program eligibility criteria reflect true on-ground need;
  - b. the application process be as simple as possible, to reduce administrative burden on councils.
2. That OLG strongly consider the inclusion of measures to address cats roaming, including behaviour change programs to normalise the keeping of cats indoors.

## Report Recommendation 2 – Cat definitions

The NSW Government provide a definition for types of cats, with a model definition below:

- a) *Domestic cats, which have some dependence (direct or indirect) on humans, categorised into:*
- i. *Owned cats — identified with and cared for by a specific person and are directly dependent on humans. They are usually sociable, although sociability varies.*
  - ii. *Semi-owned cats — directly and intentionally fed or provided with some other care by people who do not consider they own them. These cats are of varying sociability, with many socialised to humans, and they may be associated with one or more households.*
  - iii. *Unowned cats — receive food from humans indirectly such as from food waste bins. They are indirectly dependent on humans, may have casual and temporary interactions with humans, and are of varying sociability, including some who are unsocialised to humans.*
- b) *Feral cats, which can be distinguished from domestic cats because they are unowned, unsocialised, have no relationship with or dependence on humans, survive by hunting or scavenging, and live and reproduce in the wild. Feral cats do not receive food from humans directly or indirectly.*
- c) *Infant cats, which is a cat in the first stage of existence and that is not able to feed and fend for itself or is of such age that keeping it within a pound facility would place the cat's welfare at risk.*

Councils are **generally supportive** of these definitions, however some question whether the second-tier definitions of domestic cat have any tangible effect i.e. does it matter from a regulatory perspective whether a cat is classified as semi-owned or unowned?

For councils it is most important to have consistency in defining 'domestic' (or non-feral), 'feral' and 'infant' cats. Many councils already feel that their officers are sufficiently experienced and trained to identify a bona fide 'feral cat'. What tends to be missing is clear direction on how to manage the animal from that point.

### LGNSW Recommendations:

3. For practical purposes, that cat definitions be simplified to feral, domestic and infant cats.

## Report Recommendation 3 – Annual reporting

For annual information reporting to OLG, the NSW Government make the following revisions:

- a) *the reason for euthanasia currently classified as 'feral/infant' be split into 'feral' and 'infant'*
- b) *euthanised cats and dogs are entered into a future Companion Animal Register (CAR) if they are not already identified so that all animals are tracked within this system. These animals would have an identifier but would not actually be physically microchipped*
- c) *approved rehoming organisations report separately for cats and for dogs*
- d) *consideration be given to reporting of animal complaints*
- e) *consideration be given to being able to prepare automatic reports to councils on rehoming outcomes from rehoming organisations through the redeveloped CAR*

Recommendations (a), (b), (c) and (e) are **supported**.

Regarding 3(d) - reporting of animal complaints – it is not clear what this will entail and whether it relates to complaints about the animal, the owner, or both. Some councils already record or track animal complaints, however others do not have resourcing or systems to do this. Before adopting this recommendation the cost/benefit of adding this data collection and reporting activity needs to be considered. If the recommendation is adopted, the NSW Government must provide ongoing financial support to councils (and rehoming organisations if they are also required to report) to implement it.

LGNSW Recommendations:

4. That the Report clarify the scope of animal complaint reporting, the cost/benefit of doing this (including how the data is to be used by OLG).
5. If animal complaint reporting to OLG is introduced, that financial support to councils be provided to enable this.

#### **Report Recommendation 4 – Rehoming organisations**

*Administrative arrangements for rehoming organisations be adjusted to:*

- a) allow approved rehoming organisations limited access to the CAR to minimise administrative requirements for rehoming organisations and councils*
- b) remove the requirement to provide information when an animal changes from one foster home to another. Animals would be linked to the rehoming organisation.*

Councils appreciate and welcome the intent of Recommendation 4 to streamline and reduce administrative burden in the system. However, there are mixed views on (a) with some councils concerned that opening up the CAR to more users will increase the risk of errors and privacy breaches.

The quality of the information that councils receive from rehoming organisations varies considerably, particularly when it comes to documentation for change of ownership of animals. Ownership details are sensitive (from a privacy standpoint) and it is also critical that they are accurate to maintain their usefulness to councils in the case of regulatory action. Those who are entrusted to update the registry need to be bound by a Code of Conduct or similar (as councils are) to ensure they abide by the security and confidentiality requirements of the registry, and also be well-trained in the database's use.

For regulatory purposes the owner of an animal must be a legal entity i.e. a natural person or incorporated organisation. Care must be taken when applying 4(b) to ensure a legal entity is nominated in the CAR.

As such, there is **conditional support** for these recommendations *subject to suitable safeguards and OLG oversight*.

LGNSW Recommendation:

6. Update recommendation 4 to require all CAR users to be bound by a Code of Conduct and specific guidelines on its use.

## Report Recommendation 5 – Behaviour assessment

*Behaviour assessment arrangements be revised so that:*

- a) councils are able to undertake assessments of whether an animal is suitable for rehoming before advertising to rehoming organisations.*
- b) councils are able to euthanise animals where there are work health and safety concerns for keeping the animal.*
- c) training programs for behaviour assessment for council staff are supported by NSW OLG, which could include financial support and coordination.*

These recommendations are **all supported**, and it is assumed that (a) also applies where a council pound conducts the rehoming.

Some councils already undertake annual training for temperament/behavioural assessment for Animal Management/Ranger Officers. Financial assistance for training at all councils would be greatly appreciated.

### LGNSW Recommendations:

- 7. That recommendation 5(a) be clarified to enable councils to undertake assessment of suitability for rehoming regardless of whether it will rehome the animal or advertise it to other rehoming organisations.
- 8. That recommendation 5(c) include financial support to councils for behavioural assessment training.

## Report Recommendation 6 – Identification and Registration

*The identification and registration system be revised to:*

- a) remove the annual permit fee for non-desexed cats.*
- b) waive registration fees for cats through Community Cat programs similar to the waiving of registration fees for rehoming organisations.*
- c) waive registration fees for animals that are returned to owners from pounds, where this is needed as an incentive for return to owner.*
- d) make registration (i.e. payment) for an animal occur at the same time as identification. This would mean people selling or giving away animals would be responsible for registration. Note that we would like stakeholder feedback on whether this would reduce animals being microchipped.*
- e) registration payments would be equal and include a voucher for desexing that goes with this fee, valid for a year. This allows for the desexing incentive to be retained, and identification and registration payment to be combined. The desexing would therefore not be as time limited as is currently the case.*
- f) require any animal sold or given away to be registered.*

Recommendation 6(a) is supported. The annual permit requirement is relatively new, however many councils consider it has had little impact in encouraging people to desex their cats but it has created administrative burden.

Recommendation 6(b) is supported where the program funds desexing of domestic cats destined for rehoming.

Recommendation 6(c) is generally supported, however it would need to be implemented with clear parameters and guidance. Some councils currently release for free an animal that has been impounded for 24 hours or less, is registered and has not been previously impounded. This provides an incentive for owners to pick up their animal. Councils could be put into the position of having to maintain an animal when an owner realises there is no time limit on collecting the animal.

Recommendation 6(d) has mixed views amongst councils. Many councils would welcome the increased efficiency that combined identification and registration may provide. However, there are significant concerns that it would reduce the number of animals that are microchipped as many breeders would simply not identify animals, let alone those that are giving away animals to friends/ family.

Recommendation 6(e) is not supported in its current form. Some councils have attempted to use a voucher system (or similar) for desexing and vaccinations, but there is a proportion of owners who have not gone through with desexing their animal. Enforcement of the desexing requirement is more difficult and resource intensive once the animal is homed. In the case of cats, a time limit of greater than 3-4 months to desex the animal would not be supported. This is necessary to prevent early / unwanted breeding as cats can go on heat as early as 4 months of age. If a voucher system was adopted, the cost of desexing would need to be factored into the registration cost. Sufficient and timely access to vets would also be required to ensure desexing occurs within required timeframes. There are concerns as to whether there are enough vets or capacity within the existing vet network. If owners have limited access to suitable appointments etc then they are more likely to forego desexing. One option may be to operate it as a deposit system, whereby once the animal is desexed a portion of their registration/voucher fee is refunded, but this would be resource intensive.

Recommendation 6(f) is supported. The challenge will be how to encourage (and then enforce) this, given the draft report shows the high number of cats (in particular) that are sourced from family and friends. Community education plus targeted compliance campaigns would be needed to properly implement this recommendation.

LGNSW Recommendations:

9. That if Recommendation 6(c) – waive registration fees where needed to return animals to owners - is adopted, clear parameters and guidance should be provided.
10. That Recommendation 6(e) be reconsidered to address dogs and cats separately, and address implementation concerns such as ensuring desexing vouchers are used, how enforcement will occur and whether there is sufficient vet capacity to enable prompt desexing of animals across NSW.

## Report Recommendation 7 – Registry updates

*OLG should send messages to all dog and cat owners via text (or email) to remind them to update any relevant information on the CAR — this is already being advanced through the rebuild of the Companion Animal Registry.*

This recommendation is **supported**. Some councils have suggested that locating the CAR within Service NSW may make it easier for owners to update details (as they are more likely to have an existing login/account) and thereby improve CAR data quality.

LGNSW Recommendation:

11. That OLG consider locating the CAR within Service NSW systems to improve accessibility and data integrity.

### Report Recommendation 8 – Mandatory desexing

*Make it mandatory for animals rehomed or sold through council pounds or rehoming organisations to be desexed, unless there is a cruelty or health reason not to.*

This recommendation is **supported**. Many councils already have a policy of desexing and vaccinating animals before they are released for rehoming.

### Other Issues

#### Cat containment

The draft Report identifies activities that CIE does not recommend in relation to the objectives of this review, which includes cat containment policies. As noted under Recommendation 1, desexing does not address cat roaming (which can lead to impounding, and possible rehoming) and the significant threats cats pose to native fauna. Councils strongly urge the NSW Government to enact legislation that enables councils to introduce cat containment policies. This needs to be supported by education and behaviour change measures to normalise the keeping of cats indoors to protect both cats and wildlife.

The NSW Environmental Trust-funded Keeping Cats Safe at Home program is an example of a behaviour change program attempting to normalise the keeping of cats indoors. Run by the RSPCA in partnership with 11 councils, this four-year program should provide valuable data on the impact behaviour change strategies have on cat roaming behaviour, nuisance complaints and cat identification and registration levels.

LGNSW Recommendation:

12. That the NSW Government enact legislation that enables councils to introduce cat containment policies.

## CONCLUSION

LGNSW appreciates the opportunity to comment on the draft Report of the Rehoming Practices Review. Several of the Report's recommendations are supported or generally supported by councils, and some will require further detail, guidance or financial support to enable their implementation. Recommendations 6(d) and (e) – which relate to combining identification and registration of animals, and a voucher system for desexing - are not supported in their current form. Both of these proposals have some merit but councils' concerns about how effective they will be outweigh the benefits.

The draft Report identified but did not recommend certain activities in relation to the objectives of the review, such as cat containment policies. LGNSW considers that improving levels of responsible ownership behaviour (or preventing a significant avenue for cat capture / surrender) is preferable to dealing animal rehoming at the other end of the process. As such, councils are strongly calling for the power to implement cat containment policies in their LGA.

We look forward to viewing the final report and the Government's response to the Review.

For further information or to discuss this submission, please contact Susy Cenedese, Strategy Manager Environment on 9242 4080.