

20/03/2020  
Impounding Act Review  
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### **Impounding Act Review 1993**

#### **Introduction :**

Animal Care Australia (ACA) is a national incorporated association lobbying for and advocating for higher welfare outcomes for animals by educating hobbyists and keepers and lobbying governments.

ACA was founded in early 2018 to establish an organisation run solely by volunteers to lobby for real animal welfare. With extreme animal rights and animal liberationist ideologies influencing government legislation, regulation and policy at our expense and to the detriment of our animals and pets, it has become necessary to provide government with a balancing voice.

By uniting the broad spectrum of animal groups, collectively we offer an experienced, sensible approach to animal welfare. We estimate our foundation ACA clubs currently represent well over 150,000 members and that is just in NSW alone!

By educating our members and the general public about the importance of treating animals with kindness and respect for their needs, and promoting the humane treatment of animals to improve animal welfare outcomes, Animal Care Australia is in the unique position of lobbying and advocating for all animals within our care.

#### **Review response:**

A large proportion of the Act and Review does not apply to animals and accordingly ACA has only responded where the subject is directly relevant to animals.

The Impounding legislation is not a major issue and would actually be functional if every person who owned an animal did so responsibly. Impounding facilities in most part try to do what they feel is right by the animals within the limitations they are dealt. The problem is irresponsible pet owners and more emphasis on educating, rewarding and encouraging responsible pet ownership is needed and would be a step in the right direction.

#### **Balancing community needs and shaping public spaces**

ACA believes a better use of technology and particularly social media to educate the public in the outcomes of stray animals found within Council areas would go some way to reducing the numbers of stray animals appearing on our streets.

Technology such as microchipping and the education of the importance of microchipping must be included in any future Acts, and in doing so providing direct links between the Impounding Act, the Companion Animals Act and to a certain extent the Prevention Of Cruelty To Animals Act would be of great benefit to all participating organisations including Council Animal Shelters etc.

#### **Integration with NSW policy and other legislation**

##### **Is there any other relevant legislation that needs to be considered during the review of the Act?**

As previously stated providing direct links between the Impounding Act, the Companion Animals Act and to a certain extent the Prevention Of Cruelty To Animals Act would be of great benefit to all participating organisations including Council Animal Shelters etc. These Acts should be working in conjunction with each other.

#### **Encouraging responsible behaviour**

##### **How do we get the incentives right in the Act to influence responsible behaviour?**

**• Are those responsible for abandoning items and leaving animals unattended paying for the cost of regulation? If not, how might they be made more accountable?**

ACA Does not believe those committing an offence are paying the appropriate costs of regulation, for example, transport costs of impounded animals should be carried over for identified owners to be charged with.

**• Are the current offences in the Act right? Are the penalties for those offences commensurate with the seriousness of the offences?**

The penalties are not a sufficient deterrent for individuals who abandon their animals to ensure those who cannot sustain their animals will voluntarily surrender them instead.

**• Is it appropriate to create positive incentives that reward good behaviour? Could this be done in the legislation? If so, what could these be?**

ACA strongly encourages this opportunity to promote better behaviour.

**Methods to be considered:**

- Encourage responsible breeding – ACA can provide a Responsible Breeders Policy to assist in this process.
- Encourage de-sexing. Potentially including a free de-sexing voucher to encourage buyers to have their animals de-sexed. The cost covered by Local; Councils when breeders register with Council. Registered breeders are provided with the voucher
- Encourage responsible selling, including having a checklist of criteria for new owners.
- Encourage re-homing - an online marketplace for pets that need re-homing, may cover the costs
- Encourage rescue organisations and fostering.
- Encourage responsible pet ownership via accessible online education and incentives.

**Part 2 - Division 1: Who can impound and what can be impounded**

ACA does not see any issues with these current provisions. Local Councils and their relevant authorised officers should maintain their roles, in addition to Police Officers etc.

ACA would recommend further encouragement of improved conditions within Council Shelters ensuing Shelters have proper welfare and care provisions in place that are in alignment with care and welfare of animals within POCTAA. As such those impounding animals should be held responsible for where the animals are impounded and for the care of those impounded.

**Part 2 – Divisions 2 & 3: Impounding of animals**

**Are the impounding of animal provisions working well?**

ACA believes the provisions are working over all however we have concern with Section 11. Impounded animals to be delivered to pound, 4)(b) and 4A)(b) page 3/10. The worth of an animal should not be monetised, as many pet owners do not see the value of their pets' life in the form of the dollar. Therefore, it should not be at the discretion of an Impounding Officer, Police Officer, or anyone who is unfamiliar of an individual animal, to put a monetised worth on the animal. There should not be a determination of its value verses cost of transporting to an impounding facility. We find this particularly applies to horses and larger animals where appropriate facilities may not be within close proximity.

Transport costs of impounded animals should be carried over for identified owners to be charged with.

**How impounded items are to be dealt with**

Impounding facilities are way too variable. Some get funding while others are ignored by Councils and rely heavily on volunteers, donations and fund raising. ACA notes some are so corrupt in their practices, while you have a few that sell all animals non-de-sexed with the obvious result being an increase of animals

requiring to be impounded into shelters that have un-fundable numbers. So in saying that these animals are not dealt with satisfactorily and there is vast room for improvement.

Any additional provisions that require Council to meet minimum standards under the scrutiny of an independent overseer would be welcomed by ACA.

#### **How animals are sold and disposed of?**

ACA supports animals being sold by shelters to recoup costs and we acknowledge some animals do require they be euthanised.

#### **Establishing Pounds**

Regarding animals held in Impounding facilities Animal Care Australia recommends the primary goal of the facilities should be to reunite animals with their owners where possible. Many impounded animals are surrendered due to the financial burden of holding/sheltering fees charged by the facilities. Far greater emphasis and consideration should be provided on holding periods, and on the waiving of fees in order to encourage and promote their reclaiming.

The point of fundraising or specific government funding is to protect the animals' welfare and secure the opportunity where at all possible for the return of animals to their owners. High fees, fines and other such persecutory methods only serve to punish the animals, particularly when surrendered or where a financial hardship environment is created within their homes due to owners' desperation to secure their return. Currently there are full shelters with limited support and funding even though they are Council funded. It is not fathomable that Councils never seem to have enough funding to satisfactorily support these shelters.

In addition there must be a mandatory minimum length of stay of no less than 28 days for unclaimed animals.

Animals assessed as suitable for rehoming must be microchipped, vaccinated and de-sexed before release from the facilities.

Animal Care Australia would like to see more data recorded and released providing information such as ages, breeds, and origin of animals within the care of shelters, pounds and the RSPCA.

Kind regards,

A handwritten signature in black ink that reads "M Donnelly". The signature is written in a cursive style with a long, sweeping underline.

Michael Donnelly  
President,  
Animal Care Australia  
0400 323 843



### **Mission Statement**

Animal Care Australia (ACA) is the Peak Animal Welfare Body representing the keepers and breeders of animals in Australia as pets and companions.

### **Objects**

- To represent Animal Care Groups as the peak animal welfare body
- To engage and advise Government and legislators on welfare issues relating to pets and companion animals.
- To protect the rights of ethical hobbyists & animal keepers to breed and keep pets and companion animals.
- To clarify the difference between animal rights and animal welfare
- To promote higher Animal welfare outcomes