

Review of the NSW Companion Animals Laws – Submission on the Discussion Paper

What is this all about?

The NSW Government made a commitment to review the *Companion Animals Act 1998* (CA Act).

The CA Act is the legislative framework for the management of pet cats and dogs in NSW. It legislates the identification and registration requirements of companion animals and the duties and responsibilities of their owners, with the principal object being to ‘provide for the effective and appropriate care and management of companion animals’.

As part of this review, the Office of Local Government (OLG) is gathering feedback on the emerging trends and issues involved in animal care and management. This is an opportunity for your input to inform future amendments to the CA Act.

It is intended that this review will ensure the legislation effectively enhances responsible pet ownership across NSW, ensuring the well-being of pets and the safety of our communities.

Who are we seeking feedback from?

Many households, communities, and institutions across NSW play a key role in animal management and ownership. If you are part of one of the following groups, we encourage you to make a submission:

- Councils
- Pet owners
- Breeders
- Industry / advocacy organisations
- Veterinarians
- Authorised identifiers
- Rehoming organisations / rescue groups
- NSW State Government agencies
- Individual members of the public

What are you being asked to do?

OLG has prepared a Discussion Paper outlining the key focus areas of the review. We are seeking your input on these matters through the questions below.

When providing your feedback, we encourage you to keep responses outcomes-focused. There is no need to suggest draft wording or clauses for the legislation.

Note: organisations with multiple teams or individuals contributing responses may wish to save a shared copy of this form and make one submission on behalf of the organisation.

Instructions on submitting your feedback are included at the end of this form.

Not all questions need to be answered.

1. Strategic framework for encouraging responsible ownership of companion animals (see Part 1 of the Discussion Paper for background information)

Question	Response
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<p>Do you support the CA Act being amended to focus more on encouraging responsible pet ownership outcomes over strict compliance processes?</p>	<p>The Willoughby Environmental Protection Association Inc. (WEPA) is a non-party community group with an interest in preserving natural heritage, protecting local bushland and wildlife in our locality. Many of our members volunteer with bush care groups or reside in areas adjacent to bushland reserves in the Willoughby LGA. As such, they notice the behaviour and impact of unrestrained pets in the reserves and backyards of our area, which are home to a wide variety of native species, including some vulnerable and threatened species such as the powerful owl and little penguin. We believe that amendments to the CA Act can have a positive impact on the current biodiversity crisis. In particular, WEPA members believe that greater regulation of pet cats is an urgent and important issue, given the real and active threat that roaming cats are to our native wildlife.</p> <p>There is evidence of the extent of this problem in the number of 'lost cat' call-outs on local community social pages, which are almost a daily occurrence in 'Willoughby Living'. Often these cats don't return home for days. As natural predators, during the hours or days spent roaming they are killing native reptiles, birds and mammals. Based on the comments attached to these posts there is negligible awareness of the impacts that cats are having on our native wildlife.</p> <p>Impacts of the Minns Government changes to planning laws must also be considered. Accelerated high-density development will diminish established wildlife habitat across leafy suburbs around Sydney's North Shore train stations and other NSW locations targeted for increased development. High-value native animal habitat will be decimated as established backyards with hollow bearing trees and large gardens disappear to large multi-level developments. It is critical that NSW introduces cat containment laws to protect vulnerable wildlife which will be exposed to even more pets and more cars, while having significantly less protective habitat.</p> <p>Evidence indicates that each roaming cat kills around 110 native animals each year and combined they are responsible for an annual death toll of approximately 96 million natives in NSW. Research has found that around 70% of cat owners allow their pets to roam.</p> <p>We can't change the predatory nature of cats, but NSW decision-makers can act to protect our vulnerable wildlife. We urgently need policies to ensure that our cat owners are educated in relation to this issue and have an obligation to act responsibly.</p>
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1. Strategic framework for encouraging responsible ownership of companion animals (see Part 1 of the Discussion Paper for background information)	
<p>How can responsible pet ownership education be used to manage menacing or dangerous dogs?</p>	<p>Ensure that information on responsibilities, regulations and penalties is clearly communicated through all points in the dog owner journey – breeder, vet and microchipping, Government services. Social media is also a powerful tool.</p> <p>Councils must have adequate, trained staff to respond to concerns/complaints and to enforce the regulations. There are too many instances of people (especially children) being savaged by dogs.</p>
<p>How could the legislation be improved to motivate better dog owner behaviour and encourage owners to manage their dogs more responsibly? (For example, what does responsible dog control in public look like?)</p>	<p>In the Willoughby LGA we have large areas of bushland reserve that are signed to remind owners to keep dogs leashed at all times. A significant number of dog owners choose to ignore this, often becoming quite aggressive when asked to leash their dogs. Dogs running though bushland put at risk vulnerable wildlife such as lyrebird, blue tongue lizards, bandicoots and pythons. Council officers are often reluctant to confront – preferring to issue warnings, rather than penalties. There should be more public education, including stronger warnings for non-compliance.</p> <p>More education and support tools are also needed for Council officers, including training / incentives to ensure that penalties are enforced, as this is key to changing the behaviour of errant owners and deterring others. The council officers must be supported by strong regulations which they have the authority to enforce.</p> <p>Responsible ownership must also include collection and safe disposal of dog faeces. At a recent Greater Sydney Landcare meeting WEPA learned that dog faeces (often left along walking tracks) is a key contributor to water pollution in Sydney. Water contamination is exacerbated by toxins and drugs present in faeces which is a threat to the health of aquatic wildlife and also to human health e.g. antibiotic resistance. There must be strict owner liability and strong fines for dog faeces which are not picked up and disposed of correctly.</p>

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How could the legislation be improved to motivate better cat owner behaviour and encourage owners to manage their cats more responsibly? (For example, cat containment)

Cat containment is a critical outcome. WEPA members report are regular late night sightings of cats, with one member recently reporting a domestic cat carrying a native bird kill along a Middle Cove street, adjacent to bushland Reserve. Another member has noticed a significant decline in native gecko and blue tongue lizards, both of which are easy prey for roaming cats. The continued existence of these and other natives, such as sugar gliders, diamond python and superb lyre birds, relies on thoughtful, effective environmental policies from government decision makers.

The NSW Govt must amend the NSW Companion Animals Act to

1. Enable local Government to introduce and enforce anti-roaming cat containment laws.
2. Set a requirement that local councils develop a companion animal management plan to protect wildlife. This plan should be reviewed on a 4 yearly basis as is required in Victoria.
3. Mandate state-wide desexing and microchipping by 4 months of age, with limited exceptions for licensed breeders.

Anti-roaming laws would be more easily implemented with the mandating of electronic collars that prevent cats from leaving the home.

Consideration should also be given to the establishment of a DNA register whereby a roaming cat could be identified through scats, as occurs through pro-active initiatives such as Tel Aviv and Barcelona’s dog-poop DNA program. It is a valuable opportunity, given the difficulty in monitoring, locating, and catching roaming cats. There must be strict liability and strong fines for scats or cats found out of home.

Our wildlife can’t afford to wait another two decades for improvements to legislation controlling the behaviour of pets and their owners, so this review must explore emerging developments and international best practice relating to companion animal management.

1. Strategic framework for encouraging responsible ownership of companion animals (see Part 1 of the Discussion Paper for background information)

<p>Are there other matters that should be considered?</p>	<ol style="list-style-type: none"> 1. Allocate funding to a statewide grant program to support councils in implementing and enforcing cat containment, desexing, microchipping and registration. 2. Develop a state-wide education campaign and associated resources to increase cat containment by NSW cat owners, including an extension of the RSPCA Keeping Cats Safe at Home project. 3. Provide easy access to tools and funding to support cat containment such as subsidised cat runs and electronic collars that prevent roaming. 4. Amendments to the Act must be enacted as soon as possible given the elevated threat level to NSW Wildlife, Importantly, the education campaign should be activated as soon as possible, to drive behaviour change in the interim period before Councils can start enforcement. 5. WEPA is also calling on the NSW Government to regulate for pet cat-free areas in any new suburb developments that are adjacent to bushland reserves, waterways or forested areas. Pet bans in high nature locations would be a vital step towards protecting biodiversity and halting the extinction crisis. Given that 2 decades have passed since the Act was last amended, it is critical that the NSW Government take firm action to ensure that another 500+ species don't move closer to extinction, as witnessed in the last decade.
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2. Compliance and enforcement role of councils (see Part 2 of the Discussion Paper for background information)

Question	Response
<p>What changes to NSW laws, regulations, codes or guidelines could be provided to councils and other enforcement authorities to better support responsible pet ownership?</p>	<p>Modify to successfully deliver outcomes listed above –</p> <ul style="list-style-type: none"> • Mandate Companion Animal management plans by Council, with a 4 yearly review. • Support and empower Council or relevant authorities to enforce stronger regulations, including cat containment, mandatory desexing and microchipping and responsible dog behaviour in public spaces.

2. Compliance and enforcement role of councils (see Part 2 of the Discussion Paper for background information)

<p>How could NSW laws, regulations, codes or guidelines be improved to support councils to better manage dangerous and restricted dogs?</p>	
<p>Are the current enforcement provisions under the Act (including penalties for offences - see Appendix B of the discussion paper) appropriate? If not, what enforcement provisions should be changed?</p>	<p>(This is actually Appendix A)</p> <p>It is hard to give an opinion on the size of the fines. Just raising the amounts of the penalties is not enough if the infrastructure is not there to support the council officers in enforcing the regulations.</p> <p>The public need to know and really be aware that these issues of animal containment are important to both local and state governments.</p> <p>Once again it is education of the public and adequately resourced staff to effectively enforce the regulations and impose penalties.</p>
<p>Are there other compliance and enforcement matters that should be considered?</p>	

3. Companion animal population and rehoming (see Part 3 of the Discussion Paper for background information)

Question	Response
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3. Companion animal population and rehoming (see Part 3 of the Discussion Paper for background information)	
What more could be done to reduce stray and homeless cats and dogs in NSW?	<p>The review cites various reasons for an increased number of pets ending up as strays, in pounds or being surrendered to organisations such as the RSPCA. Additionally, each year there are reports of last year’s Christmas pet being dumped because of unexpected size, behaviour, or costs. Dumping pets is a significant problem not just because of the inhumane pet treatment, it also presents a real feral animal risk to our natural environment and wildlife.</p> <p>Although there are strict guidelines in The Animal Welfare Code of Practice regarding pet shops, these are businesses who profit from the impulse buying of puppies and kittens by people who may not understand the care and expense involved in owning a pet. It is not in their interest to discourage potential buyers, but once again education and providing freely available documentation on the costs involved and alternate ownership such as fostering could help people decide whether they can make the long-term investment.</p> <p>Steps must be taken to prevent the impulse purchase of pets, including banning the display and sale of cats or dogs through pet stores.</p>
What changes can be made to NSW laws, regulations, codes or guidelines to reduce the number of companion animals entering the pound and rehoming system in the first place?	<p>Discourage impulse buying of pets by making pet shop and breeder advertising provide realistic assessments of the investment.</p> <p>Do not have kittens and puppies in the windows of pet shops and prohibit their sale through these outlets.</p> <p>Invest in consumer education on this.</p>
For companion animals needing to enter the ‘pound’ system, what could be done to increase rehoming?	<p>Encourage and advertise adoption or fostering and give adequate resource and support to organisations who do this. Once again, this must be coupled with education of consumers so that they understand the commitment they are making.</p>
Are there other dog and cat population and rehoming matters that should be considered?	