

Impounding Act Review

Developing a regulatory framework for
animals in NSW

Stakeholder Workshop Options Paper

Contents

INTRODUCTION	3
BACKGROUND	4
About the Impounding Act	4
NSW GOVERNMENT ACTION.....	5
Consultation feedback to date	5
Next steps in the review process	6
How to have your say on this options paper	6
Where to go for further information	6
PROPOSED WAY FORWARD – OPTION 4.....	7
Theme 1 – Reshape the Act to focus on outcomes the community expects	7
Theme 2 – Move some key provisions from the Act to subordinate laws.....	7
Theme 3 – Offences and penalties.....	7
Theme 4 – Modernise and clarify key regulatory processes and definitions.....	8
Theme 5 – Align Act with other laws.....	8
What could the preferred Option mean for animals?	9
ISSUES TO THINK ABOUT	10
Questions to consider	10
APPENDIX 1 – SUMMARY OF RELEVANT FEEDBACK.....	12
Key themes – Strategic directions	12
Key themes – Operational directions relevant to stock animals	13

Introduction

Thank you for agreeing to take part in a stakeholder workshop to help shape an up-to-date regulatory framework to better manage animals and items in New South Wales.

The workshop is part of a consultation process being delivered by the Office of Local Government, the Department of Planning, Industry and Environment (DPIE) in June 2021 as part of a review of the *Impounding Act 1993* (the Act). As part of this consultation, public land managers (including councils), government agencies, industry (including businesses) and peak user groups representing the wider public will be asked to provide views on what should be included in a more effective regulatory framework and how best to implement it.

Public feedback on an earlier discussion paper has been considered when developing preferred options to change the Act. The Government has asked for an open discussion amongst key stakeholders to help to test these preferred options. This briefing paper has been prepared to provide background information and to pose questions for discussion at the stakeholder workshops.

Three workshops will be held in June 2021: one focusing on shopping trolleys, one on animals and one on vehicles, including boat trailers.

What	When	Where	Stakeholders Invited
Shopping Trolleys	15 June, 9.30am-11.30am (9:00am registration) 11.30am-12.30pm (impounding and enforcement process discussion for impounding authorities)	Wesley Conference Centre 220 Pitt Street, Sydney (nearest train station, Town Hall)	Public land managers Government agencies Industry Peak User Groups Community Groups
Animals	17 June, 9.30am-11.30am 9.30am-12.30pm (impounding and enforcement process discussion for impounding authorities)	Microsoft Teams Meeting Online workshop	Public land managers Government agencies Industry Peak User Groups
Vehicles, including Boat Trailers and other Trailers	29 June, 2.00pm-4.00pm 4.00pm-5.00pm (impounding and enforcement process discussion for impounding authorities)	Microsoft Teams Meeting Online workshop	Public land managers Government agencies Industry Peak User Groups Community Groups

Background

About the Impounding Act

The *Impounding Act 1993* (the Act) provides powers for local councils and certain Government authorities managing public land (impounding authorities) to deal with safety, access and amenity issues caused by unattended items and animals left in public places.

Impounding authorities may take to a pound an item or animal they determine on reasonable grounds to be abandoned or unattended. There may be penalties for the offence of abandoning or leaving things unattended in public. Impounding authorities may also sell or dispose of articles and animals not collected by the owner in certain circumstances. The Act also gives private land holders or tenants powers to impound trespassing animals.

The Minister for Local Government, the Hon. Shelley Hancock MP, is responsible for administering the Act.

The changing use and value of public space

The ways that people use public space has significantly changed over time. A greater number of different items are being used or kept in public areas as the population grows and people own more items such as cars, trailers, boats, bikes and scooters. At the same time, a greater variety of animals are kept for agricultural and other purposes.

In relation to animals, the community's values and expectations have changed markedly since the Act was introduced. Rather than simply regarding animals as having value as a form of property, community sentiment increasingly recognises animals as sentient, with their own intrinsic value.

Feedback to Government through reviews and correspondence reflects growing concern to ensure that the health, safety and wellbeing of animals is protected. We must therefore seek to bear this objective in mind as we consider how best to ensure that animals do not pose a risk to the safety and amenity of the public (e.g. on roads) and to other people and their animals on private properties.

While the NSW Government strongly supports farmers and the other owners of animals in undertaking their businesses as a key part of regional and rural communities, it recognises there is a need to ensure the whole community can safely use and enjoy public spaces and their own properties.

NSW Government action

The *Impounding Act 1993* (the Act) has not been comprehensively reviewed in 28 years. It is evident from feedback to date that the Act, and the regulations that support it, have not generally kept pace with changing use of public space, technology and community expectations, including with respect to animal welfare.

In late 2019, following ongoing concerns raised by stakeholders the Minister for Local Government initiated a review of the Act. This recognised that a holistic solution is needed to ensure that the Act is effective in meeting community expectations and delivering on the Government's priorities, now and into the future. The review process is being led by the Office of Local Government.

Consultation feedback to date

In response to a comprehensive discussion paper focusing on both strategic and operational issues, the Government received 85 submissions from diverse stakeholders, including 38 councils, 29 community members, 8 industry organisations, 7 peak organisations and 3 NSW Government entities. A summary of relevant feedback is provided at Appendix 1. Correspondence and other information was also reviewed.

Most feedback indicates that the Act is no longer fit-for-purpose in relation to managing animals. The Act is seen by many as overly prescriptive, out-dated, and ineffective in enabling impounding authorities to hold people responsible for abandoning animals or leaving them unattended, to account. There is also strong support to amend the Act to better encourage owners to take greater responsibility for animals found in public places, as well as to improve how regulators recover the high costs of impounding animals.

Four broad options for legislative change have been considered

1. No change –

- » The Act is working well. Leave it as it is.
-

2. Minor change to ensure currency, clarity, and consistency with other laws –

- » Update definitions and processes (including monetary and timeframes for action to be taken), review existing offences and penalties and align the Act with other laws including animal welfare, biosecurity and transport laws.
-

3. Introduce additional obligations for high risk problem items and for animals –

- » Amend the Act to provide for risk-based definitions and obligations that may be tailored to the specific circumstances of impounding animals or specific types of 'problem' items in separate sections or divisions.
 - » **Plus** make minor changes to ensure currency, clarity and consistency with other laws (Option 2).
-

4. Change Act to focus on outcomes and create regulations and guidance about animals, as required (PREFERRED OPTION) –

- » Reframe the Act to focus on the outcomes the community expects, such as placing more responsibility on owners for their animals and items, and
- » Give impounding authorities stronger regulatory powers to deal more swiftly and effectively with animals or items.

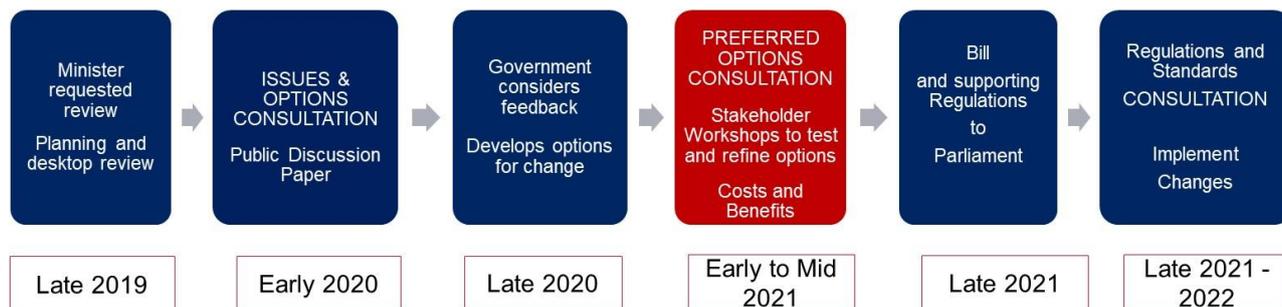
Option 4 (above) is the preferred option as it would facilitate the development of standards of behaviour in regulations and guidance that could be more flexibly changed over time. This would allow for animal-specific provisions on matters like when action may be taken, how animals may be kept, relevant offences and penalties, communication with animal and property owners and how impounding authorities may work together.

Next steps in the review process

The NSW Government is consulting with impounding authorities, businesses, advocates and other key stakeholders on issues of most concern to the public as part of the development of a Bill to take to the NSW Parliament. This workshop is part of that process.

A Better Regulation Statement examining the full range of costs and benefits of each option is concurrently being developed to test all four options set out above, to support the Government's decision-making process.

To facilitate any change the Government believes is required, legislation is expected to be introduced to Parliament later this year, as shown in the diagram below.



How to have your say on this options paper

If you would like to provide further feedback after the workshop, or were unable to attend the workshop and would like to provide feedback on this options paper, please mail or email feedback by **Friday, 2 July 2021** to:

Impounding Act Review

Locked Bag 3015

Nowra NSW 2541

Email: olg@olg.nsw.gov.au

Where to go for further information

Policy Team, NSW Office of Local Government

Email: olg@olg.nsw.gov.au

Phone: (02) 4428 4100

Agency Website: www.olg.nsw.gov.au

Proposed way forward – Option 4

Below are some key themes in relation to the Government's preferred option, **Option 4**, to facilitate the discussion about animals.

We encourage you to consult within your organisation about this preferred option and the key themes prior to attending the workshop so that you can best represent your organisation or members needs and views.

Theme 1 – Reshape the Act to focus on outcomes the community expects

Under Option 4, it is proposed that the Act focuses on achieving the outcomes the community expects in relation to managing animals (and items) found in public places and on other private properties.

In relation to animals, this would still work towards the key outcome of returning animals to their owners, so far as possible, but placing a greater focus on encouraging owners to better manage their animals, and, on securing the welfare of animals while they are in the custody of impounding authorities and other people.

Under this Option, it is proposed that the Act be renamed and restructured to focus on outcomes, to meet the following primary objective for both animals and items:

- i. **to safeguard shared use and enjoyment of public spaces by providing to prevent, eliminate and minimise risks to safety, amenity and access arising from items and animals left abandoned or unattended in public places.**

To support this objective, it is proposed that the Act should:

- i. place increased onus on those responsible for animals and items found in public places
- ii. provide impounding authorities with the ability to issue penalty notices and take other regulatory action
- iii. protect animals dealt with under the Act from harm consistent with community expectations and animal welfare laws
- iv. provide more flexible and efficient temporary and longer-term options to store abandoned or unattended items and to contain animals, and
- v. allow impounding authorities to more effectively recovery costs from those people responsible for items and animals.

Theme 2 – Move some key provisions from the Act to subordinate laws

The Act contains obligations that owners must meet to prevent their item or animal being treated as abandoned or unattended. The person may then face a fine or other regulatory action if they have committed an offence.

Under Option 4, it is proposed that, while certain minimum standards must remain in the Act, more detail about a range of specific matters for animals or each type of item may be set out in regulations, with further supporting details in guidance material. These regulations may capture, for example, after what time an animal may be considered to be abandoned or left unattended for the purposes of this Act.

Providing this detail in regulations would allow for changes to be made promptly in future if needed. This would enable the Government to respond to new issues or technologies as they arise and to respond to changing circumstances. It is also proposed to set out key details of the impounding process in subordinate laws – this would provide flexibility to adjust matters such as notice periods and the length of time animals must be held.

Importantly, these provisions would be developed in consultation with key stakeholders, such as those attending this workshop, and would not become law until sufficient time had passed to prepare for any key changes.

Theme 3 – Offences and penalties

Under Option 4, it is proposed to review and recalibrate offences, penalties and penalty notice amounts to:

- better capture people who are responsible for items and animals
- align these penalties with penalties for offences of a commensurate nature under other laws
- differentiate, in setting penalties, between offences committed by a corporation and an individual

- consider imposing stronger penalties on repeat offenders, and
- categorise offences by the size or level of risk an item causes (for example, an animal left on a public road may pose a higher risk and cost to the community than in other public places).

Theme 4 – Modernise and clarify key regulatory processes and definitions

Under Option 4, it is proposed to update the existing impounding processes including grounds for action, timings for each step of the impounding process and how costs may be recovered. Some of this detail may be moved to subordinate laws, such as the regulations.

It is also proposed to update and clarify definitions, including ‘unattended’, ‘animal’, ‘owner’/‘user’ (instead to be ‘responsible person’) and ‘pound’ (instead to be ‘storage place’ for items or ‘shelter’ for animals) and enable certain definitions to be updated via future regulations.

These changes would better meet community expectations expressed through feedback, clarify when action may be taken by impounding authorities and provide increased flexibility to respond to future changes.

Theme 5 – Align Act with other laws

Under Option 4, it is proposed to change the Act and regulations to repair gaps or overlaps with other laws with which the Act intersects in practice. In general, this would mean aligning key definitions and powers with those of more contemporary laws. In relation to stock animals, this would mean, for example, adopting the definition of animal from the *Local Land Services Act 2013* (NSW).

The Impounding Act intersects approximately ten other Acts. Option 4 may also require consequential changes to some of these other laws, including the *Companion Animals Act 1998*.

Option 4 would also be supported by guidance and education to encourage responsible behaviour of all key stakeholders, including owners and users of items as well as impounding authorities.

What could the preferred Option mean for animals?

In relation to animals, Option 4 could enable identified concerns, risks and opportunities to be addressed by:

- extending the types of animals for which impounding action may be taken
- placing clearer, overlapping duties on people responsible for animals
- requiring owners to act to prevent trespass on public land and other private properties
- requiring people with custody of trespassing animals to contact an impounding authority within a set time
- clarifying set times after which animals are deemed to be unattended under this Act
- setting out factors which may be considered, otherwise, by an authorised officer in determining whether there are reasonable grounds to regard an animal as abandoned or unattended
- provide for more flexible options to establish temporary and longer-term shelter options for animals in the custody of an impounding authority, including by sharing or contracting arrangements
- clarifying that animal welfare laws apply to set the relevant standard for animals in the custody of an impounding authority or other person authorised by that authority
- modernising provisions which enable impounding authorities to euthanise and dispose of animals
- considering further compliance options which may support impounding authorities to prevent incidents
- improving the workability of offences and increasing maximum penalties and penalty notice amounts
- enabling greater use of penalty notices to appropriately deal with breaches of the law
- enabling impounding authorities to form arrangements to work better together, e.g. information sharing
- creating specific arrangements for authorities to respond to animals causing high public safety risks
- making consequential amendments to other laws to remove reliance on impounding laws for establishing and maintaining impounding facilities, and for exercising powers for other types of animals, and
- providing for necessary transitional and savings arrangements.

Issues to think about

The following issues and questions have been designed to encourage feedback on animals and what should be covered by the Act, regulations and future guidance (respectively). We encourage you to consult within your organisations (where relevant) about these issues prior to the stakeholder workshops.

Questions to consider

What is your view on the Government's preferred option?

- Do you support the proposed objectives? What is missing?
- How could Option 4 address the opportunities, risks and concerns raised earlier in relation to animals?

What other options for managing animals should be considered?

- Do you think other options the Government considered are preferable? Why?
- What non-regulatory options, such as education, could continue to play a role?

How could the provisions that relate to animals be made clearer, simpler and more effective?

- What types of animals should be covered by the Act?
- Should the Act continue to provide for action that may be taken by private landholders when animals trespass on their property?
- Who should be held responsible for stock animals? How could they be better identified?
- How could the Act provide more flexible options for impounding authorities to keep animals in custody?
- Should arrangements for keeping other animals or for other purposes be made separate in other laws?
- How might the law change to help impounding authorities and other regulators work better together? Is there an opportunity to provide for better management of animals in high risk contexts (e.g. on public roads)?

What specific matters could be in regulations and in guidance?

- What is a reasonable timeframe to leave an animal before it is regarded as unattended or abandoned?
- What factors may be relevant to consider in determining if an animal is abandoned or unattended? How might these be different in relation to animals?
- What, if any, different options for compliance action would help impounding authorities meet community needs?
- What would be appropriate penalties and penalty notice amounts? What should be considered in setting these?
- What process and requirements should apply to euthanasia by an impounding authority?

Existing Offences under *Impounding Act 1993*

Part, Division & Section of Act	Offence Summary (plain English version)	Current Max Penalty	Current Fine / Penalty Notice Amount
Pt 2, Division 3	Impounding of animals by occupiers of private land		
Section 13 Owner of property knows animal's owner	Failure of occupier of private land who impounds animal and can easily find owner's identity to: inform owner within 24 hours, deliver animal to pound within 24 hours if unclaimed or keep up to 4 days, care for animal's welfare, release to owner on payment of upkeep or take to pound if not paid.	5 pu (\$550)	N/A – must go to court
Section 14 Owner of property doesn't know animal's owner	Failure of an occupier of private land who impounds an animal and does not know/cannot easily find identity of owner of animal to deliver it to nearest convenient public pound within 48 hours.	5 pu (\$550)	N/A – must go to court
Pt 2, Division 5	Additional Powers in relation to shared devices		
NOTE: Section 19F (4) Regulations relating to sharing services	NOTE: Regulations, or code of practice, may impose enforceable obligations or restrictions on operators and former operators of sharing services (includes creating offences with a penalty not exceeding 5pu or \$550).	N/A	N/A – no code created yet
PART 5	Offences		
Section 32 (1) (b) Abandoning article	Offence for abandoning an article (other than a shared device) in a public place. This includes trolleys and vehicles (including boat trailers).	5 pu (\$550)	\$220
Section 32 (1) (a) Abandoning article – <u>shared device</u>	Offence for abandoning a shared device (currently a share bike only).	25 pu (\$2,750) – <i>NEW 2018</i>	\$500 – <i>NEW 2018</i>
Section 32 (2) Abandoning <u>animal</u>	For causing or permitting animal to be unattended in a public place unless person took reasonable precautions to prevent the animal from being unattended.	5 pu (\$550)	\$330
Section 33 – Cause/ permit animal trespass	For causing or permitting an animal to trespass in a place (other than a public place)	5pu (\$550)	N/A – must go to court
Section 34 – Unlawfully recovering item	Offence of unlawfully recovering impounded item	50 pu (\$5,500)	N/A – must go to court
Section 35 – Obstructing officer	Offence of obstructing impounding officer	20 pu (\$2,200)	N/A – must go to court

Appendix 1 – Summary of relevant feedback

At the end of March 2021, consultation feedback closed on a Discussion Paper providing public feedback about whether the Act is meeting its objectives at a strategic level and in relation to how it operates in practice. The paper canvassed how a new Act could help communities use and enjoy public places more safely and easily, without impediment from abandoned items, and how to ensure owners better manage items and animals to reduce risk.

A total of 85 submissions were received from diverse stakeholders including 38 councils, 29 community members, eight businesses/industry organisations, seven peak organisations and three NSW Government entities. A greater number of larger, urban councils responded (23 or 61% of councils), a quarter from regional areas (9 or 24%) and only a few from rural areas (6 or 16% of councils).

Key themes – Strategic directions

The table below sets out feedback on key strategic themes.

Question	Key themes
Balancing community needs and shaping public places into the future	<ul style="list-style-type: none"> • There is wide support to shift the focus of the Act to protecting quality public spaces rather than providing specific, narrower powers to deal with individual problems. • This would allow ready updates to the law to reflect changing technology and needs. • There is general support for a shift that allows the public interest to be promoted over private interests and to better protect public amenity, noting that this is difficult to define. • Many believe solutions must be applied flexibly to meet diverse needs of communities.
Strategic framework 'fit for purpose' to regulate impounding	<ul style="list-style-type: none"> • Many councils and community members believe the Act is no longer 'fit for purpose' as it is prescriptive, outdated and supports a reactive approach to regulation. Instead, they tended to support a performance, or outcomes-based Act. • There is wide support to create a simpler Act supported by regulations or codes of practice that set out how to achieve those outcomes for specific types of items – such as for trolleys and motor vehicles. Emerging technology and issues could then be more readily addressed. • In contrast, a minority of councils that would like to retain the current process-based objectives and focus of the Act but simplify it and remove red tape. • Many supported the Act focusing more on promoting owner and user responsibility. • Many respondents supported improving cost recovery mechanisms to help councils and communities better recover regulatory costs.
Integration with NSW policy and other legislation	<ul style="list-style-type: none"> • Many believe the Act is outdated and not aligned to other NSW Acts including Biosecurity, Companion Animals, Local Land Services, Local Government, Road Transport, Prevention of Cruelty to Animals and Protection of the Environment Operations Acts. • Proposed the Act be updated to reduce duplication and improve clarity where laws intersect. • Where appropriate, consequential changes may also be made to other laws.
Encouraging responsible behaviour	<ul style="list-style-type: none"> • Most believe offences and penalties in the Act do not promote responsible behaviour. • Some suggested the Act provide shared responsibility for a range of people and encourage 'whole-of-life' responsibility for items like trolleys where the owner is not the user. • Most feedback indicates that it is almost impossible to identify people abandoning items and, when identified, to enforce penalties that may apply. • Many items and animals are of low value so there is no economic incentive for owners to recover their item or animal. • Some councils report that their fees do not cover impounding costs but increasing fees would reduce collection of items and animals and increase disposal costs for the community.

	<ul style="list-style-type: none"> • There is wide support for public education as key in promoting responsibility.
Innovation and emerging technology	<ul style="list-style-type: none"> • Growing vehicle ownership is increasing demand for parking in urban areas. • Submissions support a more flexible impounding framework to deal with emerging technologies. Key items noted include driverless cars, e-bikes, Segway's, and scooters. • New technologies are both a problem and a potential solution – solutions include GPS tracking, electronic tagging, geofencing, CCTV, reporting apps, livestock ear tags or microchips. • At the same time, regulators can benefit from technology to reduce costs, such as by using surveillance to collect evidence, accessing databases to track items and animals and using SMS or email to provide notice to owners about their property.

Key themes – Operational directions relevant to animals

Question	Key themes
Effectiveness of who can impound and what can be impounded	<ul style="list-style-type: none"> • A small majority (58%) of submissions, including most community and half of council submitters responding to this issue, think the provisions are not working well in practice. • Key issues for councils are confusion about which agency is responsible for impounding in different circumstances and lack of information sharing or delays with obtaining information. Councils would like clearer statements of responsibility and liaison arrangements with agencies including Local Land Services for animals and NSW Police and Transport for NSW for motor vehicles. • Key issues for the community and business are about how long it takes to get cars and trailers impounded. Shopping trolleys, cats and stray stock are also a source of frustration. • There is a general view that councils have inadequate powers and penalties are too low.
Effectiveness of impounding animals	<ul style="list-style-type: none"> • It is clear that impounding livestock is an issue in regional NSW. Just under two-thirds of submitters responding to this question believe that animal impounding provisions are working well. However, when metropolitan councils are discounted (as they do not generally impound livestock), views of regional and rural councils and community members about the effectiveness of impounding animals are evenly divided. • Animal welfare advocates are dissatisfied with animal impounding. • A key issue is that the provisions for establishing and managing pounds and for impounding are not clear and are not flexible enough, particularly in regional and rural areas. This issue has grown in significance as a greater variety of animals are kept as stock and expectations for pound standards have increased, making pounds more difficult and costly to manage. • There is also wide support for expanding the definition of animal under the Act and aligning it with definitions in more modern, intersecting laws on biosecurity and Local Lands Services (LLS). In addition, many community members would like cats to be covered under this law to better address roaming behaviour and extend impounding powers for councils. • In terms of compliance and enforcement, councils believe they have insufficient powers to deal with irresponsible animal owners (e.g. a farmer impounded stock on his land at a cost to him that was never repaid). • Many councils and community members favour increased penalties and/or control orders or other incentives to require effective fencing. • Councils have also raised that the Biosecurity Act prevents temporarily containing stray stock on roads in adjacent private paddocks. As leaving animals on roadsides is a high safety risk, councils would like the power to use adjoining paddocks for public safety reasons.

	<ul style="list-style-type: none"> Animal welfare advocates, including the AVA, RSPCA and AWL have also raised concerns about outdated provisions for destroying animals of low value, outdated euthanasia provisions, pound standards, animal identification and rehoming.
<p>Effectiveness of how impounded items are dealt with (including fees and charges)</p>	<ul style="list-style-type: none"> Two-thirds (67%) of submissions responding believe the provisions are generally working well. Community groups and/or individuals were more likely to believe the provisions are not working well, noting some people confuse impounding fees set to recover costs, with penalties set by law to encourage compliance. Many councils believe the procedures are complicated, onerous and overly lengthy – for example, councils are required to store items for 28 days and advertise them for sale. Impounding fees are viewed as a ‘Catch-22’ as there is little incentive for owners to claim items, given that impounding fees often exceed the item’s value, but councils believe they should charge impounding fees as otherwise impounding costs place an unfair burden on ratepayers. Other issues are storage capacity, particularly for bulky items like large animals. Councils and the community want easier and quicker disposal processes for items of low value, shorter times to claim vehicles, more consistent impounding processes, better incentives for owners to claim property, an offence with a penalty for failing to claim goods and animals (to help recover costs), a simpler cost recovery process, the owner’s contact details on shared devices and more flexibility to deal with hardship. Animal welfare groups want to ensure euthanasia by a vet, where possible, tagging of animals for tracing and reuniting or rehoming, where possible.
<p>Effectiveness of establishing pounds</p>	<ul style="list-style-type: none"> Just over half of all submissions responded on this, and most (73%) believe the provisions for establishing pounds are working well. However, more regional and rural councils and RSPCA NSW believe these provisions are not working well. Councils believe the requirement to establish a pound and provisions on contracting out pound management are unrestrictive and unclear– this is a critical issue as companion animal and LLS pounds are also established under this Act. They also report a lack of pounds in convenient locations, creating high operating costs that cannot be recovered. Submissions from many councils ask for more flexibility and clarity about establishing and sharing pounds in regional and rural areas, and/or alternative agistment options to reduce costs and travel time. Welfare organisations, like RSPCA NSW, believe there is a lack of clear standards and codes of practice for pounds (noting these are a POCTA Act issue).
<p>Effectiveness of offences and penalties</p>	<ul style="list-style-type: none"> Approximately two-thirds (65%) of all responding submitters believe that these provisions are not working well, including a vast majority (88%) of the public and businesses. Most submissions indicated that penalties for offences are low and poorly enforced. This is an insufficient deterrent and does not promote responsible ownership. There is also a lack of relevant offences in the Act, such as for failure to move a boat trailer or unregistered car or failure to collect items from a pound. A further key issue is that on the spot fines can only be issued for the act of abandoning an article or animal in public. All other offences must be dealt with via courts, which councils say is cumbersome and resource-intensive, and many fines are unpaid. The most common suggestions were to increase penalties, including creating higher penalties for corporations, and to create new offences and penalties to encourage responsible behaviour including for failure to: <ul style="list-style-type: none"> prevent animal trespass on private land deliver an impounded animal from private land to a pound in specified time collect impounded item or animal after notice contain a cat (noting cats are dealt with under the Companion Animals Act)

	<ul style="list-style-type: none"> ○ state name/address when requested by an authorised officer, and ○ giving correct information to an authorised officer. <ul style="list-style-type: none"> ● LGNSW also supports converting many lower-order offences to penalty notice offences to streamline and simplify regulatory action, with higher penalties for corporations.
Effectiveness of applications to the Civil and Administrative Tribunal	<ul style="list-style-type: none"> ● Most (80%) submitters believe these provisions are working well (although most also noted they had no direct experience in this). ● The only suggestion was to reduce appeal time in which an owner of an impounded item or animal could appeal a decision by an impounding authority to impound their item or animal to 3 months if the authority made all reasonable attempts to find them. ● A business law firm noted inconsistency in that impounding under the LLS Act cannot be appealed.
Effectiveness of miscellaneous provisions	<ul style="list-style-type: none"> ● Of those responding, two-thirds (65%) believe the provisions are working well, particularly councils. Other groups are more likely to believe the provisions are not working well. ● Key issues raised and suggestions to address them are: <ul style="list-style-type: none"> ○ require councils to contact a vet prior to deciding to destroy an animal and, where possible, euthanise the animal ○ consistent definitions with POCTA or other modern Act such as the LLS Act ○ ensure all enforcement officers, such as rangers, are able to carry one written authorisation - an identification card - for all regulatory functions, and ○ expand liability protections for accidental damage during impounding.
Effectiveness of definitions	<ul style="list-style-type: none"> ● Over half (53%) of respondents believe the provisions are not working well. ● Key issues and specific suggestions are to clarify certain key terms and concepts, by regulations where possible for flexibility, including the terms: animal, abandoned, amenity, danger to the public, motor vehicle, move, obstruction, public place, public land, responsible person and unattended (for specific items). ● Councils and others would also like key concepts clarified such as: <ul style="list-style-type: none"> ○ whether a single impounding process applies to a group of items ○ concepts that can be subjective, such as those matters that may be considered in determining a believe on 'reasonable grounds'. ● Alternatively, LGNSW suggests to: <ul style="list-style-type: none"> ○ matters which should be considered in determining whether a danger exists ○ minimum standards for amenity, and ○ how to determine ownership in relation to animals, particularly stock animals. ● No issues were raised about the list of impounding authorities currently in the Act or regulations. No impounding authorities, other than councils, the Hunter Water Corporation, Local Land Services and Crown Lands, made submissions.