



City of
Mount Gambier

Civic Centre, 10 Watson Terrace
Mount Gambier SA 5290

PO Box 56
Mount Gambier SA 5290

Telephone 08 87212555
Facsimile 08 87249791
city@mountgambier.sa.gov.au

mountgambier.sa.gov.au

I hereby give notice that a Council Meeting will be held on:

Date: Tuesday, 24 January 2023
Time: 6.00 p.m.
Location: Council Chamber
Civic Centre
10 Watson Terrace
Mount Gambier

CONFIDENTIAL AGENDA

**Council Meeting
24 January 2023**

Sarah Philpott
Chief Executive Officer
20 January 2023

23 NEW CONFIDENTIAL ITEMS

23.1 ANIMAL POUND AND SHELTER SERVICES – REPORT NO. AR22/79574

CONSIDERATION FOR EXCLUSION OF THE PUBLIC

Pursuant to section 90(2) of the *Local Government Act 1999* the Council orders that all members of the public, except the Mayor, Councillors and (Council Officers) be excluded from attendance at the meeting for the receipt and consideration in confidence of Agenda Item 23.1 AR22/79574 Animal Pound and Shelter Services.

The Council is satisfied that, pursuant to section 90(3) (k) of the Act, the information to be received, discussed or considered in relation to the Agenda Item is:

- tenders for the:
 - supply of goods, or
 - the provision of services, or
 - the carrying out of works

The Council is satisfied that the principle that the meeting be conducted in a place open to the public has been outweighed in the circumstances because it relates to a proposed tender that is yet to be finalised, released and determined.



23.1 ANIMAL POUND AND SHELTER SERVICES – REPORT NO. AR22/79574

Committee:	Council
Meeting Date:	24 January 2023
Report No.:	AR22/79574
CM9 Reference:	AF13/64
Author:	Tegan McPherson, Project Manager
Authoriser:	Darren Barber, General Manager Corporate and Regulatory Services
Summary:	This report presents a proposed way forward in the delivery of animal pound and shelter services.
Strategic Plan Reference:	Goal 1: Our People

The Council is satisfied that, pursuant to Section 90(2) & (3) of the *Local Government Act 1999*, the information to be received, discussed or considered in relation to this agenda item is:

- (k) tenders for the: supply of goods, or the provision of services, or the carrying out of works.

REPORT RECOMMENDATION

1. That Council Report No. AR22/79574 titled 'Animal Pound and Shelter Services' as presented on 24 January 2023 be noted.
2. That, in accordance with Council's Procurement Policy, Council approve that a tender, for a five-year contract term, for the provision of animal pound and shelter services on behalf of Council, be issued.



TYPE OF REPORT

Corporate

BACKGROUND

City of Mount Gambier is currently party to a Funding Agreement with South East Animal Welfare League (SEAWL) who assist Council with meeting its obligations under the *Dog and Cat Management Act 1995* by impounding dogs seized under this legislation and holding them until such time they are reunited with their owner or sold, rehomed or disposed of post the mandatory holding period (72 hours).

These services are delivered in exchange for an annual contribution to the operating costs of SEAWL.

Council's current agreement with SEAWL is due to expire on 30 June 2023. The current Agreement is a tri-partied funding arrangement between Council, District Council of Grant (DC Grant) and SEAWL and has been in place since 1 July 2014. However, arrangements to make a financial contribution to the operating costs of SEAWL has always occurred in some capacity.

Since the most recent extension to this Funding Agreement, Council has conducted a review to explore models and opportunities to provide arrangements for the holding of dogs and cats seized under the *Dog and Cat Management Act 1995* to determine the best approach moving forward.

This review is timely, with impending legislative changes that are likely to introduce the management of cats to Council's obligations and the current Agreement with SEAWL soon to expire. In addition, Council's Dog and Cat Management Plan is due for review next year and it would be useful to prepare a new plan in the context of any new arrangement.

We have been engaged with SEAWL during the review process and have briefed their President that we are going to Council for guidance on next steps.

PROPOSAL

It is recommended, that Council go to tender for the delivery of pound and shelter services for a contract period of five (5) years. This period would provide a supplier with certainty to make any required investment in their business model to support Council's operations moving forward.

The tender would contain a comprehensive list of services to be provided, including:

- the provision of dog *and* cat detention/ rehoming in anticipation of legislative changes;
- capacity to take other species as required (i.e. pocket pets, poultry, livestock)
- capacity for growth in the event other council partners come on board; and
- provision of appropriate community outreach and support programs.

It is the intention of DC Grant to partner with Council in this tender process, but this is subject to resolution by their Council in January 2023. Over time, Council would also look to engage introduce the idea of a broader partnership with Wattle Range District Council and Naracoorte Lucindale District Council.

It would then be appropriate for Council to meet with SEAWL to provide them an update on Council's intentions and expectations moving forward so they have sufficient time to prepare in the event that they choose to submit a tender.

LEGAL IMPLICATIONS

a) Legislative Context

The key legislation that applies to the issues considered in this report is *the Dog and Cat Management Act 1995*.



As per this legislation, impounded dogs are required to be held at a facility for 72 hours. After that, animals are generally transferred to a shelter for rehoming. At this point, it is up to the shelter management to resell/rehome or euthanise the animals.

There are currently no set timeframes for impounded cats. However, it is foreseen that the Act may be amended in the near future to include requirements for cats which would result in the impoundment of cats for at least 72 hours (longer if they appear to be owned).

When an animal is found, identification via registration disks and microchip numbers should be checked and owners should be contacted to arrange return to home as soon as possible. If the owner is unable to be identified or contacted, the animal is impounded by the council in an approved facility and the animal must be held for 72 hours while attempts are made to reunite the animal with its owner.

Councils are responsible for making satisfactory arrangements for the impoundment of dogs and if they choose to detain cats, satisfactory arrangements for a facility for their impoundment.

b) Review of the Dog and Cat Management Act 1995

The Act is currently being reviewed and part of this review will investigate potential reforms to support state-wide cat management and other governance and operational matters.

In terms of cats, Council has resolved to date not to be actively involved in cat management. However, with the Dog and Cat Management Act currently under review, it is likely that this will become an impending requirement of local government which must be planned for.

South Australia has the second highest level of cat ownership in the nation with 37% of South Australian households owning a cat. This translates to about 397,000 owned cats alone in this state, with potentially another 171,000 unowned or semi-owned cats (estimated from calculations based on U.S. urban studies). Based on the Cat Management Plan developed by RSPCA SA and AWL, 11,400 cats enter their shelters in this state every year, and this number is steadily increasing.

	Method	South Australia	City of Mount Gambier
Human Population		1,712,843	27,421
Owned Cat Population	No of households	767,267	12,733
	% with cats	37%	37%
	No. of cats per household with cats	1.40	1.40
	Total Number of Cats	397,444	6,595
Semi and Unowned Cat Population	Min 60 cats per 1,000 residents	102,771	1,645
	Avg 80 cats per thousand residents	137,027	2,193
	Max 100 cats per 1,000 residents	171,284	2,742

According to the data from RSPCA SA and AWL's Cat Management Plan, it is estimated that there are 8.5 stray cats and kittens to every 1,000 residents (average across RSPCA SA and AWL pound/shelter facilities). However, many of these locations are affiliated with active cat management programs over a period of time which could be a contributing factor to this average. We have therefore also reviewed RSPCA SA's Whyalla Animal Shelter data (comparable location in terms of population and geography), where the estimated number of stray cats and kittens to every 1,000 residents is 24.8. City of Mount Gambier could therefore reasonably expect the possibility of managing between 233 and 680 stray cats/ kittens per annum.



It will be important for Council to factor this in for any future consider of animal pound/shelter facilities.

Currently Wet Noses Rescue and Cat and Kitten Rescue are assisting the community, where they can, in taking in stray cats and kittens and rehoming them. Between the two of them, they are taking in around 250 cats/ kittens per annum from our Council area and are often having to turn people away. Through recent discussions with both of these groups, they have reported that SEAWL often refer people back to the rescues for cats and kittens, reporting that they are at capacity.

Council has only been receiving a report from SEAWL on incoming cats for the past 18 months, but it is not clear how many are from our jurisdiction and how many are from other areas. Over this period they have taken in 163 cats/ kittens. Based on the statistics provided, even in their busiest month (N=22), it is estimated that they are only using 80% of their capacity (based on all animals incoming staying for the whole month, and that litters of kittens on average contain 2).

STRATEGIC PLAN

N/A

COUNCIL POLICY

The current Agreement with SEAWL has been established outside of [P420 Procurement and Disposal of Land and Assets Policy](#) and has been structured similar to that of a grant. However, given the nature of services provided and the value of the Agreement, it is recommended that Council consider a competitive tender process on a Fee for Service basis.

Currently, SEAWL is the only provider of animal care services that operate as a Council pound/shelter in the region. However, there are other animal care and animal welfare organisations that operate in the region that may have capacity to operate some or all of the service on behalf of Council.

In addition, as this service has never been to market, it is unclear whether larger animal welfare groups such as RSPCA South Australia or the Animal Welfare League South Australia may be interested in raising their profile/ presence in the region.

ECONOMIC IMPLICATIONS

N/A

ENVIRONMENTAL IMPLICATIONS

N/A

SOCIAL IMPLICATIONS

While this is not strictly connected with the fulfilment of Councils' obligations under the Act, it is still meaningful to discuss some of the key issues that inform the broader field of the relationship between animals and the communities in which they live.

Pets are good for our health and good for the health of our communities. The tangible benefits to the physical and mental well-being of pet owners have been confirmed by scientific research. Pets provide companionship, encourage exercise and increase social interaction. They give pleasure, teach responsibility, they love and are loved in return. Their owners are healthier and happier than non-owners.

This section is mostly informed by a discussion paper from the NSW Companion Animals Taskforce and by the work of Emeritus Professor Jacquie Rand, one of the top animal welfare experts in Australia.

Rehoming animals from pounds is a critical strategy employed by councils to reduce the number of animals euthanised after impounding. This is very important, as euthanasia often implies significant moral, social and financial burdens and it is widely recognised that councils should do as much as they can to reduce euthanasia rates of healthy animals.

A NSW Companion Animals Taskforce Discussion Paper found that an important pathway to achieve better animal welfare outcomes – which often goes hand in hand with broad community expectations



– is a sustained and greater collaboration between councils and animal welfare organisations on impounding and rehoming services.

There is also broad understanding that improved outcomes for impounded animals often occur when councils work in partnership with animal welfare organisations, which generally employ specialised staff and have established promotional, distribution and fundraising networks to support their efforts in rehoming animals.

The proven emotional, mental and physical benefits of pet ownership also highlight the importance of proactive community outreach, and keeping pets and people together is often the best outcome for the animal, their owners, and the community.

This is why any partnership should have provisions in place that provide tailored education and support to the community.

Currently, there is no provision of education and support to the community through Council's Agreement with SEAWL and as such, this is not a direct service to the community.

Any program and agreement into the future should incorporate a capacity to develop and deliver programs and initiatives that support:

- Healthy, well-cared for animals in communities of need
- Fewer unwanted and unowned animals entering shelters
- Fewer animals suffering from easily preventable illnesses
- People and their pets are able to continue enjoying the benefits of companionship
- Greater community awareness and appreciation for responsible animal ownership
- Reducing the cost burden on local government of providing reactive services

CULTURAL IMPLICATIONS

N/A

RESOURCE IMPLICATIONS

As far as Council is aware, SEAWL is the only location in the region with the infrastructure in place to support animal pound/ sheltering services. Council has some of its own holding pens located at its Depot, but this is only sufficient for the temporary holding of dogs until they can be reunited with their owner or transferred to SEAWL.

It is requirement that any facility used for detention of dogs and cats under the Act be approved by the DCMB. Council's holding pens were audited in 20 March 2014 and were approved for use. Council is unaware when the SEAWL shelter/pound was last audited, and whether it is still approved for use as a detention facility.

Any consideration for future planning and maintaining of infrastructure will need to be in compliance with DCMB *'Guideline for Council facilities used for the detention of dogs and cats'* and receive DCMB approval.

If Council does not continue an Agreement with SEAWL, or SEAWL decide not to submit a tender, it will need to determine its infrastructure requirements within the region for service delivery into the future.

VALUE FOR MONEY

1. Procurement

By engaging in a competitive tender process and stipulating the required service delivery under any contract arrangement, Council will ensure greater value for money than what it currently has under the existing arrangement.



During the most recent financial year (ending June 2022), there were 51 dog impounds and the total funding contribution was \$46,632.96 + GST. This is a cost to Council of \$914.37 per dog.

In addition, SEAWL retains any impound fees it collects and any rehoming fees they charge (Dog Adoption is \$400). For FY22/23, the fees are \$70 per impound +\$45 per day impounded.

Other than the impoundment and rehoming of these dogs, Council does not receive any information pertaining to other benefits being delivered to the community for this annual contribution.

2. Economies of Scale

The current volume of animals requiring impoundment for Council is low, and as such, the need for a dedicated pound/ shelter for the City of Mount Gambier is not there. Even with the inclusion of animals from DC Grant, the numbers are still too low. The inclusion of cats may provide a greater economy of scale to justify a dedicated pound/shelter for the two municipalities, however it is likely that greater value would be realised with the inclusion of other surrounding council areas.

It is with this in mind that it is recommended Council consider broadening its partnership to other councils to achieve economies of scale and consequently reduce costs to the community for this service.

In the event that economy of scale cannot be achieved, it could be appropriate to consider an alternate model of operation which would include its Council's own short-stay holding facilities and change the scope of any tender to rehoming assistance only.

RISK IMPLICATIONS

If Council remains under the current Agreement with SEAWL, then it is at risk of remaining in breach of its Procurement Policy (given the financial value of the Agreement and the services being delivered in exchange for these funds).

In addition, in the absence of a Fee for Service contract, Council has limited capacity to manage the services delivered to the community and make necessary adjustments as may be required under future legislative changes. These services are a legislated responsibility of Council under the Dog and Cat Management Act 1995 and therefore should be governed by an appropriate contract.

EQUALITIES AND DIVERSITY IMPLICATIONS

N/A

ENGAGEMENT AND COMMUNICATION STRATEGY

N/A

IMPLEMENTATION STRATEGY

In approved by Council, procurement for animal pound and shelter services will be managed in line with Council's [Procurement Policy](#).

CONCLUSION AND RECOMMENDATION

It is recommended, that Council issue a tender for the delivery of pound and shelter services for a contract period of five (5) years. This period would provide a supplier with certainty to make any required investment in their business model to support Council's operations moving forward.

The tender would contain a comprehensive list of services to be provided, including:

- the provision of dog and cat detention/ rehoming in anticipation of legislative changes;
- capacity to take other species as required (i.e. pocket pets, poultry, livestock)
- capacity for growth in the event other council partners come on board; and
- provision of appropriate community outreach and support programs.



ATTACHMENTS

Nil

CONFIDENTIAL



CONSIDERATION FOR KEEPING ITEMS CONFIDENTIAL

1. In accordance with Sections 91(7) and 91(9) of the *Local Government Act 1999* the Council orders that the report 23.1 AR22/79574 Animal Pound and Shelter Services and its attachments, resolution/s and minutes arising from the report, having been considered by the Council in confidence under Section 90(2) & (3) (k) be kept confidential and not available for public inspection until 15 January 2024.
2. Further that Council delegates the power to review, revoke, but not extend the confidential order to the Chief Executive Officer in accordance with the provisions of Section 91(9)(c) of the *Local Government Act 1999*.

CONFIDENTIAL

**MINUTES OF CITY OF MOUNT GAMBIER COUNCIL MEETING
HELD AT THE COUNCIL CHAMBER, CIVIC CENTRE, 10 WATSON TERRACE, MOUNT
GAMBIER
ON TUESDAY, 24 JANUARY 2023 AT 6.00 P.M.**

PRESENT: Mayor Lynette Martin (OAM), Cr Ben Hood, Cr Frank Morello, Cr Josh Lynagh, Cr Kate Amoroso, Cr Mark Lovett, Cr Max Bruins, Cr Paul Jenner, Cr Sonya Meziniec

OFFICERS IN ATTENDANCE:	Chief Executive Officer	- Mrs S Philpott
	General Manager City Infrastructure	- Ms B Cernovskis
	General Manager Corporate and Regulatory Services	- Mr D Barber
	Acting General Manager City and Community Growth	- Mrs G Davison
	Manager Financial Services	- Mrs J Scoggins
	Media and Communications Coordinator	- Mr J McDonald
	Communications Officer	- Ms M Brookes
	Project Manager	- Ms T McPherson
	Executive Administrator	- Ms S Wilson

23 NEW CONFIDENTIAL ITEMS

23.1 ANIMAL POUND AND SHELTER SERVICES – REPORT NO. AR22/79574

RESOLUTION 2023/16

Moved: Cr Sonya Meziniec

Seconded: Cr Kate Amoroso

CONSIDERATION FOR EXCLUSION OF THE PUBLIC

Pursuant to section 90(2) of the *Local Government Act 1999* the Council orders that all members of the public, except the Mayor, Councillors and S Philpott, B Cernovskis, D Barber, G Davison, J Scoggins, J McDonald, M Brookes, T McPherson and S Wilson be excluded from attendance at the meeting for the receipt and consideration in confidence of Agenda Item 23.1 AR22/79574 Animal Pound and Shelter Services.

The Council is satisfied that, pursuant to section 90(3) (k) of the Act, the information to be received, discussed or considered in relation to the Agenda Item is:

- tenders for the:
 - supply of goods, or
 - the provision of services, or
 - the carrying out of works

The Council is satisfied that the principle that the meeting be conducted in a place open to the public has been outweighed in the circumstances because it relates to a proposed tender that is yet to be finalised, released and determined.

CARRIED

The Mayor sought the approval of at least two-thirds of the members present at the meeting to suspend meeting procedures:

Purpose of the Suspension: To further discuss Item 23.1.

Carried by more than two-thirds of the members present at the meeting.

Meeting Procedures were suspended at 7:25 pm.

Cr Kate Amoroso left the meeting at 7:30 pm.

Cr Kate Amoroso returned to the meeting at 7:33 pm.

The Mayor determined that the period of suspension should be brought to an end;

Carried by more than two-thirds of the members present at the meeting.

The Period of Suspension came to an end and Meeting Procedures resumed at 7:41 pm.

RESOLUTION 2023/17

Moved: Cr Max Bruins

Seconded: Cr Mark Lovett

1. That Council Report No. AR22/79574 titled 'Animal Pound and Shelter Services' as presented on 24 January 2023 be noted.
2. That, in accordance with Council's Procurement Policy, Council approve that a tender, for a five-year contract term, for the provision of animal pound and shelter services on behalf of Council, be issued.

CARRIED

RESOLUTION 2023/18

Moved: Cr Max Bruins

Seconded: Cr Paul Jenner

CONSIDERATION FOR KEEPING ITEMS CONFIDENTIAL

1. In accordance with Sections 91(7) and 91(9) of the *Local Government Act 1999* the Council orders that the report 23.1 AR22/79574 Animal Pound and Shelter Services and its attachments, resolution/s and minutes arising from the report, having been considered by the Council in confidence under Section 90(2) & (3) (k) be kept confidential and not available for public inspection until 15 January 2024.
2. Further that Council delegates the power to review, revoke, but not extend the confidential order to the Chief Executive Officer in accordance with the provisions of Section 91(9)(c) of the *Local Government Act 1999*.

CARRIED

