
From: Helen Swarbrick
Sent: Friday, 17 January 2025 2:25 PM
To: Animal Welfare;
Cc: Animal Welfare
Subject: CM: Re: Inquiry into the management of cat populations in New South Wales – Post-hearing responses – 16 December 2024

Dear David,

I attach two pdf documents:

- The response from Campus Cats NSW to the question on notice from the Hon. Peter Primrose;
- Page 42 of the Inquiry transcript highlighting the one minor correction required to my evidence, viz: change the word “regiment” to “regimen” – paragraph 7, line 6.

Please acknowledge your receipt of this email and attached documents. And please advise me if you require anything else at this stage.

Kind regards,

Helen Swarbrick
President, Campus Cats NSW

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NSW Legislative Council's Animal Welfare Committee Inquiry into the Management of Cat Populations in New South Wales

Response to Question on Notice from the Hon. Peter Primrose

On behalf of: Campus Cats NSW

Prepared by: Emeritus Professor Helen Swarbrick, President, Campus Cats NSW

Question on Notice:

The Hon. PETER PRIMROSE: I have asked all witnesses today, for various reasons, if they would have a look at the recommendations that were made by Local Government NSW to make amendments to the Companion Animals Act. There were some very specific ones that they have relating to clarifying what entails cat ownership and powers for seizing a cat under section 32. I was wondering if I could get you to take that on notice and to have a look at that as well, and any comments that you have would be much appreciated.

Local Government NSW Suggestions for amendment of the Companion Animals Act:

Amend the Companion Animals Act 1998 to:

a. Define when a cat is considered to be owned, or what cat ownership entails

Response: The definitions of ownership under section 7 of the Act certainly require some clarification. In relation to cats, the definitions of types of cats suggested by the RSPCA and now used almost exclusively among workers in the field of cat welfare need to be considered here. Any clarification of cat ownership would also need to acknowledge the role of the "semi-owner", who cares for a cat or group of cats but does not formally own the cats.

Consideration should also be given to supporting the concept of ownership of a cat or group of cats by an organisation rather than a single person. This would be particularly beneficial in situations such as Community Cat Programs, where care of community cats is shared amongst a group of carers. A good example of where this might be helpful can be seen in the UNSW campus cat program described in our submission to the inquiry. In that program all cats were microchipped and registered, but had to be registered to a single office-bearer in Campus Cats NSW rather than to the organisation itself. In some circumstances such an arrangement might breach council's bylaws about the number of cats owned by an individual.

The definition of ownership also has implications for some of the other points below.

b. Clarify the application of section 32 (powers for seizing a cat)

Response: We agree that section 32 is very unclear and open to interpretation, and would benefit from clarification. In particular section 32 (1) potentially leaves the situation wide open for a cat-hating person to seize any wandering cat on the basis that cats are natural predators and “may” harm a bird or insect in the vicinity.

c. Define cats as domestic, infant or feral

Response: Definitions are a critical key issue. RSPCA definitions for “domestic” cats include owned, semi-owned, and unowned cats. In Australia, the term “feral” specifically refers to cats that live completely independently of humans, predate for food, reproduce in the wild, and do not approach human habitations. On the other hand, in other parts of the world (particularly in the US) the term “feral’ is used to describe unowned (or semi-owned) stray domestic cats. In any case, by RSPCA definitions and by usual currently accepted definitions in Australia, “feral” cats will be unlikely to be impounded from near human habitation, as they live, by definition, many kilometres away from humans.

Thus, the definition of “feral” in the Act needs to be much clearer, and framed in the Australian context. For the purposes of management of impounded cats, this label must not be determined on behavioural grounds by unqualified people – many impounded cats are fearful of their confinement and may act aggressively even if owned and normally quite domesticated and friendly. It can take several days to weeks to determine whether an aggressively acting cat in confinement is truly “feral”, and this determination is best conducted by a qualified animal behaviourist. What is being labelled here as “feral” is more likely to be a fearful domestic cat (whether owned, semi-owned or unowned).

d. Enable councils to introduce enforceable cat containment or curfew policies in their local government areas

Response: This suggestion requires careful consideration. We agree that containment of domestic owned cats, particularly at night, is a recommended and effective approach to cat management in terms of safety of the cat and of local wildlife. However, there are many negatives about mandatory containment or curfew policies that councils need to consider, not least of which is that there is no clear evidence that they are effective. Others have spelled out the issues here, including:

- Costs and feasibility of policing and enforcement
- Significantly increased pound/shelter population through influx of impounded roaming cats
- Challenge of containing semi-owned cats – who takes the responsibility for containment?
- Feasibility of effective containment of cats in rental properties, and costs of containment for those in low socio-economic situations

e. Enable feral cats without any reasonable prospect of rehoming to be euthanased in accordance with animal welfare ethics and the policy adopted by the relevant council

Response: See our response to Recommendation c above. This is a very dangerous suggestion, as it may simply result in killing a cat for convenience, rather than based on careful consideration of the behaviour of what may be an otherwise fearful domestic (and owned) cat. Who makes this judgement call? The definition of “feral” is critical.

f. Add an opt-in provision for councils to issue orders and fines for individuals who repeatedly fail to identify and register kittens or for incidences of animal hoarding

Response: The reasons why people fail to identify (microchip) and register cats are frequently related to cost. Adding the likelihood of fines is not going to solve this problem, and will essentially push this issue underground. A better approach would be to simplify the microchipping/registration process by getting rid of registration altogether (as has happened in other states) and use microchipping as a de facto registration tool. The costs to councils and the OLG to manage and implement the current registration system outweigh the financial benefits from registration fees, particularly where there is low (and diminishing) compliance. Reducing the costs of microchipping (even making it free) would encourage better compliance with cat identification. See also our comments in response to Recommendation a.

The use of fines to punish hoarding is completely inappropriate, as this behaviour is frequently related to an underlying psychological problem. Education and support for hoarders is a much more rational response to this issue than such a punitive approach.