

**INQUIRY INTO THE MANAGEMENT OF CAT POPULATIONS IN NEW SOUTH WALES
RESPONSE TO QUESTIONS TAKEN ON NOTICE**

DATE 31 January 2025

- 1. The Hon. PETER PRIMROSE: We have some recommendations from Local Government NSW. I was wondering if I could ask you to take on notice having a look at those as they relate to the Companions Animals Act and particular amendments that they're proposing. If you could take that on notice and have a look, we'd welcome your comments on those. If you agree or disagree, what alternatives may you want to propose?**

We have taken this question to refer to the recommendations on page 19 of the Local Government NSW submission, specifically recommendations 7 and 16.

RSPCA NSW's overriding position has been that further piecemeal amendment of either the *Prevention of Cruelty to Animals Act 1979 (NSW) (POCTAA)*, or the *Companion Animals Act 1998 (NSW) (CAA or the Act)*, the attendant Regulations and various Codes of Practice, is dangerous, and risks both losing the modernisation agenda to improve animal welfare standards in NSW, and significant unintended consequences. We do not support the ad hoc amendment of these pieces of legislation.

With respect to the particular recommendations from LGNSW and using their numbering for cross-referencing purposes to their submission, RSPCA NSW responds as follows:

Recommendation 16 (e): Define when a cat is considered to be owned, or what cat ownership entails

It is not clear from the LGNSW submission what ill this would resolve. One of the problems with animal welfare legislation is the historic categorisation of animals as property, and yet neither POCTAA nor the CAA achieves any certainty (for example a system of title by registration) that permits clarity around what would constitute an owned cat. Nor does this setting, even if it were adequately defined guarantee that the Act would cover the field with respect to the various permutations of animal 'ownership' in NSW. This is particularly relevant in breeding, where the consequences would be particularly problematic.

Establishing legal definitions covering possible ownership mechanisms would assist with responsible pet ownership education, desexing and microchipping programs, and enforcement of existing regulations.

Recommendation 16(f): Clarify the application of section 32 (powers for seizing a cat)

Section 32 certainly needs attention to clarify the various mechanisms for the seizure of cats. It is a very strange statutory setting that permits “any person” to lawfully seize a cat if that action is reasonable and necessary to protect any person or animal. It is unlikely that most people in NSW are aware of this provision or that they would have the expertise necessary to exercise this power effectively. Moreover, it is anomalous that a citizen can seize a cat, but authorised officers’ specific powers relate to cats found attacking or harassing an animal within a wildlife area, for example. The anomalous drafting of this provision should be rectified as part of an overall review of the Act to ensure consistency in how councils manage seized cats. The interpretation and application of these powers vary across local government areas, leading to uncertainty for both council officers and the public.

Recommendation 16(g) - Define cats as domestic, infant, or feral

LGNSW suggests defining three categories of cats and has highlighted domestic, infant and feral for that purpose. However, it is likely they have done so because of a historic use (and, respectfully, misapprehension) of the utility of those categories in managing cat populations. This is not sufficient to adequately regulate cats in NSW.

We recommend aligning the definitions with those outlined in RSPCA Australia’s guideline – “Identifying Best Practice Domestic Cat Management in Australia”, which categorises cats as:

- Owned cats – Directly cared for by an individual and reliant on human-provided resources.
- Unowned cats – Rely on human support but do not have a designated owner.
- Semi-owned cats – Fed and cared for by individuals who do not perceive themselves as owners.
- Feral cats – Unowned, unsocialised, and living without direct human dependence.

A clear distinction between feral and unowned domestic cats is critical to appropriately applying effective, ethical, and humane management strategies.

Recommendation 16 (h) -and 7(a) - Enable councils to introduce enforceable cat containment or curfew policies in their local government areas

RSPCA NSW does not support mandatory cat containment or curfew policies. As outlined in our submission, education, social marketing, and targeted desexing programs have effectively increased voluntary containment.

There is no compelling evidence that cat containment laws measurably reduce the number of free-roaming cats or improve conservation outcomes. Please refer to our answers to the supplementary questions for further details.

Recommendation 7(b) - Enable feral cats without any reasonable prospect of rehoming to be euthanised in accordance with animal welfare ethics and the policy adopted by the relevant council

This recommendation does not adequately address the complexity of the issue it attempts to address. RSPCA acknowledges that the confinement, sheltering and rehoming of certain cats to domestic environments can result in very poor welfare for the cats, and human safety risks.

However, the reference to feral cats is problematic for several reasons. Firstly, behavioural observation is not capable of distinguishing between a feral cat (one which has had no reliance on humans for food sources), a poorly socialised domestic cat and a fearful but well-socialised cat.

Animal welfare law and policy must be formulated to prevent unnecessary euthanasia of cats that are temporarily experiencing fear but are capable of experiencing good welfare as a companion animal. However, obstructing the euthanasia of cats that are experiencing suffering and distress and have a poor prognosis for improvement is unacceptable.

Achieving good outcomes in these complex circumstances requires a high level of knowledge and skill for those involved in decision-making and cannot be achieved by laws alone.

It is simultaneously critically important to broaden the options available to fearful and poorly socialised cats so that they may experience good welfare outside of traditional “rehoming” approaches. Working with semi-owners to desex and return these cats to their living environment is good for feline welfare, is more socially acceptable than high euthanasia rates, and is more effective in getting long-term population reductions.

Recommendation 7(c) - 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

We do not support this recommendation. For the reasons espoused in our answer to the 4th supplementary question, RSPCA NSW does not support varied and unequal approaches to enforcement amongst LGA's. The issues with the identification and registration of cats are multifaceted and cannot be considered without acknowledging the inadequacies and errors associated with the Companion Animal Register. RSPCA NSW understands a modernisation and improvement effort is underway with the Pet Registry. Still, it is uniquely unfair to enforce failures to register when the error is sometimes on the face of the record itself, not that of the pet owner.

This recommendation fails to address the root causes of:

- Unidentified and unregistered kittens are often the result of barriers to microchipping, registration and desexing services rather than deliberate non-compliance.
- Animal hoarding is recognised as a complex psychological issue requiring support-based interventions and is often already regulated under POCTAA.

Rather than fines, we recommend:

- Improving access to low-cost desexing and microchipping services to prevent unwanted litters.
- Funding community-based interventions that engage people who care for unowned cats to promote registration and responsible ownership.
- Providing social support for individuals struggling with hoarding behaviour, including mental health interventions and structured animal welfare assistance.

Conclusion

While we support clarifying legal definitions and strengthening councils' powers to manage owned cats responsibly, we strongly oppose punitive or enforcement-based measures that:

- Increase cat impoundments and euthanasia rates.
- Disproportionately affect vulnerable communities.
- Undermine humane and evidence-based approaches to cat population management.

The most effective and ethical way to reduce free-roaming cat populations is to:

- Expand access to subsidised desexing and microchipping programs.
- Invest in voluntary containment education and incentives.
- Engage communities in humane cat management efforts rather than punishing individuals who may lack the resources to comply.

We urge the government to prioritise non-punitive, evidence-based strategies supporting positive welfare outcomes for cats and the broader community.