

Submission
No 5

INQUIRY INTO MANAGEMENT OF CAT POPULATIONS IN NEW SOUTH WALES

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DRAFT SUBMISSION

Inquiry into the Management of Cat Populations in NSW

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Local Government NSW (LGNSW) is the peak body for local government in NSW, representing NSW general purpose councils and related entities. LGNSW facilitates the development of an effective community-based system of local government in the State.

OVERVIEW OF THE LOCAL GOVERNMENT SECTOR



Local government in NSW employs **55,000 people**



Local government in NSW is responsible for about **90% of the state's roads and bridges**



Local government in NSW looks after more than **\$177 billion** of community assets



NSW councils manage an estimated **4 million tonnes of waste** each year



Local government in NSW spends more than **\$2.2 billion** each year on caring for the environment



NSW councils own and manage more than **600 museums, galleries, theatres and art centres**



NSW has more than **350 council-run libraries** that attract tens of millions of visits each year



NSW has more than **400 public swimming and ocean pools**

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Opening

Local Government NSW (LGNSW) is the peak body for local government in NSW, representing all NSW general purpose councils and related entities. LGNSW facilitates the development of an effective community-based system of local government in the State.

LGNSW welcomes the opportunity to make a submission to the Parliamentary Inquiry into the Management of Cat Populations in NSW. Cat populations continue to increase with an estimated 4.9 million pet cats in Australia, 0.7 million feral cats in urban areas and between 1.5 million and 5.6 million feral cats in the bush (depending on conditions).¹

Feral cats are one of the primary causes of the decline and extinction of native Australian species, with cats killing an average of 2.92 million mammals, 1.67 million reptiles, 1.09 million birds, and over 3 million invertebrates and frogs every 24 hours.² Managing our cat population is essential if we are to prevent further extinctions and reduce the impact of cats on our community and the environment.

Councils are regulators of the *Companion Animals Act 1998* and many operate pounds and rehome cats that are surrendered or otherwise come into their care. Councils also educate their communities on responsible pet ownership.

LGNSW has consulted with councils to inform this submission, which is provided as a draft, pending endorsement by the LGNSW Board at its next meeting. The Committee is asked to consider this current version. If there are any changes following Board endorsement these will be separately provided to the Committee

Background

The Inquiry was self-referred by the committee on 21 September 2023. The inquiry commenced on 11 October 2024. The Inquiry's Terms of Reference provide the framework for this submission.

LGNSW policy position

LGNSW's Policy Platform (at 13.6) outlines that LGNSW advocates for improvements to the regulation of companion animals through:

¹ Invasive Species Council, [Cats in Australia webpage](#), accessed 20 November 2024

² Ibid.

- a) Enabling councils to more effectively manage the nuisance effects of cats on residents and wildlife, including:
- Amending legislation to enable local governments to enforce the containment of pet cats in NSW, supported by funding to support implementation and enforcement,
 - streamlining the process of animal identification and registration,
 - transition to mandatory desexing laws to align with other jurisdictions,
 - state-wide awareness and education campaigns for responsible pet ownership,
 - empowering councils to take actions to reduce feral cat populations (such as euthanasing feral cats in accordance with animal welfare ethics and a council-adopted policy).
- b) Increased funding and resources to enable councils to comply with animal rehoming requirements.

Response

(a) the impact of cats on threatened native animals in metropolitan and regional settings

Cats are natural predators, regardless of whether they are owned and fed daily or feral. Councils have reported increases in the number of cats roaming freely, invading other people's yards, attacking pets, and killing native wildlife. Cats threaten the survival of many native animal species through competition and predation and are estimated to kill close to 2 billion native mammals, birds and reptiles in Australia each year³. Nationally, cats have already driven 27 native animals to extinction since colonisation and now threaten at least 124 more native species at risk of extinction⁴.

Predation by feral cats is a Key Threatening Process (KTP) under both the NSW *Biodiversity Conservation Act 2016* (BC Act) and the Commonwealth's *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act). Although the KTP is specific to feral cats, the same threatening behaviour can be demonstrated by all other cats.

Disease transmission between animals: Roaming cats may spread diseases or illnesses to other cats and pets, and to native wildlife. For example, Toxoplasmosis has been documented to cause significant mortality of captive marsupials, but is also considered an emerging infectious disease of Australian wildlife⁵.

³ RSPCA NSW, [Keeping Cats Safe at Home Impact Report](#) December 2023

⁴ Invasive Species Council, [Cats in Australia webpage](#), accessed 20 November 2024

⁵ Wildlife Health Australia, [Toxoplasmosis of Australian mammals Fact Sheet](#), October 2019

Disease transmission to humans: Roaming cats defecate in residents' gardens, posing health risks to young children, the elderly, and pregnant women due to the potential transmission of Toxoplasmosis.

Pet owner responsibility: Pet owners have a duty to secure, care for, and protect their pets from harm. They also need to prevent their pets from causing a nuisance to the community. Stray and uncontained cats are difficult to catch and control, they are generally not microchipped or registered and the cost to contain and euthanase many of these cats is borne by councils as many are too wild to be rehomed.

(b) the effectiveness of cat containment policies including potential barriers

Containing cats prevents them from roaming and interacting with and/or injuring native wildlife and other animals, it prevents uncontrolled breeding and reduces the likelihood of injuries to cats from vehicle strike or other animals. By preventing unwanted breeding and roaming, it also reduces the likelihood of cats joining or contributing to the unowned, stray, semi-owned or feral cat population. In short it prevents or limits many of the negative impacts that cats have on the community and the environment.

Potential barriers to the effectiveness of containment policies include:

- **poor understanding and/or compliance by cat owners / carers.** This would be mitigated by providing adequate resourcing for awareness / education campaigns, compliance and enforcement.
- **Inadequate resourcing** – ensuring councils can undertake compliance / enforcement activities is essential.
- **'Homeless' cats** roam freely and are often not desexed, giving rise to more kittens and more 'homeless' cats. The success of cat containment policies will rely partly on the initial stages of enforcement to identify and rehome cats that are not owned.

The RSPCA NSW Keeping Cats Safe at Home project, funded by the NSW Environmental Trust, includes desexing programs as well as education and support to help owners keep their cats contained. The project's Impact Report⁶ provides the following statistics showing a corresponding decrease in impoundments and complaints:

City of Parramatta

- Intake of cats and kittens from the Parramatta council area to the RSPCA Sydney shelter decreased by 46%
- Cat-related nuisance complaints to council decreased by 49%
- Cats arriving at council pound decreased by 41%

⁶ RSPCA NSW, [Keeping Cats Safe At Home Impact Report](#), December 2023

Walgett Shire Council

- 194 cats desexed, all passively acquired by people who hadn't planned on getting a cat.
- For more than 9 in 10 participating cats their desexing appointment was their first ever visit to a vet.
- Cat-related nuisance complaints to council decreased by 91%

These results demonstrate that for successful reduction and management of cat populations a variety of measures are needed. Cat containment is a valuable tool, but to gain optimal results it is best used in tandem with education and desexing programs.

(c) welfare outcomes for cats under contained conditions

Pet owners have a duty to secure, care for, and protect their pets from harm. Companion dogs are required to be kept on private property or must be under the effective control of the owner/handler when in a public place. The community generally accepts and understands that it is appropriate to keep a dog contained, with exercise opportunities and enrichment provided for their well-being. Similarly, other pets are expected to be contained in some way (on property or in a cage), but the same requirement is not applied to cats.

The RSPCA Keeping Cats Safe at Home project aims to encourage and support cat owners to prevent their cats from roaming away from their properties both to keep cats safe and to protect native wildlife. The project website notes that 2 in 3 cat owners have lost a cat to a roaming-related accident; 1 in 3 to a car accident, and that a cat kept safe at home will live on average 10 years longer than a cat who is allowed to roam.

The project tackles myths about cat containment and provides information on how owners can transition their cat and provide enrichment so that their cat can express all their natural behaviours in a safe way. The project is being rolled out with eleven NSW councils over four years and is undertaking social science and ecology research to monitor the effectiveness of the campaign.

(d) the effectiveness of community education programs and responsible pet ownership initiatives

The *Draft Report - Rehoming of Companion Animals in NSW* estimates that NSW has 1.5 million pet cats and that about half of pet cats are identified and only a quarter of cats are registered. The Rehoming draft report further states that in 2020/21 there were over 30,000 cats that came into animal shelters, including 21,000 into council pounds and 9,000 into RSPCA shelters, and these cats are mostly:

- not registered or desexed,

⁷ The Centre for International Economics, [Draft Report - Rehoming of Companion Animals in NSW](#), September 2022, pg 33

- likely to be semi-owned or unowned domestic cats and potentially feral cats
- often kittens, and
- likely to be from regional and rural areas.

This accords with councils' experiences, particularly the high prevalence of cat litters/kittens and strays ending up in pounds. Stray cats are often semi-owned, where they may be regularly fed or cared for but they do not live with or are not claimed by an owner. Semi-owned cats are not usually microchipped or registered. By nature, cats will stay in the vicinity of a food source, and if not desexed they will breed.

As outlined in Section (c), the Keeping Cats Safe at Home program is implementing a targeted social marketing campaign to increase responsible ownership, especially containment of pet cats through cat owner behaviour change. The program also includes targeted cat desexing programs aimed at reducing the size of the semi-owned cat population. Councils involved in the project have reported good progress has been achieved in desexing cats in the community and supporting cat containment (e.g. \$500 vouchers to residents to help pay for the purchase/build of enclosures). Many cat owners often want to desex their cat however cannot afford it, so the subsidised desexing component of the program has been rapidly taken up.

LGNSW is also aware of other programs that welfare organisations and charities have run in collaboration with councils to subsidise the desexing, identification and vaccination of cats owned by welfare recipients or those in financial hardship. For example, the City of Sydney has three Cat Management Programs. The first - the Street Cat Rehoming Program - commenced in 2015 whereby the Council collaborated with veterinary clinics in the local area, Cat Protection Society, Inner City Strays and the Animal Welfare League NSW to act as satellite shelters to rehome kittens rather than impounding them through the shelter. All kittens impounded receive worming, flea, and veterinary treatment before being desexed, microchipped, vaccinated and rehomed. The Subsidised Desexing Program offers subsidised desexing and microchipping to eligible City cat owners and free desexing and microchipping when residents attend the City's Pet Days. Residents must hold a pension, concession, or healthcare card to access this service.

In 2019, the City of Sydney collaborated with rescue groups to implement a pilot Glebe Cat Management Program for a colony of cats in Glebe that are cared for by local residents. The Trap Desex Adopt Release ("TDAR") program involved trapping, desexing, vaccinating, and microchipping cats from the colony. Before implementing this program, the City consulted with the RSPCA on the best model and protocol to use to meet legislative requirements under both the *Prevention of Cruelty to Animals Act 1979*, and the *Companion Animals Act 1998*. Under the program all cats and kittens adopted were microchipped, desexed, vaccinated and registered. The TDAR program allowed the City to stabilise the colony in terms of cat numbers and physical health, minimise and manage the level of complaints from residents and empower local residents through education and training to manage the cat colony.

Councils are highly supportive of community education and responsible pet ownership programs because they tackle the complex issue of cat management at its source i.e. prevent unintended litters (by encouraging / supporting cat desexing) and limit cats from straying and potentially ending up in pounds.

(e) implications for local councils in implementing and enforcing cat containment policies

Some of the challenges for councils in implementing and enforcing cat containment policies would include:

- **lack of physical resources and appropriate facilities** - demand for cat traps and holding facilities are likely to increase significantly (at least in the short-medium term). As noted above, many council facilities and rehoming organisations are already at capacity. The costs and timeframes for increasing capacity (enlarging facilities or commissioning new ones) have increased significantly in recent years and can cost millions of dollars and take years to construct, often beyond the reach of many small or rural councils in the short to medium term.
- **powers to seize cats** under the Companion Animals Act are unclear. Section 32 provides that a cat can be seized in order to prevent injury or death to an animal or person. Some interpret this as an indication that all cats are capable of killing and therefore can be seized if roaming. Others interpret this section as being applicable only if a cat attacks an animal or person. Laws enabling the use of cat containment policies would need to clarify the compliance and enforcement provisions available to councils and any other regulatory bodies.
- **Limited demand for cats.** Based on figures in the Draft Report on Rehoming Companion Animals in NSW there is a significant number of 'homeless' (unowned or semi-owned) cats compared to potential owners or places in pounds, and current funding is inadequate to manage them all.
- **Resourcing** - effective implementation of containment policies requires (a) good community education, (b) providing communities with the right information, support and tools to comply, and (c) ongoing compliance and enforcement. Additional staff and operational budget to educate and support the community, drive cultural change and undertake compliance would be needed, with some councils estimating a minimum of an additional 1-2 staff per council (estimated at approx. \$200,000-300,000 per year). This would be over and above the current funding raised through pet registration, which is already inadequate for promoting responsible pet ownership.

Councils would welcome the NSW Government providing a state-wide campaign and template campaign materials to support this work, which would also deliver efficiencies. Councils point to campaigns such as the "Hey Tosser" campaign led

by the EPA which has state-wide coverage but can be replicated and tailored by councils for local audiences.

- **Definitions** – The highly mobile nature of cats plus poor understanding of responsible cat ownership in the community means the current legislation has limited effect on managing the cat population. Councils would like to see a clearer definition in legislation as to what constitutes cat ownership. Similarly, the concept of ‘community cats’ or ‘semi-owned cats’ and how any containment rules apply to them would need to be carefully considered.
- **Policy scope and application** – the form of the cat containment policy and how it is applied should be determined by each council. Councils will require flexibility in whether / when they apply containment policies, and also the power to provide exemptions or exclusions.

For example, dairy and other farms can have ‘working cats’ to manage vermin, so requiring cat containment in these circumstances is not feasible. Desexing would be the primary measure to manage the cats in these circumstances.

Cat curfews (where cats must be contained in certain hours only, such as dusk to dawn) may work in some situations, however they are unlikely to work for feral cats, and the feasibility of curfews may also vary depending on the context (locality).

From a regulatory perspective there are several reasons a 24 hour / 7 day containment policy would be more effective and easier to implement, such as:

- Compliance staff will not have to determine the time a cat was found outside of the owner's premises, making enforcement easier and clearer.
- it will be easier to communicate the policy to the local community and there will be no confusion around the time a cat needs to be contained or can roam.
- it will reduce unwanted cat litters as cats will not be able to roam at any time.
- It will prevent injuries and cats taking native wildlife during the day such as native reptiles and birds.

Any amendments to the current legislation to allow for the implementation of cat containment policies would need to be accompanied by appropriate enforcement provisions to help regulate failures to comply with any cat containment requirements.

Councils would also support the development of containment/enclosure standards and specifications. This will provide clarity to the community and also assist regulators with communicating what is appropriate.

In some cases other strategies, such as comprehensive desexing programs, responsible ownership education, and trap-neuter-return initiatives, may offer

more effective solutions and should be part of the cat population management 'toolkit'.

(f) the effectiveness and benefits to implementing large scale cat desexing programs

The oversupply of cats in the community is largely due to persistent and uncontrolled breeding of domestic cats. Cats can breed at just 16 weeks of age and subsequently every 12 weeks after birth of a litter. Unless action is taken, the stray cat population will only continue to grow to plague proportions.

Examples of the effectiveness of large-scale desexing programs include the Banyule City Council (Victoria) which resulted in a 66% reduction in cat impoundments, euthanasia reduced by 82% and cat-related calls by 36% over 8 years. The effectiveness of this program was attributed to the targeting of low socio-economic suburbs with the highest cat-related complaints and local hotspots across their LGA including free transport to appointments where required.⁸

The introduction in 2020 of the \$80 annual permit for cats that are not desexed provided a signal to those who might otherwise allow their cat to contribute to the overpopulation. However, legislation is required to ensure that all cats are desexed by breeding age unless they are specifically authorised for breeding, and financial support is required to provide desexing in situations where cost is an impediment (e.g. low socio-economic communities).

Rural and regional councils in particular are in need of more support for desexing programs and vet resourcing. If metropolitan vets or mobile desexing programs could regularly visit rural and regional areas it would make a significant difference to tackling cat populations. Additional education campaigns in relation to responsible cat ownership and the need for desexing would also assist.

Overall, local government is supportive of comprehensive or large-scale desexing programs, where the potential benefits include:

- Reducing incidence of unwanted / unintended litters and reducing potential of cats contributing to the feral population
- Wide-scale tackling of the cat population in a consistent fashion, reducing potential for cats in other areas to migrate.
- Efficiencies in education/awareness raising if conducted on a wider scale, promoting better understanding by the community.

However funding to undertake desexing and the availability of veterinarians are crucial components to resolve if NSW is to successfully deliver large-scale desexing programs.

⁸ Cotterell JLC, Rand J, Barnes. [Impact of a Local Government Funded Free Cat Sterilization Program for Owned and Semi-Owned Cats](#) May 2024.

Trap/Neuter/Release (TNR) strategies can be useful in cat colonies as they significantly reduce the number of pregnancies and the colony population would reduce over time. However, the 'release' stage of TNR is deemed as abandoning an animal which is in breach of section 11 of the *Prevention of Cruelty to Animals Act 1979*, and is also contrary to Section 2.6 of the *Biodiversity Conservation Act 2016* as it doesn't stop predation. Companion animal practitioners consider TNR unsuitable for large rural landscapes or areas where new cats cannot be prevented from occupying the target area.

(g) the impact of potential cat containment measures on the pound system

The introduction of cat containment is likely to result in increased demand for cat holding facilities in the short-medium term at least. Many council facilities are already at capacity. For example, one council reported its pound is already at capacity within four months of opening an expanded facility, with the wait list for surrenders at six months or longer. The pound system needs to anticipate changes, plan for them and be funded to do so.

The number of potential cats requiring rehoming already exceeds potential new homes. Current funding available to councils, through the companion animal registration process and through council budgets, is inadequate to manage many additional cats. Effort must be focused on helping owners to keep their cats contained in the first place rather than on capturing / processing roaming cats.

Councils are not all in the same financial position. Enabling councils to introduce containment policies when and where they consider is most appropriate for their context, community need and resourcing will support the successful implementation of these measures.

(h) the outcomes of similar policies on cat containment in other Australian states/territories

The Australian Capital Territory (ACT) Government has implemented broadscale cat containment laws and there are numerous councils in Victoria, South Australia and Tasmania that have implemented 24/7 containment to reduce the impact of domestic cats on wildlife.

The councils LGNSW consulted in preparing this response indicated that the ACT is a good example of a staged approach to the introduction of cat containment requirements, allowing a period of adjustment for both owners and cats. In addition, councils commented that Tasmanian education programs to encourage desexing and cat containment were particularly well implemented.

The key message from councils is that NSW must start containing domestic cats and that cat containment policies need to be integrated with other tools such as targeted trapping, large-scale desexing, and community education programs. Cat containment is

also most effective if required 24 hours/7 days, as night time curfews alone will not significantly reduce wildlife predation and the breeding of unwanted cats.⁹

(i) options for reducing the feral cat population

To reduce the feral cat population preventing the breeding of cats must take place first, followed by measures to reduce the chances of owned cats making their way into the feral population. Desexing of cats before breeding age is critical. Ensuring 'owned' cats and all other cats are desexed (unless legally required for breeding), including semi-owned cats and feral cats, is essential. The potential costs of doing this will be significant (given the sheer number of cats) so some strategic decisions need to be made about staged implementation in priority areas/situations.

In 2019 the NSW Environmental Trust awarded the University of New England \$14.6 million for the project *Developing strategies for effective feral cat management*. The project recognises the widespread need for feral cat control and has been testing and developing effective, integrated management strategies for feral cats in NSW environments. It is refining and testing existing feral cat control techniques, looking at new options and developing tools to assist with finding the best combination of techniques to reduce feral cat impacts on native species. The project is in its final year and the project report and learnings are sure to provide valuable input for the Inquiry's consideration.

LGNSW understands that biocontrol agents for feral cats are not currently available in Australia. Further investment in this space is warranted to develop suitable agents and confirm they are safe for humans, the environment and pet cats.

(j) any other related matters

Councils have identified problems with the existing legislative framework which make regulation and management of cats difficult. These include:

- There is a lack of clarity and there is inconsistency in how cats are defined in legislation and amongst stakeholders, particularly when assessing cats as 'feral' or 'infant', which has implications for their management.
- The definition of 'owner' may need to be redefined to accommodate the desexing and registering of colony cats. Normally a cat is registered to an individual, however if there are moves to be able to register colony cats to a group then the group must be an officially recognised rehoming or equivalent group.
- Section 31 of the Companion Animals Act defines a cat as a 'nuisance' cat if it:

⁹ RSPCA, [Identifying Best Practice Domestic Cat Management in Australia](#), May 2018

- (a) makes a noise that persistently occurs or continues to such a degree or extent that it unreasonably interferes with the peace, comfort or convenience of any person in any other premises, or*
- (b) repeatedly damages anything outside the property on which it is ordinarily kept.*

Some council practitioners consider that this requires video proof to enable regulatory action to be taken, however this evidence is very difficult to obtain. Currently cats are allowed to cause distress to a resident without that resident able to take action to remove the cat from their property.

- The 2022 rehoming amendments require cats to be held for 7 days, even if the cat is not microchipped and it is exhibiting strong feral characteristics (size, temperament, destructive behaviour). In particular some rural councils have experienced an increase in demand for cat traps for trapping feral cats within town limits, however they do not have sufficient funding or staff for holding and then humanely disposing of feral cats in line with Companion Animals Act requirements. These councils are finding it extremely difficult to manage feral cats without additional resourcing.

Councils are calling for amendments to the Companion Animals Act to enable feral cats to be euthanased in accordance with animal welfare ethics and the policy adopted by the relevant council. As noted in the 2022 Rehoming Practice Review's Draft Report¹⁰, euthanasia is a necessary procedure when it is inhumane to keep an animal alive due to pain and suffering associated with its condition, or there is no prospect of suitable rehoming based on its behaviour or past violent behaviour.

Recommendations

1. The NSW Government commit to an ongoing, state-wide community awareness and education campaign on responsible pet ownership, the importance of desexing, and the benefits of keeping cats contained.
2. The NSW Government increase capital and operational funding to enable upgrading of pound facilities, provision of support services to facilitate rehoming and to assist with educating the community about responsible pet ownership.
3. Amend the *Companion Animals Act 1998* to:
 - a) define when a cat is considered to be owned, or what cat ownership entails;
 - b) clarify the application of section 32 (powers for seizing a cat)
 - c) define cats as domestic, infant or feral.

¹⁰ The CIE, Draft Report: [Rehoming of Companion Animals in NSW](#), September 2022.

- d) enable councils to introduce enforceable cat containment or curfew policies in their local government areas.
 - 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;
 - 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.
4. Subsidise desexing programs for cats state-wide, but particularly for owners in financial hardship or where there are significant numbers of semi-owned / 'homeless' cats.

Conclusion

LGNSW welcomes this inquiry into the management of cat populations as it provides an opportunity to create positive outcomes for cat welfare and wildlife.

Councils are of the view that the effective management of cat populations requires a holistic approach that includes state-wide and targeted community education programs on responsible ownership, desexing programs, cat containment policies, cat trapping programs, combined with funding and resources for councils, animal welfare and rehoming organisations to manage and rehome cats.

Ultimately the effectiveness of efforts to manage the cat population in NSW is influenced by the resources aimed at changing community culture and implementing the suite of measures outlined above. While local government is in a unique position to deliver both regulation and education to local communities, local government should not be and cannot afford to be solely responsible for these initiatives. A coordinated, consistent approach is required across NSW and Australia.