

**INQUIRY INTO MANAGEMENT OF CAT POPULATIONS
IN NEW SOUTH WALES**

Organisation: Animal Defenders Office Inc.

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Animal Defenders Office
Using the law to protect animals

The Animal Defenders Office is accredited by Community Legal Centres Australia Inc.

The Director
Animal Welfare Committee
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By email: animal.welfare@parliament.nsw.gov.au

Dear Sir/Madam

Submission to the Inquiry into the management of cat populations in New South Wales

Thank you for the opportunity to provide written submissions to the Animal Welfare Committee's Inquiry into the management of cat populations in New South Wales (**the Inquiry**).¹

About the Animal Defenders Office

The Animal Defenders Office (**ADO**) is a not-for-profit community legal centre that specialises in animal law. The ADO provides pro bono animal law services to the NSW community and is a member of Community Legal Centres NSW Inc., the peak body representing community legal centres in NSW.

Further information about the ADO can be found at www.ado.org.au.

The ADO's submissions in response to the Inquiry's terms of reference (**TOR**)² are set out below.

¹ <https://www.parliament.nsw.gov.au/committees/inquiries/Pages/inquiry-details.aspx?pk=3011#tab-members>.

² <https://www.parliament.nsw.gov.au/committees/inquiries/Pages/inquiry-details.aspx?pk=3011#tab-termsofreference>.

Submissions

General principles

The ADO endorses the following acknowledgement of sentience in the *Animal Welfare Act 1992* (ACT) and recognises that it applies to all animals as defined in the Act, including all cats regardless of their legal or conservation classification:

- (a) animals are sentient beings that are able to subjectively feel and perceive the world around them; and
- (b) animals have intrinsic value and deserve to be treated with compassion and have a quality of life that reflects their intrinsic value[.]³

The ADO also recognises that while some animal species introduced in Australia by humans may adversely affect native ecosystems and eco-communities, these ecosystems and eco-communities, together with the environment in general, have also been drastically affected by humans.

Finally, while the ADO supports measures to protect these ecosystems and eco-communities that have been significantly affected by humans, the ADO does not support protection measures that cause pain or suffering to individual sentient animals.

Terminology

This submission uses value-neutral terms to refer to cats in different contexts. It avoids the term 'feral' as it carries negative connotations. Cats living without any interaction with humans are referred to as wild cats.

It also generally avoids referring to non-wild cats as 'owned' cats. While the term 'owned' denotes a property status which is relevant to cats owned by a specific person or persons, it is not applicable to cats who co-exist with a range of different persons or households, or who are not wild but who are also not wholly dependent on humans for basic needs such as food or shelter. These free-living cats have no property relationship with humans under existing legal frameworks. For example, a human who occasionally feeds a free-living cat or who traps, desexes and releases the cat, would arguably not meet any of the three definitions of 'owner' under the *Companion Animals Act* (NSW).⁴

³ *Animal Welfare Act 1992* (ACT), s4A(1) 'Objects of Act'. The Act defines 'animal' as:

- (a) a live member of a vertebrate species, including—
 - (i) an amphibian; and
 - (ii) a bird; and
 - (iii) a fish; and
 - (iv) a mammal (other than a human being); and
 - (v) a reptile; or
- (b) a live cephalopod; or
- (c) a live crustacean intended for human consumption.

⁴ *Companion Animals Act* (NSW), s 7(1):

TERMS OF REFERENCE

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

The ADO understands that it is difficult to determine the prevalence of cats in Australia with any degree of certainty, or indeed the impact of cats on native or non-native wildlife and habitats. For example, in 2021 the ACT Government released the *ACT Cat Plan 2021-2031 (ACT Cat Plan)*.⁵ Despite being released in 2021, the ACT Cat Plan is largely based on ‘research on pet cats in the ACT’ from the 1990s.⁶ The ACT Cat Plan also admits that there are ‘no reliable estimates of the feral cat population’.⁷

When it comes to the impact of cats on native fauna, the draft ACT Cat Plan stated that ‘there is no direct evidence that domestic cats in urban areas have caused the decline of any threatened species in Australia’.⁸ The impact on non-native species is not dealt with in the ACT Cat Plan.

The ADO submits that any contributions wild cats may make to processes that threaten native ecosystems and biodiversity must be considered in the context of anthropogenic (human-made) processes such as habitat destruction and fragmentation, urbanisation, vehicle collisions, and climate change. Other contributing factors must also be considered, such as the devastating 2019-2020 bushfires which recent research estimates to have killed up to 3 billion animals.⁹ According to one of the lead researchers, the study ‘showed the extent to which megafires were reducing the country’s biodiversity, and underlined the need to address the climate crisis and stop the clearing of land for agriculture and development’. According to further studies, the 2019-2020 bushfires brought ‘the most dramatic loss of habitat for threatened species and devastation of ecological communities in postcolonial history,’¹⁰ and affected the

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- (1) Each of the following persons is the **owner** of a companion animal for the purposes of this Act—
- (a) the owner of the animal (in the sense of being the owner of the animal as personal property),
 - (b) the person by whom the animal is ordinarily kept,
 - (c) the registered owner of the animal.

⁵ ACT Government (2021), *ACT Cat Plan 2021-31*, <https://yoursayconversations.act.gov.au/cats-and-dogs/ACT-Cat-Plan>.

⁶ Ibid, ‘Research’ tab, ‘Research on pet cats in the ACT’: D. G. Barratt (1998) <https://www.publish.csiro.au/wr/WR97026>; and D.G. Barret (1997) <http://www.publish.csiro.au/wr/WR96020>.

⁷ Ibid p 12.

⁸ ACT Government, *Draft ACT Cat Plan 2019-29*, April 2019, <https://yoursayconversations.act.gov.au/cats-and-dogs/ACT-Cat-Plan>, p 12. This statement was omitted from the paragraph in the final version of the Plan (p 12).

⁹ Readfearn, G., Morton, A., ‘Almost 3 billion animals affected by Australian bushfires, report shows’, *The Guardian*, 28 July 2020, <https://www.theguardian.com/environment/2020/jul/28/almost-3-billion-animals-affected-by-australian-megafires-report-shows-aoe>.

¹⁰ Wintle, B.A., Legge, S., Woinarski, J.C.Z., ‘After the Megafires: What Next for Australian Wildlife’, *Trends in Ecology & Evolution*, 2020.

habitat of 832 native animal species.¹¹ The ADO submits that it is important to consider any impact of cats on threatened native animals in the context of these much more significant and widespread impacts on the environment, most of which are anthropogenic. It is also important to fund ongoing research and trials, and acknowledge cat keepers' lived experiences of their cats not hunting and killing native animals, to gain a wholistic understanding of the (positive and negative) impact of cats on their environment,¹² and to establish reliable estimates of cat populations.

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

The ACT has had cat curfew or containment policies since at least 2001 when its current domestic animals legislation commenced.¹³ Cat curfew or containment declarations have been in place since at least 2004.¹⁴ Currently in the ACT all cats born after 1 July 2022 must be contained.¹⁵ Despite this lengthy history of cat containment policies, there does not appear to be research of any note on the effectiveness of the cat curfew/containment policies in the ACT. The ACT Cat Plan released in 2021 does not appear to refer to any such research and instead notes that data on cat containment 'will be' collected from a variety of sources.¹⁶ Again, it is important to note that the 2021 Plan is based on 'estimates' of predation by 'free roaming but owned Canberra cats' compiled back in 1998.¹⁷

¹¹ Ward, M., Tulloch, A.I.T., Radford, J.Q. et al, 'Impact of 2019–2020 mega-fires on Australian fauna habitat', *Nat Ecol Evol* (2020), <https://doi.org/10.1038/s41559-020-1251-1>.

¹² For example, ACT Government reports list rabbit control as 'the most common management undertaken' in relation to 'invasive animals' and stresses the need to consider 'interactions' between rabbits and wild cats, with 'predation' [by cats] being 'an important consideration in control programs', while also admitting that cats' '[e]cological role as a predator/competitor needs to be determined if a broad-acre control program is contemplated': *ACT State of the Environment 2023 Report* p 174, *ACT Pest Animal Management Strategy 2012–2022*, pp 65, 70. Cats are not referred to in the *ACT State of the Environment 2023 Report*.

¹³ *Domestic Animals Act 2000* (ACT), s 81 'Declaration of cat curfew'. The reference to 'curfew' was replaced with 'containment' in 2014: *Territory and Municipal Services Legislation Amendment Act 2014*, ss 6-8. The current cat containment provision is in s 84AN.

¹⁴ *Domestic Animals (Cat Curfew Area) Declaration 2004 (No 1)*, declaring that the suburbs of Bonner, Forde, Mulligans Flat, and Goorooyaroo are cat curfew areas where cats are to be confined for 24 hours a day.

¹⁵ *Domestic Animals Act 2000* (ACT), s 84AO(2), (3), (5).

¹⁶ ACT Cat Plan, p 11: 'Data on de-sexing, microchipping, cat containment, euthanasia and nuisance levels will be collected from:

- ACT's Domestic Animal Services
- service providers including RSPCA ACT
- surveys, queries and complaints received through Access Canberra.'

¹⁷ A Canberra research project [FN1] estimated that free roaming but owned Canberra cats preyed on 61,000 native birds, 2000 native mammals, 30,000 native reptiles and 6000 native frogs each year. (p3)

Elsewhere data suggests that cat containment is not only ineffective at reducing populations of free-roaming cats, but also increases negative outcomes such as:

increased cat nuisance complaints, increased cat impoundments, increased cat and kitten euthanasia, increased costs and enforcement difficulties for local governments, increased mental health damage to veterinary staff and community residents caused by euthanasing healthy cats and kittens and no reduction in the overall number of wandering cats.¹⁸

In terms of barriers, the ADO notes that the ACT Cat Plan's vision is that '[a]ll cats in the ACT will be owned, wanted and cared for by responsible owners' (p 6). However, the ADO submits that the current Territory-wide containment policy conflicts with this vision in relation to free-roaming domestic cats who have one or more casual human carers (usually referred to as 'semi-owned cats'). The Plan acknowledges the importance of controlling the numbers of these cats: 'Reducing the number of semi-owned and unowned cats is important to minimise indiscriminate breeding, nuisance complaints and wildlife predation' (p19). Yet anecdotal evidence provided to the ADO by members of the public suggests that casual carers of free-living (or 'street') cats are reluctant to comply with domestic animal laws requiring registration, microchipping and desexing of these cats if it means the cats will need to be kept indoors (ie they are considered to be born after 1 July 2022). These cats are not suited to permanent confinement as they are habituated to living outdoors. This results in these free-roaming cats being left undesexed, unmicrochipped, and with no permanent carers taking responsibility for the animal.¹⁹

Further barriers to the implementation of containment policies may include the significant financial, human, and structural resources that would be required for trapping free-roaming cats and holding the cats, as well as the human and animal welfare implications in destroying healthy but unclaimed or 'unowned' cats.

(c) welfare outcomes for cats under contained conditions

The ADO submits that the animal welfare issues associated with keeping cats in mandatory containment are often overlooked. Cats in permanent containment may be

[Footnote 1: Barratt, D.G. *Predation by house cats, Felis catus (L.), in Canberra, Australia*. II. Factors affecting the amount of prey caught and estimates of the impact on wildlife. *Wildlife Research - WILDLIFE RES.*, 1998]

¹⁸ [Australian Pet Welfare Foundation](https://petwelfare.org.au/wp-content/uploads/2022/09/Key-issues-to-consider-related-to-mandated-cat-containment-1.pdf), 'Australian Pet Welfare Foundation Position Statement on Cat Containment'; and 'Key issues to consider related to mandated 24/7 cat containment', 2022: <https://petwelfare.org.au/wp-content/uploads/2022/09/Key-issues-to-consider-related-to-mandated-cat-containment-1.pdf>.

¹⁹ Australian Pet Welfare Foundation, 'Key issues to consider related to mandated 24/7 cat containment', 2022; cf. esp 'Stray cat population' p 2, *ibid*.

unable, or have limited capacity, to perform their natural behaviours and may lack mental and physical stimulation.

Proponents of mandatory cat containment often highlight the supposedly positive consequences for the cats themselves, such as benefiting the ‘cat’s own health’, and prolonging a cat’s life.²⁰ Health and longevity are important, but they do not equate to an animal’s ‘wellbeing’. The ACT’s *Animal Welfare and Management Strategy 2017-2022* (AWMS) considers ‘aspects of naturalness’ to be a fundamental element of animal welfare.²¹ The AWMS states:

Contemporary animal welfare aims for a reduction or elimination of the negative experiences and a predominance of positive states in each domain so that an animal experiences a Life Worth Living. This encompasses both physical and mental wellbeing, and includes the ability to demonstrate natural species-typical behaviours.²²

The ADO is concerned about the lack of ‘aspects of naturalness’, or ‘natural living’, when cats are contained. For example, when considering cat containment, widely respected veterinarian Dr Michael Archinal has observed that:

There are many cases where it [containment] is actually detrimental to the health of the cat rather than being beneficial... also more and more we are recognising depression and anxiety in our pets and this is often because of a lack of environmental enrichment. I have great concerns about cats being totally confined to the house (where) there is a total lack of environmental enrichment for the cat especially with people being away for extended periods of time. It is not fair for the cat and it is not appropriate.²³

The Australian Pet Welfare Foundation has noted that mandated 24/7 cat containment:

Negatively impacts the welfare, quality of life, and health of some contained cats which can include obesity, immobility, lower urinary tract disease and behaviour problems increasing risk of relinquishment or abandonment.²⁴

The ADO also notes that cats are regarded as less domesticated than ‘domestic’ animals such as dogs. In other words, cats are closer to being wild animals than are dogs.²⁵ This must be taken into account when considering cats’ overall wellbeing in the context of cat containment. If an animal will suffer because he or she is deprived of opportunities to perform natural behaviours, and suffer mental distress through

²⁰ See for example the ACT Cat Plan, pp 14, 18, 22.

²¹ City Services, Transport Canberra and City Services Directorate, *Animal Welfare and Management Strategy 2017-2022*, ACT Government, 2016, p 10. This is the most recent Animal Welfare Strategy released by the ACT Government.

²² Page 9.

²³ <https://www.abc.net.au/news/2015-04-01/expanded-cat-containment-laws/6365000>.

²⁴ Australian Pet Welfare Foundation, ‘Key issues to consider related to mandated 24/7 cat containment’, 2022; p 5: <https://petwelfare.org.au/wp-content/uploads/2022/09/Key-issues-to-consider-related-to-mandated-cat-containment-1.pdf>.

²⁵ Temple Grandin and Catherin Johnson, *Making Animals Happy. How to Create the Best Life for Pets and Other Animals*, Bloomsbury, 2009, pp 67-71.

frustrated instincts and lack of stimulation, then as a general principle the ADO does not support containment or confinement or captivity of that animal, including cats.

Finally, there may be increased incidence of individuals targeting cats including attempts to trap domestic cats unlawfully or otherwise ‘deal with’ free-roaming cats, resulting in harm and suffering being inflicted on the cats.

In terms of viable containment options, the ADO submits that limiting mandatory containment to new suburbs close to wildlife areas and extending it to both cats and dogs (as dogs contribute to predation of wildlife and other animals) may be feasible. People would then be able to choose whether to move into these areas and live without cats or dogs as companion animals.

Any kind of containment would need comprehensive guidelines or a code of practice. The ADO notes Dr Archinal’s call for the drafting of ‘detailed containment guidelines ... that prioritise cat welfare.’²⁶ The ADO submits that NSW would need to introduce legally enforceable standards to ensure positive cat welfare outcomes under mandatory containment conditions if mandatory containment is introduced.

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

The ADO submits that NSW should consider initiating and improving education programs to encourage people to comply with companion animals laws and to keep cats indoors. In the ADO’s view creating opportunities for community awareness and education programs to ensure cat keepers are aware of their responsibilities is more appropriate than creating harsh laws that have significant enforcement, compliance, resource, and welfare implications.

The ADO actively supports measures to promote responsible cat guardianship through community education and engagement. As a community legal centre, ADO volunteers engage in community education about animal welfare and management laws relating to cats and conservation. The ADO’s fact sheet on ‘Cats and the Law’ is available at our community outreach stalls and online.²⁷

Better education about and enforcement of registration for cats may help reduce free-roaming populations if cats can be more easily reunited with keepers. The ACT recently introduced annual cat registration.²⁸ The ADO supports annual cat registration provided it is affordable (ideally free) and accessible (eg can be easily done online). Again, as a

²⁶ <https://www.abc.net.au/news/2015-04-01/expanded-cat-containment-laws/6365000>.

²⁷ Fact sheets on the ADO’s website: <https://www.ado.org.au/faq>. The fact sheet itself: https://www.ado.org.au/files/ugd/a64856_f31b14d9dc5a46db922c9eb2de52a87a.pdf.

²⁸ *Domestic Animals Act 2000* (ACT) s 84AK (inserted 2022).

community legal centre, the ADO frequently witnesses the distress to a carer of a cat when the cat is stolen or goes missing and the person has not updated his or her details on microchip or registration databases. When another party is involved (eg an ex-partner or member of the family who takes the cat), there are few legal remedies other than court action which is stressful, expensive and risky. The ADO therefore supports annual registration for cats as it would function as an incentive or trigger to remind carers to update their details. Responsible carers are already used to doing things annually for their cats such as attending a veterinary clinic for vaccinations. It is reasonable to suggest that if annual registration were required, another annual requirement in relation to their cat would not be unduly onerous.

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

While local councils will no doubt make submissions in response to this TOR, the ADO notes the many negative implications for local councils highlighted by the Australian Pet Welfare Foundation, including increased:

- nuisance complaints about roaming cats,
- cat impoundments,
- killing of healthy and treatable cats and kittens in council pounds,
- mental health damage to staff due to the increase in killing,
- staff burnout, staff turnover and attrition rates due to the increase in killing, and
- costs to local government for cat trapping and management.²⁹

The ADO submits that the significant additional resources required to deal with these consequences could be better utilised in educating the community about cat management and the issues associated with keeping cats.

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

The ACT Cat Plan notes that desexing is ‘central to reducing the number of unwanted cats’ and that the ACT ‘was the first jurisdiction to introduce compulsory de-sexing’ (p 16). While the evidence to support the contention that desexing leads to reduced numbers of unwanted cats is unclear, the ADO supports any policy measure that may

²⁹ Australian Pet Welfare Foundation, ‘Key issues to consider related to mandated 24/7 cat containment’, 2022: <https://petwelfare.org.au/wp-content/uploads/2022/09/Key-issues-to-consider-related-to-mandated-cat-containment-1.pdf>, pp 3-4.

help reduce these numbers and the number of cats killed in pounds and shelters when new homes are not found for them.

The ADO therefore supports mandatory desexing of domestic cats. Currently in the ACT cats must be desexed unless a permit is obtained to keep them 'entire'.³⁰ In South Australia it is mandatory to desex cats.³¹ The ADO recommends that NSW legislate to require domestic cats to be desexed.

The ADO would also support proposals that aim to improve cat desexing rates, including:

- Facilitating 'trap, desex and release' programs
- Requiring mandatory desexing prior to the sale or rehoming of a cat
- Subsidising the cost of desexing for low-income earners (for example, people with an Australian Government Health Care Card)
- Removing access to permits to keep cats sexually entire except in exceptional circumstances eg in the interests of the individual cat.

Finally, the ADO submits that one of the main problems regarding the oversupply of domestic cats is the ability to breed cats. It defies common sense to decry the impact of cats on our natural environment and high cat population numbers, but to allow the indiscriminate breeding of cats to continue. The ADO recommends the breeding of cats for commercial gain be strictly limited if not ceased altogether. At the very least, amendments such as those recently introduced in relation to breeding dogs should also be introduced for cats.³²

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

The ADO's comments in relation to TOR (e) also apply to this TOR.

The ADO would be particularly concerned if cat containment rules led to increased killing rates in council pounds and other shelters due to an increase in unclaimed or 'unowned' cats ending up in these facilities.

A further concern is if council pounds simply pass on the increased numbers of animals ending up in pounds directly to already overstretched and underfunded animal rescue shelters. These shelters already have limited capacity to hold and keep surrendered and abandoned cats.

³⁰ *Domestic Animal Act 2000* (ACT) s 74(1) and s 74(2).

³¹ *Dog and Cat Management Act 1995* (SA) s 42E and *Dog and Cat Management Regulations 2017* reg 12.

³² Prevention of Cruelty to Animals Amendment (Puppy Farming) Bill 2024 (NSW), passed by Parliament on 15 November 2024, <https://www.parliament.nsw.gov.au/bills/Pages/bill-details.aspx?pk=18674>.

The ADO submits that the impact of any potential cat containment measures, and the resource implications of such measures, on the shelters and rescue organisations, should be considered.

(i) options for reducing the feral cat population

Free-living cats

It is recognised that reducing numbers of ‘semi and unowned cats’ is ‘vital in reducing effects of cat predation on native wildlife and the potential for rise in feral cat numbers coming from the population of unowned cats.’³³

The ADO does not oppose measures to control cat populations, provided the measures do not include lethal or inhumane control procedures.

The ADO strongly opposes baiting or poisoning cats (or any other animal). The ADO submits that any consideration of lethal measures of control must emphasise the extremely negative welfare outcomes associated with these measures. The ADO notes, for example, that under animal welfare laws, administering and laying poisons for domestic or native animals are cruelty offences.³⁴ This acknowledges the intense pain and suffering poisons inflict on sentient animals.

Simply removing introduced animals from a landscape is considered not to be effective, as other animals migrate into the cleared area.³⁵ Research into non-lethal methods should therefore be supported, such as behaviour-changing baits, or ‘conditioned taste aversion’, permanent fertility control, or humane use of fencing.

The ADO also opposes the destruction of healthy but ‘unwanted’ domestic and free-living cats, and exempting councils from keeping wild cats for legal holding periods. This would lead to killing cats becoming an option of first resort for councils and would target both wild and domestic cats. It can be difficult to tell whether a frightened cat is domestic or not, which could result in companion animals being put down on the mistaken basis that they are wild or ‘unowned’. Homeless cats and unmicrochipped cats could be particularly targeted by such proposals. These cats could end up being killed as a first resort due solely to their status of being ‘unowned’ or not microchipped. This is unacceptable, considering that cats may not be microchipped due to difficulties in accessing microchipping services. Greater focus should be placed on increasing access, including financial, to microchipping and registration services. Pet registries

³³ ACT Cat Plan p 19.

³⁴ See for example *Prevention of Cruelty to Animals Act 1979* (NSW), s 15 and *Animal Welfare Act 1992* (ACT), ss 12 and 12A.

³⁵ B Neindorf, A Francis, ‘Could making foxes vomit be the key to protecting native wildlife? These scientists hope so’, *ABC News*, 31 Aug 2023, <https://www.abc.net.au/news/rural/2023-08-31/study-shows-making-foxes-vomit-can-save-native-wildlife/102757594>.

should also be improved so that it is easier to track animals and return them to their keepers.

Other proposals

The ADO submits that the following measures should be considered as options for reducing populations of free-living cats:

- A moratorium on the breeding of cats
- A ban on the sale of cats in pet shops
- Increased use of Trap Neuter Release programs

Moratorium on breeding

The ADO submits that the breeding of cats should be a key focus of government policies regarding cat populations.

If reducing the overall number of cats is a desired policy outcome, then the ADO submits that a key strategy should be to reduce or cap the numbers of purpose-bred cats. This could be achieved in the short term by amending breeding standards so as to impose meaningful limits on factors of breeding such as the age at which cats can and cannot breed, and the number and frequency of litters.³⁶

The ADO submits that ultimately the purpose-breeding of cats must be restricted or suspended until numbers of cats in shelters and cats put down because a new home cannot be found for them, are reduced significantly (cats in shelters), or reduced to zero (cats put down rather than rehomed).

The ADO further submits that for as long as it is legal to breed cats, licensing regimes must be introduced. This would add some checks and controls on the otherwise indiscriminate and unregulated breeding of cats in NSW.

Selling cats in pet shops

The ADO submits that NSW should follow the lead of Victoria and ban the sale of cats in pet shops other than cats from rescue shelters.³⁷

This measure would reduce the numbers of cats bred for sale, bought 'on impulse', and/or potentially abandoned.

³⁶ See for example the *Animal Welfare (Breeding Standard) Determination 2015 (No 1)* (ACT), which contains the following restrictions on commercial and non-commercial breeding of cats in the ACT:

- age for breeding: 12 months to 7 years (clause 5)
- maximum number of litters: 8 (clause 6)

NSW's code of practice does not have equivalent restrictions: *Animal Welfare Code of Practice Breeding Dogs and Cats*, DPI, revised 2021, p 30 'Breeding and Rearing'.

³⁷ *Domestic Animals Act 1994* (VIC) s 63AAB 'Offences as to sale or giving away of animals by pet shops'.

Trap Neuter Release programs

Programs for humanely controlling the population of free-living, abandoned or wild cats, such as ‘Trap Neuter Release’ (**TNR**) programs, should be facilitated rather than proscribed. TNR programs are reported as at the very least keeping population numbers stable, while potentially lowering cat numbers, and even being more effective than lethal measures such as trap-and-kill.³⁸

The ADO submits that legislative barriers to TNR should be removed. For example in NSW a person releasing cats as part of a TNR program could be charged with the offences of abandoning and/or unlawfully liberating the animals.³⁹ In NSW the Animal Welfare (Population Control Programs) Bill 2014 was introduced into the Legislative Assembly by independent member Alex Greenwich to overcome these impediments, but lapsed before being passed.⁴⁰ The Bill aimed to ‘facilitate programs for controlling the population of stray, abandoned or wild cats or other non-native animals by providing immunity from civil liability and exemptions from licensing and other requirements.’⁴¹

The ADO submits that legislation based on this prescient bill should be drafted and introduced to the NSW Parliament to facilitate these non-lethal and effective population-control programs.

Supporting community cat rescue organisations

The ADO submits that community organisations that look after rescued, orphaned, injured and unwanted cats should be regarded as key stakeholders in cat population management. These community groups have genuine no-kill policies and a network of dedicated foster carers and other volunteers. Governments should recognise the contribution to cat welfare and population control made by these unfunded, grassroots and volunteer-based charities. Greater support should be provided to these groups, including exemptions to regulatory requirements such as permits for undesexed cats for cat and kitten foster carers and those who would be involved in TNR programs.⁴²

³⁸ See for example Jongman, E., and Karlen, G., *TNR programs for cats: A literature review on an alternative control method of feral cats in defined urban areas* (2006) Urban Animal Management Conference Proceedings 81; Alex Greenwich MP, ‘Animal Welfare (Population Control Programs) Bill 2014: 2R Speech’, 11 Sep 2014; and Australian Pet Welfare Foundation, ‘Key issues to consider related to mandated 24/7 cat containment’, 2022, p 4: <https://petwelfare.org.au/wp-content/uploads/2022/09/Key-issues-to-consider-related-to-mandated-cat-containment-1.pdf>.

³⁹ *Prevention of Cruelty to Animals Act 1979* (NSW) s 11, and *Biodiversity Conservation Act 2016* (NSW), s 2.6.

⁴⁰ <https://www.parliament.nsw.gov.au/bills/Pages/bill-details.aspx?pk=2821>.

⁴¹ Animal Welfare (Population Control Programs) Bill 2014 (NSW), long title.

⁴² *Companion Animals Act 1998* (NSW) s 11B.

CONCLUSION

The ADO looks forward to positive initiatives for cats, other species and the environment resulting from the Inquiry, and thanks the Committee for the opportunity to provide submissions on this important issue.

Thank you for considering our submissions.

Tara Ward

Managing Solicitor (Volunteer)
Animal Defenders Office

24 November 2024