

Submission
No 29

INQUIRY INTO MANAGEMENT OF CAT POPULATIONS IN NEW SOUTH WALES

Organisation: Georges River Council

Date Received: 8 November 2024

Please find the submission to the terms of reference outlined below.

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

In 2021 Georges River Council (Council) conducted a Biodiversity Study of bushland reserves which identified that; *'cats (Felis catus) were frequently observed. These species are a major threat to the survival of many native fauna species due to direct predation.'*, *'The presence of pest mammal species (i.e. foxes, dogs and cats) pose a notable risk to the unique arboreal and ground dwelling fauna at the site.'*

Due to the lack of statutory requirements relating to the responsible management of cats by their owners in regard to unrestricted roaming and inadequate or non-existent regulatory provisions relating to the effective control of cats. NSW is in the position of being one of the few remaining states or territories that does not mandate cat owners to responsibly control their animals.

Numerous inquiries, reports and scientific studies over decades have outlined the negative impact cats, both feral (unowned) or domestic, have on native animal colonies in Australia. Studies from Professor Sarah Legge of the ANU (<https://www.publish.csiro.au/wr/fulltext/wr19174#:~:text=Cats%20have%20had%20a%20particularly,2019>) supports cat containment due to Australia having the worst mammal extinction record of any country in the last 250 years, with both unowned and domestic cats responsible for the death of 6 million animals annually.

“Australia having the worst mammal extinction record of any country in the last 250 years, with both unowned and domestic cats responsible for the death of 6 million animals annually.”

Research findings by the Threatened Species Recovery Hub, Invasive Species Council and Federal Department of Climate Change, Energy, the Environment and Water further support the fact that cats negatively impact on native animal colonies (<https://www.nespthreatenedspecies.edu.au/media/21j51na/112-the-impact-of-cats-in-australia-findings-factsheetweb.pdf>)

(https://www.nespthreatenedspecies.edu.au/media/dehnttbf/7-4-the-impact-of-pet-cat-impacts_f.pdf)

(<https://invasives.org.au/wp-content/uploads/2023/06/Pet-cat-impacts-June-2023.pdf>)

(<https://www.dcceew.gov.au/environment/invasive-species/feral-animals-australia/feral-cats>)

The negative impact that both feral (unowned) or domestic cats have on native animal colonies has been clear through the number of complaints received from residents in Council about cats killing other animals. Recently the community was consulted about two policies that related to the management of animals in the area with over half the respondents requesting more be done to control cats from unrestricted roaming and appropriate containment to protect other animals including birds, frogs, reptiles and mammals.

Council staff have also seen first-hand the predation and damage roaming cats cause and the amenity issue they cause when they enter onto another person's land. Many of the cats that were observed were not wearing any identification, and due to Act only providing only two sections relating to the seizure of cats, officers were unable to scan the animals to confirm if they were owned. Those sections are;

- i. 30 – Cats found within 10m of public food preparation or consumption areas, or in Wildlife Protection Areas. It must be noted that in both circumstances seizure must be for the '**cat's own protection**' not that of diners or native animals.
- ii. 32 – If it is reasonable and necessary for the protection of any person or animal from injury or death.

In addition to the physical harm that cats inflict on dwindling native animal colonies in suburban and peri-urban areas, cats are a known carrier of the *Toxoplasma gondii* parasite which leads infected animals to develop Toxoplasmosis. In a Submission to an Inquiry into the Problem of Feral and Domestic Cats in Australia (House of Representatives Standing Committee on the Environment and Energy) July 2020, Submission 83 - (<https://www.aph.gov.au/DocumentStore.ashx?id=1b02ef6d-18c7-4cf8-951d-1191afcab55c&subId=690416>), outlined the significant disease implication of Toxoplasmosis on placental mammals that include;

- i. neurological signs
- ii. blindness
- iii. respiratory disease
- iv. loss of condition
- v. sudden death

A 2018 report by the ABC quoted experience from Liv Tack, a veterinary science student at Trowunna Wildlife Park, on the endangered Eastern Barred Bandicoot that "I would say with 90 per cent certainty this bandicoot died of toxoplasmosis" (<https://www.abc.net.au/news/2018-08-09/toxoplasmosis-killing-tasmanian-wildlife/10093038>). According to the Tasmanian Department of Industry, Toxoplasmosis can cause "abortion, stillbirth or neonatal death", and while this report relates to a Tasmania, the negative impacts of toxoplasmosis can be mirrored for native animals across Australia.

The report goes on to indicate that there is a strong cat protection lobby in Tasmania and this anecdotally could be applied to any jurisdiction across Australia including NSW. Due to the reluctance of successive NSW State Governments to take any responsible and logical action to introduce legislation to protect other animals, particularly native animals from roaming cats, it could be reasonably concluded that a similar cat-centric culture pervades in NSW.

Since the introduction of the *Companion Animals Act* (the Act) in 1998 the state has seen numerous restrictions and penalties imposed on dog owners, yet despite calls from regulatory bodies across the state, no legislation has been enacted to address the issues caused by roaming cats.

In early 2022 an amendment 64B was made to the Act with little to no consultation or consideration given to the impacts on regulatory bodies required to foot the cost of implementing the legislation. This shows that legislative change can be made swiftly when the appetite exists, however the appetite to protect native animals from predation by cats through mandating containment and providing regulatory authorities

meaningful powers to deal with feral (unowned) or domestic roaming cats, has been non-existent.

With the NSW Government Housing setting a target of 377,000 new homes to be built in the next five years across NSW, developments are going to require more land to be cleared for these developments and intrude further into remnant bushland areas. With residential development inevitably people will bring their pets, and while dog owners are required to responsibly manage their animals to prevent negative impacts on people or other animals, the same rules do not apply to the cat owners. As such, these pet cats will have greater access to struggling native animal colonies and freely predate on those animals.

A recent decision by the Australian Federal Government to grant development exemption to clear part of a 20 Hectare parcel of remnant bushland in Manyana left after the 2019/20 bushfires is a prime example of developments impacting on the environment. As already mentioned, people will bring their cats that are not required to be prevented from hunting or killing native animals.

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

Since the introduction of the Act there has been no requirement for cat owners to prevent their animals from roaming in the same way dog owners are required. The Act imposes numerous responsibilities on dog owners under the claim that the impact of dog attacks can be severe, this is not argued as it is a fact, however the impact of roaming cats remains tacitly accepted by many in the community and their impacts ignored despite the overwhelming negative impacts as demonstrated by scientific evidence.

Section 3A of the Act states that,

'The principal object of this Act is to provide for the effective and responsible care and management of companion animals.'

However, there is an abject discrepancy between how dog and cat owners are required to provide '*responsible care and management*' of their animals.

Section 12A of the Act states that, '*The owner of a dog must take all reasonable precautions to prevent the dog from escaping from the property on which it is being kept.*', however no such requirement exists for cat owners.

Responsible cat owners have understood the need to safeguard the welfare of their animals by preventing them from being able to roam using indoor/outdoor cat runs or through measures that prevent the cat from being able to leave the owner's property. These responsible and effective measures have been adopted readily by many responsible cat owners and arguments that it is not possible to control a cat are illogical and diversionary.

Cat containment has been accepted across many sectors as being a responsible and necessary provision to not only maintain the safety of the cat themselves, but to reduce the impact on native animals by predation. Reports from the Invasive Species Council (<https://invasives.org.au/media-releases/pet-cat-containment/>) and Nature conservation Council

(https://www.nature.org.au/pet_cat_containment_a_vital_step_to_protect_nsw_s_wildlife) support this position.

“Amending the law in NSW to permit local councils to implement 24/7 cat containment rules is a simple step that would have profound benefits for our native wildlife.”

Further, peak animal welfare bodies such as the RSPCA (https://kb.rspca.org.au/bfd_download/pp-a8-cat-containment/) and the Cat Protection Society (<https://catprotection.org.au/cat-care-factsheets/factsheet-cat-proof-fencing-and-enclosures/>) outline the benefits of cat containment.

“containing cats has many potential benefits to cats, wildlife, and the community.”

The *Australian Government response to the 2020 House of Representatives Standing Committee on the Environment and Energy report: - Tackling the feral cat pandemic* is an example of another inquiry into the problems caused by uncontrolled cats. This report makes numerous recommendations for a consistent approach to managing this issue, however in the intervening period nothing has changed in NSW regarding roaming cats and we again see an inquiry that may or may not result in any meaningful change.

When considering any matters relating to safety, the hierarchy of controls must be considered. Two key controls to address hazards are Engineering Controls and Elimination, by adopting cat containment for owned cats the risk of cats hunting other animals is minimised or eliminated. Positively, the welfare of the cat is also maintained as they are not exposed to the potential of being attacked by another animal or being killed on the road.

Since 2022, in the Georges River Council area alone, 243 cats were reported deceased on public land, primarily due to being hit by cars. Despite requests to the NSW Office of Local Government (OLG) to collect statistics relating to deceased cats, other than impounded cats, this information is still not being collected. It is reasonable to deduce that the number of owned or unowned deceased cats from road fatality could be replicated or exceeded across other local government areas in NSW.

Similarly, statistics on cat attacks also are not collected by the OLG and as such this data is not available to assist inquiries such as this one to necessitate legislative amendments. It is estimated, based on the Act definition of an attack, that in the Georges River Council area there are substantially more cat attacks for every reported dog attack (whether the dog attack was proven or not).

In 2023 there were a total of 20 dog attacks recorded in the LGA, however it must be noted that all dog attacks must be reported to the OLG whether they are later proven to be an attack or not. In the same period there were 42 reports relating to cats that if the definition of attack under the Act was applied, would have been an attack. In many of the reports, multiple cats were identified to have been involved attacking animals or that the cats had attacked on multiple occasions.

“In the same period there were 42 reports relating to cats that if the definition of attack under the Act was applied, would have been deemed an attack.”

Very few cat attacks are reported as the community is acutely aware that councils are unable to take any lawful responsible action to address the issue. It is reasonable to believe that the actual figures for the number of cat attacks on other animals, and even people, may be many times higher.

As there is no requirement to report incidences of cat attacks it leads to an unfortunate reporting bias that may have played a part in the lack of action over consecutive State Governments to address the issue of roaming cats.

Cat curfews are sometimes mentioned and been utilised in jurisdictions like Victoria and the ACT, however it is not an effective strategy as it is documented and observed that cats hunt at any time of the day. Adopting a curfew does not effectively address the issue created by roaming cats or promote responsible cat ownership. It is acknowledged even by organisations such as Four Paws Australia that cats will not just hunt out of hunger, but through innate instinct (<https://www.four-paws.org.au/our-stories/publications-guides/cats-and-their-hunting-behaviour>).

“Your cat finds the activity itself so exciting and rewarding that they will continue to hunt even when they have no need to.”

(c) **welfare outcomes for cats under contained conditions.**

Cat containment is widely acknowledged as reasonable and necessary for the welfare of cats. In a release from The Australian Veterinary Association in July 2022 (<https://www.ava.com.au/policy-advocacy/policies/companion-animals-management-and-welfare/management-of-cats-in-australia/#:~:text=Keeping%20cats%20contained%20decreases%20their,safe%2C%20healthy%20and%20longer%20lives.>), cat containment

“helps to protect local wildlife from predation, reduces risks to the community and agriculture from zoonotic disease and reduces complaints to local government about nuisance from cats’ and ‘cats contained decreases their risk of injury and certain diseases so they can live safe, healthy and longer lives.”

The RSPCA indicates that containment helps keeps cats safe and happy as

‘Keeping owned contained at home keeps them and wildlife safe and is one part of effective cat management. Contained means completely preventing the cats from roaming from their home property at any time and can be achieved by using an escape-proof contained outdoor area on the caregiver’s property’.

Containment also removes the likelihood of unwanted litters due to the animals not being able to roam, particularly where they are not desexed. Rehoming organisations and pounds are at capacity with unwanted or unidentified cats, by containing cats it will ensure that the animals do not end up in these facilities, which in itself, is an improved welfare outcome.

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

While it is accepted that education will always play a role in responsible pet ownership, it must be in conjunction with robust and effective enforcement provisions in legislation

to appropriately manage the issue with associated penalties for failure to observe the rules.

Multiple amendments to the Act resulted in changes to make owners responsible where their animal is involved in an attack, including the introduction of the Menacing Dog category in 2013, however there has been no amendments to the Act to manage matters relating to cats.

In accordance with section 2.1 of the *Biodiversity Conservation Act 2016*, if a person harms or kills a protected animal, a maximum penalty of \$22,000 applies which is a necessary deterrent for people wishing to harm native animals. Accordingly, the Act requires the necessary legislative provisions to mandate containment and provide regulatory authorities the ability to responsibly manage feral (unowned) cats to help protect the welfare of native animal colonies.

Councils have taken the initiative to undertake media campaigns and provide educational material on their websites to promote responsible cat ownership, unfortunately there has not been a reduction in the number of complaints received about the impact of roaming cats. Unless there are enforcement provisions in legislation to deter irresponsible behaviour, education will be ineffective in reducing the impact of uncontained cats will continue unabated.

For a deterrent to be effective there must be a perceived likelihood of being caught for committing an offence, and since there are no offences for permitting a cat to roam, threaten or kill another animal, no incentive exists for cat owners to responsibly manage their animals for that animal's welfare or to protect the welfare of other animals.

In essence community education programmes have had limited effect as there is no incentive for cat owners to responsibly manage their animals. While there are some owners who are responsible and care for the welfare of their animal, there are many who are not as responsible.

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

With any implementation of new legislation there are difficulties however if the legislation provides the necessary regulatory provisions to appropriately manage cats, then the long-term benefits outweigh the short-term implications.

Councils across NSW have been calling for changes to the Act for many years to mandate appropriate cat management legislation. Councils including Port Stephens, Wollongong, Georges River Council, former Kogarah Council, Wagga Wagga Council, Hills Shire, Hornsby Shire, Orange City Council, Albury City Council, Liverpool City Council and Tamworth Councils have all been calling on the NSW State Government to enact necessary legislative changes to the Act to address the concerns of residents and help abate the impact roaming cats.

Given that dog owners are required under the Act to prevent their animals from leaving their property and have them under effective control when away from

the property, it is only fair and reasonable that the same requirements apply to cat owners.

Initially there may be an increase in the number of animals entering pounds if they are found unattended and unidentified, however if any amendment to the Act provides regulatory bodies the ability to humanely manage unidentified roaming cats, the number of roaming cats will reduce and in turn the negative impact they cause. Such a provision provides an immediate and swift incentive for owners to implement measures to responsibly manage their animals. Such a deterrent would further help to ensure that owners identified their animals, so that if they did happen to go missing and were collected, they could be returned rather than having an alternative outcome.

Rescue organisations provide a necessary service to the community by taking abandoned animals, providing housing and care for them, and trying to have them rehomed. Many of these organisations rely on donations or are self-funded and reducing the likelihood of animals becoming lost or abandoned will help relieve the financial burden and provide improved long term welfare for lost animals.

Fines associated for cats found unattended away from their owner's property would need to be introduced as a further deterrent and these fines could be used to help offset the costs of managing these matters.

Australia is a world leader when it comes to animal extinctions which is an unenviable title to hold. Unless governments make meaningful and necessary legislative amendments that provide regulatory authorities the appropriate tools to manage the impact cats have on native animal colonies, there will be continued extinctions across Australia. Invasive species, including cats, contribute to this extinction (<https://invasives.org.au/our-work/ending-extinctions/>)

“At least 33 (probably 34) native mammal species have been lost to extinction since colonisation, a toll blamed mainly on introduced cats and foxes.”

There have been numerous exhaustive studies and broad support for cat containment to be mandatory, and this is a valuable opportunity for the NSW State Government to show environmental leadership to introduce wholistically welfare focussed legislative amendments.

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

Large scale desexing can help to reduce the number of cats, however the impact of cats in NSW, will only truly be addressed when combination with containment. Contained cats are unable to roam and consequently unplanned or unwanted litters are prevented as is the unnecessary deaths of wildlife.

The cost of desexing for some people can be prohibitive and councils have allocated funds to subsidise this for many residents. This is a cost to the community that could be spent on other community functions. As discussed in point (d), \$2.5 million was spent on an education campaign however this money would have gone a long way to providing subsidised desexing of cats for NSW residents to deliver measurable meaningful outcomes.

Large scale appropriately costed desexing programs are supported, however cat containment is an imperative to appropriately address the long-term issues caused by free roaming cats.

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

As mentioned in point (e), there may be some initial impact on pounds and rehoming organisations. To address this there would need to be legislated state-wide provisions in the Act to permit regulatory authorities to humanely remove unowned cats from the environment rather than keeping them in indefinite confinement.

Some may view this as an unreasonable option, however given that many if not all pounds and rehoming organisations are full of unowned cats, there needs to be appropriate options available to deal with these animals for both animal welfare and cost perspective.

Residents across NSW are struggling with the cost of living and utilising rates for the purposes of keeping an animal incarcerated that has little or no prospect of being rehomed is unreasonable and inhumane. This is an extremely emotive subject however those who have a broad and sensible awareness of animal welfare will accept this as a necessary part of a long-term strategy while those focussed only on cat welfare seldom consider the damage inflicted on native animals by cats. The 'every cat is sacred' policy, whilst noble, is not one that can be sustained practically or financially into the future as it doesn't address the cause of the problem which can only be addressed via multiple approaches, education, enforcement, containment, euthanasia and desexing.

Sadly, there are numerous instances where some people who claim to be focussed on animal welfare also believe it is the cat's right to hunt native animals as it is 'their instinct'. This attitude goes to support why our native animal extinction rate is one of the highest in the world as the welfare focus does not appear to extend beyond that of the cat.

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

While it may be useful to understand what other jurisdictions have done and the success that it may have achieved, NSW must take an affirmative stance to enact environmentally conscious legislative changes to protect native animals.

NSW is often at the forefront of legislative change. This is an opportunity for the NSW Government to set the benchmark for responsible cat management and native animal welfare by which other states and territories should aspire to achieve.

In the Australian Capital Territory, there have been reports by an animal welfare organisation indicating that containment has not demonstrated a measurable reduction in cat complaints. As mentioned in point (g), unless there are necessary regulatory provisions include the ability for regulatory bodies to be able to trap and humanely remove cats from the environment, then containment alone will not be as effective as it could be due to unowned cats continuing to breed unabated.

(i) options for reducing the feral cat population

There must NOT be a distinction drawn between feral and unowned cats. There are references to sub-categories of cats to be semi-owned or semi-domesticated, however as has been outlined previously, uncontained cats have a detrimental impact on native animal colonies.

Any amendment to the Act must include a clear definition that an unowned cat is the same as a feral cat. If a cat is deemed to be unowned and not contained, then it should be defined as unowned (feral) and may be humanely put to sleep.

The definition of feral from the RSPCA 'is a cat who is unowned, unsocialised, has no relationship with or dependence on humans and lives and reproduces in the wild' however this definition is limiting as cats are scavengers and given the opportunity will indirectly rely on humans so would not fit this definition.

As discussed in previous sections, any amendment to the legislation must include provisions that permit regulatory authorities to humanely trap and euthanise animals that are unidentified and unsuitable for rehoming.

The Act does not provide these necessary provisions, however unless these are enacted, no number of desexing, education or containment initiatives will effectively result in the reduction of unowned cats or their impact on native or other animals.

(j) **any other related matters.**

1. Creation of the offence of Cat attack

The Act does not provide regulatory bodies with the ability to take enforcement action towards an owner of a cat that is involved in an attack or an unowned cat involved in an attack.

Under S33 and 33A a dog may be declared dangerous or menacing and these are defined as;

Dangerous - 'has, without provocation, attacked or killed a person or animal (other than vermin), or has, without provocation, repeatedly threatened to attack or repeatedly chased a person or animal (other than vermin)'

Menacing – 'has displayed unreasonable aggression towards a person or animal (other than vermin), or has, without provocation, attacked a person or animal (other than vermin) but without causing serious injury or death.'

The Act has no such reciprocal offence for cats and there is no provision to declare a cat to be dangerous or menacing despite reports of cat attacks to Council that would meet the definitions of dangerous or menacing under S33 & 33A of the Act.

As such councils across NSW have been heavily restricted from being able to take any legislated action to protect native, other animals or humans from cats, particularly in built-up areas.

It is necessary that provisions are created under the Act for the offence of owned cat attack, with associated penalties for owners. It should further provide that if a cat is proven to have attacked and is unidentified and unowned, that holding periods are not required and the animal may be seized and humanely euthanised.

Due to inconsistencies across NSW legislation, if a person harms or kills a protected animal, under section 2.1 of the *Biodiversity Conservation Act 2016*, a maximum penalty of \$22,000 applies. The NSW DPE website clearly outlines this <https://www.environment.nsw.gov.au/topics/parks-reserves-and-protected-areas/park-policies/people-and-wildlife-policycounterproductive> however, under the Act, cats can freely hunt and kill native animals as there is no offence and no repercussions for owners. Similarly, there are no provisions for regulatory bodies to regulate unowned cats that attack as there are no provisions to address this issue.

2. Impact of cats on humans - Toxoplasmosis

These Terms of Reference have specified the impacts of cats on other animals however has failed to acknowledge the negative impacts cats have on humans.

Measures to reduce the likelihood of exposure and transmission of Toxoplasmosis needs to be adopted. As the infection can be spread through contact with cat faeces and the propensity for cats to defecate in gardens, sandboxes and other open areas, the potential for children to be exposed to this infection inadvertently at sand pits at childcare facilities is a very real possibility.

As a result of a child becoming infected by Toxoplasmosis the disease can cause the following symptoms;

- i. Fever
- ii. Swollen lymph nodes that may last for weeks
- iii. Headache
- iv. Muscle aches
- v. Skin rash
- vi. Eye pain
- vii. Poor vision
- viii. Floaters, which are specks that seem to swim in your vision.
- ix. Breathing problems
- x. Cough
- xi. Confusion
- xii. Poor coordination
- xiii. Muscle weakness
- xiv. Seizures
- xv. Changes in alertness

Toxoplasmosis has severe health implications for a pregnant person. An Australian Federal Government, Department of Health and Aged Care release notes that a pregnant person can pass the *Toxoplasma* parasite onto their unborn baby who may develop serious health implications, including;

- i. brain and nervous system damage — developmental delays, seizures, hydrocephalus (build up of fluid in the brain), or microcephaly (an unusually small head)
- ii. liver damage
- iii. spleen damage
- iv. eye infections that can appear at birth or afterwards
- v. deafness

“a pregnant person can pass the *Toxoplasma* parasite onto their unborn baby”

While this has major implications on families and the child, the wider impact can be felt by the community through additional pressure on our Health Care system through the ongoing care that will be required throughout the child's life and potentially the National Disability Insurance Scheme.

3. Wildlife Protection Areas (WPA)

Under section 30 of the Act, Wildlife Protection Areas (WPA) may be designated for the protection of wildlife. Unfortunately, a contradictory clause exists in Paragraph (3) as it states that *'Any person (including an authorised officer) may seize a cat that is in a place in which cats are prohibited under this section **for the cat's own protection**'*.

This paradoxical phrase undermines the purpose for which the WPA was created in the first place being for the protection of native wildlife as it specifies that the cat may be seized *'for the cat's own protection'*, rather than for the protection of native wildlife.

This exemption must be removed and amended so that any cat found in the WPA may be seized so as to be consistent with the provisions under section 14 that apply to dogs, which states *'Any person (including an authorised officer) can seize a dog that is in a place in which dogs are prohibited under this section.'*

4. Trap Neuter Release (TNR)

There is an activity called Trap Neuter Release (TNR) that is ignored by Appropriate Regulatory Authorities in NSW and espoused by some animal welfare lobbyists. While the intent appears to be well meaning by claiming to reduce the number of unowned cats over time, it could only be effective in reducing unowned cat numbers if all cats that were unowned were desexed and all other cats that were not desexed were contained, however this is neither a realistic nor practical long term solution due to the number of unowned cats throughout Australia.

The [RSPC review](#) into TNR and its ability to manage numbers of unowned cats stated that,

'As cats move from one area to another, and people abandon new animals, new recruits join the colony and numbers fluctuate. In fact, once it is known that a TNR program is operating in an area some people abandon their cats nearby knowing they will be neutered and cared for (Slater, 2002).', it then goes on to say, ***'TNR seems to be no more effective than euthanasia alone in closed populations and less effective in open populations (Denny & Dickman, Research Report – Trap-neuter-return 2010). The cost of running a TNR program is also greater than other control methods and one could argue that it may not be the best use of limited resources.'***

This review takes conservation of already threatened native animal population into consideration as,

'The precautionary principle states that when there are threats of serious consequence, lack of full scientific knowledge should not prevent measures being taken to prevent these threats. That is, there is a need for action despite

uncertainty. In this situation this means that TNR cannot be used because there is a risk to wildlife.'

This activity TNR does not address the impact of unowned cats on native animal colonies and should not be a consideration for any logical native animal welfare focussed legislation. This reports states,

'If wildlife protection is the main concern, then TNR may not be the answer. Cats, even in a managed TNR program that are being fed regularly, hunt and kill wildlife even if the home-range is reduced.'

The report further sheds doubt on the use of TNR as a responsible or viable tool as,

'Many researchers argue that future solutions actually lie in solving the problem before it starts. This is through responsible cat ownership, enforcement of cat registration and confinement, neutering of cats, and general education about the value of cat ownership and what responsible ownership means. The money invested in TNR programs would be better spent on education and community awareness and cat desexing programs. There is also some evidence that when TNR programs are introduced a general community feeling develops that the problem is solved. It appears to remove the responsibility of individual members of the public to look after their cats because someone else will.'

While this practice appears to be tacitly permitted in some areas, under section 2.6 of the *Biodiversity Conservation Act 2016*, it is an offence to liberate an animal with penalties of up to \$88,00 for individuals and \$440,000 for corporations found to have breached this section of the Act. Similarly, it is an offence under section 11 of the *Prevention of Cruelty to Animals Act 1979* to abandon an animal.

Offences for people involved in this illegal activity need to be better publicised and those appropriate regulatory authorities (ARA) should be seen to be actively taking action for those participating. For clarity, it would be beneficial to obtain statistics on how many times this provision has been applied by the appropriate ARA, and if not, why?

5. Semi-Owned or Feral Cats

The references to semi-owned or feral cats are a misnomer as is the reference to colony cats. References or utilisation of the terms to soften any approach to unowned cats must not be a consideration as the impact of uncontrolled cats is the same whatever they are called; either a cat is owned, or it is not.

While some accept these sub-category terms for unowned cats, there does not appear to be the same acceptance of these terms for unowned dogs as the community would not accept semi-owned or colony dogs as acceptable. As such accepting the definition of a semi-owned or colony cat is completely erroneous and hypocritical given that the same rules are not applied to dogs. This leads on from an earlier point that the OLG or NSW State Government does not collect statistics on cat attacks from councils and as such the necessary data to support inquiries such as this one, is unavailable.

The definition of feral from the RSPCA 'is a cat who is unowned, unsocialised, has no relationship with or dependence on humans and lives and reproduces in the wild' is limiting in relation to unowned cats in and around urban, peri-urban or human inhabited areas.

By their nature cats will scavenge where the opportunity arises, and in areas where humans are present, will scavenge waste or food from other animals put out by humans. The RSPCA definition fails to account for cats that indirectly rely on humans.

It is therefore logical that cats should be either defined as owned or unowned. Some may argue that this doesn't account for people feeding 'colony' cats, however if part of the purpose of this inquiry is to help protect native animals, then protecting cat colonies is counterproductive as they will continue to hunt and kill other animals.

"It is therefore logical that cats should be either defined as owned or unowned."

If there is to be an acceptance that TNR and colony cats should be permitted as a reasonable consideration and that the need to protect other animals is not as important as the protection of the cat, then why then would the same rules not be applied to dogs?

6. Humane Euthanasia as a Management Option.

While all animals have a right to live no matter the harm they do to other animals or the significant issues they create for people, the use of humane destruction of unowned cats must be a realistic consideration of any amended legislation. Claims that the introduction of any cat management measures is because those people are 'cat haters' are incorrect and are emotive and illogical. The introduction of responsible measures to control the negative impact of cats is to improve the welfare of all animals.

A policy statement from the Australian Veterinary Association (AVA) from July 2022 acknowledges the significant negative impact owned cats have on other animals when they are permitted to roam, as

"Although they are fed by humans, their (owned cats) instinct to hunt generally remains and it is estimated that they kill up to 294 million animals (native and non-native species) per year."

The document then goes on to state that,

"semi-owned and unowned cats kill up to 324 million animals per year."

It is acknowledged by AVA that humane control through destruction of unowned cats,

"Justifiable reasons for humane control of semi-owned and unowned cat populations include significant adverse impacts on wildlife (including risk to endangered or highly vulnerable native fauna), negative impacts on neighbourhood amenities."

In conclusion, successive NSW State Governments have avoided enacting responsible measures to appropriately manage cats for too long. The Act was so heavily diluted in relation to cats at its inception that it has tacitly permitted

irresponsible cat ownership across NSW and has contributed to countless native animal being killed by roaming cats. This could have been easily prevented by mandating cat containment rules and offences or regulatory provisions relating to uncontrolled cats.

As inhabitants of this land, we have a responsibility to protect native animals and take any necessary measures to ensure that the embarrassing extinction rates in Australia can be slowed. We have an opportunity to make a once in a lifetime change that will go some way to preserving native animal colonies before they are further decimated by development, fires and introduced species.

It is a sad situation that enclosures are necessary to be created to help protect native animal colonies from predation by introduced species, while introduced species are free to roam.

Necessary legislation needs to be passed based on the requirements of regulatory bodies. We must do what is necessary to prevent further extinction of snakes, lizards, frogs, birds or small mammals. We acknowledge the science supporting the impact of climate change, yet there has been a reluctance to accept the science outlining the negative impact of uncontrolled cats which has resulted in yet another inquiry despite the existing facts being abundantly available.

Legislation can be changed when the political winds dictate. State-wide mandated cat containment and associated penalties for irresponsible owners are an imperative as is the need for legislated powers to properly manage and remove unowned cats from the environment.

For a meaningful change in behaviour to occur there needs to be a deterrent, since the inception of the Act numerous responsibilities for control have been imposed and further ones developed for owners of dogs, yet none for cat owners.

For a deterrent to be effective there must be a perceived likelihood of being caught for committing an offence, and since there are no offences for permitting a cat to roam, threaten or kill another animal, no incentive exists for cat owners to responsibly manage their animals for that animal's welfare or to protect the welfare of other animals.

Key recommendations of this submission:

1. Mandatory NSW State-wide cat containment legislation (not discretionary to a council area)
2. State-wide legislated provisions to seize and humanely remove from the environment any unowned cats found on public land, or private land with the permission of the owner of that land.
3. Penalties (fines) for cat owners who permit their animals to roam (stray).
4. Ability to declare a cat to be dangerous/menacing consistent with the rules for dogs if a declaration is issued.
5. That the NSW Office of Local Government amend the Companion Animals Register to allow the recording of:
 - (a) cat attacks, and
 - (b) the number of cats found deceased
6. That Trap Neuter Release or any similar program is not considered as a legitimate management option.

7. That a clear definition is made in the Act designating a cat as owned or unowned (feral).
8. That humane euthanasia be included into the Act as a management option for unowned cats not suitable for rehoming.
9. Amend the Section 30 (3) of the Act to remove the paradoxical phrase - 'for the cat's own protection.'