

Submission
No 192

INQUIRY INTO MANAGEMENT OF CAT POPULATIONS IN NEW SOUTH WALES

Organisation: Narrabri Shire Council

Date Received: 22 November 2024



Animal Welfare Committee
NSW Legislative Council

Thursday, 21 November 2023

Re: Submission for Management of cat populations in New South Wales

Dear Parliamentary Committee,

On behalf of Narrabri Shire Council, we would like to make a submission for the Inquiry into the management of cat populations in New South Wales. Narrabri Shire Council is responsible for thirteen thousand square kilometres and eight towns and villages within its LGA and thus, are responsible for carrying out the regulation of the Companion Animals Act over an enormous number of animals. Aside from the vast area and number of animals that we regulate, as a regional Council we consistently face resource challenges due to our isolation of services and funding.

In our submission we would like to address all ten items in the terms of reference so that the most accurate representation of Narrabri Shire Council's position is conveyed to the Committee. The items are as follows:

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

Narrabri LGA is geographically located between two significantly biodiverse zones, being Kapatjar National Park and the Pilliga State Forest. Rich with endemic wildlife species as well as significant Bilby conservation efforts that attract a wide range of both tourism and research interests that greatly benefit the community. Our organisation would like the Committee to fully understand the impacts that both feral and straying cats have on the native wildlife and the flow on effects that it causes to tourism, research and the local economy. Special attention is drawn to the Currawinya National Park case of 2012 where cats were the cause of complete eradication of an entire Bilby population involved in an extensive Bilby rehabilitation and research program carried out by the Queensland Government.

The statistics surrounding the predation that cats cause in Australia is well known and needs to be considered in determining the impacts and subsequent flow on effects to communities and their livelihoods. However, on a local level, Narrabri is a host to two key organisations involved in these conservation efforts being the Australian Wildlife Conservancy and the NSW



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National Parks and Wildlife Services. We believe that their comments on these matters would be a more accurate reflection of the impact cats have on their operations and wider goals.

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

The current effectiveness of cat containment policies in NSW is largely ineffective due to there being no supportive legislation to allow Local Government Officers to undertake any type of enforcement action for non-compliance.

Amendments to the NSW *Companion Animals Act 1998* to enable local governments to enforce anti roaming laws for pet cats at a local level seems to be in line with public opinion according to the research carried out by Monash University on behalf of the Biodiversity Council, which saw that 66% of Australians support the containment of cats by their owners.

In addition, the amendments to the NSW *Companion Animals Act 1998* need to provide a clear definition of containment and additional responsibilities on cat owners if the cat is not contained to the property, that are supported by a set of enforcement pathways for authorised officers to utilise. It is imagined that these amendments would be similar to the responsibilities for dog owners under section 12A of the *Companion Animals Act 1998*.

Further amendments to Part 4 of the *Companion animals Act 1998* are also encouraged to be considered to increase effectiveness. Although the owner has a responsibility under Section 29 to ensure that the cat is identified by a form of identification, the extensive and continued non-compliance with Section 29 makes enforcement of the section nearly impossible. In turn, Council officers are experiencing significant barriers to attaching any form of offence to a responsible person. Council suggests a possible solution for this is to attach consequences to the status of the cat, that deems an unidentifiable cat to be unowned and furthermore to include stray or unowned cats under Section 32 of the *Companion Animals Act 1998* as nuisance.

(c) welfare outcomes for cats under contained conditions

Whilst Council understands that Local Governments are not the authority on animal welfare and have no delegation under the *Prevention of Cruelty to Animals Act 1979* to act, it is recognised that there needs to be a standard of cat containment available to Council Officers to better understand suitable containment conditions and reporting thresholds to the appropriate regulatory authority.

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

Council's experience with coordinating community education programs and initiatives surrounding responsible pet ownership has always been highly successful. Programs that include discounted or free microchipping, vaccinations and desexing always receives significant uptake by the community

and aids in better outcomes for Council officers in curbing the number of animals entering the pound system in the long term.

However, these programs are often few and far between due to lack of funding and resources, especially in regional and remote areas like Narrabri where these services are often scarce or unavailable. The NSW Animal Welfare League have hosted these events in our community, and it is highly valuable, however, due to funding constraints they are only able to provide limited services infrequently in order to provide it to the entire state. Council would like funding commitments to be made by the state and federal governments for these types of initiative that would see an increased effectiveness of containment and in turn less animals entering pound systems or causing negative impacts to communities.

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

Council has identified a significant barrier to most enforcement is the lack of legislative support to policies. Implementing policy changes need to be supported by clear and direct legislative enforcement options that reflect long term goals rather than short term fixes for managing stray and feral cat populations. Reducing the percentage of available breeding animals within the community by funding and carrying out desexing programs will decrease populations far more effectively than allowing officers to simply issue fines and orders which only serve as a band aid for a much larger problem.

There is currently no inclusion of responsible cat ownership within the *Companion Animals Act 1998*; therefore, no guide for Councils to create Policy, carry out enforcement or provide solutions to communities affected by stray and feral cats. It is Councils recommendation to make this inclusion by outlining requirements for containment and desexing similar to sections in the *Dog and Cat Management Act 1995* (South Australia).

Without clear direction on what the proposed cat containment policies are it is difficult for Council to identify the implications involved. However, as a small regional Council we foresee that with such considerable policy change comes a resources intensive exercise of implementation. Advice and resources surrounding the role that local government officers will play in the changes and the expectations on Councils will greatly assist in ensuring that we are able to develop consistent management plans, policies and communicate to our communities.

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

Large scale cat desexing would be hugely beneficial to both the Narrabri LGA and the wider region and state. As many are aware, cats are transient animals that inhabit large areas of land and migrate rapidly. Council believes that large scale cat desexing programs that are consistently carried out across the state is the only way to significantly curb the

growing cat populations and reduce impacts to communities and the environment. This project model would be resource intensive and requires a long-term commitment of funding and support from the state and federal governments.

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

Currently the legislative inability for Council officers to use their discretion on determining feral versus stray has caused extreme pressure to be placed on the pound system and local veterinary staff to carry out this determination and provide written evidence. Reinstating Councils discretion to make determinations on basic behaviours and observations will greatly relieve pressure on veterinary and pound systems, and also aid in decreasing the amount of stress animals are placed under throughout the impoundment process. This should be supported by clear definitions under the *Companion Animals Act 1998* to ensure clear classification of animals is carried out.

This power should be extended to permit euthanasia of those deemed feral (or unsuitable for rehoming). This will also aid in reducing the strain on rehoming organisations which are already backlogged due to inefficient changes made to Section 64B of the *Companion Animals Act 1998*. In addressing concerns of providing Council officers with discretionary power, training options for Council staff should be recommended to safeguard unnecessary euthanasia. Council believes that by providing clear legislative definitions of both stray and feral cats will greatly impact the amount of resources put in to enforcing cat containment. If Council officers can determine that cats are in fact feral rather than stray it can be quickly resolved and avoid taking further enforcement action against any potential or suspected owners.

Council hopes that the impending changes to cat containment in NSW will bring about enforcement alternatives. Enforcement alternatives such as nuisance orders, penalties or even bans may allow Council to continue to take enforcement action against irresponsible owners without having to choke the pound system and subsequently the rehoming organisations. The goal would be to ensure owners are keeping their cats contained without placing further pressures on local governments to carry the burden of irresponsible pet ownership.

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

Council hopes that the exercise of introducing cat containment policies into NSW is not one of a rushed nature and is completed with thorough research and evaluation of national and international outcomes. The evidence of differing cat containment programs in Australia and across the world is extensive and should be utilised to the full extent to ensure investment of the NSW state government and all of the local governments that make it up is appropriately managed.

(i) options for reducing the feral cat population

- Finding a way to incentivise or mandate consistent and reliable desexing programs for cats would be beneficial in ensuring cats don't continue to end up in Council Pounds and the welfare issues relating to continuous breeding is not inflicted. Currently Councils are scouring grant funding or NFP organisations to partner on desexing programs. This is an unsustainable funding model but is the only one available. The opportunities of this type of funding rarely presents itself and as a result the effectiveness of these desexing programs is redundant.
- Humane lethal options for landholders, community members and councils to reduce feral cat populations that also don't put pressure on local vets and Council officers. This could include changes to the *Biosecurity Act* to allow landholders in rural and regional areas to carry out eradication programs similar to those carried out with other pest species.
- Statutory guidance taken from and supported by state and federal programs that have proven effectiveness.
- Implement legislative limits on the number of pet cats permitted be kept per household. This will prevent unnecessary breeding and aid in control of stray and feral populations by Council officers.
- Implement desexing requirement for owned cats with exemptions for breeders that is supported by corresponding legislative enforcement tools, to prevent unwanted litters and uncontrolled breeding

(j) any other related matters.

The Animal Welfare Committee (AWC) are to be commended on requesting feedback from Council Officers in the field, who have experience in practical implementation of legislative frameworks within Local Government areas. It is recommended that the advice provided by those responsible for its usage within LGAs is heavily weighted when considering any changes to legislation. The AWC should consider a long-term approach to cat management and address the cause of the problem; uncontrolled breeding of cats within communities, whether it be owned, stray or feral. A focus on this factor will ensure holistic changes to legislation that do not contribute to challenges already faced by Council Officers, which is unlikened to changes made in reference to Section 64B of the *Companion Animals Act 1998*. Whilst Narrabri Shire Council Officers aim to rehome all animals that come into our facility, our staff see the negative result on animal welfare. Particularly in regard to extensive holding periods which have largely been a result of the removal of Council officer discretion under Section 64B of the *Companion Animals Act 1998* in determining what is best for each individual animal.

We emphasise the importance of the opinions of Council Officers, who tend to and assess impounded animals daily, and are those in the position to make decisions in the best interest of each individual animal. Providing policy changes that will support on the ground staff will ensure that effective, humane and practical changes to legislation are made and implemented.

Should you require any additional information concerning this inquiry, please contact, Council's Manager Regulatory Services Mr Landon Brady during normal business hours of 9:00am to 5:00pm, Monday to Friday on (02) 6799 6866 or by emailing council@narrabri.nsw.gov.au.

Yours faithfully,

Manager of Regulatory Compliance