

Cat Curfew By-law Update

Originating Officer	Team Leader Community Safety - Luke Manuel
Corporate Manager	Manager Development and Regulatory Services - Warwick Deller-Coombs
General Manager	General Manager City Development - Ilia Houridis
Report Reference	SGC191125F03

Confidential



Confidential Motion

That pursuant to Section 90(2) and (3)(h) of the Local Government Act 1999, the Council orders that all persons present, with the exception of the following persons: Adrian Skull, Sorana Dinmore, Ilia Houridis, Tony Lines, Kate McKenzie, Victoria Moritz, Warwick Deller-Coombs, Luke Manuel, Sharon Perin and Craig Clarke, be excluded from the meeting as the Council receives and considers information relating to the Cat Curfew By-Law Update and Legal Advice, upon the basis that the Council is satisfied that the requirement for the meeting to be conducted in a place open to the public has been outweighed by the need to keep consideration of the matter confidential given the information relates to legal advice.

REPORT OBJECTIVE

The purpose of this report is to provide Council with an update in relation to the correspondence sent to the Dog and Cat Management Board (DCMB) and the State Government regarding our request for amendments to the Dog and Cat Management Act 2017 and associated Regulations to put beyond doubt the Council's power to make a by-law dealing with specific cat management issues.

EXECUTIVE SUMMARY

The Administration has progressed communication with the Dog and Cat Management Board (DCMB) in line with the Council's resolution of 27 August 2019

The DCMB have raised a number of concerns in relation to the proposed Cat Curfew by-law.

The options outlined in this report consider the outcomes sought by the Council, the impact on administering the options and the advice provided by the DCMB concerning the validity of some elements of the proposed by-law in its current form, particularly in relation to it's consideration of Part 5A Destruction, seizure and detention etc of Dogs and Cats as prescribed in the Dog and Cat Management Act 1995.

It should be further noted that in recent conversations with RSPCA, whilst supportive of the direction of the proposed by-law, their recommended approach outlined in correspondence to the Administration is to have in place;

"A consistent and comprehensive strategy across the State... (and) ...for cat management to be the priority matter in a review of the Dog and Cat management Act review in 2020".

RECOMMENDATION

That Council:

- 1. Endorses Administration to pursue one of the following three (3) options:**

- ***Option 1: Administration progress the By-law as originally drafted and put to the community, noting the DCMB concerns.***
 - ***Option 2: Administration re-draft the Cat (Confinement) Variation By-law 2019, taking into consideration the DCMB's position and removing the destruction, seizure and detention powers. Administration to present a re-drafted By-law back to Council to endorse for community consultation in March 2020.***
 - ***Option 3: Delay progress of the By-law to consider the progress of potential legislative change. Administration to present an update report to Council in June 2020.***
2. In accordance with Section 91(7) and (9) of the Local Government Act 1999 the Council orders that this report, Cat Curfew By-law Update and the minutes arising from this report having been considered in confidence under Section 90(2) and (3)(h) of the Act, except when required to effect or comply with Council's resolution(s) regarding this matter, be kept confidential and not available for public inspection for a period of 12 months from the date of this meeting. This confidentiality order will be reviewed at the General Council Meeting in December 2019.

GENERAL ANALYSIS

Background

At the General Council meeting on 29 January 2019 Council endorsed a draft Cats (Confinement) Variation by-law No. 7 2019 for public consultation.

The draft Variation by-law included a wandering at large provision that will allow Council to declare hours when cats must not wander at large but instead must be either confined, or under the effective control of a person i.e. a cat curfew.

Additional provisions were included within the draft Variation by-law to avoid duplication with the Dog and Cat Management Act 1995, and to ensure that Council's Community Safety Inspectors have the appropriate powers to seize, detain and destroy cats. After the consultation period expired, the DCMB advised they had concerns that the by-law was outside the scope of Council's by-law making powers.

As per Council's resolution, the administration wrote to both the Dog and Cat Management Board and the Minister for Sustainability, Environment and Conservation the Honorary Mr David Speirs MP requesting amendments to the Dog and Cat Management Act 2017 (the Act) and associated Regulations to put beyond doubt the Council's power to make a by-law dealing with cat management.

Response from DCMB

On 10 October 2019 Administration received a response from the DCMB (Appendix 1) advising the DCMB has considered their own legal advice on the matter and formally conveyed this position to Council's legal representatives. The DCMB position to the proposed by-law in its current form, (specifically clause 11 of the draft by-law) is that the by-law is:

- inconsistent with Part 5A-Destruction, seizure and detention etc of dogs and cats of the Act and therefore not authorised under section 90-by-laws of the Act.
- at significant risk of being found to be invalid if and when their application comes before a Court.

The reasons for this include the following matters:

- whilst the Act has provisions that deal similarly with both dogs and cats, it also has certain specific provisions which treat dogs and cats very differently, such as Part 5A of the Act
- Part 5A of the Act sets out both the specific circumstances and processes through which persons are allowed to lawfully seize, detain and destroy dogs and cats, and which could possibly result in the destruction of an animal that belongs to someone
- whilst part 5A of the Act contains provisions for the making of regulations that address this issue, they are limited in scope and relate only to legislated Regulations, not by-laws
- whilst section 90(1) of the Act relating to by-laws may appear to be quite general, it has to be looked at in the context of the Act as a whole and in particular the specific provisions of Part 5A. It must also be noted in this regard that section 90(2) of the Act makes no reference to any ability to make by-laws dealing with seizure, detention and destruction of cats.

In summary the DCMB recommends that Council reviews the proposed by-law in its current form in light of the matters they have raised.

Risks to Consider

The DCMB made comment that even if such clauses providing seizure, detention and destruction are upheld, they likely give rise to both practical and legal jurisdictional dilemmas where cats wander across council boundaries. As discussed in the previous report presented to Council, the DCMB's position was relatively expected. There is some merit to the boards position and the possibility that the by-law is inconsistent as set out above, this position cannot be entirely discounted. If Council is to proceed and is able to have the powers upheld the risk remains that a Court might find the inclusion of these powers within the by-law is inconsistent with the provisions of the DCM Act.

At the time of writing this report no response has been received from Mr David Speirs MP, however the manager of the DCMB has advised that the DCMB provides direct advice to the Minister on these matters. The DCMB have advised they are aware of the general concerns surrounding cat management in the community and are actively exploring options for legislative change.

Council has so far incurred costs of approximately \$13,925.00 to draft the by-law, including obtaining legal advice and conducting a community consultation. If Council chooses to proceed with option 1 or 2 it is anticipated there will be further costs of approximately \$10,000 - \$12,000. No funds have been budgeted for this project.

Administration Recommendations

Based on the information provided by the DCMB, Council's legal representatives and considering the current legislative constraints, Administration recommends Council endorse Option 3. This Option will allow further time to monitor any potential legislative change and report back to the Council in June 2020 with an update.

In light of discussions and correspondence with the RSPCA (Attachment 2), Option 3 will provide further opportunity to consider operational implications that include the use of Cat Curfews within the context of broader Cat Management. The RSPCA and Animal Welfare League (AWL) have released a "Cat Management Plan for South Australia" which provides a range of strategies to address community expectations by:

- Improving the health and wellbeing of cats
- Reducing the predation of cats on native wildlife
- Reducing cat related nuisance complaints

If Council does not wish to delay the process then Administration recommends Option 2 as the most appropriate way forward. This Option mitigates the potential risks whilst still delivering a cat confinement provision to the community. Anecdotally, the majority of the community are law abiding citizens who may abide by the confinement provisions. By enacting the by-law, the expectation will be set that Council will take action, but without destruction, seizure and detention powers, there will be very limited ability to enforce the curfew.

In the event Council wishes to proceed to make the by-law as it is currently drafted (Option 1), then Council's attention is drawn to the outcome of the public consultation process as per the Council report presented on 27 August 2019 (GC190827R13) for consideration. A future report will need to be considered with relevant reports on National Competition Policy, a report to the Legislative Review Committee and a solicitor's certificate of validity as per the by-law making process.

Liveable: The appropriate management of cats contributes to preserving and saving

Risk Management: Legal opinion and advice from DCMB highlighting risks that the Council should consider

Legal / Legislative / Policy: Local Government Act 1999 and Dog and Cat Management Act 1999

Attachment

#	Attachment	Type
1	Appendix 1 - Response From DCMB 10.10.19	PDF File
2	Attachment 2 RSPCA-AWL-Cat-Management-Plan-for-South-Australia	PDF File



10 October 2019

Mr Adrian Skull
CEO
City of Marion
PO Box 21
OAKLANDS PARK SA 5046

Dear Mr Skull

Re City of Marion proposed Cat Curfew By-law

Thank you for your letter dated 4 October concerning the Dog and Cat Management Board's formal response to the City of Marion's proposed Cat By-Law.

The Board considered legal advice in relation to this matter, and formally conveyed its position to council's legal representative in Dale Mazzachi and Paul Kelly, Norman Waterhouse on 18 September 2019, as is its normal practice. I have attached a copy of this correspondence for your information.

I understand that council has also written to Minister Speirs seeking support for amendments to the Dog and Cat Management Act and Regulations in relation to cat management.

The Board will continue to work on the current and complex challenges of cat management being faced in local communities and to explore all possible viable and effective solutions. The Board will keep the Minister updated on future developments about this work as it progresses.

For further information or to discuss this matter further please contact Ms Linda Allery at linda.allery@sa.gov.au, in writing at GPO Box 1047 Adelaide SA 5001, or on 8207 7750.

Yours sincerely

A handwritten signature in black ink, appearing to read "RL Somers", with a stylized flourish at the end.

Ronald L Somers PHD
Board Member
Dog and Cat Management Board

Att: Letter to Mr Dale Mazzachi, 18 September 2019



Ref: DEW-D0005619

81-95 Waymouth Street
Adelaide SA 5000
GPO Box 1047
Adelaide SA 5001

18 September 2019

Ph: 08 8124 4962
ABN 48100971189

www.dogandcatboard.com.au

Mr Dale Mazzachi
Senior Associate
Norman Waterhouse
GPO Box 639
ADELAIDE SA 5001

By email: dmazzachi@normans.com.au

Dear Mr Mazzachi

Re City of Marion proposed Cat Curfew By-law

I refer to past discussions and meetings between council representatives and representatives of the Dog and Cat Management Board. The Board has now considered legal advice it has received in relation to the proposed by-law, along with the by-law itself, and now advises that it is the position of the Board that by-laws under the *Dog and Cat Management Act 1995* (the Act), which seek to make provisions for the seizure, detention and destruction of cats (eg Clause 11 of draft by-law) are:

- inconsistent with *Part 5A-Destruction, seizure and detention etc* of dogs and cats of the Act and therefore not authorised under section 90-*By-laws* of the Act
- at significant risk of being found to be invalid if and when their application comes before a Court.

The reasons for this include the following matters:

- whilst the Act has provisions that deal similarly with both dogs and cats, it also has certain specific provisions which treat dogs and cats very differently, such as Part 5A
- Part 5A sets out both the specific circumstances and processes through which persons are allowed to lawfully seize, detain and destroy dogs and cats, and which could possibly result in the destruction of an animal that belongs to someone
- while part 5A contains provisions for the making of regulations that address this issue, they are limited in scope and relate only to regulations, not by-laws
- whilst section 90(1) relating to by-laws may appear to be quite general, it has to be looked at in the context of the Act as a whole and in particular the specific provisions of Part 5A. It must also be noted in this regard that that section 90(2) makes no reference to any ability to make by-laws dealing with the seizure, detention and destruction of cats.

Taking these points into account leads to the conclusion that the apparently broad power in section 90 must be read down so as not to include the power to make by-laws that are

inconsistent with part 5A or provide additional circumstances to those detailed in Part 5A, even if they purport to mirror the specific provisions applying to dogs.

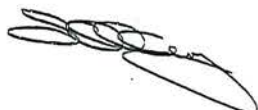
The Board notes that enacting measures such as those specifically provided for at 90(2) with associated consequences for non-compliance does not necessarily require a scheme of seizure, detention and destructions of cats, which goes beyond the existing provisions of Part 5A.

Even if such clauses providing powers to seize, detain and destroy cats were to be upheld, they are likely to give rise to both practical and legal jurisdictional dilemmas where cats wander across council boundaries.

In summary, the Board recommends that Council reviews the proposed by-laws in light of the matters set out above.

For further information on this matter please contact Ms Linda Allery at linda.allery@sa.gov.au, or in writing at GPO Box 1047 Adelaide SA 5001.

Yours sincerely



Linda Allery
Manager / DELEGATE
Dog and Cat Management Board

Cc: Paul Kelly pkelly@normans.com.au



6 November 2019

Mr Adrian Skull
Chief Executive Officer
City of Marion
PO Box 21
OAKLANDS PARK SA 5046

Dear Mr Adrian Skull,

RSPCA South Australia and the Animal Welfare League have now released a "Cat Management Plan for South Australia" which is enclosed for your reference. The objectives of this plan address community expectations by:

- Improving the health and wellbeing of cats
- Reducing the predation of cats on native wildlife
- Reducing cat related nuisance complaints

It is very clear from numerous public opinion surveys – by RSPCA, AWL, councils and universities – that there has existed for some time very high levels of community support for improved cat management. After years of public consultation however, community support is now rapidly migrating towards an expectation of action, especially by councils.

South Australia's cat overpopulation challenge is one of our state's most serious animal welfare and management issues. The current situation is unsustainable – together, AWL and RSPCA receive more than 10,000 cats into our South Australian shelters every year, mostly urban stray cats. Management and care for these cats and kittens comes at enormous cost to our organisations which are charities largely funded by donations. It is clear that Councils are looking for help in developing a strategy for cat management and as the state's leading animal welfare charities, we believe we are well qualified to assist.

Our jointly developed plan addresses recommendations contained within the RSPCA's national report "Identifying Best Practise Domestic Cat Management in Australia" and comprises a pragmatic and comprehensive set of actions required from local councils, state government and community groups in order to address the cat over population challenge in South Australia.

While the 2018 desexing and microchipping requirements for cats were positive steps in the management of owned cats, the current broader strategy for cat management which is reliant on the development of individual council by-laws is seeing a piecemeal, disjointed and largely ineffective approach to managing cat over population in our state. **A consistent and comprehensive strategy across the State is the only effective way to curb cat overpopulation, and we would like your council's support in advocating for cat management to be the priority matter in a review of the Dog and Cat Management Act review in 2020.**

Our Cat Management Plan for South Australia takes a long-term view aimed at a sustainable reduction in cat overpopulation, and its twenty-six actions include changes such as the standardisation of mandatory holding periods, rules regarding cat containment and curfews, and the introduction of community desexing programs. Councils are the best placed authority to take the lead on cat management and certainly do so interstate and overseas. It is an area of animal management where South Australia has fallen behind, and we will need consistency of legislation, comprehensive community education, and adequate funding of compliance to address the issue.

RSPCA and AWL are more than happy to meet with council officials or address council meetings to explain the plan and discuss any issues, and we encourage your council to publicly endorse the plan to your residents as a way forward on this issue. When fully implemented, the positive outcomes for cats, wildlife and your community will be enormous.



.....
Paul Stevenson
Chief Executive Officer
RSPCA SA



.....
Richard Mussell
Chief Executive Officer
AWL

Cat Management Plan for South Australia

November 2019





Cat Management Plan for South Australia

Managing cats in South Australia in a way which adequately considers the associated animal welfare, social, and environmental issues is a complex and sometimes controversial challenge, but one that we need to start addressing in South Australia with a comprehensive statewide strategy.

Cats are great pets and highly valued companions. We have a duty of care to their health and wellbeing, and the core belief at the heart of this plan is that:

“Every cat deserves a responsible owner”

The objectives of this plan for improved cat management are to:

- 1** Improve the health and wellbeing of cats
- 2** Reduce predation of cats on native wildlife
- 3** Reduce cat-related nuisance complaints in the community

Over recent years there has been extensive community consultation about cat management, and numerous surveys have indicated very high levels of community support for improved cat management. The Royal Society for the Prevention of Cruelty to Animals South Australia (“RSPCA”) and Animal Welfare League of South Australia (“AWL”) have jointly developed this Cat Management Plan for South Australia based on that community consultation and best practice principles in domestic cat management.

This Cat Management Action Plan for South Australia prescribes a comprehensive and holistic set of actions to address the core issue of uncontrolled cat populations. It can, however, **only be effective if implemented in its entirety, as the plan is not a “menu” from which individual items can be selected or rejected.** The plan prescribes a practical and pragmatic set of actions with responsibilities for all stakeholders in improving cat management in South Australia.

This Cat Management Plan for South Australia should be read with reference to RSPCA Australia’s report **“Identifying Best Practice Domestic Cat Management in Australia”**, which provides the scientific and research basis upon which this plan has been developed. That report was based on a discussion paper that was partly funded by the Office of the Threatened Species Commissioner, through the National Landcare Program, and involved extensive community consultation with a total of 1,159 online and 759 email responses during a nine-week public consultation period, including 104 detailed submissions. This plan proposes specific actions that together implement the 21 recommendations of the Best Practice report.

Cat Management in South Australia

South Australia lags behind most major states in terms of legislation and accountabilities for cat management. The new mandatory desexing and microchipping measures introduced into the *Dog and Cat Management Act* in 2018 were certainly positive steps towards addressing some of the deficiencies compared with the other states, but fall well short in addressing the overall issues. Certainly **it is core to this plan that Local Government has primary responsibility for cat management in this state**, as it has in the rest of Australia and overseas. Also, State Government action is needed to legislate for consistency in cat management across South Australia, and to ensure that Local Government has access to the funding and other resources necessary to effectively undertake this responsibility.

Certainly the time has passed for animal welfare charities and volunteers to be left with the vast bulk of responsibility for cat management in South Australia. It is no longer financially sustainable for these organisations to provide the current highly subsidised services to councils (it costs RSPCA/AWL over \$700 to rehome each cat), and the revenue generating capability of Local Government must be harnessed to properly fund cat management in South Australia.

Categories of Cats

Effective cat management requires specific strategies for the different categories of cats.

This plan will use the following terms to describe different populations and sub-populations of cats:

Domestic

All cats with some dependence (direct or indirect) on humans. There are three sub-categories of domestic cats:

Owned

These cats are identified with and cared for by a specific person, and are directly dependent on humans. The cats are usually sociable although sociability varies.

Semi-owned

These cats are fed or provided with other care by people who do not consider they own them. These cats are of varying sociability, with many socialised to humans, and may be associated with one or more households.

Unowned

These cats are indirectly dependent on humans with some having casual and temporary interactions with humans. The cats are of varying sociability; some are unsocialised to humans, and some may live in groups (e.g. common aggregation sites including rubbish tips, food outlets, coastal fishing spots associated with urban environments etc).

Feral

These cats are unowned, unsocialised, have no relationship with or dependence on humans, and reproduce in the wild, independently from the domestic cat population.

Other Commonly Used Terms

Community Cats

This is the term used to refer to semi-owned or unowned cats. These are cats of varying sociability, who may have casual and temporary interactions with humans and indirect dependence on humans, or long-term interactions and direct dependence on humans. They live in areas in cities/towns where they can scavenge food or are fed by one or more people, e.g. in school/university grounds, factory areas and shopping complexes.

Stray Cats

This term is often used to refer to unowned or semi-owned cats, but "stray" refers to the activity of cats that roam, not an ownership status. Any of the above categories may at a particular time be classified as "stray cats". Management strategies however should relate to ownership status rather than activity.

Cat Population – South Australia

South Australia has the second highest level of cat ownership in the nation with 37% of South Australian households owning a cat. This translates to about 397,000 owned cats alone in this state, with potentially another 171,000 unowned or semi-owned cats (estimated from calculations based on U.S. urban studies). We do however know that over 11,400 cats enter RSPCA and AWL shelters in this state every year, and this number is steadily increasing.

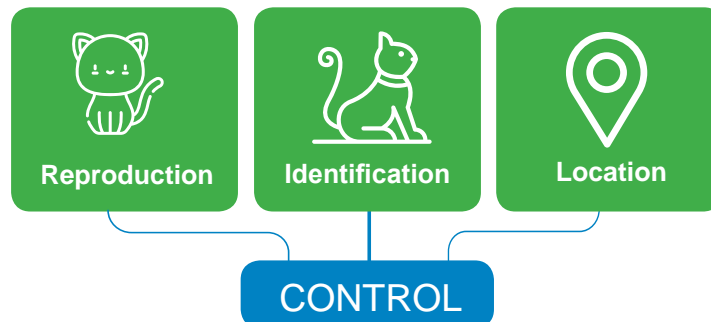
Ref 1 Pet Ownership in Australia 2016, Animal Medicines Australia Report.

	Standard	South Australia	Adelaide
Human Population		1,712,843	1,333,927
Owned Cat Population	No. of households	767,267	492,449
	% with cats	37%	37%
	No. of cats per household with cats	1.40	1.40
	Total Number of Cats	397,444	255,089
Semi and Unowned Cat Popln	Min 60 cats per 1,000 residents	102,771	80,036
	Avg 80 cats per 1,000 residents	137,027	106,714
	Max 100 cats per 1,000 residents	171,284	133,393
No of stray cats into shelters	(Adelaide RSPCA + AWL only)	11,402	11,402
Strays per 1,000 residents	Australian Avg 9 cats	8.5	8.5

Summary – Cat Management Strategy

According to the Australian Government's National Consultative Committee on Animal Welfare (NCCAW, 2008), any control program should: protect the welfare of cats, reduce impact on wildlife, reduce public nuisance, recognise the value of cats to our community and educate the community.

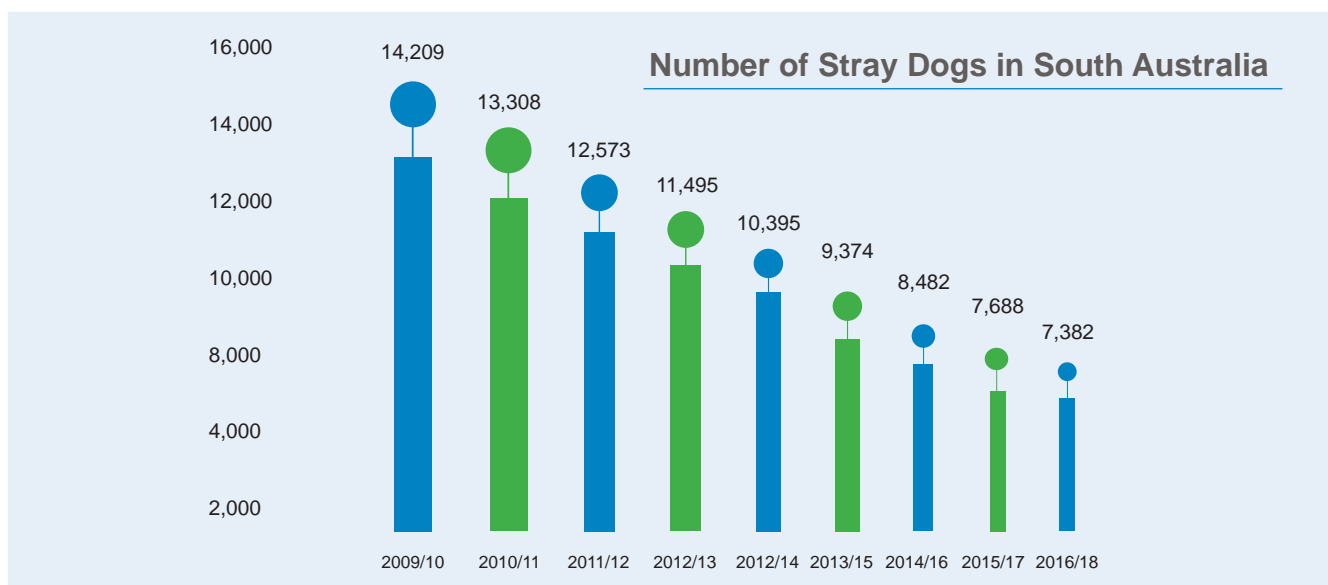
The core to effective companion animal management requires control of reproduction, identification and location (the three elements shown in the diagram below). This goal is essentially achieved through desexing, microchipping and containment.



This basic strategy has proven to be effective with dogs in South Australia with the number of stray dogs in consistent decline over the past eight years. This success however is strongly underpinned by:

- 1 Broad community understanding of the requirements of “responsible dog ownership”; and
- 2 Enforcement of legislation and council by-laws.

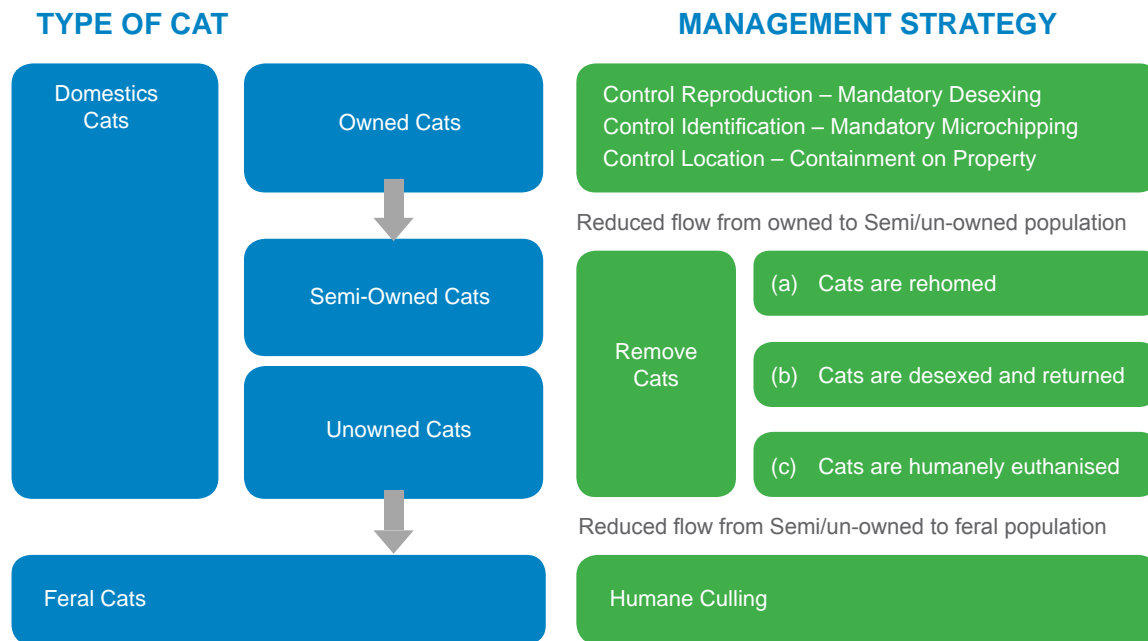
It is important to remember that these results, driven by community education, incentives and penalties, have taken decades to achieve, and this plan for cat management must also be allowed sufficient time to have effect.



Effective cat management has a number of unique challenges, which means it is essential to implement a broader management approach and strategy. These challenges are:

- A Control of cat reproduction, identification and location requires someone to be responsible for the cats. With owned cats the owners can be made responsible. There is, however, a large population of unowned and semi-owned cats with no one responsible for desexing, microchipping and containment.
- B Location control (containment) can be a challenge due to cats' agility in climbing and escaping through very small openings. This means that specialised practical solutions are required for cat containment, which can be expensive.
- C The very high reproductive capacity of cats and their ability to survive without human assistance means that non-owned populations can readily and rapidly increase.
- D Feeding stray cats (semi-owned) is not prohibited in most states, including South Australia, and is hard to legislate and enforce due to human compassion.

Summary: Suggested Cat Management Strategies



Management of Semi-owned or Unowned Domestic Cats

Recent changes to the *Dog and Cat Management Act* to introduce mandatory microchipping and desexing will eventually contribute somewhat towards limiting the flow of owned cats into the unowned population. However, on their own the changes will not be effective in reducing the unowned or semi-owned cat population as (i) any reduced inflow from the owned cat population will be offset by continued breeding within the un/semi-owned population, and (ii) the legislation must be enforced in order to have the intended effect.

Semi or unowned cat populations need some degree of control as they are associated with problems in urban environments including the following:

- Uncontrolled reproduction, which results in a constant stream of animals entering shelters/pounds and requiring rehoming which is an increasingly expensive activity.
- Nuisance behaviours including fighting, spraying and soiling, which can result in the compromised welfare of cats.
- Wildlife predation to varying degrees.

The following is a brief summary of the status, potential, logistics and costs for each of the three proposed strategies for managing semi-owned or un-owned cats:

A Cats are rehomed

Currently in most council areas, this is the only strategy being applied to the management of semi-owned and un-owned cats. While adoption programmes for these cats will continue to be a part of the proposed set of cat management strategies, this cannot be relied upon as the sole strategy because:

- There is a limited capacity to absorb unowned cats into the owned population, especially since there is already an oversupply of surrendered owned cats needing adoption, as well as easily obtained cheap or free cats from other sources.
- This strategy has been ineffective in reducing cat populations with the numbers of cats entering shelters steadily increasing over the past decade (and more) across Australia.
- The current strategy relies on charities to be undertaking the bulk of the burden of un-owned and semi-owned cat management.
- This strategy is expensive; the husbandry, veterinary care and marketing costs for rehoming cats in SA currently averages in excess of \$700 per cat rehomed, and is growing every year.

Management of Semi-owned or Unowned Domestic Cats

B Cats are Desexed and Returned

Trap, desex, adopt or return (TDAR) is used as an alternative to lethal cat control in some developed countries. In TDAR programs, cats are trapped, health checked, desexed, vaccinated and then rehomed or returned to their original location if healthy. Cats that are unsuitable for rehoming, unhealthy and unfit for release are humanely euthanised. Community cat caretakers typically provide food and shelter and monitor the cats. When foster or permanent homes are available, young kittens and friendly adults are removed and placed for adoption.

An increasing body of evidence suggests that long-term TDAR programs can effectively reduce free-roaming cat populations, especially those programs that include an adoption program, monitoring and desexing of new cats arriving into the colony. High impact TDAR, combined with the adoption of socialised cats and nuisance resolution counselling for residents, may be an effective tool for long term management of semi-owned and unowned cats, and this plan proposes that a controlled trial of such a strategy be undertaken to validate its effectiveness.

C Cats are humanely euthanised

Trap and kill programs in peri-urban and urban areas are very difficult to effectively implement. Ineffective implementation results in failure to reduce cat numbers in the long term and consequently no significant improvement for issues of concern such as wildlife predation.

Culling strategies require 50%-80% of the stray cat population to be killed every six months, or the population quickly returns to normal levels. Clearly such high levels of cat killing is very expensive and not at all acceptable to the broader community, AWL or RSPCA and is therefore not a realistic option for councils.

Why is action necessary?

The current cat management strategies in South Australia have largely relied on animal welfare organisations and veterinarians to deal with unwanted cats. Councils have few responsibilities under current legislation and most do the minimum in managing cat issues within their council areas. This lack of local council involvement varies greatly from most other states of Australia, where council responsibilities for cat management are similar to those of dogs.

It is therefore reasonable to assume that councils will become more responsible for cat management in this state, and that the standards of cat management will improve. There is a growing community expectation for improved management of cats in Australia being driven by:

- Need for ever-increasing regulation of living environments.
- Environmental concerns around the protection of native wildlife.
- Greater concern and expectations for good cat welfare.

These greater demands and standards will require a paradigm shift in thinking about accountabilities for cat management in this state.

Determining what will happen to cats who are surrendered or seized by a council, for any breach of legislation or by-laws, is a major consideration in any development of improved cat management practices. While some cats will be reclaimed by owners, and others assessed as too unsocialised to be rehomed will be euthanised, the vast majority will need to be rehomed. Rehoming, however, is an increasingly expensive process with all animals requiring veterinary checks, microchipping, desexing, and parasite treatments as well as core care and husbandry, and finally extensive advertising and marketing to secure adopters. Currently, costs to each of RSPCA and AWL average over \$700 per cat rehomed; in combination, this amounts to over \$7 million a year in operating costs to rehome 4% of the semi and unowned cat population in the state, and this cost is increasing every year.

This is clearly an unsustainable situation for organisations such as RSPCA and AWL who are relying predominantly on community donations. In the eastern states, where Local Government has primary responsibility for companion animal management, councils are collaborating with each other and/or animal welfare organisations to construct and operate dog and cat detention and rehoming facilities. This must be the future direction for cat management in South Australia, and it is now time for all stakeholders to start preparing for this transition in responsibility.

It is important to emphasise, however, that no legal changes or other measures will be effective in reducing cat overpopulation without effective enforcement of the legislation, regulations and/or by-laws.

Action List – Cat Management Plan for South Australia

Action	Commentary	Responsible	Recmnd*
Objective: Build an understanding of “Responsible Cat Ownership” in the community			
1 Develop “Responsible Cat Ownership” education materials.	<p>Instilling into the public an understanding and acceptance of the responsibilities inherent in owning and caring for cats in our communities is core to establishing more guidelines and controls over cat populations in urban environments. Notions of “responsible dog ownership” are reasonably well known and accepted, but similar reasonable community expectations of cat owners are less specified or consistent.</p> <p>A range of good resources exists from various organisations but it is necessary to develop and implement one set of guidelines and education materials to be used by all stakeholders in order to avoid confusing the public with inconsistent advice.</p> <p>Action: <i>Under the leadership of the Dog and Cat Management Board and working with both RSPCA and AWL, current cat ownership educational materials should be reviewed and aligned into a single “Responsible Cat Ownership” education program.</i></p>	DCMB, RSPCA, AWL	19, 1
2 Alignment of DCMB, Councils, RSPCA and AWL websites	<p>Members of the public looking for guidance on cat ownership will mostly consult the DCMB, council, RSPCA or AWL websites for information. It is therefore important these sources of information are consistent not only in promoting the elements of “Responsible Cat Ownership”, but in providing advice on actions to take with nuisance cats or cats that have strayed.</p> <p>Action: <i>The LGA consult with the DCMB and develop standardised cat management website materials for use by all councils (allowing for individual by-law variances). These materials would also be reflected in the RSPCA and AWL websites.</i></p>	DCMB, LGA, Councils, RSPCA, AWL	19, 1, 2
3 Promotional program	<p>Action: <i>A program promoting the “Responsible Cat Ownership” information and materials be developed and included in publicity materials and activities of councils, LGA, RSPCA, AWL and the DCMB.</i></p>	DCMB, LGA, Councils, RSPCA, AWL	19,1, 2
Objective: Consistency of cat management practices across South Australia			
4 Legislative change to impose consistent cat management accountabilities on councils.	<p>To date, most councils in South Australia have been very reluctant to implement any significant cat management measures in their council areas. There are a number of reasons for this including:</p> <ul style="list-style-type: none"> i. Cat management is a complex, emotional and controversial issue and there has been confused, incorrect and conflicting information available to councils. With a lack of clear direction available it is understandable that even councils with an interest in improved cat management have been uncertain as to what steps should be taken. This Cat Management plan for South Australia is designed to address that issue by providing evidence based guidance on what needs to be done. Nonetheless, it is likely that some councils will still not take action until required to do so by legislation. ii. Cat management measures will require additional funding in an environment of tight council budgets and government pressure to not increase council rates. Despite this, cat management needs to be addressed and will need to be adequately and consistently funded. iii. It is easier and less expensive to simply continue to let the animal welfare charities provide the councils’ cat management services to rate payers. iv. The numbers of cat nuisance reports by residents is often not high and therefore cat management is not seen as an issue. However, this may often be due to residents no longer reporting cat problems as little is done about them by the council. <p>Despite this, we have now reached a point in South Australia where the community clearly expects local government to act on improving cat management in their council areas.</p>	RSPCA, AWL, veterinarians, State Government	2

Action List – Cat Management Plan for South Australia

Action	Commentary	Responsible	Recmnd*
Objective: Consistency of cat management practices across South Australia			
	<p>Action: Change s64(2) of the Dog and Cat Management Act stating “A person may seize and detain an unidentified cat for the purpose of delivering it within 12 hours to a veterinarian, RSPCA, AWL or council.” The reference to RSPCA, AWL and veterinarians should be removed, leaving facilities nominated by a council (and approved by the Board) as the only destination (except if an animal is injured), making the legislation regarding cat management consistent with that for dog management.</p> <p>Action: Councils be required to report data related to impounded cat outcomes to the Dog and Cat Management Board.</p>	RSPCA, AWL, veterinarians, State Government	2
5 Introduce mandatory cat detention periods	<p>South Australia is one of the only states without mandatory cat detention periods (similar to the 72 hours detention period that exists for dogs in this State). This seriously disadvantages cat owners whose animals may be taken by anyone and immediately euthanised, if their cat is not microchipped. Conversely, under the current legislation, identified cats (ie those with a microchip) cannot be seized at all – even if wandering or stray. The introduction of mandatory detention periods, along with council notices, would:</p> <ul style="list-style-type: none"> • Provide owners with the opportunity to reclaim lost cats (same as they have with dogs). • Allow a period of time for seized cats to settle before behavioural assessments are undertaken to assess their level of sociability and suitability for rehoming. <p>Interstate detention periods vary, and are often different for identified or unidentified cats (Vic: 8 days; WA Identified cats 7 days, Unidentified 3 days; NSW: Identified 14 days, Unidentified 7 days).</p> <p>Action: In South Australia we propose the legislating of 7 days for identified cats (microchipped) and 3 days for unidentified cats. The 72 hours for unidentified cats is sufficient to allow these cats to settle for behaviour assessments. The longer period for identified cats is an incentive for microchipping, but also reflects that often cats return home of their own accord and therefore owners do not immediately search for them as lost cats. There also needs to be flexibility for extenuating circumstances where it is detrimental to that cat's welfare to be detained for the entire hold period. Examples of these circumstances include: a cat suffering due to an injury that cannot be managed throughout the hold period; or, an unidentified cat being assessed as “wild” within the official behaviour assessment with no possibility of being rehomed after the detainment.</p>	State Government	2, 4, 14
6 Alignment of council cat management plans	<p>Due to cat migration, it is essential that a consistent state-wide approach is taken to cat management in South Australia. Currently there are large variations in cat management interest, measures and by-laws between councils. Even where councils have been proactive in taking some measures, these initiatives are somewhat piecemeal and, consequently, unlikely to have any material impact on cat populations.</p> <p>Action: Despite the five year term of existing council animal management plans, all should be amended to incorporate measures being outlined in this Cat Management Plan, and specified by changes to government legislation.</p>	DCMB, Councils	2, 4
7 Increased cat focus by the DCMB	<p>With existing dog management practices in South Australia proving to be largely effective, more emphasis needs to be placed on improved cat management by the Dog and Cat Management Board. Changes to the Dog and Cat management Act in 2018 imposed greater responsibilities on dog and cat owners by virtue of mandatory desexing and microchipping, but failed to address responsibilities of councils in cat management.</p> <p>Action: Cat Management to be included as a priority in DCMB strategic planning.</p>	DCMB	3

Action List – Cat Management Plan for South Australia

Action	Commentary	Responsible	Recmnd*
Objective: Consistency of cat management practices across South Australia			
8 Introduce cat management officers	<p>In line with legislative changes proposed above, council Animal Management Officers need to be provided with training, equipment & facilities for the correct care and handling of cats. New cat management legislation and council by-laws are of no value if they are not policed and enforced, and councils must be resourced to undertake that function. Trained Animal (cat) Management Officers must also be responsible for any use of traps in management programmes. It is not acceptable on animal welfare grounds for traps to be provided to members of the public.</p> <p>Action: <i>Cat training, equipping and resourcing of council Animal Management Officers.</i></p>	Councils	4, 5, 14, 13, 14, 15
9 Develop a Code of Practice for humane management of cats	<p>An objective of this plan is to improve the welfare of domestic cats in our community. This includes ensuring that the development and implementation of management practices arising from this plan always give due consideration to the welfare impacts on cats.</p> <p>Action: <i>Develop a Code of Practice and Standards for the humane management of cats. This includes the operation of facilities nominated by councils for the impounding and rehoming of cats as well as procedures involved in the enforcement of cat management measures.</i></p>	DCMB	
Objective: Provide funding for cat management programs			
10 Cat Registration	<p>NSW, Vic and WA require cat registrations, and in South Australia there are only eight councils currently with by-laws requiring cat registration. There is a valid argument that with compulsory microchipping, cat registration is not required for identification, therefore it is important to clarify the objectives of introducing compulsory registrations for cats:</p> <ul style="list-style-type: none"> i. Registrations provide an income source for councils to apply towards cat management costs. ii. Registrations provide a valuable psychological reinforcement that cat ownership comes with wider responsibilities to the community. <p>As with any legislation however, cat registration requires enforcement by councils. The lack of enforcement probably results in the low proportion of cats registered in most council areas that have introduced them.</p> <p>Action: <i>Councils introduce and enforce cat registration requirements.</i></p>	Councils	4, 5, 13, 14, 15
11 LGA support	<p>Action: <i>The LGA should consider giving some priority in coming years to cat management initiatives undertaken by councils through their research grants and other mechanisms.</i></p>	LGA	4, 7
12 State Government Grants	<p>It is acknowledged that local government will need some assistance in improving their cat management practices.</p> <p>Action: <i>Relevant departments of State Government (especially DEW and DPTI) should develop some grant based funding opportunities for councils introducing cat management initiatives.</i></p>	DEW, DPTI	3, 4
Objective: Control Reproduction			
13 Low cost desexing programs	<p>One of the main contributing factors in the continued growth of the unwanted cat population (and subsequent intake into shelters) is likely to be the failure to desex cats in low income households, and semi-owned and unowned cats. Targeted and low cost desexing programs have been shown to be effective in increasing desexing rates and also receive strong community support. A lot of information and experience exists in running these programs and they do provide an ideal opportunity for animal welfare organisations, councils and veterinarians to directly contribute towards improving desexing levels.</p> <p>Action: <i>Working with veterinarians and councils, establish and/or promote low cost desexing programs with coordinated availability in targeted areas.</i></p>	RSPCA, AWL, Veterinarians, Councils	11, 16, 15

Action List – Cat Management Plan for South Australia

Action	Commentary	Responsible	Recmnd*
Objective: Control Location			
14 Promote pre-pubertal desexing	<p>The 'traditional' age of desexing is six months of age but this unfortunately allows cats to reach reproductive maturity before they are desexed; cats may reach reproductive maturity as early as 3.5 months of age. Delayed desexing of owned cats is reported to often result in the production of unwanted litters of kittens, but can be addressed through the introduction of pre-pubertal or 'early-age' desexing. Therefore, it would be of great benefit to revise current recommendations so that owned cats are desexed before four months. In addition, any initiatives to desex semi-owned and unowned cats should also aim to desex these cats before four months of age to prevent reproduction prior to desexing.</p> <p>Action: Promotion to the general public and veterinarians of the benefits and safety of pre-pubertal desexing, along with training in the procedure would be a positive contribution by the veterinary community to reducing cat reproduction rates.</p>	Veterinarians (AVA)	17
15 Work towards cat containment	<p>Cat containment is often one of the most controversial cat management issues and needs careful consideration of factors relating to the objectives, implementation and timing.</p> <ul style="list-style-type: none"> • Containment within a property while providing outdoor access to cats can be challenging and expensive due to cats' agility and climbing ability. The expense involved in adequate cat containment will be a major issue in lower socioeconomic areas. Consideration should be given to programs to make these options more accessible and subsidise costs. There are also planning approval and aesthetic considerations to making properties cat-proof and guidelines should be provided by councils. • Full time containment within houses is possible but requires considerable owner education about providing ongoing enrichment and stimulation to cats, as well as careful monitoring of exercise and diet to ensure that there are no animal welfare issues. • Communication of containment proposals should also carefully consider the target audience – cat owners – and emphasise the health and safety benefits of containment (rather than just focusing on the native wildlife preservation benefits, as is often the case). Communication should also include the importance of simple respect for private property as another justification for containment. • The timing of introduction of a cat containment requirement also needs very careful consideration. Residents need adequate time to make physical modifications to their properties and prepare their pets for the adjustment to containment. • Enforcement is a challenge but is essential. Councils need to determine how wandering cats will be dealt with – in terms of seizure as well as what happens to the cats after seizure (impounding periods, humane detention facilities, rehoming unclaimed animals). Any use of traps must be undertaken by trained Animal Management Officers. It is not acceptable on animal welfare grounds for traps to be provided to members of the public. <p>Action: Councils should work towards the introduction of cat containment but do so carefully and slowly and;</p> <ol style="list-style-type: none"> Allow for extensive community education about the benefits of containment, including benefits to cats, and the preparations needed. This should form one part of a longer term "Responsible Cat Ownership" education program. Provide information and resources to residents for preparing their property to make it escape-proof for cats. Provide information and resources to owners about providing enrichment and adequate care for their cats, if contained indoors full-time. Fully detail plans for enforcement and care of seized cats. Introduce cat curfews as an initial step towards 24 hour cat containment. 	Councils	13

Action List – Cat Management Plan for South Australia

Action	Commentary	Responsible	Recmnd*
Objective: Control Identification			
16. Introduce cat curfews	<p>A number of studies have indicated very high levels of community support for cat curfews (containment overnight) amongst cat owners and non-owners alike. Curfews are a relatively easy requirement for councils to introduce as it requires little investment by residents in making their properties cat proof (therefore not disadvantaging lower socioeconomic residents) and requires less education for owners on the provision of enrichment and indoor care for their cats.</p> <p>However, as with full containment, councils must carefully consider enforcement processes and resourcing. Particularly, it is important to determine who will undertake the trapping of cats (there are serious concerns about the welfare of cats subject to trapping by unqualified or untrained members of the public) and what will happen to the cats after seizure. Plans must be in place for humane detention, reclaim and rehoming of seized cats.</p> <p>Action: <i>Councils introduce, resource and enforce cat curfews.</i></p>	Councils	13
17 Microchipping promotion	<p>Currently only 1% of cats received at the RSPCA & AWL's shelters in South Australia are microchipped, compared with over 50% of dogs. (This directly relates to subsequent reclaim rates of only 3% for cats and over 50% for dogs.) Despite the new mandatory microchipping legislation introduced in 2018, there is a lot of work to be done in lifting cat microchipping rates in the State.</p> <p>Action: <i>Develop a campaign explaining the need for and benefits of microchipping, and coordinate its release through councils, vets, animal welfare organisations and the media.</i></p> <p>Action: <i>Greater enforcement of current legislation by councils is also required.</i></p>	DCMB, LGA	14
18 Visible Identification	<p>Microchipping is a very effective method for identifying cats but cats do need to be taken to somewhere that has a device for reading the microchip. As such, microchipped and owned animals may be taken to shelters, veterinarians and councils for identification, potentially causing stress for the animal. This can be avoided by cats having a safe quick release collar and identification tag with their owner contact details. This is a simple measure that needs to be promoted by all sources of information on cat care.</p> <p>Action: <i>All stakeholders uniformly promote the benefits of visible identification of cats by collar and tag.</i></p>	DCMB, Councils, RSPCA, AWL	14
19 Low cost micro-chipping	<p>A number of low cost microchipping providers or events exist that would benefit from increased funding and promotion. These programs should be included in the campaign above.</p> <p>Action: <i>AVA to introduce a program of a voluntary microchipping levy on clients of \$5 towards funding low cost microchipping programs in targeted lower socioeconomic areas.</i></p>	AVA	14
Objective: Unowned & Semi-owned management			
20 Rehoming promotions	<p>Determining what will happen to cats who are surrendered or seized by a council, for any breach of legislation or by-laws, is a major consideration in any development of improved cat management practices. While some cats will be reclaimed by owners, and others assessed as too unsocialised to be rehomed will be euthanised, the vast majority will need to be rehomed. As explained earlier, reducing euthanasia rates is a very clear expectation of the community and with a decrease in euthanasia of cats there are more and more cats requiring rehoming.</p>	Councils, RSPCA, AWL	

Action List – Cat Management Plan for South Australia

Action	Commentary	Responsible	Recmnd*
Objective: Unowned & Semi-owned management			
20 Rehoming promotions (continued)	<p>There is an estimated demand for cats in South Australia of 40,000 animals per year, of which about 20% are sourced from animal shelters such as RSPCA and AWL (which only supply healthy desexed and microchipped animals).</p> <p>Action: <i>Councils should consider actively promoting cat adoption programs from these organisations and their own detention facilities, as well as providing incentives such as free first year registration for “rescue” cats.</i></p>	Councils, RSPCA, AWL	
21 Increase the limit on the number of cats allowed per household	<p>Limiting the number of cats that can be kept by an individual owner attempts to reconcile the sometimes conflicting interests of pet owners and property owners, as well as cat nuisance issues. A limit on individual cat numbers is also often discussed as a measure to manage overall cat numbers. Most councils impose a standard maximum limit of two cats per household but also allow for additional cats upon request and under permit. There are a number of households who successfully care for up to five or six cats - the key criteria should not be the number of cats, but whether they are healthy and properly cared for in line with the principles of Responsible Cat Ownership (including containment). Increased limits for the number of cats allowed per household would potentially increase the number of homes available for rehoming cats.</p> <p>Action: <i>Councils to increase the standard limit for the number of cats allowed per household from two cats to four cats (under specific conditions – where the cats are desexed, microchipped, contained and well cared for) to reduce the number of semi-owned cats and increase demand for rescue cats.</i></p>	Councils	18
22 Reduce unnecessary surrender and abandonment of cats	<p>Reducing unnecessary surrender or abandonment of cats reduces the negative impact on cat welfare as well as the cost and need for rehoming services. A range of issues may lead to surrender or abandonment (which is illegal) including financial pressures for care and veterinary treatments. However, of owners surrendering cats to RSPCA shelters in Australia, 36% said it was because of inability to find rental accommodation where cats were allowed. In Australia, although 33% of the population lives in rented accommodation, only 4% of advertised rentals allow pets. The preconception by landlords that pet owners cause more property damage is not supported by the evidence. Pet owners stay twice as long, pay more rent and are no more likely to cause damage than non-pet owners. Many organisations have called for the removal of ‘no-pet’ clauses in rental agreements on the basis that these are discriminatory and increase surrender of cats. In October 2017, the Victorian Government announced changes to legislation to prohibit landlords from preventing a tenant with a pet from renting without a substantial and legitimate reason.</p> <p>Action: <i>Introduce changes to the Residential Tenancies Act 1995 (SA) in line with the new Victorian legislation.</i></p>	DEW, Dept of Consumer and Business Affairs	12
23 Reduce strays taken to shelters	<p>It is believed that many strays brought into shelters as “lost” animals by well intentioned members of the public may in fact have been removed from locations quite close to their homes. Generally cats do not move far from their homes and in many cases will return in due course if left where they are (as long as they are healthy and not in danger). This approach needs to be communicated consistently to the public by all sources of cat information.</p> <p>Action: <i>Incorporate a “Leave a healthy cat where they are and monitor” approach to stray cats in website and printed information.</i></p>	DCMB, RSPCA, AWL, Councils	

Action List – Cat Management Plan for South Australia

Action	Commentary	Responsible	Recmnd*
Objective: Unowned & Semi-owned management			
24 Undertake a TDAR trial	<p>With potentially 170,000 or more unowned or semi-owned domestic cats in South Australia, current strategies of limited humane euthanasia and rehoming will not be able to address this problem. Certainly a large scale culling of domestic cats in urban environments would not be acceptable to the community, and there is insufficient demand for rehoming of all of these cats. Another strategy needs to be found. In trap, desex, adopt or return (TDAR) programs, cats are trapped, health checked, desexed, vaccinated and then either rehomed or returned to their original location. Cats that are unsuitable for rehoming, unhealthy and unfit for release are euthanised. TDAR programs have potential benefits beyond just reducing cat numbers, including the potential to improve cat health and reduce cat related conflict with the local community due to the reduction in cat nuisance behaviours in desexed animals, such as aggression. However, there has been no large scale trial of TDAR in Australia to determine its effectiveness as a cat management strategy.</p> <p>Action: <i>RSPCA to work with a selected council to undertake a TDAR trial in South Australia.</i></p>	RSPCA, Council, DEW, LGA	10
25 Education about semi-owned cats as a separate category of cats	<p>Cat management plans and strategies must identify and address semi-owned cats as a separate group to unowned cats and ensure that cat semi-owners are specifically targeted in education, desexing and other relevant cat management programs. It is also important in supporting cat management practices and further research, that data is collected on unowned, semi-owned and owned cats in shelter/pound statistics.</p> <p>Action: <i>Ensure that the different cat categories are incorporated into all education materials.</i></p> <p>Action: <i>Council detention facilities and shelters to collect and make available data on inbound cat categories.</i></p>	Councils, RSPCA, AWL	
Objective: Research			
26 Research into the effectiveness of these actions	<p>To better inform the future refinement of this cat management strategy, it would be extremely useful to have research undertaken on the impact of these measures (in isolation and combination). The research should consider impact on cat populations as well as cat welfare, community attitudes, native animal populations, and costs of cat management.</p> <p>Action: <i>DEW/LGA to fund university research into the effectiveness of measures proposed in this plan.</i></p>	DEW, LGA	

Recmnd – This column specifies the related recommendation(s) from the “Identifying Best Practice Domestic Cat Management” report.

References

Animal Medicines Australia, *Pet Ownership in Australia* (2016).

RSPCA Australia, *Identifying Best Practice Domestic Cat Management in Australia* (2018).



