

**SUBMISSION TO THE 2019 REVIEW OF THE CAT ACT 2011 AND DOG AMENDMENT ACT 2013  
IN WESTERN AUSTRALIA**

**Our Focus**

We are focussing this submission mainly upon endangered wildlife effects, specifically smaller birds, of which we are more knowledgeable and have a sum of experience, as well as aspects of social fairness and associated unintended negative consequences of certain potential changes to the legislation.

**General Observations Regarding the Review**

We base the following mainly upon three sources:

1. An article in The Sunday Times, May 12<sup>th</sup> 2019: 'Cat curfew law proposal';
2. Comments made by Minister Alannah MacTiernan on a 7 p.m. Radio National news bulletin in late June or early July;
3. General understandings and mother wit, partially gleaned from owning two cats, one at a time, over a period of 28 years, in addition to many years farming, bushwalking, and urban living.

Micro-chipping is a superb advance in technology that should remain mandatory.

Councils would prefer to remove the once-only, lifetime registration option for cats and dogs, to increase the accuracy of records, which we support.

In the article we cited from The Sunday Times, the Cat Haven advocates de-sexing of cats prior to their earliest reproducing age, which requires reducing the current 6 months' threshold to 4 months, which makes excellent sense, for limiting uncontrolled multiplication of the cat population, with the caveat that there are established to be no significant health downsides from the early curtailment of their sexual development (in which case, breeders could house developing kittens in same-sex groups or alone, till sexual maturity and their subsequent neutering).

More of the Cat Haven's preferences from that article, namely, "...the introduction of cat curfews...; ...owners keeping their feline companions indoors or in purpose-built outdoor enclosures at all times": these measures, if enforced, would have unintended negative consequences, some, in a measure, contrary to the Cat Haven's mission and goals, which are not immediately obvious, while in many situations delivering marginal, and temporary, benefits to wildlife. We will explore these later.

There is no doubt that cats, mainly feral cats, have, and are, putting lethal pressure upon many smaller native species of fauna in Australia, and we will nuance this phenomenon below. Sterilisation to curtail the resupply of feral cats from unlicensed and uncontrolled reproduction of domestic cats in cities, towns, and on farms, is a no-brainer.

**About Us**

We are a married couple, who have lived in the same address in Mirrabooka, an 800 sq. metre block, for the past 33 years, and are now in our sixties. We are committed sustainable horticulture practitioners, wildlife appreciators, and have been many decades ahead of the eco-awareness zeitgeist, practicing organic gardening from the late 1960s. As just one example, not a single scrap of compostable food has left our premises in 33 years. We are conservation-minded, and yes, we own a cat.

## **Our Particular Observations and Recommendations**

### **Pressure on Native Species**

Our comments are made primarily through the lens of the struggle for existence by native species in proximity to urban-located domestic cats, and secondarily the nuisance effect of wandering cats. We will begin with a wildlife antagonist which has nothing to do with cats: habitat destruction.

#### **Land Clearing**

By far and away the greatest destroyer of native species is land clearing. Land cleared for farming would be far and away the largest contributor to huge quantitative decrease in native plants and animals, followed by urbanisation, the installation of residential and commercial buildings and infrastructure. This habitat destruction takes the flora out of existence and in perpetuity: forever are the feeding, living, and breeding sites taken away, for all but the minority of species which have found they can passably co-exist in relative concord in urban and farming environments.

By pointing out these activities which most contribute to the destruction of wildlife, we are not trivialising the effects of domestic, and in particular, feral, cats, rather to make a contrast with the most hard-hitting factor – removal of habitat. Considering the quantity-of-fauna-per-unit-of-area reduction over Perth's metropolitan footprint, it is the original clearing, and subsequent infill, not cats, which is by far the major driver.

Every house, shed, patio, lawn, driveway, footpath, road, shop, commercial building, factory, carpark – small or massive asphalted deserts that they are, mine site, cleared paddock, greenhouse, market garden, etc., *permanently* removes endemic habitat from native animals, and their food sources, for example, shrubs that provide nectar and sap exudates for honeyeaters, trees and shrubs that provide nesting sites for birds, under and over storey that provides shelter for animals. This assault on the quantity, quality, and diversity of native wildlife dwarfs anything cats have done, or will ever do.

Habitat removal is permanent destruction of wildlife, the perpetual cessation of generations; cat versus wildlife is a perpetual process of regenerations, that is, the wildlife continues its existence in its to and fro battle against antagonists, wherein the wildlife has some chance of success in perpetuity, compared to the geographical annihilation of the less adaptive animal species, and every last one of the naturally-placed plants now bulldozed.

#### **Urban Infill and New High-Density Development**

The next big upsurge in habitat degradation-removal is the inevitable increase in urban infill in older lower density developments, fuelled by increasing population. Perth's suburbs, for example, have gone from largely quarter acre blocks, with many containing large trees and smaller shrubbery of some value to the native species, to block sizes which are hardly doing more than accommodating the house itself, with some external appurtenances such as patios and sheds. The front yards barely exist as more than a sliver between the road and the front walls, where maybe a pencil pine or palm can squeeze its way upward. The backyards, well, they all but don't exist anymore in the newer developments and infill projects.

We acknowledge, however, that urban infill is a relative blessing, because, with increasing population growth, it is the lesser of the alternative wildlife-destroying evils, limiting further urban *sprawl*, which is the worst decimator of habitat, compared to infill, which removes more habitat

from an already heavily compromised landscape area. Better to concentrate intensive human landscape modification, than allow its never-ending spread.

We are quite familiar with Nollamara and Balga, with Jayne having lived there (Balga) from 1966 until 1983, which began as quarter-acre-block averaging housing suburbs, and many of these were homes to at least one large tree and often much shrubbery, which are the saviour of many smaller bird species. In recent decades the Residential Design Codes for these two suburbs have moved, we understand, to R40, precluding any comparably meaningful yard space for the great majority of wildlife, especially the small-area territorial tinier birds, to co-exist. A drive through these suburbs, by anyone with a memory of them from the 1960s and 70s, demonstrates how infill removes masses of trees and shrubbery. And apart from the deleterious effect on gross wildlife numbers, is the well-known discomfort of increased microclimate temperature caused by the loss of the natural air-conditioning effect of greenery, and the noise, hustle and bustle typical of towns and cities, which further stress the wildlife.

■ used to walk through the bushland around Balga with her brother and father, sometimes along the power line where Reid Highway now is, into what is now Mirrabooka and Malaga, and recalls seeing blue wrens, even in the vicinity of Mentone Road in Balga. We have lived in Mirrabooka since 1986, and have never seen a blue wren or robin in our, by today's standards, large backyard. While we have willie wagtails, New Holland honeyeaters, and the introduced spotted and laughing doves breeding in our shrubbery, the more fragile small-area territorial species are nowadays absent. What will infill do to remnants of them when it arrives at Mirrabooka, which it must, and should, to prevent the ecological disaster that is urban sprawl? No amount of restrictions upon cats will save these species from the nuclear option of infill. It is an inevitability that only the better adaptive species which breed in Perth, such as ravens, magpies, mudlarks, and some others, will weather this upcoming storm with a measure of success, albeit most likely in smaller numbers.

In fifty years' time, no amount of cat curfews or purpose-built outdoor enclosures will much affect the future endangered wildlife numbers in Perth, but infill and high-density development most certainly will.

### **Housing's Proximity to Functional Wildlife Reserves**

#### **Development-Bushland Interfaces**

A few words are helpful here before examining what constitutes a functional wildlife reserve. We support the killing of feral cats, as humanely as practicable, or their reduction in numbers by other means (perhaps science could find a sterilisation vector or some such innovative method), because they obviously do far more harm than good to the Australian fragile ecosphere.

However, the situation has many shades of grey when regarding built-up areas, and these variations deserve to be clarified, and treated accordingly with proposed legislative changes, by the degree of development involved.

Small towns surrounded partially or completely by bush have different dynamics from these same encircled by farmland. Those streets of larger population centres which have town limit boundaries abutting bushland can be grouped with the small bushland-bordered towns. Streets within cities which are adjacent to functioning wildlife reserves, similarly. It's all to do with the ordinary range of the domestic cat and the richness of the nearby biodiversity.

And so, restrictions such as night-time curfews for cats homed within a couple of hundred metres of a genuinely functional wildlife area are worth considering. It is likely, in the future, that the very few

such wildlife areas within towns and cities will be effectively fenced and hi-tech gated (allowing safe entry and exit of people only) to keep out not only cats, but urban foxes (many people are unaware of the presence and success of foxes sourcing food in towns and cities, especially around shopping centres and bins in various places in the late night and early morning hours), as well as domestic dogs. Such investment will become justifiable as such reserves are valued for being biodiversity hotspots within urbanised areas, effectively removing the need for cat curfews.

It is worth recognising, also, that we are not comparing apples with apples when we look at domestic cats versus feral cats, the latter needing to hunt and kill prey every day to survive, the former driven by the lesser imperative of fun and instinctive honing of hunting skills. Our cat is well-nourished, and spends an inordinate amount of time resting, sleeping, grooming, and navel-gazing. She typifies the 'Garfield' and 'Cats with Hands' caricature of the domestic feline.

To the canines for a moment, as an example of the distress and disruption domestic dogs cause to birdlife, go no further than spending an hour or two at Blackadder Swamp between Midland and Viveash, a rich waterbird hotspot, and watch the untethered dogs charging blissfully through the groups of feeding birds in the grassland, disrupting their feeding routines enormously, and along the Swan River's banks, despite the signs banning untethered dogs.

### **Functional Wildlife Reserves**

One of the first necessities for a reserve to be functional for preserving wildlife, especially the most vulnerable species, for example the smaller birds which have a limited territory pattern, is a *critical mass* of vegetation, especially low shrubbery and ground covering plants, and preferably an overstorey of maturing trees.

Thus, the area needs to be measured in hectares, not square metres, and *not* include the parks that are scattered throughout the suburbs, consisting of mowed grass areas interspersed with large trees, with the lower branches removed or now absent, typically marri and jarrah, and occasionally a token few square metres patch of scrubby ground. The larger wider-ranging birds find these parks useful, such as magpies, butcher birds, ravens, mudlarks, and such, but so, obviously, do people, and the combination of dogs running around, kids kicking balls, often landing in the token scrub patches, Council mowing and spraying activities, the almost annual arson incidents that delight the benighted among us, who torch the scraps of scrub far too often for meaningful recovery, all of these assaults, from a vulnerable wildlife preservation perspective, exclude these parks from being considered functional wildlife reserves.

As Perth's population goes up and up, the pressure upon these parks to cater for the wellbeing of people will skyrocket, increasingly crammed into smaller yards, or none at all. Somewhere for dogs to run and play, and people to exercise and socialise, meditate and de-stress. And so, the common parks are all but useless for the replication of the most vulnerable bird species.

As an aside, the street and road plantings that do improve the amenity of our cities, do little to nothing to facilitate breeding for the susceptible smaller birds, for they are most often pruned up to 3 or so metres for traffic visibility, and have the commotion of traffic whizzing past every day, and typically are narrow strips, never providing critical mass.

One aspect of critical mass of vegetation is the provision of significant distance from edges and boundaries, for the creatures to find peace, quiet, and safety to attempt their breeding imperative. The ground nesters and low-vegetation breeders must have quantity of vegetation and area to

succeed and thrive. Walking and bike trails are great for people, but need to be provided sparingly in wildlife reserves, to furnish the critical peaceful zones just spoken of.

The larger birds we have mentioned, having innate or developed urban smarts, do much better at regenerating themselves than the afore-mentioned smaller ones, and in established suburbs are achieving an equilibrium of sorts with their feline predators. We have never seen our cat with a larger bird kill than young, often fledgling, introduced spotted and laughing doves, which actually nest and breed in our backyard, each under 3 metres from the ground, as do willie wagtails and honeyeaters.

Native insects are served well by the token scrub patches in many parks, and end up being food for the urban success-story birds, which is to acknowledge one aspect of their value.

### **Nuisance Considerations**

There is no argument that domestic dogs and cats generate a variety of nuisances, but these do need to be weighed against their benefits.

The most vexatious of nuisances should be ameliorated, where practicable, such as dogs which bark incessantly. Countless millions of people hours have been spoiled by continuously barking dogs, often while their owners are away from home. Dogs urinate on posts, letterboxes, street trees, defecate without burying their waste, they bite people, and even without the incessant barkers, there is always intermittent barking, which can be disturbing and frightening, especially from the larger breeds; notwithstanding these downsides, no informed person would seriously suggest banning domestic dogs, due to their enormous social benefits.

Cats sit on top of cars and caterwaul, but many would argue this is a small price to pay for the joy they bring to so many. All in all, cats are less socially vexatious than dogs, causing a fraction of the noise annoyances and injuries that dogs do.

A vast number of things which we do and use for the betterment of our lives also have downsides. Cars give us wonderful travelling comfort and time-saving, and yet many people are injured and killed in traffic accidents. Electricity has transformed life in the developed world, but some people get electrocuted. Running water is a blessing, but water pipes sometimes burst. And so on.

The lesser nuisances of cats and dogs are often tolerated and tolerable, when consideration is given to the good they contribute to. Some of these benefits we will highlight later.

The maxim, "take the bad with the good," is the most pragmatic approach here, and is exactly what is done with everything else which has some entrenched downsides mixed with the upsides.

### **Negative Unintended Consequences**

#### **The Minister's Comments**

As mentioned at the beginning of this submission, we recently caught just the tail-end of a Radio National News Bulletin regarding the review of the cat legislation, in which Minister Alannah MacTiernan said to the effect "...we really must do something about this!" There was considerable frustration in her voice, and we surmise that she was referring to the wildlife destruction or nuisance caused by cats, or both, whether domestic and/or feral, we are not sure. And so, if she was referring to some other aspect of the issue, please forgive us.

The reason we are making reference to this is because of the risk of applying simplistic 'solutions' to a complex challenge, for whatever reason. Unfortunately, often being seen to be doing anything

appears to be preferable to making no changes; optics can take the place of rigorous and detailed examination of an issue, supplanting the application of fairer and effective solutions. Ministers of government have a broad bailiwick to administer, and time and resources are usually limited, hindering requisite examination of what best should be done.

This is not to suggest that such is the aim of the Government officials, State and Local, but just to note that the risk of such is present, taking the place of a well-considered sophisticated win-win response.

### **Upsides to Domestic Cats**

Before detailing some of the likely negative unintended consequences from extra restrictions upon cat ownership, it should be acknowledged that cats do perform a valuable service by killing large amounts of vermin, namely mice and rats, which is an unalloyed plus for any farm, town, or city. The disease and damage to food and property that the mouse and the rat family have inflicted upon humanity is writ large throughout history.

### **Cat Haven's Stance**

We appreciate and support the good work done by the Cat Haven organisation, and acknowledge the sincerity obviously involved with the paid and unpaid contributors to its work. We had our kitten, Cadbury, sterilised and microchipped there in her early months and years.

However, we posit that in its reported positions to this current review of the legislation, there is a degree of conflict with its mission and purposes. To illustrate why we think this, we here have copied some statements from the Cat Haven's website information, and will identify congruencies and incongruities:

Their original 1961 aim: "Rescuing Cats from the Perils of the Streets". This clearly supports the wellbeing of the cat, as clearly does their current slogan: "Cat Haven: Every Cat Matters."

Also "Our vision is that every WA cat should be a well cared for cat...", another laudable statement.

Again, high praise for "...we never turn away any cat no matter how old, sick or feral... keep cats fed, safe and healthy..."

And, "between 6500 and 8500 cats are surrendered to Cat Haven every year and we strive to find loving homes for as many of these cats as possible."

Further evidence that the Cat Haven is committed to the welfare of cats: "...minimise euthanasia of healthy, treatable and re-homable animals" and "Cat Haven also provides information and education about responsible cat ownership..."

There is no doubt about the intent and sincerity of the Cat Haven concerning commitment to the wellbeing of domestic cats.

Looking at "We care about the welfare of people and animals," and "Care Home Residents and Staff Can Have the Joy of a Companion Cat..." from their website is apposite, because in this statement we find the point of the *domestic* cat. To clarify one of the confusions we notice in the Cat Haven's reported preferences to the Review, let's examine more closely this expression, 'domestic cat'.

Implicit in this phrase is the human element, or, more correctly, the cat and human relationship. The phrase can only be best understood when both parties are acknowledged, that is, the interests of both parties. From the human standpoint, the domestic cat is to benefit the owner/s; from the cats'

standpoint, the humans are to benefit the cats; a win-win interaction. Further below we will delineate some incongruities with their Review preferences.

The following quote from their website acknowledges something important: "...they can remain in a cat pen for many months which can be detrimental to the cat's health and wellbeing." While it is not a strict analogy, confining a cat to permanent indoor life is a form of penning that has correlates with the point they are bringing attention to. More on this shortly.

Thus, the Cat Haven's reported preferences to the Review, namely "...the introduction of cat curfews...; ...owners keeping their feline companions indoors or in purpose-built outdoor enclosures at all times", will be found, upon close examination, to be not as carefully thought out as could be, resulting in conflict with the win-win opportunity and preferment, and obviously in discord with the Cat Haven's stated aims. If these preferences are accepted and enforced, there will be a significant reduction in pet cat numbers; (the pet supplies industry would have a stake in this, one would reasonably assume, which industry contributes to the economy.)

We will now detail why this is so.

### **Psychological Benefits Derived from Cat (and Dog) Ownership**

Throughout the developed world there is an epidemic of depression and various related psychological disorders, and just one measure of this is the massive quantity of prescription medication sold to attempt to treat these ailments. And despite these synthetic drug approaches to try to alleviate the distress of sufferers, suicide rates are unacceptably high, and a myriad of other debilitating symptoms blight the lives of too many people.

It is increasingly recognised that pet ownership, particularly of cats and dogs, has a superbly positive effect upon the psychological health of the owners. Contact with these animals is known to stimulate the production of natural chemicals which our biology has long ago mastered to promote our well-being. This human pharmacopoeia is essentially side-effect free; they are the feel-good chemicals that contribute to our happiness and contentment.

There is even evidence that the interactions with an animal as basic as a cat delays dementia onset, due to, among other things, the simulation of human social engagement that inevitably occurs. Collect together all the pet owners who don't chat with their cats and dogs, and you will have a rather small group.

It is not appreciated by some people that cats are an animal that can be cuddled, held, stroked, caressed, and doted upon, due to the subtle nature of their interactions with their owners, compared to the overt nature of dogs' behaviour. Our own cat gets held against our chests several times daily, over our shoulders, and even will sleep on our laps for up to an hour at a time, while being caressed. She nudges us with her head repeatedly, and brushes her tail against our legs in affection. We praise her all day long, and she has a range of verbalisations that all have a communicative intent behind them. Not to mention her heart-capturing purring.

A friend of ours of over thirty years, a married man, whose profession is that of a self-employed roof plumber for about fifty years, about ten years ago adopted a cat for the first time, with his wife. He rapidly discovered the joys of cat relationship, and when this cat, Snowy, died about three years ago, he was so distraught that he paid for a number of counselling sessions to help him through his grieving process. He and his wife now have three adopted cats, upon which they dote, and when we are away, they come and feed our cat daily.

The ardour of the greatest of dog lovers is equalled by that of the greatest of cat lovers, once the haecceity of the cat is apprehended. And of course, the most blessed of all are those who can say with genuineness, that they love *both* dogs and cats. The world is enriched powerfully by both types of domestic companions, and would be definitely a poorer place without them.

A phenomenon of the modern age is the increasing number of people living alone. And it is particularly salient to record that this cohort is growing in the older age groups, and especially so with women. Add to this the increasing number of older folk in poverty, and again, disproportionately represented by women, for a variety of reasons including less superannuation and longer life expectancy than men, and the value of having a pet for companionship goes up.

### **Cat Curfews**

We have acknowledged that where cats live close to functional wildlife reserves or boundary bushland, a curfew might have value.

In towns and cities, most domestic cats are not near such hotspots, and a curfew would only add hardship to cat owners, especially the lower income groups. How does the working person arrange for their cat to be indoors by the set time? How does the financially struggling pensioner afford the cat litter required? The older generation are legendary for self-denial when catering for their health insurance, their grandchildren, their pets, doing without things they really do need to be healthy and thriving. Sometimes the smallest of extra expense to an already overstretched budget is onerous. We note that the proposed fines are enormous, in the multiple thousands of dollars and not means-tested, and thus ruinous if sanctioned against this group.

There is every sign that the wealth gap in Australia is growing, and the number of people living in poverty does not appear to be about to reduce any time soon, but more probably will increase for the foreseeable future. Pet ownership, specifically low-cost cat ownership, is desirable for so many reasons for those of this group who like cats, or are yet to discover the joys of a relationship with a cat.

### **Purpose-Built Outdoor Enclosures**

It is immediately obvious that if this Cat Haven-preferred option was enforced, cat ownership would become the preserve of the relatively well-off. Such enclosures, if big enough to cater for the welfare of the cat, cost thousands of dollars. Poor people – forget about having a cat.

The other preference of the Cat Haven, namely, keeping cats indoors at all times, has serious shortcomings in many instances, for both poor people and the cats. Reiterating the win-win aim, we will now look further into the problems with this option.

### **Indoor Life versus Cat Health**

We have already pointed out that both the cat and their human owner need to win. The welfare of both matters, and there are ways to maximise both.

Any observant cat or dog owner knows the benefits that their pets obtain from outdoor time. Times without number we have seen our cat revel in the apricity of shafts of cold weather sunshine in our backyard, literally sunbathing, even though shade is always available near at hand. In summertime, she still seeks the sunshine, but early in the day. The instincts of our animals are a lesson in healthy practices.

Cats will dust bathe daily, rolling back and forth like a dog does, getting covered in soil, and, during their regular licking of their fur and preening, they re-inoculate their gut biomes. The cat's gut biome health will likely be found to be as essential to their wellbeing as the humans' gut biome health is to ours.

Cats cavort and gallop around their yards, getting beneficial unrestricted exercise. They get fresh air. It is understood these days that the worst air quality is indoor air, not least because to the plethora of synthetic volatiles which build up from our furnishings, floor coverings, appliances, electronics, and cleaning products. Our pets are increasingly afflicted with degenerative diseases, including cancer. They need all the assists they can get to be healthy.

To restrict cats to full-time indoor living is to condemn them to shorter more disease-prone lives, not to mention the loss of their joy of the outdoors. Cats and dogs have psychological health needs, much as people do. More full-time indoor cats in the homes of the infirm and elderly also puts up the risk of tripping over the pet, a not inconsequential consideration.

We respectfully suggest that these Cat Haven preferences need to be re-evaluated, given that they militate against both the welfare of the cat and the human.

For those in poverty, more so women than men, the more common pet is the cat, due to its lower costs and lesser maintenance requirements – for example, not requiring to be walked for exercise.

***In our towns and cities, would we be surprised to learn that the only warm responsive and affectionate beating-heart creature that large numbers of people have talked to, held, and hugged today is their dog or cat?***

#### **Concluding Remarks**

It has been a privilege to contribute to the Review of The Cat Act 2011 and Dog Amendment Act 2013.

We hope that rigorous thinking is applied during this review, to harvest the best and fairest results for all stakeholders, which include the fur-covered animals covered by the legislation.

It is good for us all to take the cup-half-full view of progress so far: measures such as compulsory sterilisation and microchipping of domestic cats, and improving levels of awareness of the benefits of well-cared for cats and dogs, as well as the increasing public understanding of the detriments of the poor control of man's canine and feline best friends, these hard-won measures and advances are significant steps along the long path to a Shangri-la wherein cats, dogs, and humans, rich and poor, thrive in association with one another.

The light at the horizon shines ever brighter...





