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CAT HAVEN
every cat matters

WA's Premier Cat Welfare Charity



4 August 2019

Cat and Dog statutory review
Department of Local Government, Sport,
and Cultural Industries
PO Box 8349
Perth Business Centre WA 6849

Sent by email to:
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To the Review Team

Cat Haven's submission to the Review of the Cat Act 2011/Dog Amendment Act 2013 (the Review)

Cat Haven welcomes the Review of the Cat Act 2011 and thanks you for the opportunity to submit comments.

Cat Haven is the leading cat rescue organisation in WA, taking in up to 9,000 cats each year. Established in 1961, Cat Haven is an open admission cat shelter with some 60 years' operational experience. We provide a range of services to the public and to local governments and are WA's experts in cat management.

Cat Haven is a registered charity and is heavily dependent on donations and adoption fees to carry out its work, receiving less than 2% of its income from government funding.¹

Given Cat Haven's area of expertise, we confine ourselves to commenting on the Cat Act, and our references to the Act below refer to the Cat Act.

Purpose of the Act and the Review

Cat Haven supported the introduction of the Cat Act in 2011 and was closely involved in the consultation leading to the introduction of the Act. The main purposes of the Act were to:

- Encourage responsible cat ownership
- Safely return lost cats to their homes
- Reduce the number of cats admitted to shelters

¹ Cat Haven's audited accounts for the financial year ended 30 April 2019.



- Reduce the impact of unwanted cats on the community and the environment through mandatory sterilisation
- Reduce the number of cats euthanized over the longer term as the number of unwanted cats declines

The purpose of the Review is to see how effective the changes introduced in 2011 have been in the control and management of cats in Western Australia; specifically to obtain feedback from the community, local governments, and stakeholders about how the changes are working, whether they have been effective, and to identify any areas that could be improved.

It is against this background that we set out below our comments on each of the areas of the Act being reviewed, in the order presented in the consultation document.

Registration of cats

Cat Haven supports the registration of cats for the following reasons.

- It establishes and promotes the idea of responsible cat ownership
- It provides a check for local governments re whether owners are microchipping and sterilising their cats
- It is an opportunity to collect data on cats in WA, which is very hard to achieve otherwise and is useful for both local governments and shelters

Cat Haven notes the administrative issues local governments have raised regarding lifetime registrations and would not oppose this category being removed, with the 1 and 3-yearly options remaining for future registrations.

Cat Haven advocates a single state-wide register for cats (which could be part of a wider register for companion animals). This would reduce the cost and administrative burden for 137 local governments maintaining 137 separate registers. A single register enables faster and easier identification of cats, smoother administration for rangers, less confusion for people negotiating different local authority websites for re-registration (when moving for example), and cats are not lost across local government boundaries.

This register could be maintained by a single organisation on behalf of all local governments. Cat Haven would be interested in taking on this role, subject to funding.

In the interests of simplicity, Cat Haven would be happy to see the age for registration of cats reduced to 3 months. This would bring it into line with the Dog Act 1976 and a single age would be easier for owners to remember.

Collars and tags

Cat Haven supports the most effective and permanent method of identifying cats, which is microchipping. For this reason, **Cat Haven sees no reason for the wearing of collars and tags to be mandated in the Act.**



Cat Haven advises cat owners that best practice is that their cats should wear pull-away collars with the owner's contact details. A cat wearing a collar is easily identified at a distance as an owned and cared for cat. Contact details on, or attached to, the collar mean that anyone finding a cat can quickly and easily identify the cat's home without the need to transport the cat to the pound or a vet to access a microchip reader. This means cats can be returned straight home, reducing stress for the cat and administrative burden for enforcement staff.

We do not think that the addition of a local government plastic tag adds anything to the equation. The tags are a cost and administrative burden to local government, increased because of the frequency with which cats lose their collars, and thereby their tags. The tags bear the contact details of the local government, rather than any information which enables the finder of a cat to quickly and directly contact the cat's owner. Reliance solely on the plastic tag information would mean that cats found outside business hours cannot be identified without a microchip check. For this reason, many cat owners provide their own contact information in addition to the local government tag, either on the collar or as a separate tag. For these reasons, **Cat Haven feels little is gained by the requirement to provide and wear a local government plastic tag.**

However, if the requirement for the plastic tag is dropped, all guidance issued by the WA Government regarding the management of feral cats needs to make clear that the wearing of a collar, whether or not with a tag, is clear indication that the animal is a domestic, or stray, cat and not a feral cat. Currently that guidance references the tags only, which is a concern to Cat Haven as there can be no tag without the collar to which it is fitted and any cat with a collar is clearly owned. We will be making separate representations to the Department of Agriculture in this regard.

Microchipping cats

Cat Haven supports the mandatory microchipping of cats as the most effective and permanent way of identifying cats and their ownership.

Microchipping is widely available, relatively inexpensive, and is a one-off cost. Kittens can be microchipped from 12 weeks' old.

Identification encourages responsible cat ownership, as owners can be traced and held accountable; enables lost cats to be reunited with their owners, thus reducing shelter intake²; assists with the administration and policing of cat control laws; and makes it more likely an injured cat will receive prompt treatment in the knowledge that it is owned. In addition, a microchip cannot be removed for the purpose of stealing or illegally disposing of a cat, which is a relatively common problem in Perth. It provides a good, although not definitive (see below for the issues around updating information) guide to the cat's ownership.

The main issue with microchips, as the discussion paper notes, is that they are either not being registered with the relevant microchip database company, or the details are not being updated when the cat is transferred to new owners or when the owner's contact details change.

² The Australian Veterinary Association Ltd – *Mandatory Desexing in the ACT, has it worked?*
<https://gungahlinvet.com.au/petcare-info/publications/>



Cat Haven receives some 1,000 lost cat reports each year and a very low percentage of these are reunited with their owners. It is especially frustrating to take in a cat that is clearly from a caring home but be unable to trace the owners, who simply may not know where or how to search for their lost cat.

A single database of lost and found cats for the State may improve the very low rate of reclaimed cats. Currently, if a cat is lost, there are a number of rescue groups, council pounds, vet clinics, or good Samaritans it may go to, all of whom need to be contacted if the cat is to be found by its owner. If management of such a database were combined with single management of registration, as suggested above, there would start to be one point of contact for identifying and tracing cats. Clear protocols should be developed for what should happen when a cat is found.

There needs to be more education for cat owners about microchips including, for example:

- The need to retain details of the microchipping company
- Where to go if they have lost these details (e.g. Pet Address)
- That their vet can scan the chip and provide them with the chip number
- The critical importance of ensuring their contact details are kept up to date
- What to do when acquiring a cat, in terms of ensuring the previous owner has updated the microchip database company with the details of the transfer of ownership

Microchip implanters, cat breeders, and shelters should be made to adhere to their obligations to notify the microchip database company and local authority on chipping a cat/transfer of ownership, by stronger enforcement action and fines if necessary.

Cat Haven supports a change in the Regulations so that all cats must be checked for a microchip before they are euthanized (or prior to disposal if found dead). Many domesticated cats are ferocious when scared but they are not feral. They need to be sedated, or left to calm down, so they can be scanned.

Cat numbers and nuisance/wandering cats

Cat Haven recognizes the issue of unwanted and nuisance cats, which was why it advocated for the introduction of the Act in the first place, on the basis that ensuring all cats are wanted and responsibly owned is the best possible outcome for cats and the community.

It is Cat Haven's view that the Act broadly introduced the laws and mechanisms needed to address the issue over time, but that these laws are not being effectively and consistently implemented, enforced, or funded. Our preference is that there is a concerted, and adequately funded, effort to ensure the existing cat laws are implemented and enforced before adding more.

A review of WA's other laws, and their current impact on the cat "problem", shows that policy consistency across government could have a considerable positive effect on the issue. Examples we cite in this regard are the Vet Surgeon's Act and the Residential Tenancies Act.

The Cat Act's requirement for all cats to be sterilised was specifically aimed at reducing the number of unwanted/feral cats. Cat Haven's veterinary team has the expertise to carry out this work.



However, the provisions of the Vet Surgeon's Act mean that Cat Haven can only license its vet clinic under the Animal Welfare Organisation provisions of that Act. Organisations thus licensed are only able to provide treatment to "sick or injured animals" which means that we cannot spay otherwise healthy cats. This has a considerable impact on our ability to implement large-scale sterilisation programmes. The requirements of the Vet Surgeon's Act thus run counter to modern community and animal welfare expectations, and one of the main pillars of the Cat Act, and we would like these provisions to be urgently reviewed.

The Residential Tenancies Act is scheduled for review in the second half of 2019. We know that that the issue of tenants being allowed to have pets will be one of the topics reviewed. We strongly advocate that the Residential Tenancies Act be altered, so that the presumption is that tenants may have a pet unless the landlord can give really good reasons why not. Currently, many renters are forced to hand in to Cat Haven or, sadly, abandon their cats when their tenancy is ended as it is so hard for them to find rentals which allow pets. Enabling tenants to keep pets would also increase at a stroke the number of households willing and able to take on responsible cat ownership, which would take some pressure off shelters and help reduce the number of unwanted and nuisance cats.

Nuisance/wandering cats

It is Cat Haven's opinion that options such as confinement and curfew are far more effectively obtained by voluntary compliance through education of owners on the welfare benefits for their cat³ than is realised. Cat owners are sensitive to compliance on the grounds of improved welfare for their cats, so this approach is likely to be more successful than mandating options for responsible cat owners.

Given that not all cat owners are responsible, there will still be nuisance/wandering cats, but this is best dealt with by a mix of education, reducing the number of unsterilised cats, and enforcing the current laws.

We should also be clear that just because a cat is not confined does not mean that it is a nuisance. There are many instances of responsibly owned and cared for cats being received with great pleasure when they pay a visit to the neighbours.

Local laws regulating cat management

Part of the rationale for the Act was to overcome the confusion and inconsistency between local laws regulating cats, and to address the gap where a local government did not have local laws on cats.

However, in 2019, the situation is not greatly improved. All local governments are now charged with cat management functions, but many retain local and varied cat laws, which is very confusing for cat owners and the general public trying to do the right thing by cats.

For these reasons, **Cat Haven advocates simplifying cat regulation to remove the provision for local laws and make the Cat Act 2011, with appropriate amendments, the only law regulating cats in WA.**

Maximum number of cats per household

³ Eyles K & Mulvaney M, *Responsible pet ownership and the protection of wildlife: Options for improving the management of cats in the ACT*, <https://www.pestsmart.org.au/wp-content/uploads/2014/06/RespCatOwnershipACT2014.pdf>



Cat Haven supports a single, statewide, maximum number of cats per household. This has the merit of being clear and consistent. An alternative, which would be to base the limit on a household's financial and practical ability to care for the cats, is far harder to assess or police.

This is a difficult and emotional issue, as those with several cats often have them as a result of rescuing them where the alternative might have been for the cat to be euthanized. Cat Haven would be happy to work with the Review team in terms of expert advice on an appropriate maximum number.

The identification and management of hoarders (people who have numerous cats but do not provide adequate care for them) is an issue that needs to be addressed. Many of these people do not believe they are doing anything wrong and some may need psychological treatment. Therefore, hoarding needs to be viewed as a mental health issue first and foremost – cats are merely the symptom. Frequently, animals seized from hoarders must be euthanized due to their poor health and behaviour. Cat Haven has a great deal of expertise in dealing with these situations and can provide expert guidance to the Review team in this regard if required.

The role of local government

On 31 March 2019, Cat Haven made a submission to the Local Government Act Review regarding Reform Area 2, Smart Local Laws. A copy is appended and forms part of this submission.

Sterilisation

Cat Haven supports compulsory sterilisation of cats as it achieves the policy objectives of improving cat health (sterilised cats have fewer health issues); decreasing conflict in communities; decreasing environmental issues; results in fewer stray and nuisance cats with fewer cats being euthanized; and targets the issue of WA's large population of unwanted cats.

Cat Haven has long been a proponent of early age sterilisation. The Act only requires sterilisation from six months of age, but it is our experience that kittens can easily become pregnant from as young as three months of age, which is a revelation to the majority of cat owners and some vets. Future iterations of the Act need to reflect this.

We are aware many private practice veterinarians have concerns re sterilising young kittens and we acknowledge that not all 12-week old kittens weigh enough to have a general anesthetic without serious risk. Accordingly, we propose that the requirement for sterilisation should be based on weight, not age, and that kittens should be sterilised when they reach a weight of 1 kilo. This is a much clearer guide than the kitten's age, which can be hard for laypeople to judge, and allows for small bodied breeds such as Siamese.

The sterilisation of pregnant and lactating queens should be left to each vet's discretion.

Ear tattooing should be mandatory as it helps veterinarians, shelters, and rangers easily distinguish sterilised and unsterilised cats. It is sometimes the case that veterinarians start spay surgery on female cats without a tattoo, only to find the cat has been sterilised.



Combining the Cat and Dog Acts

Cat Haven supports laws for the good management of cats, as set out in this submission. Cat Haven has no strong views on whether those laws are provided in a separate Cat Act or a combined Cat and Dog Act, provided the provisions are the same in either event. Cat Haven would not support a combined Act if it had the effect of changing the laws applying to cats from those which are most appropriate for cats to those which fit a combined Act.

Feedback on other issues

Cat Ownership and enforcement

Cat ownership remains a grey area with “semi-ownership” of cats very common: even if the cat has been semi-supported by the same person for years, that person does not necessarily identify as the cat’s “owner”. Semi-ownership must be accounted for, as well as communal ownership and business ownership, whereby colony cats in industrial and public areas are cared for to some degree.

The law’s onus on a cat’s owner being responsible for it can be problematic for enforcement, as ownership of a cat can be difficult to prove and is easily denied. One way to overcome this is to put the burden on the person who has control and care of the cat. This does not require proof of ownership beyond reasonable doubt and will capture semi-owners. This approach has worked well in prosecuting animal cruelty cases where reversing the burden of proof, i.e. the person who appears to be the owner most likely is and should have to prove they are not, has assisted in enforcement, because anecdotal evidence can lead to the identification of an owner.

Cat Haven is confident low-cost sterilisation and education would also be effective tools for managing semi-owned cats. A first step towards semi-owners taking on their ownership responsibilities would need to be the promise of amnesty from penalties for persons who have not sterilised and identified their semi-owned cats in return for their carrying out these requirements and taking ownership going forward.

Backyard breeders

Backyard breeders need to be specifically targeted, especially those claiming to sell pedigrees. Based on the failure of the ACT’s *Domestic Animals Act 2000* to reduce the number of cats received by shelters, despite a high rate of sterilisation in owned cats, Hayward⁴ recommends the monitoring of advertisements of cats and kittens as a way to identify and assist or prosecute unauthorised breeders.

This requires the specific monitoring of online sales/transfer for non-compliance and follow-up regarding the non-compliance with the advertiser and the site. Cat Haven cannot continue to be left alone and unfunded in carrying out this work.

⁴ The Australian Veterinary Association Ltd – *Mandatory Desexing in the ACT, has it worked?*
<https://gungahlinvet.com.au/petcare-info/publications/>



Holding period

Cat Haven supports a change in the holding period from *working* days to *calendar* days. This is especially relevant during the public holiday periods of Easter and Christmas. Christmas falls within peak kitten season and the extended holding period puts enormous pressure on shelter capacity.

Education

Legislation alone will not achieve the objectives of the Act. Education is a critical part of the equation and needs to be appropriately resourced and funded.

Cat Haven is concerned the emphasis is on cats being managed after the fact, rather than on humans being educated and taking responsibility for their role in preventing cats straying, creating nuisance, and becoming feral. Human ignorance and irresponsibility are the source of every stray, nuisance, and feral cat.

Indicators of responsible ownership have been cited as: identification, sterilisation, vaccination, worming, feeding, confinement to property, night curfewing, not feeding strays, not declawing, and arranging care for the cat whilst on holiday. Cat Haven considers these indicators a sound basis for education on responsible ownership.

Based on the failure of the ACT's *Domestic Animals Act 2000* to reduce the number of cats received by shelters (although little is done to promote the Act or educate the public), Hayward⁵ recommends education on the responsibilities of cat ownership as a way to reduce shelter intakes. Education for children on responsible ownership and compassion for animals has lifelong benefits.

Countering unhelpful and long-held myths about cats is critical to a range of welfare outcomes. Information must be targeted to different groups within the wider community in order to be effective.

Conclusion

Cat Haven thanks the Department for this opportunity to contribute to the Review of the Act. Cat Haven is part of the solution and our wealth of experience and expertise in cat management is available to the Review team if there are any aspects of the Review you would like to work through in more detail with us.

Yours faithfully

Chairperson, Cat Haven

⁵ The Australian Veterinary Association Ltd – *Mandatory Desexing in the ACT, has it worked?*
<https://gungahlinvet.com.au/petcare-info/publications/>



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To the Review Team

Review of the *Local Government Act 1995* – Phase Two

On behalf of the Cat Welfare Society (WA) Inc. trading as Cat Haven, I wish to thank you for the opportunity to submit comments to the review of the *Local Government Act 1995 – Phase Two* (the Review).

Cat Haven is the leading cat rescue organisation in WA, taking in some 8,000 to 9,000 cats each year. As an open admission cat shelter of almost 60 years' operation, providing a range of services to the public and local governments, we are experts in cat management.

Local governments are an important stakeholder for Cat Haven in the context of cat management and the Cat Act 2011. Accordingly, we focus our comments on Reform Area 2: Smart – local laws, and use this opportunity to provide comment on the related topic of cat management by local governments.

Local laws regulating cat management

Part of the rationale for enacting the *Cat Act 2011* (the Act) was to overcome the confusing and unfair inconsistencies between local laws regulating cats, and to address the gap where a local government did not have a local law. Prior to the Act, cat management was an optional function for local governments, and the requirements of the few local laws in place varied widely.

However, in 2019, the situation is not greatly improved. All local governments are now charged with cat management functions, but many retain a local law on cats, still with varying content where they do exist. How should a member of the public (whether they are cat owner, a neighbour wishing to report a nuisance cat, a good Samaritan reporting a found stray, or in some other situation) know the correct thing to do in their situation when two levels of regulation are in place?

Local governments should be provided every assistance to enforce regulation and help the public understand it, so they can comply with it. That assistance includes recognising that local governments have a range of functions, are not cat management experts, simplifying cat regulation to remove local laws and retain only the *Cat Act 2011* would provide both clarity and expertise.

Local government approach to cat management

It is Cat Haven's experience that the issue of cat regulation is almost redundant given most councils badly disappoint their residents, and animal welfare organisations (including Cat Haven), by not complying with their cat management responsibilities under the Act. Largely, the

Cat Act is not enforced and the public are offered little to no assistance when requesting assistance with cats. Enforcement and resourcing are highly varied between local governments, despite their working from the same State-level law. It is unfair and unreasonable that ratepayers, and people seeking to do the right thing, should receive such variable service.

Cat Haven provides a fee-for-service pound facility for 13 metropolitan councils; a few others have contracted RSPCA WA, or a local cattery, to provide their pound facility; and a further handful operate their own pound facility. Nevertheless, the total of those with pound facilities is less than half of WA's 139 local government authorities, despite their all being equally required to manage cats in their jurisdiction.

Cat Haven also provides a self-funded ranger service, the demand for which has not reduced since the Cat Act's introduction as so few local governments provide cat management services. The format of our ranger service has changed considerably in recent years to include some fee-based services as a way to offset its operating costs. This means businesses and residents who've already paid rates to their local government are not receiving a service and must pay again to actually receive it.

Local governments are rarely proactive in cat management to the extent allowed by the Cat Act. They rarely address hoarding situations and do not appear to pursue the sale/transfer of unsterilised, un-microchipped, and/or unregistered cats. (Cat Haven operates a programme reviewing online and print advertisements, to identify the transfer of non-compliant cats, and offers services and information to the advertisers, to prevent unwanted litters and homeless cats.)

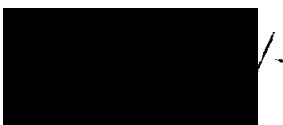
Perhaps most concerning is that the public is usually permitted, and in some cases instructed, by local governments to trap and transport cats themselves. There is evidence that little, if any, direction is given on how to do so effectively or humanely. Trapping by untrained, unsupervised persons is fraught with concern about the cat's welfare; can be ineffective; can be carried out by residents with a grievance against a neighbour, or cats in general; and gives complete freedom to persons seeking to procure an animal for malevolent purposes to do so. There is no substitute for fully trained and resourced rangers responding to reports of nuisance or straying cats.

Conclusion

For simplicity of administration, the *Cat Act 2011* should be the only instrument regulating cat management in WA. The current unclear regulatory environment is not helped by the fact local governments charged with responsibility for cat management rarely fully carry out this duty. Whether this is due to lack of will or lack of resources, it cannot be allowed to continue for reasons of fairness and animal welfare.

Cat Haven welcomes the opportunity to contribute further to this discussion. As an open admission cat shelter of almost 60 years' experience we have a wealth of practical knowledge and data to share.

Yours faithfully



on behalf of the Board of Management
Cat Welfare Society (WA) Inc. trading as Cat Haven

31 March 2019