



DOG AND CAT
MANAGEMENT BOARD
A GUIDE TO PREPARING
A CAT BY-LAW



Government of South Australia
Dog and Cat Management Board



Local Government Association
of South Australia

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A Guide to Preparing a Cat By-law (2014)

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Copies of this publication are available online:

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1 Introduction



This guide is an adaption of the Local Government Association of South Australia’s (LGA) *By-law Guidelines 2010*¹. It has been developed by the Dog and Cat Management Board (the Board) with permission from the LGA.

This guide will assist councils to address cat management related issues. The guide provides practical advice about legislative requirements policy considerations, community engagement and implementation.

The guide provides a summary of:

- background information on the By-law-making powers of councils;
- key policy issues to be considered by councils in the exercise of their statutory powers to make a By-law for the management of cats;
- procedural requirements for making council By-laws;
- practical issues encountered by councils making By-laws; and
- guidance and suggestions on various issues that may arise in relation to the making, review and administration of a cat By-law.

The content is intended as a guide only. Councils are required to seek legal advice on proposed By-laws. This process will be made easier, as the template By-law is based on the successful By-law used at Mitcham Council since 2011 and has been approved by the LGA’s lawyers.

¹ LGA By-law Guidelines 2010

2 Background

The popularity of cats is evidenced by Australia's high cat owning population. In an increasingly busy, urbanized world cats can make ideal companions.

A key strategic priority of the Dog and Cat Management Board (the Board) is to improve the management and care of owned and unowned cats. Well administered By-laws are proven to reduce cat management issues, improve cat welfare and help address community concerns. The Board welcomes an increase in both the number of councils using By-laws and the extent of matters addressed in them. The Board also strongly supports provisions for micro-chipping and desexing of cats (and dogs).

Micro-chipping

The Board supports mandatory micro-chipping of companion dogs and cats. Micro-chipping is the most effective form of permanent identification which imparts accountability on owners and breeders and assists the recovery of pets should they become lost or injured. The Board will continue to promote the use of micro-chips in permanently identifying dogs and cats and the importance of keeping details current in an accredited registry.

Desexing

The Board supports the desexing of all companion dogs and cats. The Board has identified that desexing companion dogs reduces the incidences of aggression and wandering and that desexing companion cats leads to a reduced number of unwanted kittens and nuisance behaviour, such as spraying, vocalising and wandering. Desexed animals are better behaved which creates a strong bond between the animal and owner reducing the likelihood that pets will be relinquished to shelters. The additional benefits of desexing companion animals include increased longevity and a reduction in the prevalence of reproductive cancers. The Board recommends that all companion cats are desexed. The Board will continue to actively educate the community to increase the number of desexed dogs and cats in South Australia.

Of the 68 incorporated councils in South Australia, at least a third currently have some form of Cat By-law.

Many councils in South Australia set limits of the number of cats a person may own and include provision for nuisance clauses. Few councils require mandatory identification or registration of cats. For effective enforcement of a Cat By-law, cats need to be identified with an owner.

Cat By-laws can address:

- Registration of cats;
- Limits on the number of cats;
- Identification by micro-chip or collar and tag;
- Desexing;
- Curfews;
- Confinement and/or control; and
- Nuisance and wandering at large.

3 How should councils respond?

3.1 Examine local evidence

Whether a council has already taken significant steps to address cat impacts or is considering embarking on this for the first time, there will already be some local information available about the extent of the problem. Much more can be established through thoughtful investigation and community consultation.

The management of cats is an issue which tends to generate strong and diverse opinions. During this fact-finding stage the objective should be to identify, and seek information from both the organised groups which represent for cats and the silent majority.

Care should be taken to:

- Keep an open mind;
- Gauge the relative extent of concerns from various sectors of the community; and
- Not jump to solutions.

Consider the following actions:

- Survey Elected Members who may have strong opinions of their own, but also will be aware of community attitudes;
- Include specific questions in annual community surveys;
- Provide staff who take telephone calls from the public with a check sheet to record complaints and requests that refer to cats, including complaints not currently, or only partially, addressed by council;
- Engage with animal management staff to gain their insights;
- Ask customers who collect “cat cages” to provide details about the problem being addressed;
- Use council’s website to seek feedback on cat related concerns;
- Invite preliminary feedback through the local press;
- Contact neighbouring councils, or those with a similar profile (e.g inner suburban, rural fringe), which may have comparative data; and
- Contact Board staff for access to expert assistance, particularly data about cat admissions to animal shelters in your council area.

3.2 Understand the research

As part of the fact-finding stage it is important to understand how the various options available to council may impact on any identified problems.

The guide contains a discussion of the value of various options for addressing cat related issues. It has been designed as a discussion guide which can be distributed to the community at large, as well as used with key stakeholders in issue forums. Staff should be very familiar with the contents of this discussion guide before proceeding. Board staff can provide a wealth of research to assist.

3.3 Prepare a management report

Having collected a range of information, it is necessary to determine whether the facts justify council intervention on some level. The best way to do this may be to write a report for the consideration of the council or the CEO and Senior Management. Provide a summary of the investigations undertaken, the extent of issues identified and propose the next steps.

If the information collected so far suggests that there may be justification for applying (additional) controls and resources to cat management, it will be necessary to provide a basic rationale as to how the matter may be taken forward, including an outline of a community engagement strategy and communication plan.

Management may also require some indication of the benefits and costs of pursuing the proposed program.

3.4 Engage the community

Strong community opinion is likely to emerge during the consultation phase. It is critical that this process be commenced early, with a clear plan about what is being sought.

The selection of techniques to use as part of the engagement strategy will depend on the issues being considered and the resources available to council. However, it is recommended that a 'Discussion Guide' is used as the basis of engagement with stakeholders.

Depending on council's resources, engagement may range from:

- Basic: An on-line or hardcopy survey on the content of the Discussion Guide;
- Moderate: Open House sessions to capture feedback; or
- Best Practice: A Discussion Forum (or Issue Forum), which brings stakeholders together to deliberate on the content of the Discussion Guide and develop common ground for dealing with cat-related issues.

The Local Government Community Engagement Handbook² contains descriptions of the techniques and guidelines for preparing discussion guides.

An Issue Forum is a technique based on the simple notion that people need to come together to reason, talk and deliberate about issues, interests and opportunities to help them determine a common public direction in decision making.

The Forum design helps people see that even the most complex issues can be approached, understood, deliberated on, and addressed by people who take the time and interest needed to consider a resolution of the issue.

Issue Forums provide a way for people of diverse views and experiences to seek a shared understanding of a problem and to search for common ground, leading to a democratic resolution. They encourage community 'buy-in' to the solutions proposed.

Council may also consider the value of establishing a Community Advisory Group, with appointed representatives, who can provide council with feedback on any options under serious consideration.



² Local Government Community Engagement Handbook Revised Edition 2012, www.lga.sa.gov.au/site/page.cfm?c=27073

4 When to use a By-law?

Once you have substantial information about the principal 'cat issues' which affect your community and have made some assessment of the degree of support and opposition to addressing them, (from both the community at large and the Elected Council) it is time to consider council's response.

The general approach in the *Local Government Act 1999* (LGA Act) is to restrict councils' By-law making powers to Local Government land and roads, with problems on private land being dealt with under the order-making provisions to be found in Part 2 of Chapter 12 of the LGA Act (sections 254-259).

In considering any proposal to make a By-law, councils need to understand the extent of their legal powers. Section 246 (1) of the LGA Act provides:

"Subject to this or another Act, a council may make By-laws:

- (a) *that are within the contemplation of this or another Act; or*
- (b) *that relate to a matter in relation to which the making of By-laws is authorised by the regulations under this or another Act".*

In the case of a Cat By-law the another Act refers to the *Dog and Cat Management Act 1995* (the DCM Act):

The objectives of the DCM Act are to:

- encourage responsible dog and cat ownership; and
- promote the effective management of dogs and cats.

The intent of the DCM Act to provide councils with the use of By-laws is very clear;

Section 90 (1) – By-laws:

enables council's to make By-laws for the control or management of dogs or cats within its area:

- (a) *limit the number of dogs or cats that may be kept on any premises;*
- (b) *fix periods during which dogs or cats must be effectively confined to premises occupied by a person who is responsible for the control or entitled to the possession of the dog or cat;*
- (c) *require dogs or cats to be identified in a specified manner or in specified circumstances;*
- (d) *require dogs or cats to be effectively controlled, secured or confined in a specified manner or in specified circumstances;*
- (e) *make provision for a registration scheme for cats (including payment of a fee for registration) and encourage the desexing of cats;*
- (f) *exempt (conditionally or unconditionally) classes of persons or activities from the application of the By-laws or specified provisions of the by laws.*

Consequently, the DCM Act empowers councils to make By-laws that apply to private land.

Note that, if your proposed By-law includes a limit on the number of cats a person may keep, this limit will not apply to a 'kennel' (usually called a cattery) that has a Development Authorisation in force.

While this guide refers exclusively to the process in relation to the DCM Act, it is conceivable that council may also consider the following section of the LGA Act in formulation of a cat By-law:

Using Section 238 – Access to and use of Local Government land council may, for example, create a By-law

- regulate, restrict or prohibit public access to specified land;
- regulate, restrict or prohibit the bringing of animals or a specified class of animals onto specified land or the movement of animals or a specified class of animals on specified land; and
- close specified land, or part of the land, to public access.

5 Reviewing an existing By-law

Section 251 of the LGA Act provides that a By-law (and all subsequent By-laws altering that By-law) will normally expire on 1 January of the year following the year in which the seventh anniversary of the day on which the By-law was made falls – e.g. a By-law made on 1 July 2009 will have its seventh anniversary on 1 July 2016 and therefore expire on 1 January 2017. This rule is subject to variation as follows:

- the By-law may be revoked by a further By-law before its seventh anniversary; and
- the By-law may expire at any time if the statutory power under which it was made is repealed and it is not subject to a transitional preservation period fixed by Regulation³.

The timing of the review should be organised so that all the necessary steps can be taken to comply with the statutory procedures and the parliamentary process. This approach will avoid the existing By-law lapsing before the new By-law becomes operative, which would normally be four months after publication in the Government Gazette (section 249(5)). If it is council's intention to strengthen the controls in an existing cat By-law, the commencement of community engagement 12-18 months before the expiry date should be a minimum time set aside to complete the process.



³ Certain parts of the By-law may expire in advance of the normal expiry date if the By-law deals with subjects where the statutory power is repealed. The remainder of the By-law may continue in operation until the normal expiry date if the expired provisions can be severed.

6 Statutory procedures

By-laws, when operative, have the force of legislation creating criminal offences for breach of the By-law provisions. Councils should therefore take the utmost care to ensure the express provisions are not only well drafted but also in compliance with all statutory provisions.

The statutory procedures for making By-laws are set out in Part 1 of Chapter 12 of the LGA Act, but reference will also be required to the *Subordinate Legislation Act 1978* and Regulations. The LGA By-law Guidelines⁴ provides a nine page Checklist which is a valuable list of the issues councils will need to consider in meeting the procedural requirements.

Appendix 2 of the LGA By-law Guidelines⁵ provides a procedure for tabling By-laws and Parliamentary Review.

If the council proposes to make a By-law under the DCM Act, it must give 42 days notice to the the Board under section 90 of the DCM Act and provide a report to the Board:

- (a) outlining the objectives of the proposed By-law;
- (b) setting out how it is proposed to implement or enforce the proposed By-law; and
- (c) explaining the reasons for any differences from similar By-laws made by other councils.

The council must consider any recommendations made by the Board.

The Board has prepared a pro forma Notice to the Dog and Cat Management Board of Proposed By-laws, which is available from the Board or on the LGA website. However, early contact with the Board is recommended to make use of the available expertise and resources.



⁴ LGA By-law Guidelines 2010

⁵ *ibid*

7 Discussion guide on various options

Cats present a unique challenge in the Australian community. The popularity of cats is evidenced by Australia's high cat owning population. Views on cat ownership can vary greatly from those who believe that cats should be allowed to roam freely, to those who believe that all cats should be removed. A summary of cat information is contained the Appendix.

Increasingly, communities are looking to State and local governments to enforce responsible ownership and address problems.

There are many ways in which councils may consider responding to community concerns related to cats from community education to introducing legislative measures.

Mandatory Identification

For legislative controls to work it is imperative that an owned cat must be identified to an owner.

Mandatory Identification by Micro-chip

The Board supports the mandatory micro-chipping of companion cats. Micro-chipping is the most effective form of permanent identification. It encourages owner and breeder accountability and assists the recovery of pets, should they become lost or injured.

A microchip is a small computer chip approximately the size of a grain of rice, which is placed under the skin at the back of the cat's neck by a trained practitioner. The procedure is painless. The micro-chip has a unique number which can be read by a scanner and then located on a registry database.

Advantages

- Unique and permanent identification which cannot be separated from the cat and is not restricted to any council area;
- Helps to reunite lost cats with owners;
- Provides council staff with a degree of confidence in transferring unidentified cats to shelters;
- Reduced risk of unnecessary euthanasia ;
- Council staff are trained and equipped to read micro-chips;
- Can be implanted without anaesthetic (if done without the ear tattoo, which provides visible proof of micro-chip implant);
- Can be linked to rebates, if the council elects to introduce mandatory registration; and
- Encourages owner accountability.

Disadvantages

- An additional cost for cat owners and may lead to cat abandonment;
- A visual inspection of a cat will not reveal whether a micro-chip has been inserted. To read a micro-chip, the cat must be caught and scanned;
- A micro-chipping regime will only have a marginal impact on problems associated with existing semi-owned and/or feral cat populations, without proactive programs to seize; and
- Up-to-date contact information relies on owners to report changes in details to the micro-chip database.

Considerations

- The DCM Act does provide the ability to seize, detain, destroy or dispose of any unidentified cat, in addition to any By-law;
- The Dog and Cat Management Regulations 2010 encourages the letter M to be tattooed in the cat's ear, as identification that it has been micro-chipped. The cat needs an anaesthetic for the tattoo (but not micro-chipping);
- If the micro-chipping and tattoo procedure is done when the cat is being desexed there is minimal extra charge;
- Councils may wish to enact a By-law that makes a tattoo mandatory, if a cat has been micro-chipped;
- The tattooed 'M' in the cat's ear can be a disfiguration for a show cat. If a tattoo is made mandatory, specific provision for breeders and show cat owners could be written into a By-law as an exemption;
- Standards of micro-chip design, implantation techniques, scanners and administration of registries, all of which have caused issues in the past, are improving greatly as the tool of micro-chipping is gaining worldwide popularity and increased use;
- Increased responsibilities may require the employment of additional staff, acquisition of additional vehicles, micro-chip scanners and/or impounding facility arrangements, to manage public awareness campaigns, handling queries and complaints, seizing and impounding;

- A handful of studies have suggested that micro-chips may increase the likelihood of cancer at the micro-chip insertion site or localised area of the micro-chip implant in cats. Hundreds of thousands of animals are micro-chipped across the world. The evidence for cancer related incidents has been based on a few individual cases and on the proximity of the cancer to the micro-chip site rather than a direct association. It is worth noting that this site is also often where vaccinations are administered which may also lead to reactions. In the cases of research rodents which presented cancers around the micro-chip site, it is documented that the rodents used in the studies were particularly susceptible to cancers. In all other laboratory rodent studies there has been no scientific evidence provided linking their susceptibility to cancer from micro-chips; and⁶
- Dog registration does not currently require mandatory micro-chipping (except on Kangaroo Island).

Mandatory Identification by Collar and Tag

Under the Dog and Cat Management Regulations 2010, a cat is identified if 'the cat has a collar around its neck and the collar, or a tag securely attached to the collar, is marked with the current address or telephone number of the owner or other person entitled to possession of the cat'.

Advantages

- Can be used to immediately identify and contact the owner of the cat;
- Easily visible and therefore able to determine that the cat is owned;
- Accountability of the cat owner is likely to lead to long-term community benefit;
- Provides council staff with a degree of confidence in efficiently transferring unidentified cats to shelters;
- Cheaper for owners than micro-chipping, easily replaced if lost;
- Reduced risk of unnecessary euthanasia; and
- Can be linked to rebates, if the council elects to introduce mandatory registration.

Disadvantages

- Marginal impact on problems associated with existing semi-owned and/or feral cat populations without proactive programs to seize;
- Up-to-date contact information relies on owners to change details on the collar and tag;
- Collars can be lost. The information recorded on them can become unreadable;
- Can cause concern to owners about potential harm to the cat. Concerns regarding the use of collars include:
 - collars can be caught on trees leading cats to accidentally hang themselves;
 - if the collar gets caught on a snag; they can lose the collar;
 - if it is too loose; cats can get their paw or jaw stuck while trying to remove the collar; and
 - a person can maliciously remove the collar and claim the animal is a stray.

Considerations

- The DCM Act, does provide the ability to seize, detain, destroy or dispose of any unidentified cat. A By-law requiring better identification will enable Cat Management Officers to make appropriate decisions about the status and fate of a cat;
- Collar and tag may be used as a transition arrangement until mandatory micro-chipping becomes universal; and
- Increased responsibilities may require the employment of additional staff, acquisition of additional vehicles and arrangements for impounding facilities in order to manage public awareness campaigns, handling queries and complaints, seizing and impounding.

⁶ Dr Philip Stott, Australian Veterinary Association SA Division Bulletin July 2012

Mandatory Desexing

The Board supports the desexing of all companion cats.

The By-law provision for mandatory desexing can either stand-alone or be linked to registration at reduced cost.

Advantages

- Can reduce nuisance noise, spraying, wandering and fighting with other cats;
- Fewer unwanted kittens requiring rehousing, or joining feral or semi-owned cat colonies;
- Reduction in the number of entire cats going into semi-owned colonies;
- Desexed cats are less likely to develop certain types of reproductive cancers;
- Can reduce the risk of disease spread to other cats i.e FIV; and
- Can be linked to rebates, if the council elects to introduce mandatory registration.

Disadvantages

- Difficulty of checking compliance, including visual identification without surgical inspection for female cats. Owners could be required to provide written confirmation from a Veterinary Surgeon that the cat has been desexed;
- May lead to cat abandonment if required of current owners of already-mature, undesexed cats;
- Marginal impact on problems associated with existing semi-owned and/or feral cat populations; and
- Costs for councils to promote, administer and enforce mandatory desexing.

Considerations

- Success may rely on the availability of veterinarians which can be an issue in some rural and remote areas;
- Mandatory desexing may be phased in over a set number of years, only affecting new kittens/cats initially and all cats by a set date; and
- Exemption provisions need to be made to cater for the needs of cat breeders and cats held at shelters.

In South Australia, there are organisations that provide a 'desex and return to home' service. These services may assist people who have difficulty paying for desexing.

Cooperative Approach

Cooperating with organisations that support and provide desexing services, to reduce the cost, could be a key strategy in increasing desexing rates. Such a service could be extended particularly to residents who currently feed a semi-owned cat. The extent of cooperation arrangements and financial support would need to be determined.

Mandatory Limit On Cat Numbers

Placing a limit on the number of cats which can reside on a property can assist with the reduction of unwanted and semi-owned cats. Whilst in most cases the number of cats owned it's not usually a cause for concern, the provision can help to control the problem of hoarding where excessive numbers of cats are housed inappropriately and the associated health, nuisance and welfare issues.

Advantages

- Council can impose expiations and place orders on repeat offenders;
- Fewer unwanted kittens requiring rehousing, or joining feral cat colonies; and
- An enforceable By-law may assist council officers to deal with residents with mental health or other difficulties, who may otherwise refuse council intervention.

Disadvantages

- Cost and difficulty of checking and enforcing compliance; and
- Cats need to be identified to enforce mandatory limit.

Considerations

- Council can grant exemptions if certain conditions are met, for example where there are no insanitary conditions, the cats are not causing a nuisance and each cat is desexed;
- Exemption provisions need to be made to cater for the needs of cat breeders;
- The LGA Act 1999 and *Public and Environmental Health Act 1987* have existing provisions that can be applied in some circumstances; and
- May be introduced by way of registration of new born cats, rather than all cats (with conditions) to avoid causing distress to residents who already own more than the regulated number of cats. If exemptions of existing animals were not applied, initially there may be an increase in cats abandoned.

Nuisance

A 'Nuisance' is:

- unreasonably interfering with the peace, comfort or convenience of a person; or
- injurious to a person's real or personal property; or
- obnoxious, offensive or hazardous to health.

In relation to cats, a nuisance could be:

Public Nuisance: Stray or wandering cats may cause problems including property damage, pollution (noise, odour, faeces, spraying), harassment of other pets and annoyance via intrusion.

Health Nuisance: Stray or wandering cats have been implicated in a number of health issues. There is a risk to public health with the possibility of transmission of toxoplasmosis, ringworm and fleas. Stray cats can also transmit feline diseases to owned cats.

Environmental Nuisance: Both owned and unowned cats have been implicated in the predation of native wildlife. Whilst the impact on wildlife in the urban environment is considered to be only marginal, many councils have environmentally sensitive areas in which cats should not be allowed.

Councils can impose limitations on the freedom of cats by requiring them to be confined within the owner's property; kept indoors, at certain times, and/ or in a suitable enclosure. Alternatively they can place a curfew that requires confinement during certain hours (usually dusk to dawn) or declare certain public areas to be cat free zones. Owners of cats found breaching these requirements could be expiated (assuming identification) for wandering at large, and more severe orders could be imposed on owners of repeat offenders.

Defining nuisance in a By-law may provide council officers with a legal tool to address extreme circumstances, but there are practical difficulties. Other strategies which provide a proactive and multi-pronged approach to cat management, such as public education, limiting the number of cats, confining owned cats and actively removing the unowned population -all address nuisance to a greater or lesser extent.

Council could consider a Cat Trap Hire Policy for the hire of traps to assist with the removal of unowned cats. Council would need to consider the setting of hire fees and ensure that the policy is aligned with the requirements under Division 3, Section 76 of the *Dog and Cat Management Act, 1995* in relation to the trapping and disposal of identified and unidentified cats.

Cooperative Approach

Councils could consider negotiating a cooperative approach with the Animal Welfare League or RSPCA, whereby residents can take stray and unwanted cats wandering on to their property to a facility free of charge. The City of Playford has such an agreement with the Animal Welfare League. Council provides cat traps and incurs the cost of handing cats over. This cost effective strategy, whereby the residents and the council work together, has been in place since 2005. All cats subsequently re-housed are desexed, micro-chipped and vaccinated.

Advantages

- Provides a clear understanding of what activities are not acceptable; and
- Council can impose expiations and place orders on repeat offenders.

Disadvantages

- Difficult for Cat Management Officers to observe and prove an offence.

Considerations

- Enacting By-law provisions which cannot be actively enforced, either through lack of resources or inability to identify the offender (owner) may lead to frustration on the part of owners, the community at large and staff which may undermine other strategies;
- A range of options already exist for the management of nuisance cats which are set out in various Acts. Generally these options are only available where the cat owner has been identified. These may include:
 - Council making an order under the insanitary condition provisions of the *Public and Environmental Health Act 1987*. Council only has power to issue such an order where it has sufficient evidence to show that the manner in which a cat(s) is kept on premises gives rise to insanitary conditions on land;
 - Council making an order under section 254 of the LGA Act against an owner or occupier of land or any person engaged in promoting or conducting an activity that creates a nuisance or hazard to health or safety associated with a live or dead animal(s), or otherwise to deal with animal(s). Council must prior to issuing a section 254 order provide a notice of intention stating the proposed action, reasons for the proposed action and an opportunity to appeal the proposed action. The LGA Act states the various examples where a section 254 order that may be issued:

- slaughtering of animals in an urban situation;
- keeping an excessive number of animals;
- keeping of animals which generate excessive noise, dust or odour or attract pests or vermin;
- keeping an aggressive animal or keeping an animal in a situation where it cannot be adequately contained or may cause danger to the public; and
- failure to bury or otherwise lawfully dispose of any dead animal.

- *Development Act 1993* – Unauthorised (Unapproved) Business Activity. If council determines that there is an unauthorised (unapproved) business activity relating to the keeping of cats being conducted on land, the owner may be asked to submit a development application for approval and other necessary actions deemed appropriate at the time, depending on the issue(s); and
- The *Natural Resources Management Act 2004* provides provisions for the management of the feral cats.

Mandatory Registration of Cats

As with dogs, the purpose of registering cats is to capture relevant data to identify cats and owners, including the premises at which they are usually kept.

To be effective, registration needs to be implemented in association with a form of identification, either micro-chip or collar and tag.

When considering the introduction of cat registration, a phased-in approach could be adopted in which registration is free in the first year to encourage cat owners to register their cats, with fees (and associated rebates where applicable) applied in the second year.

Advantages

- Increased owner accountability;
- Can help to reunite lost cats with owners;
- Provides a source of revenue for council to respond to 'cat issues' (user pays);
- Fee mechanism can be used to encourage other strategies such as desexing, micro-chipping, limits on cats per household and/or confinement; and
- May discourage the harbouring or hoarding of stray cats.

Disadvantages

- Cost of set up, promotion, administration and enforcement of the registration process and subsequent control strategies may not be covered by fees;
- An additional cost for cat owners and may lead to cat abandonment; and
- Marginal impact on problems associated with existing semi-owned and/or feral cat populations.

Considerations

- The DCM Act, does not provide for registration of cats, so a By-law is essential to enact registration. The return of 20% of fees to the Board (as applies to dog registration) would therefore not apply. A balance would need to be struck between the income generation requirement and the encouragement of responsible ownership;
- Mandatory identification may achieve similar cat control outcomes to mandatory registration. This will not, however, provide an income stream for council enforcement;
- The registration process could mirror the annual dog registration system;
- An impounding system for cats would be required;
- Compulsory registration of cats in other States has reportedly been low, though levels of compliance are increasing and there has been no recorded reduction in the number of cats entering shelters; and
- Councils can allow for rebates to the registration fee such as:
 - 'During the first six (6) months of operation of this By-law a rebate of up to 100% of the registration fee for a cat will be provided upon satisfactory proof that the cat has been micro-chipped and desexed during this period but only to the value of the micro-chipping and desexing costs incurred';
 - First year is free. Cat owners can then put those savings in the first year towards de-sexing their cat to receive further discounts on registering their cat in following years. To ensure cat registration is affordable for all cat owners discounts for de-sexed and micro-chipped cats and pensioner concessions may also be made available.

Enforcement

The following identifies some of the operational issues which council will need to consider in choosing to proceed:

- Cat management By-laws generally seek to address the particular cat management needs, and social and environmental circumstances of their local community. This discretion can lead to regulatory inconsistency across the state;
- Cats are not easily restrained. They are agile and flexible in their use of space. Identification of an owner requires capture of the cat;
- A By-law infringement can only be penalised when it is observed by an authorised officer, identification is effected and the owner traced;
- As much of the nuisance activity occurs at night, observation is unlikely;
- While important, cat issues do not require the urgency that a wandering dog or dog attack requires;
- The main strategy for enforcement would require the use of traps and this can be time consuming;
- A cat on a property does not indicate ownership and ownership can be denied;
- The costs of enforcement will exceed income from registration and expiations, and will need to be met either from an increase in budget allocation or reduction of other regulatory services such as parking patrols, dog management, bushfire risk management and enforcement of other By-laws; and
- Allocation of resources to programs of proactive enforcement would be prohibitively expensive.

Financial Implications

There are cost considerations implicit in all of the options outlined in this paper. Council will need to determine how, and to what extent, it will fund the programs it wishes to enact. The following lists some of the potential requirements:

- Community consultation;
- Education programs, publications and advertising;
- Staff resources (increase workload for animal management and administrative staff);
- Additional vehicle(s) and equipment;
- Arrangements for impounding facilities;
- For registration: database amendments, cat discs, registration forms, postage; and
- Additional cat traps and increase disposal cost.

In the case of preparing By-laws or amendments to an existing By-law there will also be legal fees.

As a guide, if one additional dedicated Animal Management Officer was required to implement a widespread systematic engagement of the community concentrating on cat management alone, that resource would very likely cost in the region of \$100,000pa when all on-costs (salary, vehicle and associated equipment) are taken into account.

Councils will also need to transport cats to a shelter and pay cat pound and administrative fees. In the early years of implementation of a new strategy it is possible that cat impoundment numbers would increase significantly and associated costs to council would also increase.

Next Steps

It is imperative that council considers the resources required to manage and enforce a By-law before beginning the intensive process of establishing a By-law or a policy. Community awareness will be heightened by the public consultation and those being adversely affected will expect action and outcomes. Therefore an elected council must be committed to resourcing the programs it endorses.

As in many other aspects of local government responsibility, council must weigh the public good when determining how it will spend ratepayer's financial contribution to the management of the area. While it may well reach the conclusion that cat owners should make payment toward the cost of managing cat problems, in reality many of those problems are not produced by the owners who will comply with a By-law, register, desex and micro-chip their cats and ensure that they are safely confined within the owner's property.

Acknowledging that the majority of issues relate to semi-owned and feral cats does not abrogate council's responsibilities for addressing community concerns. However, it may shape the direction in which it focuses its efforts and resources. Having received community feedback which represents the views of all stakeholders, council must then resolve how it will proceed to introduce a By-law or other programs which will be effective and efficient in addressing the underlying causes of community concern.

8 Community engagement plan



Cat management is generally an emotive topic, which can polarise communities. Issues associated with cat management will mean different things to different people. The differences will not only exist between cat owners and non-cat owners, it will exist between any individual who provides care for cats in a variety of ways. For example, some cat owners view confining cats in an enclosure as a way of protecting the cat; other cat owners see confining their cat as an abuse of their natural roaming instinct. It will be important for community wellbeing to develop an engagement process that seeks to listen to and acknowledge the varying viewpoints of stakeholders on the management of cat issues.

The development of any cat management engagement with the community will need to give consideration to the diverse views held by all stakeholders including but not limited to, cat owners, non-cat owners, animal management services and council. An equitable outcome on the management of cats can be achieved by extensive and appropriate background research and community engagement in every stage of development and implementation of a preferred model for cat management.

Further information in developing a community engagement plan is contained within the Local Government Community Engagement Handbook⁷

⁷ Revised Edition 2012,
www.lga.sa.gov.au/site/page.cfm?c=27073

9 Using the LGA By-law Guidelines

Further information of relevance to the preparation of all By-laws is available on the LGA website.⁸

Particular attention should be paid to:

Legislative Review Committee Issues

All By-laws made by councils have to be considered by the Legislative Review Committee of Parliament. The Committee's role is to review all Regulations, including By-laws, and report as necessary to Parliament on whether a By-law should be disallowed.

Order making powers

As part of a general understanding of the scope of councils' regulatory powers, it is essential that councils recognise the relationship between the By-law provisions and the order making powers in Part 2, Chapter 12 of the LGA Act (sections 254-259) and in other legislation.

⁸ LGA By-law Guidelines 2010, including Appendix 1 and 2 and LGA Template By-laws Instruction Manual 2012

10 Outcomes



Regardless of the final decision about how to respond, council will have learned a great deal from the process, and it is very likely that some strategies aimed at relieving the impacts of cat nuisance will result. It is important to embed any changes into the next version of council's Plan of Management Relating to Dogs and Cats to ensure that future actions are in keeping with council's overall objectives and strategies.

Appendix

Cat facts

Cats are not native to Australia and as highly effective, adaptable hunters they are able to reproduce rapidly in our climate. Failing to desex owned cats or feeding unowned cats in the absence of desexing, can create a major community problem of over population - causing nuisance, threatening owned cats and wildlife, and in unowned cats suffering themselves from disease and malnutrition. Thousands of unwanted cats are euthanased in shelters annually in Australia.⁹

In the period from July 2011 to June 2012, 11,377 cats were admitted to the RSPCA and Animal Welfare League (AWL) shelters in SA.

Of the total admissions:

- 69% were reproductively entire;
- 72% were not micro-chipped;
- 22% were rehomed; and
- 2% were reclaimed by owners.

Reproductive Biology and Behaviour

Cats have a remarkable reproductive capacity. Much of the nuisance caused by cats relates directly to behavioural characteristics exhibited by un-desexed cats in the process of reproduction or protecting their territory and/or mates.¹⁰

One female cat can be responsible for the production of 41 kittens in 12 months (Original female + Litter 1 of 4 + Litter 2 of 4 + Litter 3 of 4 + Litter 4 of 4 + Litter 1 kittens (16) + Litter 2 kittens (8) = 41). If 1 cat in 50 remains entire, a population of free-living cats will regenerate in 12 months. 98% of all cats need to be desexed before the cat population will be stabilised.

Defining the cat population

The cat population is considered to be broadly divided into three types:

- Owned population – cats that have an identification tag/micro-chip or are claimed to be owned. Owned cats may be free-roaming, are generally sociable and depend on human contact for survival;
- Feral population – identified as cats that are completely unsocialised and do not depend on human contact for survival, but may have had domestic ancestry; and
- Free-living/Semi-owned population - this group consists of cats which are intentionally provided with food, medical treatment and/or shelter by people who nevertheless do not consider that they own the cat. Free living, semi-owned cats exhibit varying levels of sociability with people.

⁹ Adapted from www.whosforcats.com.au

¹⁰ Semi-owned Cat Attitudes and Behaviours in South Australia, Sharp and Hartnett, Ehrenberg-Bass, 2009

The Impact of Cats

Social Nuisance

In conjunction with five of South Australia's largest metropolitan councils, data relating to the nature of calls received regarding cats (May - September 2009) was collated (Dog and Cat Management Board 2010). The data indicated:

- 50% of calls related to too many stray cats in the area; and
- 50% of calls related to a neighbour's cat undertaking an activity (straying, defecating, fighting, urinating) in the caller's yard

Economic Impact

"Euthanasia fatigue" in animal shelter staff as a result of the very high euthanasia percentage of cats in shelters has been identified as a significant cost to providers.

Feral cats can pose a risk to livestock (particularly sheep) through the transmission of Sarcosporidiosis. This has been cited as impacting on primary production in some regions (Kangaroo Island).

The cost to councils for the provision of traps and transfer of trapped animals to shelters is not inconsiderable.

Environmental Impact

Cats are effective hunters. Numerous research papers clearly identify cats impacting on native wildlife and irrevocably altering previously balanced ecosystems.

Cats in Australia can have two litters per year. On average cats can have kittens from 4- 6 months of age and litters of between 2 - 9 kittens. In a Semi-owned cat population if 1 cat in 50 remains entire the population can regenerate in 12 months.

'The colony forming subgroup of cats that exploit resource rich, manmade habitats in rural and suburban fringe areas possibly constitute the largest subgroup of cats in Australia and move out into surrounding habitats to exploit native species'.⁹

Animal/Human Welfare

Semi-owned and feral cats pose a threat to owned cats by spreading diseases such as cat flu, FIV (feline AIDS) and feline enteritis and causing injury through fighting.

Cats are also the main hosts of Toxoplasmosis which they acquire from eating infected rodents or birds. This can pose a public health risk. In most cases Toxoplasmosis does not cause any symptoms, however pregnant women and people who have compromised immune systems are more at risk of infection.

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Who's For Cats

www.whosforcats.com.au



A GUIDE TO PREPARING A CAT BY-LAW

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