



Government of Western Australia
Department of Local Government

APPENDIX

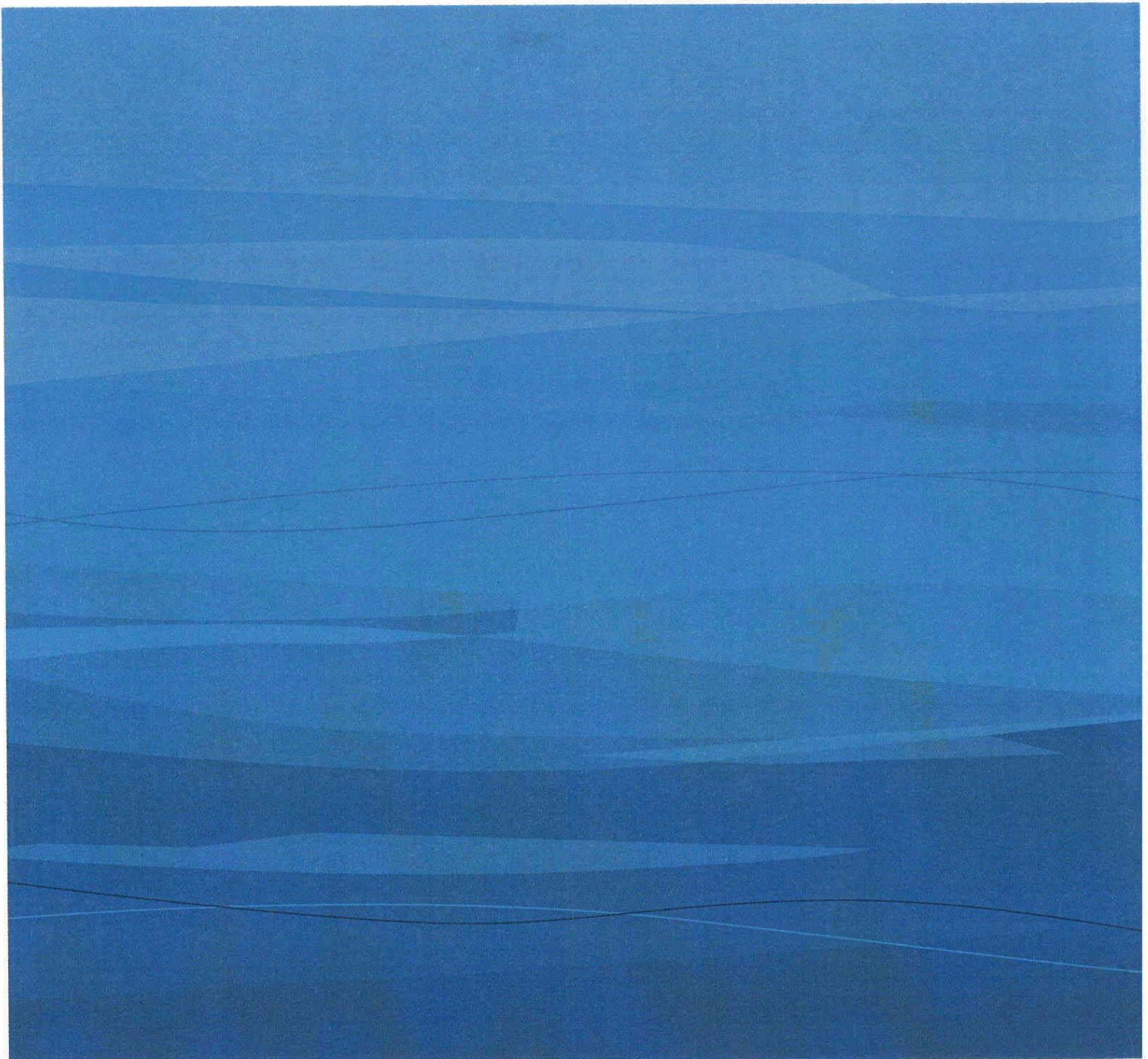
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ATTACHMENT 1

Proposal for Domestic Cat Control Legislation

Consultation Paper

June 2010



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Consultation Paper

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PROPOSAL FOR DOMESTIC CAT CONTROL LEGISLATION Consultation Paper

Prepared by the Department of Local Government
June 2010

This Regulatory Impact Statement (RIS) has been prepared in compliance with the Western Australian Government's requirement for Regulatory Impact Assessment and to facilitate public consultation on the proposed development of a Domestic Cat Act.

Comments and submissions are invited on the proposal, in response to information provided in this Consultation RIS. All responses to the Consultation RIS will be publicly available on the Department of Local Government's website. Written comments, queries and submissions should be forwarded no later than **COB Friday, 30 July 2010**.

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EXECUTIVE SUMMARY

The Government proposes to introduce Statewide domestic cat control legislation. The overarching objective of doing so is to reduce the number of stray (unowned) cats in Western Australia. This will be achieved through:

- encouraging responsible pet ownership behaviour by members of the community that own cats or look after a cat in some way (semi-own); and
- the implementation of cat control legislation across the whole State.

The anticipated outcome from a reduction in the number of cats is a reduction in:

- the number of cats being euthanised,
- the impact of unowned cats on the natural environment and wildlife,
- the occurrence of nuisance caused by cats, such as noise, unwanted entering and damage to properties, and
- the poor health and living conditions of unowned cats.

The establishment of a consistent and comprehensive regulatory approach across the State may help address some of these identified concerns. It is, however, acknowledged that it will not resolve all the issues, and will be dependent on local government enforcement.

Approximately 5,000 cats are euthanised each year in Western Australia. Most of these cats are stray or the result of unwanted pregnancies of owned cats. The stray cat population cause a range of problems including nuisance and damage to property and the killing of wildlife. Stray cats are also argued to feed into and sustain the estimated population of up to 650,000 feral cats.

Additionally, the current absence of State Government regulation in the control of domestic cats, in favour of an approach whereby local governments can choose whether or not to introduce local laws for this purpose, is not providing a consistent regulatory approach across the State. Only 19 out of 139 local governments have introduced local laws for the control of cats, however, this could indicate that for many local governments, cats are not an issue.

The State Government has developed proposed Statewide legislation based on previous research undertaken in this State, and an evaluation of similar legislation in other jurisdictions. Local governments will be required to administer and enforce the legislation, which includes the following mandatory elements:

- identification in the form of microchipping and/or collars and tags;
- registration; and
- sterilisation.

The introduction of mandatory identification will have the benefit of ensuring that cats are easily identified as owned or unowned, and those without identification can be seized and impounded by authorised persons.

Mandatory registration, which requires owners to provide their details to their registering body, similar to the provisions required under the *Dog Act 1976*, will allow for the identification of the owners of cats. Registration is a potential source of revenue for local governments. Additionally, discounts on registration fees can be used to reward desired behaviours, such as sterilisation and microchipping.

With respect to compulsory sterilisation, while it is acknowledged that a significant proportion of owned cats are already sterilised (approximately 90%), if a higher number of cats are sterilised, it is argued that this could reduce the number of cats euthanised by shelters each year. Research indicates that there is still approximately 21% of owned cats being surrendered to animal shelters, and that 50% of the 5,000 owned cats surrendered were from unwanted pregnancies.

It is expected that these provisions will provide the fundamental mechanisms to:

- encourage responsible cat ownership;
- reduce the number of cats being bred; and
- allow for cats found in a public place or on private property to be seized and then rehomed or disposed of.

The following groups have been identified as being impacted by the proposed legislation:

Cat owners - The proposed legislation will impose financial and other costs associated with registration, identification (microchipping or collars) and sterilisation if introduced. Additionally, access to cats and kittens will become more restricted with the cost of purchase rising. In the longer term, the genetic variation is likely to reduce.

Cat and animal welfare groups – In the longer term, the number of cats received by these organisations is expected to fall as will the costs associated with capture, impounding, rehoming and euthanasing. However, this has not been the case in the Australian Capital Territory which introduced compulsory sterilisation in 2001.

Local government - Costs will be imposed on local government through its role in administering and enforcing the provisions of the legislation.

Veterinarians – Would have a key role in the microchip implanting procedure and sterilisation.

Cat breeders – In the advent of compulsory sterilisation, only those who apply for an exemption will be able to sell cats, and they may, in the longer term, be able to control the market.

State Government agencies – Agencies involved in the eradication of feral animals and the protection of native wildlife may benefit from reduced expenditure on these activities in the longer term as the number of domestic cats replenishing this supply diminishes. However, it is acknowledged that there is evidence to suggest that feral cat populations are self-sustaining.

The Department of Local Government will have an ongoing role in developing and maintaining the Cat legislation. This would include the provision of advice and support to members of the public and local government.

General community - Will benefit from the proposals as it might facilitate more responsible cat ownership and may assist in reducing the number of stray and un-owned cats and the nuisance and damage to property they cause.

The introduction of the new State cat control legislation will be preceded by a public awareness campaign to advise the community and key stakeholders of its requirements. This will include sufficient time to allow local governments to be prepared to implement, administer and enforce the legislation when it is introduced. An evaluation of the effectiveness of the legislation is possible at some point in the future. This would involve the analysis of euthanasia statistics from animal welfare shelters and surveys of cat owner's compliance with the legislative requirements.

The Department of Local Government is requesting feedback from key stakeholders and members of the community on the proposals outlined in this paper. Written comments and submission are to be provided to the Department of Local Government no later than 30 July 2010.

1. STATEMENT OF THE ISSUE

1.1 Background

The Government proposes to introduce Statewide domestic cat control legislation. The overarching objective for introducing cat legislation is to reduce the number of stray (unowned) cats in Western Australia. This will be achieved through:

- encouraging responsible pet ownership behaviour by members of the community that own cats or look after a cat in some way (semi-own); and
- the implementation of cat control legislation across the whole State.

The anticipated outcome from a reduction in the number of cats is a reduction in:

- the number of cats being euthanised,
- the impact of unowned cats on the natural environment and wildlife,
- the occurrence of nuisance caused by cats, such as noise, unwanted entering and damage to properties, and
- the poor health and living conditions of unowned cats.

Currently, the majority of costs associated with cat control, including euthanasia, are borne by not for profit animal welfare organisations, such as the Cat Haven, and those local governments that have enacted cat local laws. The introduction of Statewide legislation will transfer costs and responsibilities to the government sector, particularly local governments that undertake minimal or no cat management activities in their districts.

Research has identified, that based upon how cats live, there are three sub-populations. These terms will be used throughout this paper.

Owned:	is owned by an individual, household or business, and that individual takes responsibility for all actions associated with responsible ownership.
Semi-owned (stray):	has particular care provided such as feeding, but no individual takes "ownership" of the cat.
Feral:	lives and reproduces in the wild and survives by hunting or scavenging.

The most recent comprehensive consideration of cat control by the State Government took place in 1994 with the establishment of the WA Cats Advisory Committee tasked to make recommendations to the then Minister for Local Government about the feasibility of introducing cat control legislation. The Committee recommended that Statewide legislation be adopted.

This proposal was not adopted in favour of requiring local governments to be responsible for cats within their district and that they develop local laws for this purpose. This was facilitated through the introduction of the *Local Government Act 1995*, which gave local governments general competency powers to adopt local laws necessary or convenient to perform their function. While most local governments continued to promote self-regulated responsible cat ownership, a small minority (19 or 13% of all local governments) have introduced cat control local laws under this Act. The majority of local governments have taken a non-legislative approach to cat management.

In principle, cat control local laws seek to address the particular cat management needs, and social and environmental circumstances of their local community. This discretion leads to regulatory inconsistency across the State and is in contrast to the consistency provided by legislation such as the *Dog Act 1976*.

Further, surveys report that while many people may be aware of cat management problems in their local communities, they were unlikely to be aware of local laws adopted by their local governments¹.

Of the 19 local governments that have introduced local laws, some or all of the following elements are incorporated:

- a requirement for cats to be registered with the local government;
- a requirement to enable the identification of cats;
- restrictions on the number of cats able to be kept;
- restrictions on where a cat may roam;
- provisions relating to the impounding of cats;
- penalties for abandoning of cats; and
- incentives, such as a subsidy for the sterilisation of cats.

Some local governments have introduced microchipping and attempted to provide for the mandatory sterilisation of cats.

The Joint Standing Committee on Delegated Legislation (JSCDL) is a permanent Committee of the WA Parliament that is responsible for the scrutiny of all 'subsidiary legislation' as defined under section 5 of the *Interpretation Act 1984*, such as local government local laws, town planning schemes, orders, regulations and codes. Following its examination, if the Committee forms a view that the legislation is not authorised or contemplated by the empowering Act, it can recommend to Parliament that it be 'disallowed'.

In 2009, the City of Joondalup gazetted a local law to regulate cats in its district including the compulsory sterilisation of cats. The JSCDL formed a view that the *Local Government Act 1995* did not provide the legislative

¹ Tim Harding & Associates & Rivers Economic Consulting, *Options for Possible South Australian Cat Amendment Legislation, Regulatory Impact Assessment*, Cheltenham East, 2008

basis for a local law to contain provisions requiring the sterilisation of cats. Further, the Committee was of the opinion that, in any case, a local law was not the appropriate legislative instrument for this purpose.

For reasons such as the controversial nature of compulsory sterilisation, the fact that sterilisation is not reversible and the inconsistency of laws applying in different areas of the State, it concluded that this matter was best dealt with by State legislation.

As a consequence, the Committee recommended that the City of Joondalup's Cat Local Law be disallowed. It also recommended that the Minister for Local Government give consideration to introducing a Cat Bill into the Parliament, dealing with such issues as the sterilisation of cats in certain circumstances.

1.2 Rationale for Government Intervention

Regulatory inefficiencies

The current absence of State Government regulation in this area, in favour of an approach whereby local governments can choose whether or not to introduce local laws to control cats, is providing regulatory inefficiencies across the State.

The present approach is based on the presumption that government regulation of domestic cats across the State should be tailored to local conditions and, as such, local governments should be the level of government that introduces such laws. Only 19 out of the 139 local governments have adopted laws, with differing requirements. The current approach is confusing for the owners of cats that might move from one local government to another. Furthermore, the benefits of one local government implementing a law to control cats are reduced where a neighbouring local government chooses not to.

In responding to these matters, the Government is considering how to regulate the operation of this activity so that the undesirable and unwanted impacts from the existence of domesticated cats and inappropriate behaviour by members of the public are reduced.

1.3 Why is this issue a problem?

Over a number of years, particular concerns have been expressed in Western Australia on domestic cat related matters. These include:

- The excessive number of cats being euthanised;
- The high number of feral, unowned and semi-owned cats;
- The negative impact of these cats on the environment and wildlife; and
- Inappropriate behaviour such as noise, marking of territory, digging, fighting and unwanted entering of property.

Members of the community that allow their cats to breed and create additional unwanted and stray cats create externalities that impact upon other members of the community. For example, the potential for seizure, impounding and euthanasia of these cats is undertaken at a cost to animal welfare organisations and their staff, local governments, veterinarians and others even though they are not the cause of the problem.

Furthermore, cats that roam, or cats (and any offspring) that permanently escape from their owners impact upon members of the community and the natural environment. The cost of this nuisance and damage is incurred by individual members of the public as well as private organisations and government authorities and not the owners of these cats.

The *Animal Welfare Act 2002* is intended to promote responsible animal care and protection, and to protect animals from cruelty. The existence of a large population of stray and feral cats, of poor health and living conditions and the high rate of death might be inconsistent with these objectives.

There is also a large expense associated with euthanasing cats which generally falls onto cat welfare organisations. It is estimated that euthanasia costs approximately \$80 per cat in animal welfare shelters, which will increase by 3.5% per year². Based on these costs, in Western Australia, the cost per annum for euthanasia is approximately \$400,000. If stray cat numbers are not reduced, the costs to the community will continue to increase. Related to this, there is a psychological impact on the staff of animal welfare organisations that are required to euthanise over 5,000 cats per annum, which is also considered undesirable.

Semi-owned or unowned cats can be defined as those where a person, or persons, may provide particular care such as feeding or containment, but that person/s is not responsible for the whole range of actions associated with responsible ownership. These cats are generally unsterilised and, as such, have been found to make a significant contribution to the number of unwanted cats surrendered to cat welfare shelters. A Victorian Government commissioned survey found that 22% of respondents indicated that they were semi-owners³.

There is also evidence to suggest that unowned and semi-owned cats contribute to the feral cat population, although it is acknowledged that there are conflicting views. For example, the Invasive Animals Cooperative Research Centre are of the view that feral cat populations appear to be self-sustaining and that stray and domestic cats probably play little or no role in maintaining the feral population⁴. On the other hand, the 1994 Report of the WA Cats Advisory Committee stated that

² Tim Harding & Associates & Rivers Economic Consulting, *Options for Possible South Australian Cat Amendment Legislation. Regulatory Impact Assessment*, Cheltenham East, 2008, p., 28.

³ Toukhsati, Coleman & Bennett, op.cit., p.27

⁴ Feral Focus, *Feral Cat (Felis catus)*, retrieved 19 January 2010, www.feral.org.au/content/species/cat.cfm

'domestic cats continually add to the stray and feral cat population"⁵. Similarly, the study 'Community Attitudes and Behaviours Towards Cats, states that there is "constant recruitment of domestic cats into stray and feral cat colonies"⁶.

1.4 How significant is the effect?

The total number of pet cats in Western Australia was estimated at 217,000 in 2007⁷. The number of households owning a cat is estimated at around 155,000 (1.4 cats per household). An Australian Bureau of Statistics study of 1994, estimated that the ratio of owned cats to unowned cats ranged between 1:1 and 1:3⁸. Based on this ratio, there may be up to 651,000 unowned cats in Western Australia.

Based on data provided to the Department of Local Government by the Cat Haven, RSPCA and the Australian Veterinarian Association, the number of cats euthanised in the previous five years is provided below.

CATS EUTHANISED IN WESTERN AUSTRALIA					
2005	2006	2007	2008	2009	Average Per year
6,363	5,618	2,494	5,263	4,126	4,773

Estimates of the number of feral cats in Western Australia are varied. The WA Cats Advisory Committee quoted research in their 1994 report of the existence of between 6 and 18 million feral cats in Western Australia⁹. The NSW Department of Environment, Climate Change and Water suggests a national population of 12 million¹⁰. Using these estimates and that Western Australia comprises around one third of the Australian land area, there could be between 2-6 million feral cats in Western Australia.

The WA Cats Advisory Committee cited research in its report suggesting that one cat kills approximately 1,000 native animals per year, comprising small mammals, birds and reptiles.

In terms of nuisance, the community attitudes survey undertaken in Victoria found that 68% of respondents had seen a cat wandering in their neighbourhood and that 40% had observed a wandering cat more than 10 times in a month. 62% consider that cats wandering into their property are a nuisance but only 7% reported this nuisance to councils¹¹.

⁵ Cat Advisory Committee, *Proposals for the Development of Cat Control Legislation: Final Report of the Cat Advisory Committee*, Perth, 1994, p. 29.

⁶ Toukhsati, Coleman & Bennett, op.cit., p.4

⁷ Australian Companion Animal Council, *Pet Ownership Statistic*, BIS Shrapnel annual survey, www.acac.org.au/pet_care

⁸ Australian Bureau of Statistics, *Special Feature: Household pets*, 4102.0 - Australian Social Trends, 1995, retrieved 11 November 2009, www.abs.gov.au/Ausstats/abs@.nsl/217621f95845417acca25706c00834efa/5ef8016f420622a3ca2570ec007535241OpenDocument

⁹ Australian National Parks and Wildlife Service, *Cats in Australia*, Endangered Species Unit, 1994.

¹⁰ Department of Environment, Climate Change and Water NSW, *Feral Cats*, retrieved 19 January 2010, <http://www.environment.nsw.gov.au/pestsweeds/FeralCats.htm>

¹¹ Toukhsati, Coleman & Bennett, op.cit., pp. 34-35

1.5 Who is affected?

The following provides an overview of the community, business and government that will be affected by the introduction of Statewide cat control legislation.

Cat owners - The proposed legislation will result in financial and other costs associated with registration, identification (microchipping or collars) and sterilisation, if introduced. Additionally, access to cats and kittens will become more restricted with the cost of purchase rising. In the longer term, the genetic variation is likely to reduce¹².

Cat and animal welfare groups – The introduction of legislation could result in an initial increase in the number of cats that are seized, surrendered or dumped and require short term homing and euthanasing. There will be costs associated with these activities.

In the longer term, the number of cats received by these organisations is expected to fall as will the costs associated with capture, impounding, rehoming and euthanasing. However, this has not been the case in the Australian Capital Territory which introduced compulsory sterilisation in 2001.

Local government - Costs will be imposed on local government through its role in administering and enforcing the provisions of the legislation. For example, local governments will be responsible for managing any registration process including the maintenance of relevant databases. In addition, local governments will be expected to seize and impound unregistered or unidentified cats. Registration and impounding fees will offset these costs. The success of the legislation will be determined by the level of local government enforcement.

Relevant local government officers, such as rangers, may also be given permission to implant microchips. Costs may be incurred through the purchase of equipment and the requirement for officers to undergo training and accreditation. In addition, there may be costs from performing the implanting, however, this could be offset by a fee for performing this procedure.

The 19 local governments that presently have cat control local laws will not be affected to the same extent as those without such laws, as some of these responsibilities are already being performed by these local governments. Local governments may find, especially those without cat control local laws, that they experience an increase in the number of complaints relating to cats.

Nonetheless, research has indicated that animal management services performed by local governments across Australia were estimated to operate at a loss of \$35 million per annum¹³. The City of Joondalup has

¹² L Marston, P Bennett, V Rohlf, & K Mornement, *Review of Strategies for Effectively Managing Unwanted Dogs and Cats in Queensland*, Monash University, Caulfield, 2008.

¹³ L Marston, P Bennett, V Rohlf, & K Mornement, *Review of Strategies for Effectively Managing Unwanted Dogs and Cats in Queensland*, Monash University, Caulfield, 2008.

identified that administering the *Dog Act 1976*, which includes relocation of animals to their owner or impoundment, costs the City \$82,500 per annum¹⁴.

Veterinarians – Would have a key role in the microchip implanting procedure. A cost recovery fee can be imposed. Sterilisation would also be undertaken by Veterinarians.

Cat breeders – In the advent of compulsory sterilisation, only those who apply in writing to a local government for an exemption will be able to sell cats, and they may, in the longer term, be able to control the market.

State Government agencies – Agencies involved in the eradication of feral animals and the protection of native wildlife may benefit from reduced expenditure on these activities in the longer term as the number of domestic cats replenishing this supply diminishes. However, it is acknowledged that there is evidence to suggest that feral cat populations are self-sustaining.

The Department of Local Government will have an ongoing role in developing and maintaining the Cat legislation. This would include the provision of advice and support to members of the public and local government.

There may also be a role for a State Government agency to establish and maintain a cat breeder licensing system.

General community - will benefit from the proposals as it might facilitate more responsible cat ownership, and may assist in reducing the number of stray and un-owned cats and the nuisance and damage to property they cause.

1.6 What are the consequences of not taking action?

Nuisance to members of the public will continue, the number of feral, unowned and unwanted cats will continue to be excessive, the number of cats requiring euthanasia will remain high, the impact of stray and feral cats on wildlife will continue, and inconsistent application of regulation will continue to exist.

The proposed legislation will not, however, overcome all of these issues.

¹⁴ City of Joondalup, *Agenda for Meeting of Council: 10 June 2008*, p. 20, retrieved 20 January 2010, http://www.joondalup.wa.gov.au/files/councilmeetings/2008/CJ080610_AGN.pdf

2. OBJECTIVES

This section briefly identifies the outcomes and objectives expected from the introduction of State government legislation.

The overarching objective for introducing cat legislation is to reduce the number of stray (unowned) cats in Western Australia. This will be achieved through:

- encouraging responsible pet ownership behaviour by members of the community that own cats or look after a cat in some way (semi-own); and
- the implementation of cat control legislation across the whole State.

The anticipated outcome from a reduction in the number of cats is a reduction in:

- the number of cats being euthanised,
- the impact of unowned cats on the natural environment and wildlife,
- the occurrence of nuisance caused by cats, such as noise, unwanted entering and damage to properties, and
- the poor health and living conditions of unowned cats.

While the establishment of a consistent and comprehensive regulatory approach across the State may help achieve the above objectives and outcomes, it is acknowledged that it will not resolve all the issues. For example, responsible cat ownership is more than ensuring a cat is sterilised and identified. In addition, the success of the legislation will depend on the level of enforcement and resources devoted by local governments. This is likely to vary depending on the capability and priorities of each local government.

2.1 How is the issue currently being addressed?

Until recently, the approach of the State Government, through the Minister for Local Government, in relation to the control of cats has been to defer responsibility to local governments through the non-compulsory implementation of local laws within their districts. The rationale for this position has been that given the differing social and environmental conditions in existence in Western Australia, local governments are better placed to implement laws appropriate for their area.

Of the 139 local governments in Western Australia, around 19 have introduced such laws which include some or all of the following elements:

- a requirement for cats to be registered with the local government;
- a requirement for cats to be able to be identified;
- restrictions on the number of cats able to be kept;
- restrictions on where a cat may roam;
- provisions relating to the impoundment of cats;
- penalties for the abandonment of cats; and
- incentives, such as a subsidy, for the sterilisation of cats.

Some local governments have introduced microchipping and attempted to provide for the mandatory sterilisation of cats. However, the majority of local governments have taken a non-legislative approach to cat management. For example, a number of local governments encourage responsible cat ownership by residents, through educational and promotional programs, and by subsidising sterilisation for cat owners in their districts.

2.2 Effectiveness of current approach

There are two indicators that suggest the current regulatory approach is not achieving a desired outcome. First, there remains a significant number of unwanted cats received by cat and animal welfare organisations which are ultimately euthanised. Second, cat control local laws have been enacted by only 19 of 139 local governments in Western Australia, although it is acknowledged that this could indicate that for many local governments, cats are not an issue for their communities.

Nonetheless, with only a small proportion of local governments regulating the keeping of cats, the effectiveness of a local government enacting a cat local law will be diminished if neighbouring councils do not have similar cat control requirements.

2.3 Is there a requirement to review the existing regulatory or policy arrangements?

There is no legislative or electoral requirement at the State or Commonwealth level to review the existing arrangements. This is a policy decision and one recommended by the Joint Standing Committee on Delegated Legislation.

3. OPTIONS TO ADDRESS THE ISSUE

Previous studies and research in Western Australia and other jurisdictions provide a comprehensive resource to determine the advantages and disadvantages of the various tools available to address the stated issues in relation to domestic cats.

In Western Australia, the Cats Advisory Committee was established in 1994 by the then Minister for Local Government to consider the feasibility of cat control legislation. It recommended legislation be developed and provided detail on the content of such legislation. The Government of the day resolved to not progress with the recommendations of the Committee, preferring to give greater power to local government to make local laws to deal with cats within their district.

State Government legislation addressing cat control to various degrees has been, or is soon to be enacted, in all other jurisdictions, apart from the Northern Territory.

The most recent policy and legislation development processes have been undertaken by the Queensland and Tasmanian Governments. Both have ultimately led to the introduction of new Statewide legislation dealing with cats. The Queensland legislation came into force in 2009, and Tasmania's will commence in mid-2010.

A table outlining the approach to cat management in other States is provided at the end of this section.

3.1 Legislative option

Based on this previous work, the proposed mandatory elements of any Statewide legislation to control the number and the impact of stray cats is detailed below. These provisions provide the fundamental mechanisms to:

- encourage responsible cat ownership;
- allow for cats found in a public place or on private property to be seized and then rehomed or disposed of; and
- reduce the number of cats that reproduce.

In the short and longer terms respectively, these elements are expected to reduce the number of unowned stray cats; however, it will be dependent on the level of enforcement by local governments.

Reductions in nuisance and damage to wildlife and property by owned cats can also be assisted by owners being required to confine their cats within their property and/or imposing night-time curfews so cats are not able to be outside and free to wander. Prohibition of cats being kept in particular areas is also possible and some local governments have already introduced such provisions to protect native wildlife in environmentally sensitive areas. Nonetheless, at this stage it is not

proposed to include these as mandatory provisions in Statewide legislation. Local governments will be free to do so if they choose.

3.1.1 Identification

The identification of cats is a fundamental requirement to achieve the policy objectives as it allows for cats found wandering in public or private property to be impounded. Cats can then be returned to their owner, rehomed (once sterilised) or euthanised. Essentially, it is an effective mechanism to ensure unowned cats are removed from the community and minimise the potential for this population of cats to breed and increase in size.

3.1.1.1 Microchipping

Microchipping is a means of electronically identifying animals through the insertion of a grain-of-rice sized microchip into the scruff of the neck of the animal. The microchip has a unique number which can be read by a special electronic reader. Microchips normally last the lifetime of the animal and cannot be easily transferred between animals. Close proximity is needed to read the microchip.

Data relating to the owner's name, address, phone number, alternative contact details and whether the animal is sterilised is entered into a database. There are currently at least five databases available including Central Animal Records, Australasian Animal Registry, Petsafe Database and National Pet Registry. Unfortunately these are not all linked so multiple searches may be necessary to ascertain ownership details.

Under the *Veterinary Surgeons Act 1960*, administered by the Minister for Agriculture and Food, microchipping is an act of veterinary surgery and can only be performed for a fee by a registered veterinary surgeon. Section 26 (3) provides a head of power by which prescribed veterinary services could be performed by others as set out in regulation.

3.1.1.2 Collars and Tags

This form of identification is facilitated through a requirement for cats to wear tags on a collar with the contact details of its owner. These are visible from a distance, making it easy to determine if the animal is owned.

As with the use of microchips, collars and tags will enable cats to be reunited with their owner, rehomed, or destroyed.

Collars and tags were not supported by participants of a workshop attended by key practitioners in cat management and welfare held on 1 December 2009; however, they will be necessary for non microchipped animals to be identified during any transitional arrangements.

3.1.2 Registration

Registration requires owners of cats to provide to the registering body their contact details and the address of the premises at which their cat would ordinarily be kept. Given that local governments are likely to be responsible for the administration and enforcement of any legislation developed for the control of cats, the local government would be required to maintain a database with these details.

3.1.3 Sterilisation

Sterilisation involves an operation under anaesthetic performed by a veterinarian surgeon. Male animals are castrated and females have their ovaries and uterus removed. While some organisations state that animals can be desexed from eight weeks of age, veterinarians generally recommend that this is performed at 12 weeks.

As well as reducing the number of unwanted cats born, desexed animals are less likely to be aggressive, mark territory, be prone to wandering or to develop certain types of cancers.

The objective of sterilisation is to significantly reduce the population of cats that are able to reproduce. This will lead to a reduction in the number of unwanted cats that are either dumped at shelters or become part of the stray cat population.

3.2 Education Campaign

Essentially, a non-legislative approach would require the above elements to be encouraged through education and subsidisation of the costs of identification, sterilisation and registration.

A program similar to the “Who’s for cats?” education campaign launched by the Victorian Department of Primary Industries, could be implemented by State and local government. However, it is important to note that Victoria also has legislation requiring mandatory registration and identification.

Whilst there may be benefit to such campaigns, a Queensland Government commissioned report found that domestic animal control is best supported by legislation which is clear, strong, simple and encourages responsible pet ownership, as non-compulsory measures do not address the core issues underlying existing policy failures¹⁵.

In any case, it should be noted that, based on the experience in other jurisdictions, there will be a requirement for a public awareness and educational program if Statewide legislation is introduced.

¹⁵ Marsden, Bennett, Rohlf & Mornement, op.cit., pp. 170-175.

3.3 Community views on Regulation

A survey of 1,461 people in the City of Armadale was conducted to determine the “knowledge, attitudes and practices of cat-owners and non-owners on issues relating to proposed local government regulation of cat-ownership.” The following results were revealed by the survey:

- 75% of owners and 95% of non-owners believed cat regulations were necessary.
- At least 70% of both owners and non-owners agreed with the propositions that:
 - cats not owned by licensed breeders should be desexed,
 - local councils should restrict the maximum number of cats that can be owned on one property, and
 - pet cats entering nature reserves are harmful to wildlife.
- 85% of cat owners agreed that they would license their cats if that became compulsory. Although fewer owners (c.60%) were prepared to keep their cats on their property at all times to protect wildlife.
- Over 80% were willing to confine their cats at night if it was required¹⁶.

The WA Cats Advisory Committee received the following feedback on regulation in submissions from the public and key stakeholders, received as part of its consultation:

- 97% supported compulsory sterilisation;
- 88% supported identification;
- 71% supported registration;
- 73% supported limits on the number of cats per residence; and
- 92% supported confinement of cats at night¹⁷.

The report “Community Attitudes and Behaviours Towards Cats” provided the following results of the survey it conducted on Victorian residents¹⁸:

- 91% supported a limit on the number of cats per residence;
- 71% supported microchipping;
- 84% supported cats being required to wear identification collars/tags; and
- 84% supported compulsory sterilisation.

¹⁶ M Lilith, *Do pet cats (Felis catus) have an impact on species richness and abundance of native mammals in low-density Western Australian suburbia?*, Murdoch University, Perth, 2007.

¹⁷ Cat Advisory Committee, 1994

¹⁸ Toukhsati, Coleman & Bennett, op.cit., p. 26.

3.4 How does each option fit with existing State, Local or Federal policies? Will there be significant duplication or incongruity?

There is no duplication with Commonwealth Government policy or legislation on this matter. The Commonwealth Government have no concern with the control of domestic cats.

The *Animal Welfare Act 2002* is intended to promote responsible animal care and protection, and to protect animals from cruelty. The existence of a large population of stray and feral cats, of poor health and living conditions and the high rate of death might be inconsistent with these objectives. Overall, the welfare of cats is expected to improve following the introduction of State Government legislation.

With regard to local government, the approach envisaged is that State legislation will have mandatory provisions that apply across the whole State. Local governments will have discretion to include additional matters in their local laws. For example, this could include the prohibition of cat ownership in certain geographic areas, curfews and limits on the number of cats per property.

Cat Management approach in other Australian Jurisdictions	
Jurisdiction	Scope
ACT - <i>Domestic Animals Act 2000</i>	Registration not compulsory. Mandatory microchipping. Mandatory sterilisation unless a permit is obtained.
NSW - <i>Companion Animals Act 1998</i>	Mandatory microchipping and registration with their local government. A reduced fee for registration is offered for sterilised animals.
Queensland - <i>Animal Management (Cats and Dogs) Act 2008</i>	Mandatory microchipping (by regulated implanters) is required before 12 weeks of age or at transfer of ownership; exemptions apply. Voluntary sterilisation (at owner's discretion) however, requires mandatory ear tattooing at the time of sterilisation. It is an offence for both owners and vets to fail to ensure that an animal is tattooed at the time of sterilising. For health reasons, tattooing exemptions apply. Mandatory registration of cats 12 weeks of age and older. The duration of registration is specified by a local law to safeguard local government's flexibility. Each local government will be required to maintain registers for cats.

Jurisdiction	Scope
<p>South Australia - <i>Dog and Cat Management Act 1995</i></p>	<p>The Act provides powers for local governments to enact by-laws relating to microchipping, sterilising and registration. Statewide microchipping and registration is not mandatory.</p> <p>Mandatory sterilisation and registration when sold from pound or refuge.</p> <p>The Act is under review.</p>
<p>Tasmania - <i>Cat Management Bill 2009</i></p>	<p>It is proposed that the following provisions will be introduced over the next four years.</p> <p>Mandatory microchipping and registration.</p> <p>Mandatory sterilisation when sold.</p> <p>A cat owned for the purpose of breeding by a registered breeder is exempt from the sterilisation requirements. Only registered breeders can breed cats.</p> <p>Cannot sell a cat unless it is eight weeks old, microchipped, and sterilised unless exemptions apply.</p>
<p>Victoria - <i>Domestic Animals Act 1994</i></p>	<p>Mandatory registration.</p> <p>Mandatory identification with a tag when outside their owner's premises.</p> <p>Local governments have also been given the power to require compulsory microchips for all cats in their district.</p> <p>Cats sold or given away from any pet shop, breeder or pound must have a microchip and be sterilised.</p> <p>Local governments have the power to require the compulsory sterilisation of cats.</p>

4. IMPACT ANALYSIS

This section is to objectively quantify or qualify as appropriate the benefits and costs of the various options, to determine which is the most beneficial from the point of view of society as a whole. Many impacts are not readily quantifiable, particularly those relating to the benefits of various options.

While the analysis is based upon an acceptable level of information and data, it is anticipated that this consultation document will result in useful feedback being provided by those making submissions on key issues relating to the cost and effectiveness of current animal control legislation in Western Australia and elsewhere.

Guidelines prepared by the Department of Treasury and Finance also suggest that particular issues are addressed. These are outlined below, along with the particular relevance to the proposed cat control legislation.

- **What are the impacts of the various options on affected groups or areas including individuals, consumers, business, government, the environment, and the broader economy or community?**

The following groups and areas have been identified as relevant to this proposal:

- Cat owners
 - Local Government
 - Cat welfare organisations
 - Non-cat owning members of the community
 - Small businesses including Veterinarians and cat breeders
 - State Government
 - Natural environment
- **To what extent does each option achieve the policy objectives?**

The advantages and disadvantages of each proposed element of the legislation will be considered against the policy objectives previously identified in part 1, namely whether it will assist in reducing:

- the number of stray (unowned) cats,
- the number of cats being euthanised,
- the impact of unowned cats on the natural environment and wildlife,
- the occurrence of nuisance caused by cats, such as noise, unwanted entering and damage to properties, and
- the poor health and living conditions of unowned cats.

- **If an option would maintain or establish restrictions on competition, can the objectives be achieved only by restricting competition?**

There may be some impact on competition and this will be discussed where relevant.

- **What are the implications of the options for interjurisdictional trade in goods and services?**

The proposal to introduce cat control legislation will not impact on this issue.

- **If an option establishes a Government owned (or part owned) entity to operate in competition with the private sector, discuss the competitive neutrality implications.**

The proposal to introduce cat control legislation will not impact on this issue.

4.1 Consideration of Options

4.1.1 Identification

4.1.1.1 Microchipping

Discussion and achievement of policy objectives

A microchipped cat will allow for a virtually foolproof method of identifying the owner of a cat. Ownership details are placed on a database and depending on the approach taken, can be updated by the owner, a local government or a Veterinarian. Unlike the collar and tag, microchips cannot be lost and thus, ownership details can always be ascertained. Microchipping registers also extend beyond local government boundaries, making it more efficient and effective to determine ownership.

As with all systems, a disadvantage of this approach is that in the event ownership details change, relevant databases need to be amended accordingly. Notwithstanding this, recent literature on identification suggests that microchipped cats have a greater chance of being reunited with their owner as they are still able to be identified at a pound or shelter after a period of time if they have lost their collar¹⁹.

A requirement for owned cats to be microchipped will achieve the policy objectives of reducing the number of unowned cats in the community, as it will allow authorised persons to impound cats that are found in public areas. Subject to the problems raised above, impounding will allow for either re-uniting with the owner, re-homing with another person or

¹⁹ Marston, Bennett, Rohlf & Mornement, op.cit., p. 88.

euthanasia. It could also force semi and casual owners to accept full ownership of the animal or surrender it to appropriate authorities²⁰.

It is expected that under this approach, the number of unowned cats will reduce in the short term; however, it is acknowledged that this will depend on local governments enforcing the provisions. If such a reduction takes place, then the number of roaming stray cats and the nuisance they cause to members of the community will also fall. Nonetheless, it is also acknowledged that without a requirement for owners to confine their cats to their property, the ability for owned cats to roam will still remain.

The number of cats euthanised is likely to rise in the short term as the number of unidentified cats are impounded. However, over the longer term, as the unowned cat population falls, euthanasia rates may drop.

The negative impact on native wildlife may also decrease as the population of un-owned cats is reduced. Nonetheless, native wildlife will still be killed by owned domestic cats. Movement of cats from the unowned population to the feral cat population may decrease over time.

As stated in Section 3, at present only Veterinarians are lawfully permitted to implant microchips. In regional WA there are an estimated 79 separate veterinarian practices in 54 towns. Only nine towns north of Geraldton and twelve towns in the central and eastern part of the State have a veterinarian practice. To deal with the lack of access to vets in many regional areas, changes would be required to the *Veterinary Surgeons Act 1964* to allow for other authorised implanters.

In Victoria, veterinary nurses and other qualified staff working under the supervision of a registered veterinarian are authorised implanters. In New South Wales, other authorised identifiers (implanters) include staff of pet shops, breeders and council officers. Authorised identifiers have to complete an approved training course. To provide for a workable model in WA which covers the entire State, rangers/local government officers (and possibly pet shop owners and breeders) could be provided with implanting authority, training and access to all microchip databases throughout Australia.

As local governments will be required to administer and enforce the provisions, consideration could be given to having a one off levy on top of the microchipping fee, which would be paid directly to the local government where the cat resides. This approach may have merit in that compulsory registration would also not be required as way of raising revenue for the local government to enforce the provisions.

However, as a one off fee, rather than annual or triennial as per the current registration fees under the *Dog Act 1976*, if the owner of the cat moves to another local government, the new local government will not receive any of this levy.

²⁰ Marston, Bennett, Rohlf & Mornement, op.cit., p. 11

In cases where the microchip implanter was not a local government officer, there would also be legal, administrative and accountability issues related to the collection of the levy and forwarding onto the relevant local government.

Costs and benefits

Cat owners

Costs

Cat owners are likely to be charged between \$45 and \$70, with the Australian Veterinary Association (AVA) advising that the average price charged by a veterinarian is about \$56 in the metropolitan area. If local government officers (rangers) become authorised implanters, this cost may fall. The cost of the materials to the vet or implanter is approximately \$30, including the initial registration on the database. This will impact most on low income earners, particularly those with multiple cats.

Benefits

All lost cats with up to date ownership details on the database can be reunited with owners.

Local Government

Costs

Implicit in the proposal to require cats to be identified is the role and associated resource implications of local governments being required to seize and impound unowned cats, in addition to the local government's willingness to enforce the provisions. This includes the public awareness of the legislation and its requirements, handling queries and complaints, seizing, impounding, rehoming (including attempts to determine the identity of the owners of un-identified cats) and the euthanasia.

These responsibilities might require the employment of additional staff, training of new and existing staff, acquisition of additional vehicles and creation of specialised impounding facilities or services for cats. Local governments may find that, especially initially, there is an increase in the number of unwanted or disowned cats due to the new requirements, possibly resulting in additional work for staff.

It should be noted that 19 local governments have introduced local laws on cats and these authorities will not incur any additional costs due to the introduction of Statewide legislation. Furthermore, many local governments, even without laws, undertake a range of cat management activities in their community. Costs associated with the introduction of Statewide legislation will be less for these local governments compared to those that do not presently undertake any such activities.

Currently, most costs are borne by the non-profit cat welfare organisations, and implementing the proposed option would result in these costs being incurred by local governments.

In addition, local governments would incur the following costs if microchipping were to be introduced.

- Purchase of microchip scanners by local governments

The median price of a microchip reader is believed to be \$400-\$500 (range \$250-\$1,500). More than one reader will be necessary (the AVA states that each implanter must have access to their own microchip scanner). Central Animal Records identifies 27 local governments in Western Australia as having a microchip reader²¹.

It is estimated that as many as 100 local governments will need one or more microchip scanners. Some local governments have early models which are not fully compatible with the range of microchips that are now available.

- Training of rangers as authorised implanters

The provision of alternative microchip implanters will require training of applicants and their certification. It has been estimated that if 280 people (two from each local government) were trained, it would cost around \$70,000 in total. This is based on the cost of relevant courses in other jurisdictions and does not include travel or accommodation expenses.

Benefits

Where local governments have already introduced cat control laws, the requirement for identification across the State will assist with the effectiveness of their laws. That is, efforts to control cats in one local government district may be eroded by unowned cats coming from local government areas without cat control laws.

Cat welfare organisations

Costs

Initially, there may be an increase in cats abandoned due to the cost of complying with the new legislative requirements. This may increase the number of cats requiring rehoming or euthanasia.

Benefits

The costs currently borne by not for profit cat welfare organisations will be transferred to local governments, who will be responsible for enforcing the legislation.

With an eventual reduction in the number of stray cats that need euthanasing, these allocated funds can be redistributed to other activities, such as rehoming and education.

²¹ Albany, Bayswater, Bridgetown-Greenbushes, Broome, Bunbury, Busselton, Canning, Dandaragan, Denmark, Derby/West Kimberley, Donnybrook Balingup, Dundas, East Pilbara, Esperance, Exmouth, Geraldton-Greenough, Gnowangerup, Joondalup, Melville, Moora, Northampton, Perth, Port Hedland, Rockingham, Roebourne, Stirling, York.

Non-cat owning members of the community

Costs

Given the potential for the majority of local governments to incur additional cat management responsibilities and costs, ratepayers of these local governments may choose to fund this through an increase in rates and other revenue sources.

Benefits

A reduction in the number of unowned cats will reduce the number of cats that roam and enter properties uninvited. This will reduce nuisance and damage to property.

Business

Costs

The Australian Veterinary Association is concerned that the diminution of its role in microchip implantation may affect the viability of veterinary practices, particularly in rural and remote areas. They also assert that it may be counterproductive to further reduce the services these veterinarians are able to provide in respect to companion animals, and that if the trend continues, it may result in rural areas facing further loss of veterinary surgeons. This could result in rural and remote residents having to pay more for veterinary services. This assertion is questionable as mandatory implantation will significantly increase the demand for the service.

Benefits

Sellers of, and training providers for, microchip implanters and readers will benefit from the increased demand.

Veterinarians that undertake the implanting will benefit from an increased demand for microchip implanting. This assumes that the fee charged exceeds the cost of implanting.

State Government

Costs

The Minister and State government agency responsible for the administration of State legislation will incur a range of costs. This includes the initial legislation development and implementation costs, the subsequent monitoring of this legislation, and advice to and support for local government and members of the public about the requirements of the legislation.

There may be an argument for the State Government to contribute to the initial setup costs, such as the initial purchase of microchip scanners, training of rangers from each local government to become authorised implanters, and the public awareness campaign to advise the community of the new legislative requirements. Additionally, to assist in combating any likely dumping of cats due to the proposed legislative cost burden on cat owners, there could also be an argument for the State Government to provide subsidies for the procedure, to low income earners.

Benefits

While there are conflicting views as to whether the feral cat population is self-sustaining or not, if a reduction in unowned cats leads to a reduction in the feral cat population in the longer term, the costs to the Department of Environment and Conservation through undertaking its Western Shield program could be reduced.

Environment

Costs

People unwilling to pay the costs associated with the proposed legislation requirements may choose to dump their cat. If this takes place in a bushland setting, then this might increase the feral cat population, with the ensuing impact on native wildlife.

Benefits

While there are conflicting views as to whether the feral cat population is self-sustaining or not, if a reduction in unowned cats leads to a reduction in the feral cat population in the longer term, this may result in a decreased number of animals killed by this population of cats.

Questions (from the feedback form)

Are there any other quantifiable costs and benefits associated with microchipping, and will this proposal achieve the policy objective?

Is the existence of multiple microchip databases likely to cause a problem, and how can this be overcome?

Should microchipping be introduced for all cats, or only for cats born after the commencement of the legislation?

4.1.1.2 Collars and tags

Discussion and Assessment against policy objectives

A requirement for cats to be mandated to wear a tag and collar with their owner's details will also allow for an effective means to identify cats, and, where necessary, for authorised persons to seize and impound cats without such identification. Compared to microchipping, collar and tags are cheaper for cat owners, relatively easy for tags to be changed when ownership details change, and owned cats to be distinguished from unowned cats at a distance.

Similar to microchipping, there is the potential for owner details not being kept up to date. However, collars can come off, tags can become unreadable or they can both be moved from one animal to another. A requirement for cats to wear collars and tags will achieve similar policy objectives as microchipping (identified in section 4.1.1.1), however, there is a greater risk of unidentified cats being seized, impounded and possibly euthanised, even though they have an owner.

Costs and benefits

Cat owners

Costs

Cat owners will be required to pay for a collar and tag. An acceptable collar and tag will cost a minimum of \$15. Cat exhibitors may object to this option due to the friction of a collar on the cat's coat.

Benefits

Lost cats can be more easily re-united with owners if they are wearing a collar and tag. Nonetheless, this will not be possible for those owned cats where collars become removed.

Local Government

Costs

Except the additional costs of microchip scanners and staff training, this is as per Local Government costs in Section 4.1.1.1

Benefits

As per Local Government benefits in Section 4.1.1.1

Cat welfare organisations

Costs

As per Cat welfare organisations costs in Section 4.1.1.1

Benefits

As per Cat welfare organisations benefits in Section 4.1.1.1

Non-cat owning members of the community

Costs

As per Non-cat owning members of the community costs in Section 4.1.1.1

Benefits

As per Non-cat owning members of the community benefits in Section 4.1.1.1

Business

Costs

There are no identified costs to business from this initiative.

Benefits

Businesses that sell collars and tags will financially benefit from the requirement for the proportion of 217,000 owned cats that are without collars and tags to be fitted with these items.

State Government

Costs

The Minister and State government agency responsible for the administration of State legislation will incur a range of costs. This includes the initial legislation development and implementation costs, the subsequent monitoring of this legislation, and advice to and support for

local government and members of the public about the requirements of the legislation.

Benefits

As per State Government benefits in Section 4.1.1.1

Environment

Costs

As per Environment costs in Section 4.1.1.1

Benefits

As per Environment benefits in Section 4.1.1.1

Questions (from the feedback form)

Are there any other quantifiable costs and benefits associated with collars and tags, and will this proposal achieve the policy objective?

4.1.2 Registration

Discussion and achievement of policy objectives

One of the key benefits of registration is to allow for the identification of the owner of a cat. The identification of owned cats will provide enforcement authorities the ability to capture and impound unidentified cats found roaming in public and private areas. In turn, this would be expected to reduce the number of stray cats.

However, if identification through microchipping or tags is adopted, the rationale for registration is somewhat diminished. Nonetheless, it is observed that many owners forget to update their contact details on the microchip registry and some forget with which company their animal is registered. This is one area where local government registration schemes have a distinct benefit as owners are often reminded to refresh their details by local governments each year²².

In addition, as a method of identification, registration may be less costly to implement and administer than microchipping as there are no costs associated with microchip implanters, the implanting process and the requirement to purchase readers.

A further outcome that would arise from the introduction of registration is that it provides a source of income for local governments to undertake cat control activities. This was recognised by the Cats Advisory Committee which acknowledged the benefits of microchipping, however, also recommended that registration be introduced to provide this source of revenue. Furthermore, the recently introduced Queensland animal management legislation requires that funds recouped from registration fees is to be used for the purposes of that legislation.

²² Marston, Bennett, Rohlf & Mornement, op.cit., pp. 8-9.

The payment of a registration fee and the potential to discount this fee to reward desired behaviour or actions (such as sterilisation or confinement) is an additional benefit from having the ability to levy such fees.

It is acknowledged that there are a number of potential sources of revenue for cat control activities, including a local government's general revenue. However, it is considered to be more appropriate that revenue be collected on a 'user pays' basis from cat owners as this is the group that is requiring local government activity in this area.

The Tasmanian Government has recently introduced cat control legislation and will not be requiring compulsory registration. The discussion paper released prior to the legislation being developed identified that with a requirement for microchipping, there were no additional benefits from registration in relation to the control of cats²³.

If registration is introduced, it is proposed that consultation with relevant stakeholders take place to determine an appropriate level for the fees.

Costs and benefits

Cat owners

Costs

As a guide, the following fees are of relevance when considering the impact of registration on cat owners.

- Current dog registration fees applicable in Western Australia:
 - Unsterilised Dog - 1 Year Registration \$30.00
 - Unsterilised Dog - 3 Year Registration \$75.00
 - Sterilised Dog - 1 Year Registration \$10.00
 - Sterilised Dog - 3 Year Registration \$18.00
- City of Joondalup - proposed cat local law
 - \$10 per annum, and \$25 for three years for a sterilised cat.
- Logan City Council, Queensland
 - \$88 per annum for an entire cat, and
 - \$39 per annum for a sterilised cat.

Cat owners that do not presently have a collar and tag on their cat will be required to purchase these items. An acceptable collar and tag will cost a minimum of \$15.

Benefits

When combined with a requirement for the cat to wear a tag, registered cats that are lost can be identified and more readily reunited with their owners.

²³ Department of Primary Industries and Water, *Cat Management in Tasmania: Taking the Initiative*, Hobart, 2008, p.7.

Local Government

Costs

Local governments may be required to undertake a public awareness campaign advising of the new legislation and its requirements, and undertake a range of cat management activities in their community.

In addition, local governments will be required to establish and maintain a register with cat and owner details if they don't currently have a cat control local law which specifies registration. There will also be additional costs associated with the processing of registration fee payments.

Benefits

Local governments will benefit from the revenue that it collects. This will reduce the demand from general funding for use on the administration and enforcement of cat control legislation.

Cat welfare organisations

Costs

As per Cat welfare organisations costs in Section 4.1.1.1

Benefits

No benefits identified with this initiative.

Non-cat owning members of the community

Costs

The financial impact on all ratepayers from the cat management activities undertaken by local government could be funded on a user pays basis which would be reduced to the extent that registration increases the contribution of the cat owner.

Benefits

There are no identified costs to non-cat owning members of the community from this initiative.

Business

Costs

There are no identified costs to business from this initiative.

Benefits

Businesses that sell collars and tags will financially benefit from the requirement for the estimated population of 217,000 owned cats without collars and tags to be fitted with these items.

State Government

Costs

The Minister and State government agency responsible for the administration of the State legislation, will incur costs associated with the initial development, implementation and subsequent monitoring of the legislation.

Benefits

As per State Government benefits in Section 4.1.1.1

Environment

Costs

As per Environment costs in Section 4.1.1.1

Benefits

As per Environment benefits in Section 4.1.1.1

Questions (from the feedback form)

Are there any other quantifiable costs and benefits associated with registration, and will this proposal achieve the policy objective?

Is the existence of multiple registration databases likely to cause a problem, and how can this be overcome?

Should registration be introduced for all cats or only for cats born after the commencement of the legislation?

Should lifetime registration be introduced with a one-off payment, or should it be yearly or three-yearly as it is with dogs?

What should the registration fee be set at for sterilised and unsterilised cats?

4.1.3 Sterilisation

Discussion and achievement of policy objectives

The objective of sterilisation is to reduce the number of unwanted cats being born, which are then either dumped at shelters or find their way into the stray cat population. In addition, desexed animals are less likely to be aggressive, mark territory, be prone to wandering or to develop certain types of cancers. Accompanying any proposal for compulsory sterilisation will be a provision allowing an exemption from sterilisation if there is intent to breed.

It is acknowledged that the effectiveness of mandatory sterilisation in reducing the numbers of unwanted cats is not conclusive. Studies indicate that there are already high levels of sterilisation of owned cats at around 90%²⁴. Research undertaken for the WA Cats Advisory Committee indicated that 88% of domestic cats were sterilised²⁵. A Queensland Government commissioned survey found that 93.5% of owned domestic cats were sterilised²⁶, while a Victorian Government commissioned report found that only 20% of semi-owned cats are sterilised²⁷.

²⁴ The Australian Veterinary Association Limited, *Mandatory desexing*, Centre for Companion Animals in the Community, St Leonards, 2007, p. 7.

²⁵ Cat Advisory Committee, p. 10.

²⁶ Department of Infrastructure and Planning, Queensland Household Survey, retrieved 19 January 2010, www.dip.qld.gov.au/local-government/queensland-household-survey.html.

²⁷ Toukhsati, Coleman & Bennett, op.cit., p. 27

Research also indicates that the high levels of sterilisation in owned cats exceeds the rate calculated for zero population growth²⁸, which is consistent with a national survey which found a steady decline in the number of owned cats. Additionally, population studies have found that 76-88% of female cats should be desexed to obtain a stable population²⁹.

In relation to the age of sterilisation, a Victorian study found that around 70% of cats are sterilised by six months of age³⁰. The same study indicated that 13% of owned female cats were known by respondents to have had a litter prior to desexing³¹.

A further Victorian study released in 2006, found that 79% of cats (around 20,000 cats) that entered the State's three largest animal welfare shelters were unowned (21% or 5,000 were owned)³². This indicates that the major source of unwanted cats is from the unowned population and, as such, a requirement for owned cats to be sterilised may not make a significant contribution to reducing the number of stray cats.

In 2001 the ACT Government made it compulsory for owned cats to be desexed by six months of age. The Australian Veterinary Association undertook a study into the effectiveness of the legislation in reducing the numbers of cats being surrendered to animal welfare shelters and subsequently euthanised. Statistics for the five years prior to 2001 and the six years after indicated that had been no positive impact from the introduction of desexing. The data showed that significantly more cats were euthanised in 2006 than in 2001³³.

A further relevant issue is that access to a veterinarian is a problem in regional and remote areas and impacts upon the ability for all cat owners across the State to comply with a requirement for sterilisation. This cannot be overcome in the same way as is proposed for microchipping.

However, based on an examination of evidence, Marston et. al. (2008) concluded that "there is no conclusive evidence to support or refute claims that compulsory sterilisation will lead to a reduction in pound admissions and euthanasia"³⁴.

Based on the information in the 2006 Victorian study, 50% of the 5,000 owned cats surrendered, were from unwanted pregnancies³⁵. It could therefore be argued that there is some additional benefit from requiring compulsory sterilisation.

²⁸ The Australian Veterinary Association Limited, *Mandatory desexing in the ACT – has it worked?* Centre for Companion Animals in the Community, St Leonards, 2007, p. 15.

²⁹ The Australian Veterinary Association Limited, *Mandatory desexing*, Centre for Companion Animals in the Community, St Leonards, 2007, p. 3.

³⁰ Toukhsati, Coleman & Bennett, op.cit., pp. 23-24.

³¹ *ibid.*, p. 25.

³² L Marsden, P Bennett, & S Toukhsati, *Cat Admissions to Melbourne Shelters*, Monash University, Caulfield, 2006.

³³ The Australian Veterinary Association Limited, *Mandatory desexing in the ACT – has it worked?* Centre for Companion Animals in the Community, St Leonards, 2007.

³⁴ Marston, Bennett, Rohlf & Mornement, op.cit., p. 64.

³⁵ Marsden, Bennett, & Toukhsati, op.cit., p 19.

If a higher rate of sterilisation is achieved, it is argued that the 5,000 cats euthanised by animal shelters in Western Australia each year has the potential to fall, and that there may be a minimal reduction to the stray and feral cat population by increasing the number of desexed cats in the owned population³⁶.

Costs and benefits

Cat owners

Costs

The cost of sterilisation will only impact upon the 10% of cat owners that do not presently sterilise their cats. In relation to the magnitude of costs, the Cat Haven's stated fees are \$130 to sterilise a female cat (\$105 concession) and \$105 for a male (\$85 concession). The Cat Sterilisation Society states that the cost of desexing a female cat in Western Australia is between \$130 and \$195 with the average sterilisation fee of \$161.

Cat owners who live in regional and remote areas may not have ready access to a veterinarian, which may involve additional costs for these cat owners to have their cats sterilised.

Many local governments already provide a subsidy for the sterilisation of cats which can bring down the rate slightly. For example, the City of Stirling currently provides a subsidy that reduces the cost of sterilisation of a female cat to \$120.

Cat owners that are unable to breed their cat for their own supply or for sale, may lose a source of income.

With a reduction in the number of cats bred, and breeding only being undertaken by those who have sought an exemption from their local government, the supply of cats will fall, which may result in increased control of the market by breeders and an increase in the purchase price of cats. Free kittens may no longer be available, impacting particularly on low income families, as will the increased costs of ownership.

Benefits

If registration fees are introduced with a reduced fee for sterilised cats, this will be of benefit to owners of sterilised cats.

A potential benefit to cat owners that have not sterilised their cat is that the costs associated with unwanted pregnancies and finding owners for the litter will no longer exist.

Local Government

Costs

Local governments will need to undertake a public awareness campaign advising of the new legislation and its requirements, as well as undertake a range of cat management activities in their community. There may also be a requirement for additional staff to monitor compliance with the new

³⁶ The Australian Veterinary Association Limited, *Mandatory desexing in the ACT – has it worked?* Centre for Companion Animals in the Community, St Leonards, 2007. p. 11.

legislation, which may involve issuing compliance notices and collecting monies.

Currently, most costs are borne by the non-profit cat welfare organisations, and implementing the proposed option would result in these costs being incurred by local governments.

In addition, local governments may choose to offer concessions on registration fees for sterilised cats which may not be readily recouped from other revenue sources.

Benefits

No particular benefits from this option.

Cat welfare organisations

Costs

As per Cat welfare organisations costs in Section 4.1.1.1

Benefits

As per Cat welfare organisations benefits in Section 4.1.1.1

Non-cat owning members of the community

Costs

Unless appropriately factored into the fee levels set for registration, if a local government is to reduce registration fees to encourage cat owners to sterilise their cats, the reduction in revenue may require supplementation from other revenue sources or be found from the existing budget.

Benefits

As per Non-cat owning members of the community benefits in Section 4.1.1.1

Business

Costs

There are no identified costs to business from this initiative.

Cat breeders would incur a fee when applying for an exemption from not being able to own unsterilised cats.

Benefits

It is expected that this requirement would result in an increase in the number of cats requiring a sterilisation procedure performed by a Veterinarian. This will increase revenue, and could increase the profit made by Veterinarian businesses; however, Marston et. al. (2008) state that the desexing procedure is a loss making operation³⁷.

Cat breeders are likely to benefit from an increase in demand once the supply of cats from backyard breeders is reduced. This may result in

³⁷ Marston, Bennett, Rohlf & Mornement, op.cit., pp. 47-48.

greater income for existing breeders and a possible expansion of the sector.

State Government

Costs

The Minister and State government agency responsible for the administration of the State legislation will incur costs associated with the initial development, implementation and subsequent monitoring of the legislation.

Additionally, there may be an argument for the State Government to provide subsidies for the procedure to low income earners to assist in combating any likely dumping of cats due to the proposed cost burden on cat owners.

Benefits

As per State Government benefits in Section 4.1.1.1

In addition, if the cat breeding industry experiences an expansion this will support the Government's small business policy objectives.

Environment

Costs

As per Environment costs in Section 4.1.1.1

Benefits

As per Environment benefits in Section 4.1.1.1

Questions (from the feedback form)

Are there any other quantifiable costs and benefits associated with sterilisation, and will this proposal achieve the policy objective?

Should sterilisation be compulsory for all cats, or only those cats born after the commencement of the legislation?

4.1.4 Education Campaign

Discussion and achievement of policy objectives

A key advantage of an education campaign is that it may assist in reducing the number of unwanted cats in Western Australia by encouraging responsible pet ownership, without the need for any legislative provisions.

An education campaign could use media, such as print, radio and television, to encourage all cat owners to identify and sterilise their cats, and to take ownership of, or handover semi-owned cats to their local governments for impoundment.

In Victoria, the Department of Primary Industries launched the "Who's for cats?" education campaign. This campaign focuses on reducing the number of feral and stray cats by encouraging those who feed unowned

cats to either take ownership of them, or contact their local council to have the cat impounded.

The main aims of this campaign are to:

- Educate the community about the consequences of feeding unowned cats, and the impact it is having on the cat overpopulation problem.
- Get people to make a decision – to either be a responsible owner and take the cat in, or to call their local council to arrange to have the cat impounded.
- Increase the number of responsibly owned cats in Victoria.
- Decrease the number of cats having to be euthanised in pounds and shelters in Victoria³⁸.

However, in addition to the campaign, Victoria also has legislation requiring mandatory registration and identification with a tag when outside their owner's premises. They also require that cats sold or given away from any pet shop, breeder or pound must have a microchip and be sterilised.

While an education campaign is beneficial, and is necessary with the introduction of any legislation, a Queensland Government commissioned report found that domestic animal control is best supported by legislation which is clear, strong, simple and encourages responsible pet ownership, as non-compulsory measures do not address the core issues underlying existing policy failures³⁹.

Without legislative provisions, however, local governments will not be required to undertake the activities associated with reducing the number of unwanted cats, such as impounding. Currently, local governments have no responsibility for cats, unless they have local laws. Local governments without cat control local laws will most likely not have the facilities, such as a cat impoundment facility, to be able to respond to cat control complaints appropriately. An education campaign to reduce the number of cats will not change this, and local governments will still not be required to take responsibility. The success of such an education campaign will hinge on local governments commitment to reducing the number of stray cats within their jurisdiction.

Costs and benefits

Cat owners

Costs

For responsible pet ownership, cat owners will be encouraged to sterilise and microchip their pets, as discussed in Cat owners Costs under Section 4.1.1.1 and Section 4.1.3.

³⁸ Department of Primary Industries, "Who's for cats?", retrieved 10 February 2010, www.whosforcats.com.au

³⁹ Marsden, Bennett, Rohlf & Mornement, *op.cit.*, pp. 170-175.

Benefits

Cat owners will not be mandated to identify or sterilise their cat.

Non-cat owning members of the community

Costs

Local governments will be encouraged to undertake public awareness campaigns, and this may be funded by an increase in rates and other revenue sources.

Benefits

As per Non-cat owning members of the community benefits in Section 4.1.1.1

Business

Costs

There are no identified costs to business from this initiative.

Benefits

Businesses involved in media and printing are likely to benefit from the development and printing of educational material.

Local Government

Costs

Local governments will need to undertake an education campaign in conjunction with the State government. While there will not be any legislative provisions, local governments will still need to undertake the same sorts of activities (ie seizure), as an education campaign will focus on reducing the number of unwanted cats.

Benefits

Local governments will not be required to enforce any mandatory legislative provisions, and the risk of cat management will remain largely with not-for-profit organisations such as the Cat Haven.

Cat welfare organisations

Costs

Cat welfare organisations may undertake education activities in conjunction with State and local governments. Additionally, cat welfare organisations will retain the risk associated with cat management.

Benefits

No benefits identified with this initiative.

State Government

Costs

In this scenario, the Minister and State Government agency responsible for cat control would fund an education campaign, and also monitor the success of the campaign on reducing the number of unwanted cats in Western Australia.

The "Who's for cats?" campaign cost the Victorian Department of Primary Industries approximately \$220,000 to implement over a two year period.

This included television, radio and print advertisements, as well as brochures and posters. In addition, there was an in-kind contribution from stakeholders, such as advertisements in stakeholder magazines, and community service announcements.

Benefits

As per State Government benefits in Section 4.1.1.1

In addition, the State Government will not be required to undertake the processes associated with the introduction and administration of legislation, which can be costly and time consuming. Risk associated with cat management will remain with not-for-profit organisations such as the Cat Haven.

Environment

Costs

There is likely to be a continuation of the current problems on the environment caused by cats as an education campaign would not change the desire of the entire population of cat owners to microchip and sterilise their cats, or take full responsibility for semi-owned cats.

Benefits

As per Environment benefits in Section 4.1.1.1

Questions (from the feedback form)

Are there any other quantifiable costs and benefits associated with an education campaign, and will this proposal achieve the policy objective in the absence of legislation?

5. PROPOSED OPTION

The proposed option is for Statewide legislation to be introduced with the three key provisions outlined below. This approach has been developed following a considered examination of the approach taken in other States, various studies and research undertaken on the subject of cat control, and the input of stakeholder groups including through a workshop held on 1 December 2009.

It is considered that this approach will best achieve the policy objectives outlined earlier.

Local governments will be required to implement and enforce the provisions of the State legislation in their local communities, and the success of the legislation will be dependent on its enforcement. The 19 local governments that presently have cat control laws will not be affected, unless their laws are inconsistent in any way with the State provisions. Over time, those local governments without local laws on this matter may choose to adopt a law with any additional provisions they might consider appropriate.

It is proposed to restrict the breeding of cats to those who have applied for an exemption with their local government, which has the potential to reduce the supply of cats and increase their price. This is considered necessary to achieve the other policy objectives for cat control legislation.

5.1 Compulsory identification through microchipping

Requiring all owned cats to be fitted with a microchip is considered to be the most effective mechanism to ensure that owned cats are easily identified and for owned cats to be reunited with their owner and unowned cats to be seized and impounded. This will assist in reducing the overall cat population.

While compulsory microchipping is expected to assist meeting the State Government's objective of reducing the number of stray cats, cat owners who don't currently have their cats microchipped will be expected to pay approximately \$56 per cat for a microchip to be implanted. Other issues that require further consideration include ensuring that databases can be accessed by all relevant stakeholders and that effective methods can be introduced to ensure that owner details are kept up to date. The feedback from consultation can assist with resolving these issues.

Due to concern about retrospective provisions, further discussion with key stakeholders and consideration of feedback obtained through the consultation period will be undertaken to determine at what stage compulsory microchipping will apply, and whether collars and tags could be used for any transitional arrangements.

5.2 Compulsory Registration

Compulsory registration is to be introduced to provide a funding source for local governments and to encourage cat owners to undertake certain behaviours if so desired, for example, sterilisation, confinement and the like.

To avoid the potential for separate microchipping and registration databases, consideration has been given to setting the fee for the microchipping procedure at a level that generates revenue. This would mean only one database is required and local governments could potentially obtain necessary operating revenue. However, given the legal, administrative and accountability issues that could accompany this, this approach is not favoured.

Other sources of revenue, such as from local government's general operating revenue or direct funding from the State Government to local governments have also been considered. However, these have been rejected in favour of the user pays registration fee system.

Further discussion with key stakeholders and consideration of feedback obtained through the consultation period will be undertaken to determine at what level fees should be set. It is proposed that the fee structure be consistent across the State and subject to regular review.

5.3 Compulsory Sterilisation

It is proposed that all cats be sterilised. It is acknowledged that a significant proportion of owned cats are already sterilised, however, given that Victorian research identified that approximately 2,500 cats are surrendered to animal shelters each year due to unwanted pregnancies, there is merit in increasing the rates of owned cat sterilisation to reduce the number of unwanted cats⁴⁰. Cat owners who don't currently have their cats sterilised will be expected to cover the cost of sterilising their cats, which will vary depending on the sex of the cat. For a female cat, the cost averages \$161.

However, it is important to note that research is not conclusive that compulsory sterilisation will lead to a reduction in pound admissions, euthanasia or unwanted cats⁴¹. Data received from the ACT, where compulsory cat sterilisation was introduced in 2001, has not shown there to be any positive impacts from its introduction. Additionally, with uncertainty as to whether domestic cats feed into the feral cat population or if this population of cats is actually self-sustaining, compulsory sterilisation may not reduce the feral cat population.

Along with this provision is the intention to provide exemptions for persons wishing to breed. The application for an exemption is to be made to local government.

⁴⁰ Marsden, Bennett, & Toukhsati, *op.cit.*, p 19.

⁴¹ Marston, Bennett, Rohlf & Mornement, *op.cit.*, p. 64.

Questions (from the feedback form)

Are there any other options that might achieve the policy objectives outlined in Section 4 of this paper, and what would be the related costs and benefits?

Are there any other options that could be undertaken to reduce the number of cats that are semi-owned, including any known costs for such measures?

What are the main complaints about cats, and will these legislative provisions resolve them?

6. IMPLEMENTATION AND EVALUATION STRATEGY

6.1 Implementation

A public awareness campaign will be needed to advise the community and key stakeholders about the introduction of State legislation to control cats, particularly during the implementation phase. A full strategy with a range of actions will be developed, however, media advertisements and the publication of brochures will form part of the strategy. Key stakeholders such as local governments, Veterinarians and animal welfare organisations will be critical in the implementation of community education.

Local governments will be required to implement and enforce the provisions of the State legislation. There will be a need for local governments to be given time so that they are prepared to implement, enforce and administer the various requirements of the legislation when it is enacted. For example, the microchipping proposal will require training and the purchase of equipment. The impounding of cats may require additional pound facilities, or for arrangements with providers to be negotiated. These responsibilities may require additional local government funding sourced through their budgetary cycle. This process usually commences in the early stages of each calendar year and concludes with the budget being adopted between June and the end of August.

The relevant State Government agency will be required to develop and implement measures to ensure there are adequate microchip implanters in regional areas of the State.

As a guide, at the time it is known that the proposed legislation will become law, a period of 12 months from that date might be suitable to give the community and local governments adequate time to be prepared for the introduction of the legislation. This will be tested during consultation.

6.2 Evaluation

An evaluation of the effectiveness of the legislation can be undertaken by analysing statistics relating to the number of cats being surrendered to animal welfare shelters and subsequently euthanised. In addition, surveys of cat owners' compliance with the various provisions of the legislation can also be undertaken.

Advice can also be sought from local governments on the number of complaints received about cats, and costs and/or revenue associated with implementing the legislation. The Department of Local Government can also provide information on the number of complaints it receives about cats.

7. CONSULTATION

Written feedback is sought from key stakeholders and members of the community on the proposals outlined in this paper. Subject to resourcing, officers from the Department of Local Government are able to meet with representatives from stakeholder groups if required.

Feedback in the areas identified throughout the paper would be useful for developing the final form of the legislation. A feedback form has been created which addresses the key proposed legislative provisions and also the areas where additional information is sought. This is provided in attachment 8.2.

In addition, local governments are asked to comment on the following questions (also provided in attachment 8.2).

Local Government Specific Questions

- Local governments, particularly those which have cat local laws, are specifically requested to provide detail on the following matters (if known).
 - The estimated revenue and expenditure from undertaking their role in administering and enforcing the new legislation. For example, expenditure associated with staffing, equipment and infrastructure costs, associated with community education, handling queries and complaints, identification, registration, capturing, impounding, rehoming and euthanasia.
 - Revenue from registration, impounding charges, penalties and infringements.
 - Number and nature of complaints received about cats.
- For local governments that already have cat local laws, information on the level of compliance with their laws. For example, the proportion of cats in the district that are registered and identified under their laws.
- Will local governments, particularly those without cat local laws, enforce the proposed provisions? Please include a reason for the response.
- What are the practical issues local governments see relating to enforcement of this cat legislation?
- Once legislation is introduced, how long would it take for a local government to be able to commence administering and enforcing the provisions?

8. ATTACHMENTS

8.1 Stakeholder Consultation

Workshop Discussion

As part of the consultation process, a facilitated workshop attended by all government and non government stakeholders was held on 1 December 2009 to discuss the implementation options relating to three specific proposals for the management of domesticated cats:

- mandatory sterilisation,
- mandatory registration, and
- mandatory microchipping.

All participants were given opportunities to provide both public and confidential feedback on both the proposals and any other matters.

Workshop Outcomes

Endorsement was obtained for 'in principle' support for a statewide approach to legislation relating to cat control, together with community education, provided that resourcing impacts could be effectively managed, particularly in respect to local government.

It was agreed that a statewide approach that could be phased in and implemented on an incremental basis, was important to build consistency and encourage improved accountability and community support.

Of the three proposals, mandatory microchipping was considered the least contentious and attracted the widest support. The WA Rangers Association advised that it had yet to formalise its policy position on the matter, however, all other key stakeholders, and the majority of participants, strongly supported the proposal.

There was less enthusiasm for mandatory registration. However, there appeared to be a consensus that registration was generally acceptable provided its introduction would be in tandem with microchipping.

Mandatory sterilisation was the most contentious issue and participants were fundamentally divided. However, there was 'in principle' agreement that mandatory sterilisation should not apply to existing cats but be incrementally introduced and phased in. There were also concerns about resourcing requirements particularly in some regional areas, including the availability of veterinary surgeons to undertake sterilisation.

It appeared that the majority of not for profit organisations, including the Cat Haven and the RSPCA (WA) supported all three policy proposals. Policy positions differed widely across all other sectors, including the local government sector. While it appeared that WALGA would support statewide legislation, particularly mandatory microchipping, it could not advise its final policy position without seeking endorsement from all its members, not only those at the workshop. Similarly, while the veterinary

peak bodies, Australian Veterinary Association (AVA) and Australian Companion Animal Council, opposed the proposal for mandatory sterilisation, a number of veterinarians at the workshop supported this proposal.

The workshop consultation process was thought to be generally successful in obtaining stakeholder feedback on this public policy issue.

8.2 Consultation Feedback Form

To assist you with preparing your submission, you may wish to complete this form. Please note: these questions have been raised throughout the paper.

Written comments, queries and submissions should be forwarded no later than **COB 30 July 2010** to:

Ms Darrelle Merritt
Principal Policy Officer
Department of Local Government
GPO Box R1250, Perth WA 6844
Tel: (08) 9217 1587
Freecall: 1800 620 511 (Country Only)
Email: darrelle.merritt@dlg.wa.gov.au

If the spaces provided are insufficient, please attach any additional notes to the back of this form. An electronic version with enterable fields is available on the Department's website at: www.dlg.wa.gov.au

About You

Before completing this form, please provide your contact details:

Name:	
Title:	
Organisation:	
Address:	
Tel:	
Email:	

1. Are you a cat owner?

<input type="checkbox"/>	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not Applicable
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Identification

2. What identification methods do you support?

Microchipping	<input type="checkbox"/>	Yes	<input type="checkbox"/>	No
Tags and Collars	<input type="checkbox"/>	Yes	<input type="checkbox"/>	No

3. When should compulsory identification be introduced?

	Tags and Collars	Micro-chipping	Comments
To all cats on introduction of the legislation			
Only to those born after the legislation is introduced			
Phased in over what period?			

4. At what age should identification be required?

5. Are there any other quantifiable costs and benefits associated with identification (microchipping, collars and tags), and will these proposals achieve the policy objectives?

6. Is the existence of multiple microchip databases likely to cause a problem, and how can this be overcome?

7. Any other comments.

Registration

8. Do you support compulsory cat registration?

<input type="checkbox"/>	Yes	<input type="checkbox"/>	No
--------------------------	-----	--------------------------	----

9. When should compulsory registration be introduced?

To all cats on introduction of the legislation	<input type="checkbox"/>	Yes	<input type="checkbox"/>	No
Only to those born after the legislation is introduced	<input type="checkbox"/>	Yes	<input type="checkbox"/>	No
Phased in over what period?	<input type="text"/>			

10. How long should the registration period be? (Can choose more than one)

1 year	<input type="checkbox"/>	Yes	<input type="checkbox"/>	No
3 years	<input type="checkbox"/>	Yes	<input type="checkbox"/>	No
Lifetime	<input type="checkbox"/>	Yes	<input type="checkbox"/>	No
Other	<input type="checkbox"/>	Yes	<input type="checkbox"/>	No

11. What is an appropriate registration fee for sterilised and unsterilised cats?

12. Should registration discounts be offered, and for what purpose?

<input type="checkbox"/>	Yes	<input type="checkbox"/>	No
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13. Is the existence of multiple registration databases likely to cause a problem, and how can this be overcome?

14. Are there any other quantifiable costs and benefits associated with registration, and will this proposal achieve the policy objective?

15. Any other comments.

Sterilisation

16. Do you support compulsory sterilisation?

	Yes		No
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17. When should compulsory sterilisation be required?

To all cats on introduction of the legislation		Yes		No
Only to those born after the legislation is introduced		Yes		No
Phased in over what period?				


18. Are there any other quantifiable costs and benefits associated with sterilisation, and will this proposal achieve the policy objective?

19. Any other comments.



Education Campaign

20. Are there any other quantifiable costs and benefits associated with an education campaign, and will this proposal achieve the policy objectives in the absence of legislation?



21. Any other comments

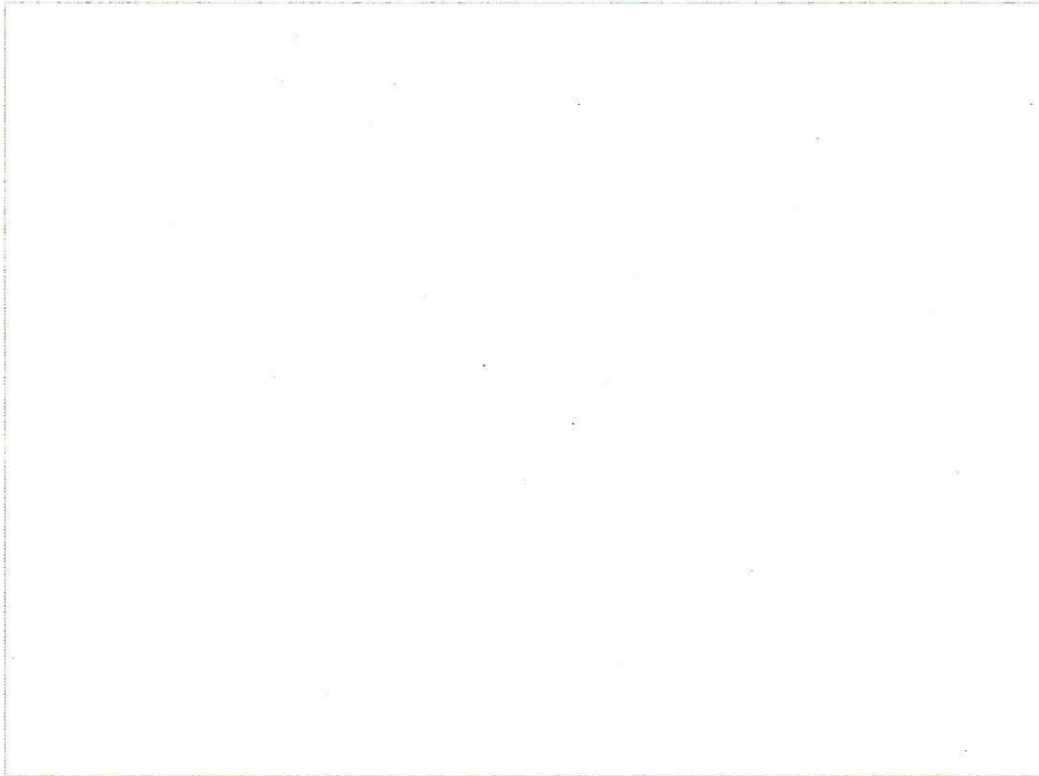


Other

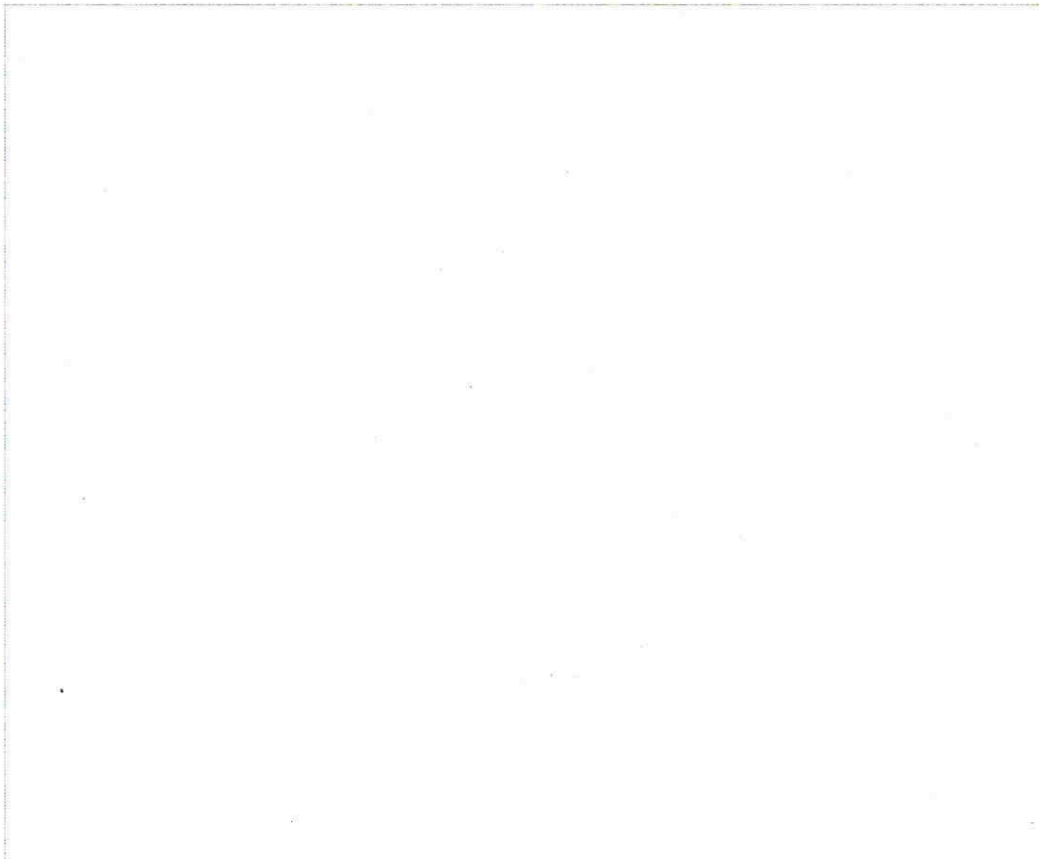
22. Are there any other options that might achieve the policy objectives outlined in Section 4 of this paper, and what would be the related costs and benefits?



23. Are there any other options that could be undertaken to reduce the number of cats that are semi-owned, including any known costs for such measures?



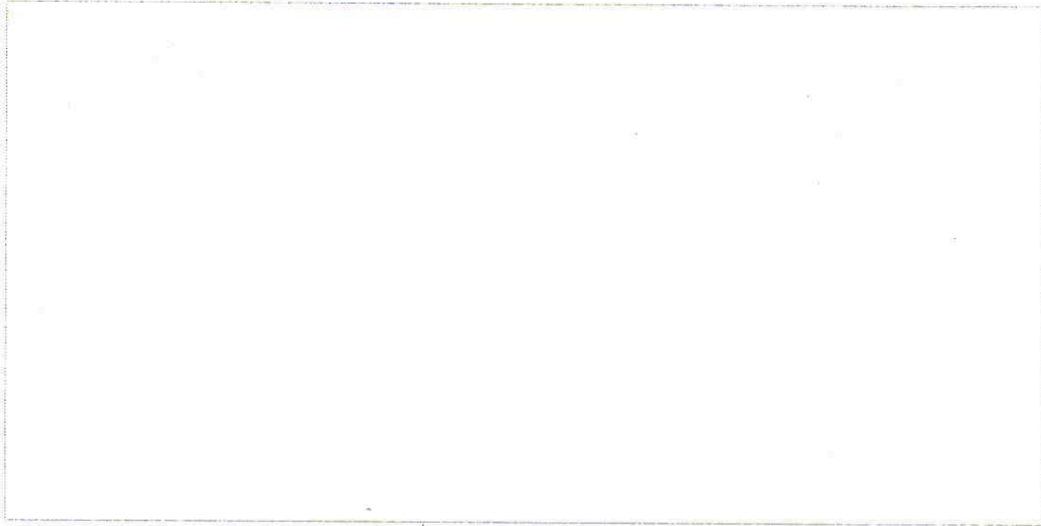
24. What are the major complaints about cats, and will these legislative provisions resolve them?



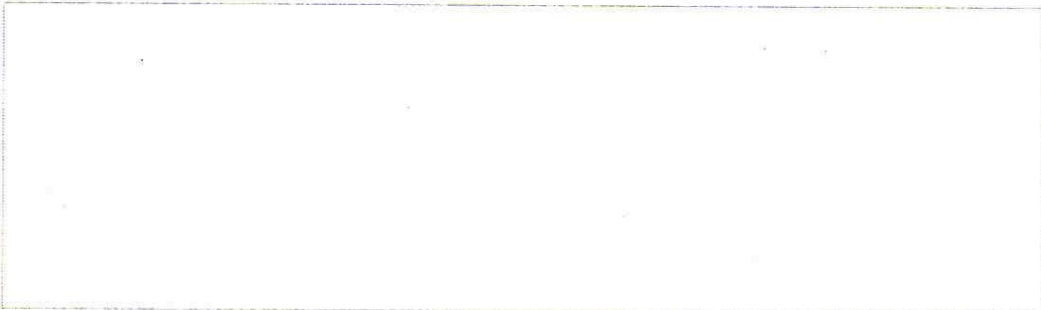
Local Government Specific Questions

25. Local governments, particularly those which have cat local laws, are specifically requested to provide detail on the following matters (if known).

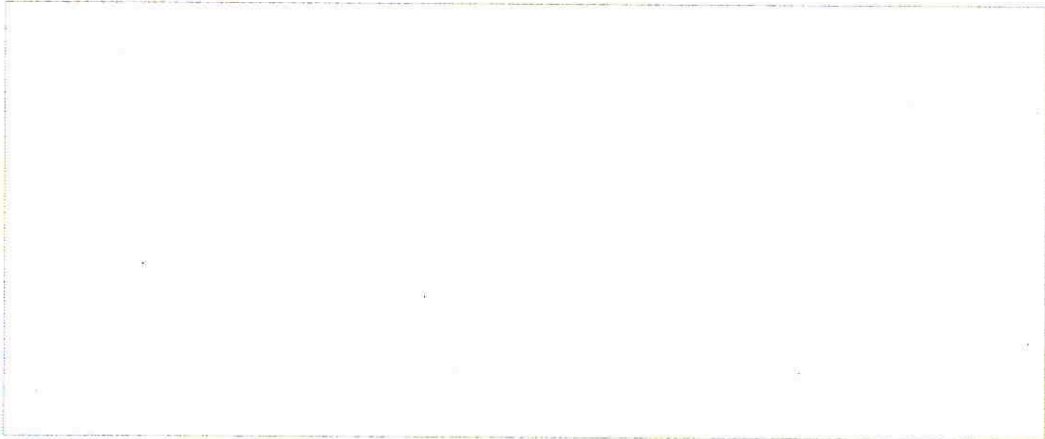
- The estimated revenue and expenditure from undertaking their role in administering and enforcing the new legislation. For example, expenditure associated with staffing, equipment and infrastructure costs, associated with community education, handling queries and complaints, identification, registration, capturing, impounding, rehoming and euthanasia.



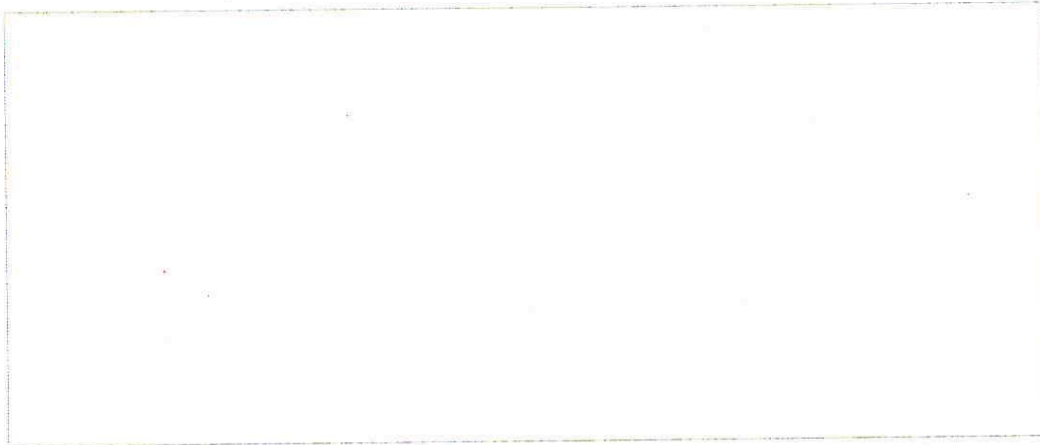
- Revenue from registration, impounding charges, penalties and infringements.



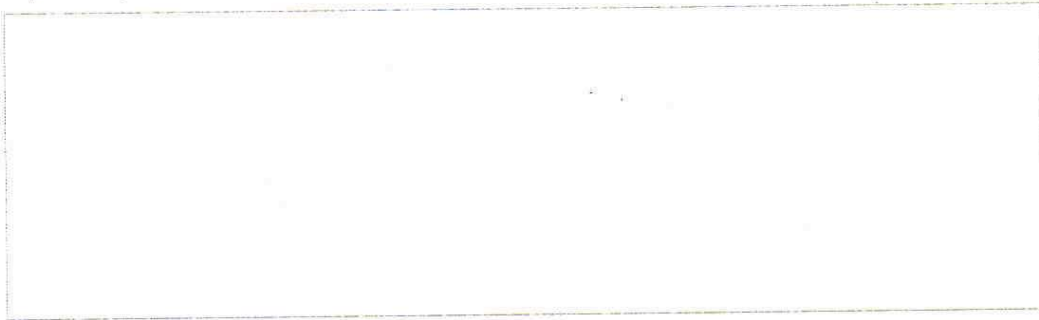
- Number and nature of complaints received about cats.



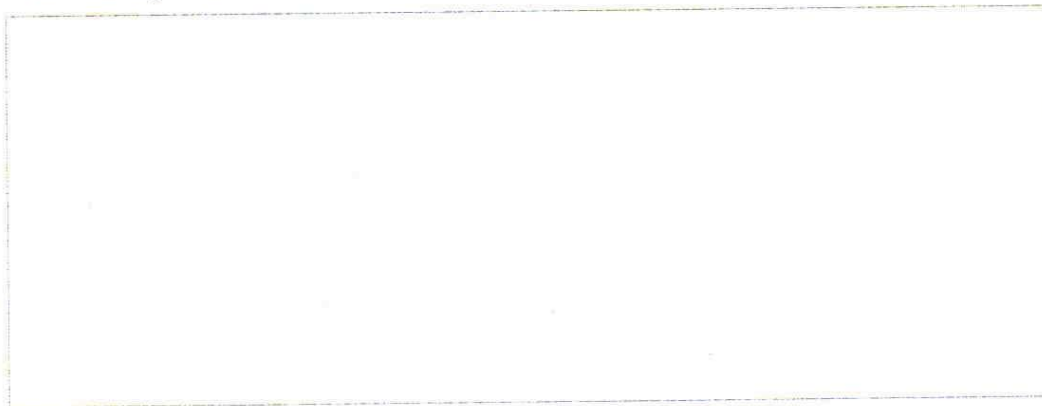
26. For local governments that already have cat local laws, information on the level of compliance with their laws. For example, the proportion of cats in the district that are registered and identified under their laws.



27. Will local governments, particularly those without cat local laws, enforce the proposed provisions? Please include a reason for the response.



28. What are the practical issues local governments see relating to enforcement of this cat legislation?



29. Once legislation is introduced, how long would it take for a local government to be able to commence administering and enforcing the provisions?



9. REFERENCES

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Proposal for Domestic Cat Control Legislation Consultation Feedback Form

Comments and submissions are invited in response to information provided in the Proposal for Domestic Cat Control Legislation Consultation Paper. This document can be found on the Department of Local Government website at: www.dlg.wa.gov.au

To assist you with preparing your submission, you may wish to complete this form, which includes the questions raised throughout the paper.

The Consultation Paper has been prepared in compliance with the Western Australian Government's requirement for Regulatory Impact Assessment and to facilitate public consultation on the proposed development of a Domestic Cat Act.

All responses to the Consultation Paper will be publicly available on the Department of Local Government's website. Comments and submissions should be forwarded no later than COB, Friday, 30 July 2010.

Contact Details:

Organisation: City of Joondalup
 Address: PO Box 21
 Joondalup WA 6919
 Contact Name: -----
 Senior Policy Research Officer
 Contact Phone: -----
 Contact Email: -----

Identification:

1. Are you a cat owner?

- Not applicable

2. What identification methods do you support?

Microchipping	YES
Tags and collars	YES

3. When should compulsory identification be introduced?

	Tags and collars:	Microchipping:
To all cats on introduction of the legislation:	YES (either)	YES (either)
Only to those born after the legislation is introduced:	NO	NO
Phased in over what period?:	N/A	N/A

Comments:

- The City supports compulsory identification of all cats on introduction of the legislation *either* by tags and collars or by microchipping. The City does *not* support compulsory microchipping. This position provides for greater consistency with the *Dog Act 1976* and allows for older cats to be identified without having to be microchipped.

4. At what age should identification be required?

- 3 months (12 weeks)

5. Are there any other quantifiable costs and benefits associated with identification (microchipping, collars and tags), and will these proposals achieve the policy objectives?

- YES — Quantifiable costs do exist, including:
 - tags for issue to owners — approximately \$5,000 per year
 - portable microchip scanners (if cats are *not* required to wear tags) — approximately \$1,000 each.
- YES — Compulsory identification by way of tags and collars or microchipping will achieve the policy objectives.

6. Is the existence of multiple microchip databases likely to cause a problem, and how can this be overcome?

- YES — Local governments will need to purchase multiple microchip readers or take a decision not to attempt to re-home those cats not registered on the major databases. Microchip databases are proprietary and it is unlikely that software developers will collaborate at this time.

7. Any other comments?

- The Department's *Consultation Paper* does not contain any details on how the legislation will deal with the "seizure" and "impoundment" of cats, although both terms are used. Moreover, the issue of wandering or "nuisance" cats (control of cats) does not appear to have been addressed either. Local government should be informed if these issues are to be included in the proposed legislation, or if local laws will need to be developed.

Registration:**8. Do you support compulsory cat registration?**

- YES

9. When should compulsory registration be introduced?

To all cats on introduction of the legislation:	YES
Only to those born after the legislation is introduced:	NO
Phased in over what period?:	N/A

10. How long should the registration period be? (Can choose more than one)

1 year	YES
3 years	YES
Lifetime	NO
Other	NO

Comments:

- The City requests that the deadline for cat registration *not* be aligned with the deadline for registering dogs (October), or with the release of rates notices (July). These are the busiest times of year for all local governments in Western Australia, and cat registration would place an additional burden at these times. It would be preferable for the deadline to occur later in the financial year, such as at the end of the third quarter or early in the fourth quarter.

11. What is an appropriate registration fee for sterilised and unsterilised cats?

	1 year	3 years
Sterilised	\$15	\$30
Unsterilised	\$45	\$100

12. Should registration discounts be offered, and for what purpose?

- YES — The City supports concessional rates for pensioners at 50% of the fee, in line with the *Dog Act 1976*.

13. Is the existence of multiple registration databases likely to cause a problem, and how can this be overcome?

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- NO — Multiple registration databases across different local governments already exist for dogs, and this is not a significant issue. Local governments purchase different (proprietary) registration databases and it is unlikely that software developers will collaborate at this time. If cats are appropriately tagged and/or microchipped with their owners' details, local governments should be able to re-home any animals that "wander" outside the boundaries of their home local government.

14. Are there any other quantifiable costs and benefits associated with registration, and will this proposal achieve the policy objective?

- YES — Quantifiable costs do exist, including:
 - development of registration software (similar to that used for dogs) — approximately \$15,000
 - periodic mail-outs for renewal processes
 - annual "door knock" programs to ensure legislation is complied with — approximately \$54,000 per year (1/3 of City covered annually)
 - trapping apparatuses
 - new impound facilities (as facilities cannot be shared between cats and dogs)
- YES — Compulsory registration will achieve the policy objectives.

15. Any other comments?

- Registering animals with local governments carries a renewal process which can be of assistance to owners. Registration and renewal can also provide income to local governments to support the concept of "user pays".
- Dog registration fees have not been reviewed since 1996 and are not reflective of the costs involved in registering an animal within the City. The City requests that the fees for cat registration be reviewed *annually* to rectify this issue in the new legislation.

Sterilisation:

16. Do you support compulsory sterilisation?

- YES

17. When should compulsory sterilisation be required?

To all cats on introduction of the legislation:	NO
Only to those born after the legislation is introduced:	YES
Phased in over what period?:	5 YEARS

18. Are there any other quantifiable costs and benefits associated with sterilisation, and will this proposal achieve the policy objective?

- YES — For local governments, there is additional work involved in confirming that cats are sterilised. From the City's experience with dogs, it is known that owners who wish to register their animals as "sterilised" frequently fail to provide evidence. This results in further research by the local government (including phone calls, letters, emails and/or personal visits). If cat sterilisation is *compulsory* (unlike for dogs), it is anticipated that significantly more work will be involved in confirming this.
- YES — Compulsory sterilisation will achieve the policy objectives.

19. Any other comments?

- It may be prudent for the Department to investigate provisions for the compulsory sterilisation of cats and kittens prior to being sold by commercial breeders/pet-stores.

Education Campaign:

20. Are there any other quantifiable costs and benefits associated with an education campaign, and will this proposal achieve the policy objectives in the absence of legislation?

- YES — Quantifiable costs do exist; however, the extent to which these will impact on local government will depend upon the degree to which the State Government is prepared to educate/publicise its new legislation. Some potential costs associated with an education campaign include:
 - mass mail-out to all households upon the introduction of the legislation
 - advertisements in local newspapers
 - flyers/posters etc.
- NO — The City does not believe that an education campaign will achieve the policy objectives in the absence of legislation. However, an education campaign will generate significant interest that can be used to encourage compliance.

21. Any other comments?

- An education campaign will be imperative to ensure public familiarity with the new legislation. As this is State legislation, the onus should fall on the State to fund and deliver such a campaign.

Other:

22. Are there any other options that might achieve the policy objectives outlined in Section 4 of this paper, and what would be the related costs and benefits?

- YES — Regular positive trapping activities by the State Government could be scheduled for public land with the impounding (and possible euthanasing) of any cats not tagged or microchipped.

23. Are there any other options that could be undertaken to reduce the number of cats that are semi-owned, including any known costs for such measures?

- YES — Provisions should be made in the legislation regarding wandering or "nuisance" cats (control of cats). The City supports the seizure and impounding of cats deemed not to be under effective control on private premises (such as a neighbour's yard), or in a public place. The City believes penalties should be applied to irresponsible owners (or semi-owners) in a similar manner to the *Dog Act 1976*.

24. What are the major complaints about cats, and will these legislative provisions resolve them?

- The City receives very few complaints relating to cats; however, this is most likely due to the fact that local government is not widely recognised as "dealing with" cats. For the City's proposed *Cats Local Law 2008*, substantial consultation was undertaken to determine public opinion. The results from this consultation were presented to Council at its meeting on 17 February 2009, and have been provided as an attachment to this document.

Local Government Specific Questions:

25. Local governments, particularly those which have cat local laws, are specifically requested to provide detail on the following matters (if known):

- a) **The estimated revenue and expenditure from undertaking their role in administering and enforcing the new legislation. For example, expenditure associated with staffing, equipment and infrastructure costs, associated with community education, handling queries and complaints, identification, registration, capturing, impounding, re-homing and euthanasia.**

Revenue:

Registration:	\$219,450
Pound fees:	\$30,000
Infringements:	\$25,000

Expenses:

Staff-related:	\$139,950
Registration/administration	\$43,000
Pound activity:	\$61,500
Vehicle(s):	\$50,000
Traps and fittings:	\$8,750
Transitional pound additions:	\$90,000

- b) **Revenue from registration, impounding charges, penalties and infringements.**

- See above (question 25a)

- c) **Number and nature of complaints received about cats.**

- See above (question 24)

26. **For local governments that already have cat local laws, information on the level of compliance with their laws. For example, the proportion of cats in the district that are registered and identified under their laws.**
- The City's *Animals Local 1999* (s. 45) details the number of cats over the age of 3 months permitted to be kept on a property (3), and contains provisions for breeders and cattery owners.
27. **Will local governments, particularly those without cat local laws, enforce the proposed provisions? Please include a reason for the response.**
- YES — The City enforces all legislation it is required to.
28. **What are the practical issues local governments see relating to enforcement of this cat legislation?**
- Cats and dogs cannot be impounded in the same facility — separate facilities will need to be established.
 - Cats cannot be “called” with food — traps will need to be left overnight (on public and private land).
 - Cats can be carriers of exotic diseases which can affect humans.
 - Staff vehicles will need to be especially fitted with fixings for cat traps/cages.
 - Staff will need protective clothing to deal with angry/frightened cats.
 - Staff will require additional training.
 - It is likely that there will be a high number of complaints from customers who will take issue when a nuisance cat has not been captured after reporting that cat to the City. (This is due to the fact that cats are much more difficult to capture compared to dogs.) This will require careful consideration and the development of methods/strategies to deal with these issues. Supporting legislation will also need to ensure that enforcement considers and mitigates this issue wherever possible.
29. **Once legislation is introduced, how long would it take for a local government to be able to commence administering and enforcing the provisions?**
- 12–18 months

Attachment 1

Cats Local Law 2008: Consultation Results

Background:

The City conducted a consultation process between 2 August and 15 September 2008 to determine public opinion on the proposed *Cats Local Law 2008*. The process included:

- State-wide notification in the West Australian newspaper;
- advertisements in local newspapers;
- letters sent directly to target stakeholders (including: local veterinary hospitals, local pet stores, cat associations/councils/registering bodies, local catteries, cat clubs, and local ratepayer/resident groups);
- a hardcopy survey available on request;
- an online survey on the City's website; and
- public notices placed on the City's website, the City's libraries, and the City's Customer Service Centres.

Participants for this consultation were determined by 'open invitation' (in addition to the target stakeholders), and the City received 480 completed surveys in total. The results were originally presented to Council at its meeting on 17 February 2009, and are replicated below.

Quantitative analysis — survey feedback:

Support introduction cats local law				
	All submissions		City of Joondalup	
	No. of people	Percentage	No. of people	Percentage
Yes	327	68.1 %	205	61.6 %
No	147	30.6 %	122	36.6 %
Total	474	98.8 %	327	98.2 %
Not identified	6	1.3 %	6	1.8 %

Support compulsory cat registration				
	All submissions		City of Joondalup only	
	No. of people	Percentage	No. of people	Percentage
Yes	333	69.4 %	218	65.5 %
No	145	30.2 %	115	34.5 %
Total	478	99.6 %	333	100.0 %
Not identified	2	0.4 %	0	0.0 %

Support compulsory cat sterilisation				
	All submissions		City of Joondalup only	
	No. of people	Percentage	No. of people	Percentage
Yes	404	84.2 %	279	83.8 %
No	73	15.2 %	54	16.2 %
Total	477	99.4 %	333	100.0 %
Not identified	3	0.6 %	0	0.0 %

Support control and identification of cats				
	All submissions		City of Joondalup only	
	No. of people	Percentage	No. of people	Percentage
Yes	319	66.5 %	197	59.2 %
No	158	32.9 %	136	40.8 %
Total	477	99.4 %	333	100.0 %
Not identified	3	0.6 %	0	0.0 %

Support the introduction of \$50 subsidy for sterilisation				
	All submissions		City of Joondalup only	
	No. of people	Percentage	No. of people	Percentage
Yes	347	72.3 %	217	65.2 %
No	130	27.1 %	115	34.5 %
Total	477	99.4 %	332	99.7 %
Not identified	3	0.6 %	1	0.3 %

296 people responding to the survey identified themselves as owners of cats. 198 were City of Joondalup residents and of that number, 142 stated that their cats were identifiable and a further 181 that their cats were already sterilised.

Of 198 resident owners of cats:

- 90 generally supported the introduction of a cats local law (45.5 %)
- 99 supported compulsory cat registration (50.0 %)
- 151 supported compulsory cat sterilisation (76.3 %)
- 80 supported control and identification of cats (40.4 %)

19 groups, including resident/ratepayer groups, individual veterinary hospitals, the Australian Veterinary Association Ltd, RSPCA, Cat Haven, WA Rangers Association, Cat Sterilisation Society Inc, and a number of other special interest groups for cats, completed and returned surveys; written submissions were also made. Of the 19 groups, 12 supported the proposed Local Law as is, including the RSPCA, the Cat Haven, 3 veterinary practices and the Northern Districts Cattery.

Qualitative data analysis of written submissions:

5 written submissions were received from groups, or from individuals indicating themselves to be part of, or representatives of a group, namely:

- RSPCA
- Cat Haven
- Australian Veterinary Association
- Cat Owners Association of Western Australia Inc
- WA Rangers Association Inc
- Cat Sterilisation Society

Whilst the RSPCA and the Cat Haven support the introduction of the proposed Local Law in its present form, the Cats Owners Association indicated that further clauses were needed to achieve effective cat control. The Australian Veterinary Association supported compulsory identification of cats and, other than in the case of kittens under 12 weeks, supported sterilisation. The organisation also supported extensive community education on responsible cat ownership and on “what to do” when coming into contact with stray animals. The WA Rangers Association Inc identified cat control as a State rather than local government initiative which required appropriate resources to ensure its effectiveness. In addition, they stated the State should embark on extensive public education campaigns to encourage responsible cat ownership.

48 people sent in emails and letters as individual submissions, some in addition to the completed surveys, of these:

- 45 were from City residents;
- 1 was from a person whose residence was not stated; and
- 2 were from people living outside the City of Joondalup.

Of the 45 submissions from residents, 7 fully supported the proposed Local Law while the remaining 38 either supported only aspects of the law or did not support the law at all. The majority of submissions were from people identifying themselves as responsible owners of cats that were sterilised, identifiable and kept in at night. For the most part, they supported the proposed Local Law with respect to compulsory sterilisation and identification.

Implementation costs:

Concerns about the human and financial resources needed to implement the proposed Local Law were articulated by 14 individuals. These concerns also identified a common theme, that is, the sense that owners of cats who are already responsible will be carrying an additional financial impost unlike owners who do not act responsibly.

Recommendation from the public:

Nine residents suggested that the source of the cat problem lies with the market and that controls at the point where people are purchasing cats, and from whom they are purchasing them, would be more effective than a local law.

Overall analysis:

Two of the key components of the proposed local law — compulsory identification and sterilisation — were supported by cat owners and non-owners alike. The feedback suggested that people who viewed themselves as responsible cat owners already ensured that their pets are identifiable (with microchipping being the preferred option) and sterilised. Consequently, while there was support for these initiatives, it is questionable whether a local law would be effective as responsible owners, who are most likely to obey the law, are already undertaking these actions.

The issue of cat control was more contentious. People who did not own cats believe that cats should be constrained from nuisance behaviours at all times. On the other hand, people who own cats could not see how this could be achieved without their pets being kept permanently in or on the property, perhaps using outdoor cat runs. Whilst many owners were generally prepared to keep their cats indoors between the hours of dusk and dawn, they found the notion of being able to control the movements of a cat to be impractical. Further, it was believed that where neighbours were already at odds over cat behaviours, this section could serve as a justification for involving the City in neighbour disputes and/or increase levels of existing disputes and subsequently the extent of local law enforcement activities required across the whole of the City.

The intended effect of the proposed local law was to bring into operation a system for compulsory sterilisation, registration and control of cats. From the results of the consultation, it was evident that whilst there was majority support for this state of affairs, owners of cats questioned whether the local law would increase levels of compliance in these areas (even with subsidies for sterilisation). They pointed out that whilst the “market” for cats and kittens is unregulated and it is still possible for people to obtain them without any of these requirements, they would do so. Respondents suggested that a more effective approach would be to target the cat “market” with animals being identifiable and sterilised before they are available for sale or otherwise given away.