



Government of **Western Australia**  
Department of **Local Government**

# PROPOSAL FOR DOMESTIC CAT CONTROL LEGISLATION

Decision Paper

*January 2011*

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Prepared by:

Department of Local Government  
140 William Street  
Perth WA 6000

GPO Box R1250  
PERTH WA 6844

Tel: (08) 6552 1500  
Fax: (08) 6552 1555  
Freecall: 1800 620 511 (Country Only)  
Email: [info@dlg.wa.gov.au](mailto:info@dlg.wa.gov.au)  
Web: [www.dlg.wa.gov.au](http://www.dlg.wa.gov.au)

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# PROPOSAL FOR DOMESTIC CAT CONTROL LEGISLATION Decision Paper

Prepared by the Department of Local Government

2011

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This Regulatory Impact Statement (RIS) has been prepared in compliance with the Western Australian Government's requirement for Regulatory Impact Assessment on the proposed Domestic Cat Control Legislation.

Public comments and submissions were invited on the proposal, in response to information provided in the C-RIS released on 9 June 2010.

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## EXECUTIVE SUMMARY

The Western Australian 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 stray 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 number of cats living in poor conditions and in poor health.

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. 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 between 2 and 18 million feral cats in Western Australia.

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.

In June 2010, the State Government released a Consultation Regulatory Impact Statement for a seven week consultation period. The consultation paper proposed the introduction of legislation with the following mandatory elements:

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

During this time, 590 submissions were received from the community, local governments and stakeholders. Extensive support was given for all three elements proposed in the paper, with 84% supporting the introduction of all key elements and only 4% not supporting any regulatory measures.

Based on the submissions received and an evaluation of similar legislation in other jurisdictions, the State Government has developed proposed Statewide legislation to be administered and enforced by local governments. The legislation is to include compulsory microchipping, registration and sterilisation of all cats in Western Australia.

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

- encourage responsible cat ownership;
- reduce the number of unwanted 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.

It is acknowledged that the legislation will impact on a number of groups, including cat owners, welfare organisations, state and local government, businesses and veterinarians. There are also a number of costs associated with the necessary veterinarian procedures, as well as the cost for local governments to administer and enforce the legislation.

However, Western Australia is the only state which is yet to introduce some form of legislation for cat control, and with large numbers of cats continuing to be euthanised, it suggests that the current mechanisms in place to control cats is failing. Research also suggests that non legislative measures are not effective.

To ensure that the legislation is effectively implemented, a public awareness campaign will be undertaken and adequate time given to the community and local governments to ensure they can comply with the new requirements.

# 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 stray 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 number of cats living in poor conditions and in poor health.

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.

<b>Owned:</b>	is owned by an individual, household or business, and that individual takes responsibility for all actions associated with responsible ownership.
<b>Unowned/Stray</b>	has no identifiable owner or home, but lives in close proximity to humans and may be accustomed to their presence.
<b>Semi-Owned:</b>	has particular care provided such as feeding, but no individual takes “ownership” of the cat.
<b>Feral:</b>	lives and reproduces in the wild and survives by hunting or scavenging.

Prior to the consultation undertaken in June/July 2010 as part of the Regulatory Impact Assessment process, comprehensive consideration of cat control by the State Government took place in 1994 with the establishment of the WA Cats Advisory Committee. The Committee was

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 governments<sup>1</sup>.

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'.

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



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 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, stray 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 year<sup>2</sup>. 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. From a whole of economy perspective, the costs that are faced by cat welfare agencies is funded from donations and grants made by members of the community and some local governments. If the legislation results in the anticipated outcome of reducing the number of cats that are euthanised, then there will be reduction in the costs incurred by the agencies that are required to undertake this procedure.

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 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-owners<sup>3</sup>.

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

<sup>3</sup> Toukhsati, Coleman & Bennett, op. cit., p.27

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 population<sup>4</sup>. On the other hand, the 1994 Report of the WA Cats Advisory Committee stated that 'domestic cats continually add to the stray and feral cat population'<sup>5</sup>. Similarly, the study 'Community Attitudes and Behaviours Towards Cats, states that there is "constant recruitment of domestic cats into stray and feral cat colonies"<sup>6</sup>.

#### 1.4 How significant is the effect?

The total number of pet cats in Western Australia was estimated at 217,000 in 2007<sup>7</sup>. 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 1:3<sup>8</sup>. 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
<b>6,363</b>	<b>5,618</b>	<b>2,494</b>	<b>5,263</b>	<b>4,126</b>	<b>4,773</b>

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 Australia<sup>9</sup>. The NSW Department of Environment, Climate Change and Water suggests a national population of 12 million<sup>10</sup>. 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.

<sup>4</sup> Feral Focus, *Feral Cat (Felis catus)*, retrieved 19 January 2010, [www.feral.org.au/content/species/cat.cfm](http://www.feral.org.au/content/species/cat.cfm)

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

<sup>6</sup> Toukhsati, Coleman & Bennett, op.cit., p.4

<sup>7</sup> Australian Companion Animal Council, *Pet Ownership Statistic*, BIS Shrapnel annual survey, [www.acac.org.au/pet\\_care](http://www.acac.org.au/pet_care)

<sup>8</sup> Australian Bureau of Statistics, *Special Feature: Household pets*, 4102.0 - Australian Social Trends, 1995, retrieved 11 November 2009, [www.abs.gov.au/Ausstats/abs@.nsf/2f762f95845417aeca25706c00834efa/5ef8016f420622a3ca2570ec00753524!OpenDocument](http://www.abs.gov.au/Ausstats/abs@.nsf/2f762f95845417aeca25706c00834efa/5ef8016f420622a3ca2570ec00753524!OpenDocument)

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

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

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 councils<sup>11</sup>.

## 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.

The availability of cats and kittens will become more restricted with the cost of purchase rising. In the longer term, the genetic variation may be reduced<sup>12</sup>. While the Australian Veterinary Association did not note this as a concern in their submission, it is likely that there will be a reduction in the number of “moggie” cats available. However, it is not expected that this will fall to zero, as 100% compliance with the compulsory sterilisation requirement is unlikely, and stray and semi-owned cats will continue to be handed into shelters<sup>13</sup>. There may also be an increase in the price of cats available to consumers if they only purchase a cat from a breeder.

With the implementation of the legislation, the requirement for a cat to be registered, identified and sterilised, and purchased from a breeder will mean that the cost of owning a cat will be higher, and only committed, responsible people will choose to own a cat.

There is to be no restriction on the types of cats that breeders can breed.

**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.

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<sup>11</sup> Toukhsati, Coleman & Bennett, op.cit., pp. 34-35

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

<sup>13</sup> Cats brought into cat shelters are generally stray cats that either have no owner or are semi-owned. For example, they may be fed by someone, but that person does not take on responsibility associated with ‘full’ ownership. In the main, these strays originate from irresponsible ‘owners’ that dump cats for whatever reason. Given the cost of purchasing a cat from a breeder, it is not believed that cats from this source are often dumped. The net result is that the number of ‘moggie’ cats surrendered to cat shelters and subsequently available for re-sale will be reduced.

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 annum<sup>14</sup>. The City of Joondalup has identified that administering the *Dog Act 1976*, which includes relocation of animals to their owner or impoundment, costs the City \$82,500 per annum<sup>15</sup>.

**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.

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<sup>14</sup> L Marston, P Bennett, V Rohlf, & K Mornement, *Review of Strategies for Effectively Managing Unwanted Dogs and Cats in Queensland*, Monash University, Caulfield, 2008.

<sup>15</sup> 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](http://www.joondalup.wa.gov.au/files/councilmeetings/2008/CJ080610_AGN.pdf)

**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.

## 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 stray 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 number of cats living in poor conditions and in poor health.

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 provided a comprehensive resource to determine the advantages and disadvantages of the various tools available to address the stated issues in relation to domestic cats. Following an analysis of the 590 submissions received during the June/July 2010 consultation period, no options additional to those outlined in the consultation paper were highlighted as possible alternative mechanisms to meet the objectives.

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 is expected to commence in July 2011.

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, 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 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 failures<sup>16</sup>.

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<sup>16</sup> Marsden, Bennett, Rohlf & Mornement, op.cit., pp. 170-175.

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.

### 3.3 Community views on Regulation

A seven week consultation period was undertaken in June/July 2010 as part of the Regulatory Impact Assessment process. During this period, a Consultation Regulatory Impact Statement was released and in response, 590 submissions were received from members of the community, local governments and stakeholders. The feedback received on the introduction of domestic cat control legislation was extremely positive with only 4% of respondents not supporting the introduction of any form of regulation for cats. Further analysis of the submissions is outlined in Section 5.

Additionally, a survey of 1,461 people in the City of Armadale was conducted in 2007 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 required<sup>17</sup>.

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

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<sup>17</sup> 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.

- 92% supported confinement of cats at night<sup>18</sup>.

The report “Community Attitudes and Behaviours Towards Cats” provided the following results of the survey it conducted in 2005 on Victorian residents:

- 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.

### **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. Local governments will be required to follow the necessary steps outlined in the *Local Government Act 1995* when introducing a cat local law, as they currently do for all other local laws.

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<sup>18</sup> Cat Advisory Committee, 1994

Cat Management approach in other Australian Jurisdictions	
Jurisdiction	Scope
ACT - <i>Domestic Animals Act 2000</i>	<p>Registration not compulsory.</p> <p>Mandatory microchipping.</p> <p>Mandatory sterilisation unless a permit is obtained.</p>
NSW - <i>Companion Animals Act 1998</i>	<p>Mandatory microchipping and registration with their local government. A reduced fee for registration is offered for sterilised animals.</p>
Queensland - <i>Animal Management (Cats and Dogs) Act 2008</i>	<p>Mandatory microchipping (by regulated implanters) is required before 12 weeks of age or at transfer of ownership; exemptions apply.</p> <p>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.</p> <p>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.</p>
South Australia - <i>Dog and Cat Management Act 1995</i>	<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>
Tasmania - <i>Cat Management Bill 2009</i>	<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>
Victoria - <i>Domestic Animals Act 1994</i>	<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, the data received during the consultation period also provided useful feedback on key issues relating to the cost and effectiveness of current animal control legislation in Western Australia. Relevant information received during the consultation period has been included into the relevant sections below.

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 stray 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 number of cats living in poor conditions and in poor health.



- **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

A summary of the impact on each of the policy objectives arising from the introduction of each of the proposed elements is provided in the table below. A more detailed consideration is then provided in the subsequent sub-sections.

	<b>Sterilisation</b>	<b>Microchipping</b>	<b>Registration</b>
<b>Reducing number of strays</b>	High – less unwanted cats born that are dumped	High – unidentified/stray cats can be impounded by local governments	High – in the sense that it ensures microchipping and sterilisation is undertaken and also provides local government revenue to undertake enforcement
<b>Reducing number of cats being euthanised</b>	High – less unwanted cats born that are subsequently taken to animal shelters	High – as the number of stray cats declines through unowned cats being removed from the stray cat population and therefore less cats able to breed	High – for the above reasons



	Sterilisation	Microchipping	Registration
<b>Reducing impact on environment and wildlife</b>	High - less unwanted cats born that become part of the stray/feral cat population and impact upon native wildlife	High - as the population of stray cats declines	High – for the above reasons
<b>Reducing nuisance caused by cats</b>	Medium – Unsterilised cats have a greater tendency to roam	High – unidentified cats that are causing nuisance can be impounded by local governments	High – for the above reasons
<b>Improving health and living conditions of unowned cats</b>	High – as the stray/feral population declines	High - as the population of stray cats declines	High – for the above reasons

#### 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 re-united 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 collar<sup>19</sup>.

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,

<sup>19</sup> Marston, Bennett, Rohlf & Mornement, op.cit., p. 88.

impounding will allow for either re-uniting with the owner, rehoming with another person or euthanasia. It could also force semi and casual owners to accept full ownership of the animal or surrender it to appropriate authorities<sup>20</sup>.

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. This matter is for consideration by the Minister for Agriculture and Food who is responsible for the legislation.

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

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<sup>20</sup> Marston, Bennett, Rohlf & Mornement, op.cit., p. 11

to the local government where the cat resides. This approach may have merit in that compulsory registration would not be required as a way of raising revenue for the local government to enforce the provisions and it was supported by a number of local governments who responded during the consultation period.

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. It will also not enable local governments to collect accurate statistics from their district as cats die or move local governments and databases may not be updated. A one off fee will also mean there will not be a requirement for local governments to issue a reminder notice to cat owners requesting they update their details if they move districts.

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 re-united 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 as many 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

Estimates on the likely cost and revenue implications were provided in local governments submissions received during the consultation period. These are provided below:

- Estimates of construction cost for pounds varied between \$7,000 to \$500,000. The more considered submissions suggested the cost to be around \$50-\$80,000.
- Ranger costs varied depending on the expected workload which is estimated to be between 0.5 to 2 FTE per annum. Based on a salary of \$55,000 with 20% on costs one additional ranger would cost around \$66,000 per annum.
- Other significant costs included motor vehicles and equipment,
- pound expenses and administration of registration.
- A reasonable estimation of the total annual cost is in the range of \$100-150,000 per annum per local council.

Local governments will be required to purchase microchip readers. 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 identified that at least 48 local governments in Western Australia as having a microchip reader<sup>21</sup>. It would be expected that a local government would be required to own more than one reader. One would be at their pound, and another with a ranger/s. This doesn't take into account situations where pound facilities are shared, nor where a local government chooses to outsource ranger and/or pound management services. Some local governments may have early models which are not fully compatible with the range of microchips that are now available.

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<sup>21</sup> Includes 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.

If approval is granted by the Minister for Agriculture and Food to amend the legislation to allow persons other than veterinarians to be authorised microchip implanters, this 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. Staff turnover would mean more frequent training is required, but this annual cost has not been calculated. To calculate the annual cost of training, it would require an understanding of staff turnover in animal management and enforcement positions in local governments, the sharing of resources, and how many local governments choose to outsource cat management and enforcement.

Data on the cost of rangers providing an implanting service was not sought during the consultation period, nor did local governments provide such information. It is assumed that implanting procedures conducted by local government will be priced on a cost recovery basis.

With the introduction of compulsory microchipping, local governments may decide to employ the services of a feral cat control business to remove stray/feral cats from the community. No attempt was made to quantify this cost, as it will vary depending on the local government, the number of feral cats in the area, and whether they decide to undertake the control themselves, or contract it out. Additionally, it is important to note that there will not be a requirement for local governments to undertake feral cat control; it will be an individual local government decision.

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

### *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. There is no information on the number of cats likely to be dumped following the introduction of such legislation; hence no further quantification has been undertaken.

### *Benefits*

Some of 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.

There may also be an opportunity for cat welfare organisations to be contracted by local governments to undertake necessary cat management activities including impounding, which will provide revenue for them to continue their activities.

## **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.

Only a handful of local governments provided estimates of revenue and expenditure in the submissions made in response to the Consultation Paper. Of these, the average the revenue shortfall was around \$60,000 per local government with an average of 12,000 households. This equates to a shortfall of \$5 per household that local governments would either need to reallocate from existing expenditure, or increase rates to cover.

### *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.

Estimates received during the consultation period estimated that checking identification would cost pest control companies approximately \$30 per cat during cat control programs.



Additionally, in the longer term, cat control businesses may be impacted with a decline in the number of unwanted and/or feral cats.

#### *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.

Businesses undertaking cat control activities, such as feral cat control, may benefit initially if local governments decide to employ their services to remove those cats which are unidentified/feral.

### **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 governments and members of the public about the requirements of the legislation.

To assist local governments with the initial setup costs, such as the purchase of microchip scanners, training, and pound development, the State Government is considering providing some funding. Additionally, to assist in combating any likely dumping of cats due to the proposed legislative cost burden on cat owners, the State Government will consider providing subsidies to cat welfare organisations that help low income earners by providing low cost services.

#### *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. Statistics do not appear to be available on this matter; however, information found suggests that in Victoria there was a slight increase in cats brought into animal shelters when registration was introduced.

Queensland is the most recent jurisdiction to introduce cat legislation but no information is yet available on the impact the legislation has had on dumping.

#### *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.

#### 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. Concern was also raised during the consultation period that collars are dangerous for cats as they can catch on objects. However, this was not supported by key stakeholders including the RSPCA (WA), Cat Haven, Australian Companion Animal Council and Pet Industry Association of Australia, who all supported the use of collars and tags. Safety collars are available for purchase which unclasp if a cat catches it on an object.

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 as outlined in Section 4.1.1.1

### *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

## **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 year<sup>22</sup>.

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.

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. With the introduction of compulsory sterilisation for all cats, it is likely that there will only be the one registration fee, however, local governments will still be able to waive or reduce fees if they decide to.

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<sup>22</sup> Marston, Bennett, Rohlf & Mornement, op.cit., pp. 8-9.

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 cats<sup>23</sup>.

The Tasmanian Government recognises the administrative burden that registration would impose on local councils and considers that a microchip is an adequate identifier for domestic cats. Should an individual council wish to implement cat registration the option is available through the Local Government Act 1993.

Advice from the relevant Tasmanian Government agency indicates that local governments are not supportive of the introduction of cat legislation in that State. This has been a major factor in the decision to not introduce registration. However, in Western Australia, without local government support and the introduction of registration, the benefits of cat control, may not be as great as is hoped for.

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.

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

- Logan City Council, Queensland
  - \$88 per annum for an unsterilised 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.

### **Local Government**

#### *Costs*

Local governments may 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 and checking compliance within their district, however, this could be combined with current programs for checking dog registration compliance. Estimated administration costs received during the consultation period varied from \$5,500 (for a population of 25,000) to \$43,000 (for a population of 160,000) per annum.

It should also be recognised that each local government will decide the extent of its efforts to ensure compliance of its residents with the registration provisions of the legislation.

#### *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.

Submissions provided by local governments provided revenue estimates from registration fees ranging from \$8,000 up to \$225,000 per annum.

In the main, registration fee revenue is dependent on the number of cats in a local government, which is related to the number of dwellings and the value of the registration fee imposed. With around 217,000 cats and 757,000 occupied dwellings in Western Australia (ABS, Census 2006), on average this equates to one cat for every 3.5 dwellings

## **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 benefits 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 as outlined in Section 4.1.1.1

### *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

### **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, as noted by Marston et. al. (2008) who reported that “there is no conclusive evidence to support or refute claims that compulsory sterilisation will lead to a reduction in pound admissions and euthanasia”<sup>24</sup>. Studies indicate that there are already high levels of sterilisation of owned cats at around 90%<sup>25</sup>. Research undertaken for the WA Cats Advisory Committee indicated that 88% of domestic cats were sterilised<sup>26</sup>. A Queensland Government commissioned survey found that 93.5% of owned domestic cats were sterilised<sup>27</sup>, while a Victorian Government commissioned report found that only 20% of semi-owned cats are sterilised<sup>28</sup>.

Research also indicates that the high levels of sterilisation in owned cats exceeds the rate calculated for zero population growth<sup>29</sup>, 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 population<sup>30</sup>.

In relation to the age of sterilisation, a Victorian study found that around 70% of cats are sterilised by six months of age<sup>31</sup>. The same study indicated that 13% of owned female cats were known by respondents to have had a litter prior to desexing<sup>32</sup>.

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)<sup>33</sup>. 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.

Additionally, based on the information in the study, 50% of the 5,000 owned cats surrendered, were from unwanted pregnancies.

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<sup>24</sup> Marston, Bennett, Rohlf & Mornement, op.cit., p. 64.

<sup>25</sup> The Australian Veterinary Association Limited, *Mandatory desexing*, Centre for Companion Animals in the Community, St Leonards, 2007, p. 7.

<sup>26</sup> Cat Advisory Committee, p. 10.

<sup>27</sup> Department of Infrastructure and Planning, Queensland Household Survey, retrieved 19 January 2010, [www.dip.qld.gov.au/local-government/queensland-household-survey.html](http://www.dip.qld.gov.au/local-government/queensland-household-survey.html).

<sup>28</sup> Toukhsati, Coleman & Bennett, op.cit., p. 27

<sup>29</sup> 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.

<sup>30</sup> The Australian Veterinary Association Limited, *Mandatory desexing*, Centre for Companion Animals in the Community, St Leonards, 2007, p. 3.

<sup>31</sup> Toukhsati, Coleman & Bennett, op.cit., pp. 23-24.

<sup>32</sup> *ibid.*, p. 25.

<sup>33</sup> L Marsden, P Bennett, & S Toukhsati, *Cat Admissions to Melbourne Shelters*, Monash University, Caulfield, 2006.

It could therefore be argued that there is some additional benefit from requiring compulsory sterilisation.

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 2001<sup>34</sup>.

However, this approach in the ACT was not successful in reducing the number of cats being brought to shelters as the legislation did not require compulsory identification and registration. Compulsory identification has only been required since 2008 and registration is an important compliance mechanism which is still not required. Without these elements, the likelihood of success in reducing the level of unwanted cats is lessened because animals brought into shelters cannot be rehomed as they are unidentifiable.

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 population<sup>35</sup>.

## 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. These costs include the direct and indirect costs associated with the owner travelling to a veterinarian, which would differ according to the particular location of the cat owner. However, it should be noted that other options to address the lack of veterinarians in regional

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<sup>34</sup> The Australian Veterinary Association Limited, *Mandatory desexing in the ACT – has it worked?* Centre for Companion Animals in the Community, St Leonards, 2007.

<sup>35</sup> 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.



and remote areas include mobile vet clinics that would visit those areas without access.

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. This was not raised as a key issue through the consultation period, but rather concern was noted that the cost of the procedure may make cat ownership unaffordable for low income earners and the elderly.

There is also expected to be a reduction in the number of “moggies” for sale. However, it should be recognised that the number of unwanted cats handed into shelters will probably never reach zero and it is expected that there will be a supply of “moggies” from this source.

### *Benefits*

If registration fees are introduced with a reduced fee for sterilised cats, this will be of benefit to owners of sterilised cats. However, if compulsory sterilisation is introduced for all cats, there will only be the one registration fee.

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 may 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 be a requirement for additional staff to monitor compliance with the new 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.



### *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.

With the introduction of compulsory sterilisation for all cats (except those with exemption permits) it is expected that there will only be the one registration fee, rather than local governments offering discounted fees for sterilised cats. As such, this is no longer a relevant cost to non-cat owners.

### *Benefits*

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

## **Business**

### *Costs*

Cat breeders will incur an annual business fee as part of the application to a local government for permission to breed cats and be exempted from the general prohibition from owning an unsterilised cat. Based on current dog kennel licence fees being charged by local governments, a breeding licence application fee of around \$150 per breeding establishment might be the value at which this fee is set by local governments.

While it was noted in previous research that the desexing process is a loss maker, it was not raised as an issue by the Australian Veterinary Association during the consultation period.

### *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. While Marston et. al. (2008) state that the desexing procedure is a loss making operation<sup>36</sup>, this was not reflected in the submission from the AVA.

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<sup>36</sup> Marston, Bennett, Rohlf & Mornement, op.cit., pp. 47-48.

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 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, the State Government may provide subsidies to cat welfare organisations that assist low income earners to sterilise their cats which may 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

## **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 Victoria<sup>37</sup>.

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 failures<sup>38</sup>.

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, and this is resulting in regulatory inconsistencies across the State. While an education campaign is important to ensure that local governments, cat owners, organisations and the rest of the community are aware of any new legislative provisions, an education campaign without legislation will not be effective in reducing the number of unwanted cats in the community.

While the consultation paper highlighted that some stakeholders, including the Australian Companion Animal Council, believed that education was the best long term solution for cat control, others, including the RSPCA (WA) and Australian Veterinary Association, supported education in conjunction with legislation.

## **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.

<sup>37</sup> Department of Primary Industries, "Who's for cats?", retrieved 10 February 2010, [www.whosforcats.com.au](http://www.whosforcats.com.au)

<sup>38</sup> 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 would need to undertake an education campaign in conjunction with the State government. In the absence of 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 would 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

## 5. CONSULTATION

As part of the Regulatory Impact Assessment process, a Consultation Paper proposing the three key elements of compulsory identification, registration and sterilisation was released for a seven week period in June/July 2010. With the legislation to impact on a wide range of people and business, a number of methods were utilised to distribute the paper, including media releases, advertisements in metropolitan and regional newspapers and posters distributed to stakeholders and local governments.

During the consultation period, 590 submissions were received from stakeholders, local governments and members of the public. This included responses from metropolitan and regional areas. Key stakeholders who made submissions included the Western Australian Local Government Association, WA Rangers Association, RSPCA (WA), Cat Alliance of Australia, Cat Haven, Australian Veterinary Association, Australian Companion Animal Council and the Pet Industry Association.

An analysis of the submissions highlighted strong support for the introduction of all three key elements. Overall, 84% of respondents gave their support for all three key elements, and 4% for none of them. The table below outlines the overall support given for each of the three elements. For identification, respondents could support either microchipping or tags and collars, or both.

### **Key Points**

- 590 submissions were received
- 84% of all respondents support the introduction of all three key elements
- 75% of local governments support the introduction of all three key elements
- Key stakeholders support the legislation, including AVA, RSPCA, WALGA, Cat Haven and Pet Industry Association
- Significant support for all cats to be microchipped, registered and sterilised on the introduction of the legislation, with a phase in period of 6-12 months
- Key issues are the cost for cat owners to comply and local governments to administer and enforce the proposed legislation.

**Total submissions received and assessed: 590**

### **Overall response to key elements**

Support for all 3 elements	Support Identification	Support Registration	Support Sterilisation	Do not support all 3 elements
497 (84%)	560 (95%)	511 (87%)	546 (92.5%)	23 (4%)

## Local Government Response

A total of 52 submissions were received from local governments.

- 39 (75%) support the introduction of all 3 key elements.
- 5 (9.6%) support only microchipping and sterilisation.
- 2 (3.9%) support only compulsory sterilisation.
- 1 (1.9%) supports only compulsory microchipping.
- 5 (9.6%) do not support any key elements.

While some local governments supported the key elements, they supported them subject to funding from the State Government:

- 19 local governments (10 metro, 9 regional) indicated unqualified support for the introduction of State legislation.
- 28 (11 metro, 17 regional) supported the introduction of legislation only if the State Government provided financial assistance.
- 5 (5 regional) did not believe legislation was necessary

WALGA support the introduction of all three key elements subject to some conditions, which include funding and registration covering the full costs of enforcement and administration.

Attachment 1 provides a breakdown of support per local government.

## Organisational Response

33 submissions were received from various organisations.

- 22 (67%) support the introduction of all three key elements.
- 5 (15%) support registration and identification.
- 4 (12%) support identification and sterilisation.
- 1 (3%) supports only compulsory tags and collars.
- 1 (3%) does not support any of the key elements.



## Organisations Support for Key Elements

Organisation	Identification	Registration	Sterilisation
WALGA	+	+	+
Cat Sterilisation Society	+	N	+
Australian Companion Animal Council	+	N	N
Cat Owners Association	N	N	N
The Australian Veterinary Association	+	+	N
RSPCA	+	+	+
WA Rangers Association	+	+	+
Pet Industry Association of Australia	+	+	N
Cat Haven	+	+	+
Dept of Environment & Conservation	+	+	+
Cat Alliance of Australia	+	N	+
The Feline Control of WA Inc	+	N	+
Animal Welfare League of QLD	+	N	+
9 Lives Cat Rescue	+	+	N
Byford Enviro Link	+	+	N
Waratah National Cat Alliance	+	+	N
Benotto Animal Management	+	+	+
Animal Pest Management Services	+	+	+
Big Swamp Wildlife Park	+	+	+
Denmark Weed Action Group Inc	+	+	+
Humane Society International	+	+	+
Oyster Harbour Catchment Group	+	+	+
Possum Centre Busselton Inc	+	+	+
WWF – Australia	+	+	+
Wildlife Assist WA Inc	+	+	+
Aussie Cats	+	+	+
Central Animal Records	+	+	+
Western Australian Naturalists' Club	+	+	+
Waterbird Conservation Group Inc	+	+	+
The Frog Doctor	+	+	+
Cat Law and Welfare Society	+	+	+
Yongergnow Australian Malleefowl Centre Inc	+	+	+
Western Australian Wildlife Rehabilitation Council Inc	+	+	+

+ = agrees with the key element, N = does not agree with the key element

## General Public Response

A total of 502 submissions were received from the public. Submissions were received from varied respondents, including 234 who identified themselves as cat owners and 131 as non cat owners.

- 436 (86.8%) support the introduction of all three key elements.
- 7 (1.4%) support identification and registration.
- 31 (6.2%) support identification and sterilisation
- 1 (0.2%) supports registration and sterilisation.
- 3 (0.6%) support only compulsory sterilisation.
- 1 (0.2%) supports only compulsory registration.
- 6 (1.2%) support only compulsory identification.
- 17 (3.4%) do not support any key elements.

### **Identification**

**Microchipping:** a total of 431 responses of which 410 (95%) supported microchipping, and 21 (5%) did not.

**Tags & Collars:** a total of 390 responses, of which 319 (82%) supported tags and collars, and 69 (18%) did not.

299 (69%) respondents supported both compulsory microchipping and tags and collars.

190 (44%) respondents supported all cats being required to have a microchip and tag and collar on the introduction of the legislation, rather than only those cats born after the legislation is introduced. Generally, there is support for a 6-12 month phase in period, and for all cats to be microchipped by 3 months of age.

### **Registration**

A majority of respondents have suggested that all cats should be registered when the legislation is introduced, and phased in over 12 months.

Generally, a 3 year registration period was supported, with fees set the same as for dogs. However, suggestions were made to have higher registration fees to discourage ownership. There was also support for free registration.

### **Sterilisation**

A majority of respondents supported compulsory sterilisation for all cats when legislation is introduced, with it phased in over 6-12months.

## **Conclusion**

Overall, the submissions received during the consultation period provided evidence that there is very high community support for the introduction of all three key elements proposed in the Consultation RIS. Interestingly, even with all the information for and against the proposal to require sterilisation, feedback obtained on the consultation period demonstrated overwhelming support for the concept.

Microchipping was considered an important means to ensure that a cat is clearly identified. While tags and collars were also supported, issues were raised with this mechanism as they can be lost and therefore are not a means to effectively rehome a cat. Concerns were also noted about how safe they are, but this was not raised as a concern by key stakeholders.

The key reasons identified against the introduction of legislation were the associated costs of complying with each of the key elements and also that it would have a limited impact on reducing the number of unwanted cats. A lot of negativity was based around the poor results derived from the introduction of legislation in the ACT, which has not seen a decrease in the number of cats euthanised since the introduction of compulsory sterilisation.

Less support was given for registration as it was considered a duplication of microchipping. However, it was considered important that local governments have the ability to raise some revenue to undertake the necessary animal management activities required to enforce the legislation. It was also deemed that it wouldn't be difficult for local governments to amend their current registration systems to incorporate cat registration, as it is currently required for dogs.

With such high community support for the introduction of microchipping, registration and sterilisation, it was determined that all three key elements should be placed into legislation.

## ATTACHMENT 1 - Local Governments Support for Key Elements

Local Government	Identification	Registration	Sterilisation
City of Albany	+	+	+
City of Rockingham	+	+	+
Shire of Lake Grace	+	+	+
Shire of Bridgetown-Greenbushes	+	+	+
Shire of Collie	+	+	+
City of Melville	+	+	+
City of Nedlands	+	+	+
Shire of Northam	+	+	+
Town of East Fremantle	+	+	+
Town of Narrogin	+	+	+
Shire of Coorow	+	+	+
City of Mandurah	+	+	+
City of Stirling	+	+	+
Town of Kwinana	+	+	+
Shire of Ravensthorpe	+	+	+
Shire of Manjimup	+	+	+
Shire of East Pilbara	+	+	+
Town of Vincent	+	+	+
Shire of Peppermint Grove	+	+	+
City of Gosnells	+	+	+
Shire of Busselton	+	+	+
Shire of Dardanup	+	+	+
Shire of Chittering	+	+	+
Town of Victoria Park	+	+	+
Shire of Serpentine Jarrahdale	+	+	+
City of Canning	+	+	+
City of Joondalup	+	+	+
City of Kalgoorlie-Boulder	+	+	+
City of Geraldton-Greenough	+	+	+
City of Perth	+	+	+
Shire of Denmark	+	+	+
City of Bayswater	+	+	+
Shire of Derby/West Kimberly	+	+	+
Shire of Yilgarn	+	+	+
Shire of Harvey	+	+	+
Shire of Mundaring	+	+	+
City of South Perth	+	+	+
Shire of Donnybrook-Balingup	+	+	+
Shire of Murray	+	+	+

Local Government	Identification	Registration	Sterilisation
City of Cockburn	+	N	+
City of Belmont	+	N	+
Town of Cambridge	+	N	+
City of Swan	+	N	+
City of Subiaco	+	N	+
Shire of Kalamunda	+	N	N
Shire of Gingin	N	N	+
Shire of Plantagenet	N	N	+
Shire of Merredin	N	N	N
City of Wanneroo	N	N	N
Shire of Trayning	N	N	N
Shire of Narembeen	N	N	N
Shire of Kojonup	N	N	N

*+ = agrees with the key element, N = does not agree with the key element*

## 6. PROPOSED OPTION

The proposed option is for Statewide domestic cat control legislation to be introduced with the three key provisions outlined below. This approach has been developed following a considered examination of the feedback received during the consultation period, 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 in the paper, as well as some of the other concerns raised throughout the paper, including the inconsistency with the animal welfare legislation. While it is acknowledged that this will have significant impacts on the community (especially cat owners) and local governments, Western Australia is the only state yet to introduce any Statewide legislative measures to control cats. It was also identified through the consultation period that there is extensive community support for the introduction of this legislation.

Research and community views suggest that education as a tool will not be effective in achieving the policy objectives. While some key stakeholders, including the Australian Companion Animal Council believe that education is the best long term strategy for cat control legislation, others, such as the RSPCA (WA) and Australian Veterinary Association believe that education is a key component in addition to legislation. As such, as proposed in the Consultation RIS, the legislation will be accompanied by an extensive public awareness campaign.

### 6.1 Compulsory identification through microchipping

The identification of cats is considered to be a crucial element in the management of domestic cats. It enables authorities to distinguish between owned and unowned animals and return lost cats to their owner rather than being euthanised. It provides the basis that will allow for stray and nuisance problems to be adequately addressed.

Microchipping is widely considered to be a foolproof method of identifying the owner of microchipped animals. The microchip has a unique number which can be read by a special electronic reader, it normally lasts the lifetime of the animal and cannot be easily transferred between animals. Owner details are entered into a database along with the microchip number.

Feedback from consultation indicated 95% of respondents supported the introduction of compulsory microchipping for all cats. It is proposed that the legislation require all cats to be microchipped, before they reach 6 months of age.

There are currently a number of different databases on which microchip details can be stored. To reduce the number of databases that need to be searched for details, it is proposed that permitted databases will be prescribed in regulations. This will also provide the flexibility to prescribe

a central State-wide database which could cover microchipping and registration for both cats and dogs if considered desirable in the future.

The success of reuniting cats with their owner will depend on the correct details being maintained on the microchip database. It is for this reason that the legislation proposes to include provisions to require owners to update any relevant changes to their personal details and for implanters to enter the details following the implanting of a cat with a microchip. The timeframes for these periods will be prescribed in Regulations, but it is considered that 7 days and 2 days respectively would be suitable.

A key issue associated with microchipping is that, in accordance with the *Veterinary Surgeons Act 1960*, microchip implantation in Western Australia can only be performed by a veterinarian.

The successful implementation of mandatory microchipping will be dependent on cat owners having access to persons who can undertake the necessary procedure. This is especially relevant in regional areas where there are limited veterinarian services.

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 provide for a workable model in Western Australia which covers the entire State, local government rangers (and possibly pet shop owners and breeders) could become authorised implanters. This would require an amendment to the *Veterinary Surgeons Act 1960* regulations. Consultation with the Minister for Agriculture and Food is proposed to progress this matter. If an amendment is made, eligibility and training requirements for authorised implanters will be prescribed in the cat legislation regulations.

It is also proposed that the legislation will provide an exemption from microchipping if a veterinary surgeon provides advice that the cat cannot have the necessary procedure due to health risks.

The official position of key stakeholders, based on the submissions received during the consultation period, is as follows:

Supported by: Australian Veterinary Association, Cat Haven, RSPCA (WA), WA Rangers Association, Cat Sterilisation Society, Cat Alliance of Australia, Pet Industry Association

Not supported by: Australian Companion Animal Council, Cat Owners Association of WA



## 6.2 Compulsory Registration

Registration of animals has traditionally been seen as a mechanism to establish a formal link between an animal and its owner and requires the recording of owner and animal details on a database. The requirement for registered animals to wear a registration tag then assists with identification and rehoming of lost animals with their owners. Comments received during the consultation period indicated that 87% of respondents supported compulsory registration for all cats.

The consultation period highlighted support for the use of collars and tags in addition to the requirement for a microchip. While it is acknowledged that microchipping effectively performs a similar function to registration, by incorporating collars and tags into the registration requirement it will make it easy for owned cats to be visually distinguished from unowned cats unlike with microchips where the cat needs to be captured and scanned. This is similar to the requirement for dogs.

Another key benefit of registration is that it provides an additional mechanism to check that owners are complying with the microchipping and sterilisation requirement. The legislation proposes that at the time of registration, cat owners must provide proof that both microchipping and sterilisation have been done.

Additionally, the payment of a registration fee to local governments provides a source of revenue to at least partly offset the cost of managing and enforcing cat control, including costs associated with the establishment of pounds and employment of additional rangers. Although it is recognised that registration fees are unlikely to raise adequate revenue to completely offset the enforcement and administration costs associated with the legislation.

To ensure provisions are consistent with the *Dog Act 1976*, it is proposed that all cats are to be registered by the time they reach 6 months of age. This is also consistent with the provisions of the proposed legislation for compulsory microchipping and sterilisation. Registration periods of one or three years are proposed, which will be consistent with the *Dog Act 1976*. Local governments may in the future be given the ability to choose to implement lifetime registration. If so, lifetime registration will be at the discretion of each local government and will not be transferrable to another local government.

The level of registration fees are to be prescribed in regulations and the legislation will also provide local governments with the ability to offer discounts and subsidies, and pro-rata fees. As a guide, the fees currently prescribed in the *Dog Regulations 1976*, are \$10 per year for a sterilised dog and \$30 for an unsterilised dog. However, there is an argument that these levels are too low as they have not been amended for a number of years. During development of the regulations for the Cat legislation, further consultation will be undertaken with relevant stakeholders to determine an appropriate fee level.

Regulations will prescribe the organisations which are not required to register cats in their care while waiting to be rehomed, and will include organisations such as the Cat Haven and RSPCA (WA).

Based on the submissions received during the consultation period, the official position of key stakeholders on this proposal is as follows:

Supported by: RSPCA (WA), Australian Veterinary Association, WA Rangers Association, Cat Haven, Pet Industry Association

Not supported by: Australian Companion Animal Council, Cat Owners Association of WA, Cat Sterilisation Society, Cat Alliance of Australia

### **6.3 Compulsory Sterilisation**

The Consultation Paper detailed the advantages and disadvantages of compulsory sterilisation. This included the limited effectiveness of mandatory sterilisation in reducing the numbers of unwanted cats in some jurisdictions and that 93% of owned cats are already sterilised. Nonetheless, 92.5% of respondents that provided feedback supported the proposal. As such, it is proposed that the legislation require that all cats which have reached 6 months be sterilised, unless an exemption is granted due to health or other reasons.

The age at which sterilisation should occur is the subject of some debate. Early age desexing (6-16 weeks) is supported by a number of cat welfare agencies; however, not all veterinarians will undertake the procedure at this age as cats are generally sterilised between 5-6 months. While research suggests that cats can breed from 4 to 5 months, (research suggests even earlier) it is important that the legislation includes an age which is practical, encourages compliance and does not add any additional onerous provisions onto cat owners and veterinarians. Requiring sterilisation by 6 months will be in line with microchipping and registration requirements, and as such, will make it easier for enforcement and cat owners. With sterilisation already occurring between 5-6 months, it will not add an excessive burden onto cat owners to enable them to comply with the legislative amendments, and it is expected to satisfy veterinarian requirements.

With regard to the application of the legislation when introduced, feedback received during the consultation period indicated that 62% of respondents supported compulsory sterilisation for all cats on the introduction of legislation, rather than only for cats born after the legislation. In addition to receiving high community support, requiring all cats to be sterilised on the introduction of the legislation makes it easier for local governments to enforce as there will be no scope for proof of age disagreements.

Access to a veterinarian is again a problem in regional and remote areas, impacting upon the ability to enforce the legislation throughout the State;

one that cannot be overcome in the same way that is possible for microchipping. Options for sterilisation of the current cat population in these regional and remote areas is the key issue which needs to be resolved, as following the introduction of the legislation, all new cats purchased must be microchipped and sterilised. Further consultation with cat welfare organisations (including the RSPCA) and local governments will be undertaken to develop proposals to address these issues prior to this part of the legislation coming into operation which is expected to be towards the end of 2013. Mobile sterilisation clinics are one option that is being progressed.

It is acknowledged that it may be difficult to determine if a cat has been desexed by visual observation. To make it easier for authorised officers to determine sterilisation, the legislation proposes that all cats must have a sterilisation tattoo, which is already a common practice undertaken during sterilisation, and will not increase the current cost of sterilisation procedures. It is also required in other jurisdictions, including Queensland and the ACT.

Cat breeders will not be required to comply with the mandatory sterilisation requirement. To ensure that only persons who are legitimately breeding cats have unsterilised cats, the legislation proposes that persons must apply to their local government for an exemption from the sterilisation requirements. The legislation will also include provisions to allow organisations to be prescribed and automatically granted exemptions (such as members of the Cat Owners Association of WA).

As with microchipping, the legislation will provide for exemptions provided by veterinary surgeons for cats that cannot have the surgery due to medical reasons. As the legislation is proposing compulsory sterilisation for all cats, it is expected that these exemptions will be granted for a number of older cats when the legislation is introduced.

Based on the submissions received during the consultation period, the official position of key stakeholders on this proposal are as follows:

Supported by: Cat Haven, RSPCA (WA), WA Rangers Association, Cat Sterilisation Society, Cat Alliance of Australia

Not supported by: Australian Companion Animal Council, Australian Veterinary Association, Pet Industry Association, Cat Owners Association of WA

## **6.4 Enforcement**

The legislation proposes that local governments be responsible for administering and enforcing the legislation. This is consistent with the current animal management role of local governments including the administration of the Dog Act 1976 and those local governments that have already adopted cat control local laws.

In addition to administering the registration process, checking that cats are sterilised and microchipped, and issuing permits to breeders, it is proposed that local governments will also have seizure, impounding and destruction powers.

Through submissions made by local governments during the consultation period, the extent of local government support for the sector to be responsible for administering and enforcing the legislation is as follows:

- 19 local governments (10 metro, 9 regional) indicated unqualified support for the introduction of State legislation.
- 28 (11 metro, 17 regional) supported the introduction of legislation only if the State Government provided financial assistance.
- 5 (5 regional) did not believe legislation was necessary.

The submission from the Western Australian Local Government Association (WALGA) requested that the cost to local governments to implement and administer the proposed legislation is minimised by:

- the State Government training rangers and authorised officers and providing funding for the acquisition of specialised cat control equipment;
- the State Government fully funding any public education and awareness campaign; and
- registration fees being set at full cost recovery.

To consider the issues and suggestions raised by local governments, further engagement of the sector will take place as the legislation development process continues.

#### **6.4.1 Local government local laws**

In addition to key elements proposed for the State legislation, there are other cat management measures that local governments are able to adopt (local governments with cat control local laws already do). These include measures that require cats to be confined to the owner's property, limits on the number of cats per property and designated areas where the keeping of cats is prohibited (cat free zones). The legislation will give local governments the head of power to create cat local laws to regulate in these areas if they choose.

#### **6.4.2 Penalties**

It is proposed that there be penalties for failing to comply with the requirement for sterilisation, microchipping or registration. These penalties are to be set at \$5,000 to be in line with those in the proposed amendments to the *Dog Act 1976* and the *Local Government Act 1995*. Additional penalties will also apply for offences relating to enforcement, including impeding an authorised person, which are in line with those in the *Dog Act 1976*.

Regulations will prescribe the offences for which infringement notices will apply.

#### **6.4.3 Requirements at Point of Sale/Transfer**

An additional mechanism to ensure the cat population is identified and sterilised is to require this for all new cats entering the cat population. As such, it is proposed to be an offence to sell or transfer cats that are not microchipped or sterilised.

The seller (including pet shops, breeders and individuals) will be responsible for ensuring a cat is microchipped and sterilised prior to sale or transfer. If a cat cannot be sterilised before sale due to its young age, the seller is to supply a prepaid voucher for sterilisation with the cat. In these cases, the purchaser of the cat will then be responsible for ensuring the cat is sterilised and subsequently registered by the time the cat has reached 6 months of age.

Furthermore, all cats will be required to be microchipped, registered and sterilised prior to release from a cat management facility (operated by local governments, cat welfare agencies and any other organisation).

These provisions will ensure that new cat owners are well informed of the cost of purchasing a cat, while “capturing” all new kittens entering the cat population.

It is proposed that local governments will be responsible for the enforcement of, and monitoring of compliance with, these provisions. However, further consideration of the appropriate enforcement regime will be undertaken through the legislation development process.

## 7. IMPLEMENTATION AND EVALUATION STRATEGY

### 7.1 Implementation

It is proposed that the legislation take effect on a date no less than 12 months after the legislation is approved by Parliament. This timeframe is to provide the State Government, local governments, cat owners and cat welfare organisations with adequate time to prepare for the introduction of the legislation, and all matters relating to implementation to be resolved. Additionally, the legislation will not take effect until the supporting regulations have been developed and gazetted.

In addition, it is intended that once the legislation takes effect, owners will have a further 12 month period within which time they will need to ensure that their cats are microchipped, sterilised and registered.

During and prior to this period, a public awareness and education campaign will be rolled out to ensure cat owners, local governments and other relevant parties, are aware of their responsibilities and the need to comply with the legislation. The campaign will involve a range of actions including media advertisements and the publication of brochures, to ensure the public are fully aware of the new legislative requirements. Key stakeholders such as local governments, Veterinarians and animal welfare organisations will be critical in the implementation of community education.

The Department of Local Government will coordinate the implementation of the legislation and provide support and advice to both local governments and members of the public with regard to fulfilling their responsibilities under the legislation.

A key implementation measure is that the three elements of the proposed legislation will apply to the current population of cats, not just to those born after the legislation. It is believed that this approach will ensure that the objectives of introducing the legislation (as outlined earlier) are achieved as quickly as possible.

By applying the legislation to all cats, it will enable local governments to begin cat control activities to reduce the number of unwanted cats in the community. If legislation is applied only to cats born after the legislation is introduced, such activities could not be undertaken as cats not identified, registered and sterilised would not necessarily be non-compliant. Additionally, applying legislation to only those cats born after legislation would require enforcement officers being regularly required to try to determine proof of age.

The introduction of cat legislation is expected to have cost impacts to cat owners and local governments. It is also acknowledged that there are costs associated with microchipping and sterilisation. Estimates provided in the consultation paper were \$56 for microchipping and \$130 to sterilise

a female cat. Funding to assist cat owners with the cost of procedures, in particular those on low incomes, is under consideration.

Additionally, a number of local governments expressed concern during the consultation period that the proposed legislation would have a significant resourcing impact on them. Local governments, particularly those that do not currently have cat local laws will require new equipment and vehicles, possibly new pounds, or a refit to current pounds, additional staff and training of staff.

The State Government is considering options to address implementation issues.

Options to ensure that regional and remote area cat owners can comply with the legislation will be resolved during the implementation period. This includes ensuring access to the relevant services to enable sterilisation and microchipping to be undertaken. Further consultation with cat welfare organisations and local governments will be undertaken to develop proposals to address these issues prior to the legislation coming into operation.

## **7.2 Evaluation**

An evaluation of the effectiveness of the legislation will be undertaken five years following the introduction of the legislation, 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 will 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 will also provide information on the number of complaints it receives about cats.



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If you would like more information please contact us.

DEPARTMENT OF LOCAL GOVERNMENT  
GPO Box R1250  
PERTH WA 6844

Tel: (08) 6552 1500  
Fax: (08) 6552 1555

Freecall: 1800 620 511 (Country Only)

E-mail: [info@dlg.wa.gov.au](mailto:info@dlg.wa.gov.au)  
Website: [www.dlg.wa.gov.au](http://www.dlg.wa.gov.au)