

CATS IN THE ACT: caught in the Act.

Compulsory desexing in the ACT – has it changed anything?

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On 21 June 2001 the ACT Government enacted the *Domestic Animals Act 2000* which, for the first time in the ACT saw provisions relating to cats incorporated within the legislation.

From 21 June 2001 all cats were to be identified. From 21 June 2001 all kittens born after that date were to be desexed or their owner was to apply for a permit to Keep an animal sexually entire. From 21 June 2001 the Minister was able to call a cat curfew should indications link cat behaviours to a serious threat to native flora or fauna.

Although the legislation is still in the early days of analysis, it must be stated up front that further reforms are required in order to achieve the goals that the legislation was designed to address. It also should be stated from the outset, that although it is recognised that further work is required to make the existing legislative requirements, without appropriate funding levels to administer the current legislative requirements it is unlikely that future amendments to the legislation will have any effect.

THE HISTORY OF THE LEGISLATION CHANGE:

Towards the end of December 1999, the ACT Government released for public comment a package of reforms covering the *Dog Control Act 1975*, the *Animal Nuisance Act 1975* and the *Animal Welfare Act 1992*.

Until 21 June 2001 dogs were covered by the *Dog Control Act 1975* and animal nuisances were handled under the *Animal Nuisance Control Act 1975*. A number of areas within these pieces of legislation had been identified as being inadequate in their effectiveness.

Complaints regarding the effectiveness of the legislation were received on a daily basis. Complaints were coming from members of the public, elected Members of the ACT Legislative Assembly as well as from the staff tasked with administering the legislation.

A decision was taken to review both Acts and this was undertaken by the Law Reform Unit of what was then known as the Attorney-General's Department. The aims of the review were to simplify the current law by removing technical information to subordinate legislation, to consolidate relevant laws in one Act, and to recommend changes to improve the efficiency of administration of the law. In the intervening time, Environment ACT, through its Wildlife Research and Monitoring section had released a discussion paper concerning the management issues relating to cats.

The timing of all projects meant that Environment ACT was able to consider a range of views encompassing general community views through to expert opinion based on the public and key stake-holders consideration of the papers.

Should cats and dogs have been treated equally under any proposed legislation for domestic animals?

Cats and dogs have unique management problems when considering the issue of urban animal management. Dogs bring a greater physical threat to members of the community in respect to attack, access, defecation and nuisance issues. For these reasons laws against free-roaming dogs have been in place in the ACT since July 1975. However, members of the community have long been requesting solutions to the problem of stray or colony cats. Cats can live and breed much more readily than dogs as strays in the urban environment. It was for this reason that a different approach was taken when confronting the issues of controlling these two much loved household pets.

Enter the cat:

From the incoming public comments received on the Cat Discussion Paper a working group was established to assist in the drafting of the 'ACT Urban Cat Management Strategy'. The ACT Urban Cat Management Strategy proposed three strategic goals in relation to urban cat management in the ACT:

1. a high degree of responsible cat ownership in the ACT,
2. reduced impact of cats on neighbourhood amenity and on native fauna,
3. better management and improved welfare of wandering and stray cats.

The first goal is managed by the requirement of the *Domestic Animals Act 2000* for all owned cats to be identified. The second and third goals are, by some degree, managed by the nuisance provisions within the *Domestic Animals Act 2000*.

The ACT Government decided to promote the lines of 'responsible cat ownership' as a workable policy for the territory. The ACT Urban Cat Management Strategy was developed by the Government to help cat lovers achieve responsible cat ownership goals. It also provides a framework for implementation of policy and the application of new laws for domestic animal control. This avenue meant that cat owners were required to accept full responsibility for their cat in terms of its needs and the standards for cat management that are expected by the general community. However, what 'standards of management' does the general community require?

To aid identification of appropriate standards for cat management in the ACT, the ACT Animal Welfare Advisory Committee prepared a '*Charter of Responsible Cat Ownership*' a similar Charter was also written for dog owners.

So what were the outcomes legislated within the *Domestic Animals Act 2000* in relation to cats?

CATS IN THE ACT

As mentioned, in 1997 the then Government released the *ACT Cat Management: Discussion Paper for Community Comment*. The discussion paper took account of national developments in urban cat management, increased knowledge of their environmental impact and the views of representatives of key interest groups. The paper sought community views on eight widely recognised management options for addressing urban cat issues.

The majority of respondents to the discussion paper considered responsible cat ownership the most important issue. Desexing and identification, with supporting legislation and community education were regarded by many as important supporting strategies. Other issues of concern to respondents included perceived community nuisance and wildlife predation by cats at large.

From this discussion paper, a working group was established with representatives from peak animal and conservation bodies. This working group produced the *ACT Urban Cat Management Strategy* (the Cat Strategy).

Cat Strategy Principles

The following guiding principles underpin the Cat Strategy.

- Cats are important as companion animals in our society.
- All cats must be treated humanely.
- Animal welfare and community nuisance issues arise mainly from unowned cats or owned cats that are not cared for in a responsible fashion.
- Fertility management is important to addressing problems associated with unwanted and unowned cats.
- Management of cats is aided by an ability to distinguish between owned and unowned cats.
- Community support and participation in the application of urban cat management policy is fundamental to success.

Components of the Cat Strategy

There are three complementary elements to the ACT Urban Cat Management Strategy.

- 1 Sound government policy with legislative support where necessary. (The policy is set out in the Strategy and identifies three areas of possible legislative intervention.)
- 2 An aware community that actively supports the principles of responsible cat ownership. (A *Charter for Responsible Cat Ownership* will be developed to guide community participation in cat management.)
- 3 Responsive administration with appropriate resources and infrastructure. (Effective implementation of the Strategy.)

Areas that were identified within the Cat Strategy for legislative intervention were in relation to desexing, identification and future cat curfews.

DESEXING - PROBLEMS TO OVERCOME:

For some time the Government had been aware of concerns of welfare organisations and the Australian Veterinary Association concerning the numbers of health cats and dogs that are routinely euthanased annually due to supply overtaking demand. There was also a loud outcry from the general community over the increasing numbers of colony cats in certain areas of Canberra.

From a simple management perspective it was realised that controlled reproduction in urban cat populations is more difficult to manage. It was also realised that compulsory desexing of urban owned cats would assist to reduce certain nuisance issues. A desexed cat is less likely to spray or mark their territory with urine. A desexed male cat is less likely to caterwaul and there is also a marked decrease in fighting when male cats have been desexed.

The issue of desexing cats, with exemptions, was widely accepted by the ACT Government. This action came with a strong recommendations from the ACT Animal Welfare Advisory Committee supporting such interventions as appropriate animal ownership.

In considering introducing legislation that invaded an owner's ability to manage their pet, many areas of issues and potential conflicts were identified.

The cost to the general public had to be taken into account when considering implementing a compulsory desexing regime. Presently, the ACT Government does not support any discount desexing schemes. The cost of a Permit to Keep an Animal Sexually Entire was specifically priced to ensure that the option of having a pet desexed was more appealing due to the cheaper cost of having an animal desexed as opposed to applying for a Permit to keep it sexually entire.

Categories of exemptions to the "compulsory desexing regime" had to be identified. It was agreed that owners of animals from the following categories should be able to apply for a permit to keep their animal entire:

- Breeds being kept for legitimate breeding purposes;
- Entire cats and/or dogs that were owned by their current owner at the time mandatory desexing legislation came into force;
- Cats and/or dogs being kept temporarily pending disposal, change of ownership (including sale) or return to good health;
- Kittens and/or puppies (either too young to desex or not of a breeding age);
- Cats and/or dogs recently obtained and desexing is imminent;
- Certain working dogs whose owners may wish to use them as breeding stock should they prove to have desirable qualities to be passed down to off-spring;
- Male dogs used as working guard dogs where castration would alter behaviour (vasectomy is an option);
- Greyhounds; and
- Special cases assessed on their merits in terms of practicability of desexing and consequences of not desexing.

A further issue arose concerning the ability of Domestic Animal Service officers to identify desexed females of both species of animals. This is an issue that Domestic Animal Service officers would be facing on a daily basis. It was decided to formalise the common practice of veterinarians tattooing the ears of desexed dogs and cats into a legislative requirement. It is now a requirement that all dogs and cats that are desexed are appropriately tattooed to signify their breeding status. A penalty exists for veterinarians who do not tattoo the ear of an animal that they desex, without a reasonable excuse.

It was recognised that in some circumstances, an owner will refuse to allow a veterinarian to tattoo the ear of their pet. In these circumstances veterinarians are advised to have their client complete a disclaimer to relieve the veterinarian of the requirement to tattoo.

An additional issue arises with the tattooing of animals with dark skin pigmentations. In these cases the onus of proof of having a desexing procedure carried out on a pet left to the owner.

Compulsory desexing of owned cats is required for all cats born after 21 June 2001. An owner may keep their cat sexually entire if they applied for a 'Permit to Keep an Animal Sexually Entire'. This provision is also mirrored in the requirements for keeping dogs sexually entire.

Designing the desexing clause:

Once a decision had been taken to require 'compulsory desexing' of cats, parameters outlining possible exemptions were required to be taken into consideration. It was agreed that a permit system would operate that would authorise an owner of a cat to keep their animal sexually entire. The ACT Government decided to take a position that any owner of any cat should have the ability to apply for a 'Permit to Keep an Animal Sexually Entire' for the purpose of the legislation so as not to be breed-exclusive. Procedures have been designed to ensure that either owners of cats who object to having their pets undergo invasive surgical procedures, or who object to such surgery on their pets for religious reasons, should also be allowed to apply for a Permit to Keep an Animal Sexually Entire.

A fee structure was designed to ensure that responsible breeders of cats received recognition for their high level of responsible ownership with the careful containment of their breeding animals. A similar scheme was also introduced for dog breeders.

Since the enactment of the legislation on 21 June 2001, how have the cat owning community responded to the requirement to either have their animals desexed at 6 months of age, or to apply for a permit to keep their animal sexually entire? As at today's date, there has been NO permit applied for to keep a cat sexually entire.

How many permits for sexually entire dogs have been issued? As at today's date, there have been NO permits applied for to keep a dog sexually entire. However, due to the increase in awareness and the reduction of fees for initial registration, it is known that 1250 puppies have been born and registered since 21 June 2001.

When these puppies are due to have their registration renewed, officers of Domestic Animal Services will be able to ensure that the puppy has either been desexed or the owner applies for a permit to keep their animal sexually entire.

IDENTIFICATION – NOT REGISTRATION:

It was decided in the Cat Strategy paper to not recommend a cat registration regime within legislation at that point in time. Registration of cats was not considered necessary, as they do not pose the same threats to human health and safety as dogs. It was agreed however to recommend for compulsory identification of cats to ensure that owned cats could be expediently returned to their owners. Identification of a cat can be achieved either by a collar and tag or a microchip implant.

This area remains as one of the major areas to be reviewed within the Act.

The original decision to not require a cat registration scheme was due to the lack of "offences" tied with owning a cat and the desire to seek a high rate of cat return when pets and owners are separated.

However, with only a ball park figure on the number of owned cats within the territory, it is impossible at this stage of the legislation's history to ascertain whether the major breeding reform within the *Domestic Animals Act 2000* has had any effect on the overall compliance of owners to the new desexing requirements.

With no idea of the numbers of owned entire cats within the ACT it is impossible to estimate how many kittens should be being desexed at 6 months of age or how many Permits to Keep an Animal Sexually Entire should have been issued.

Cat Curfews:

Cat curfews can be a contentious area of legislation. Owners of cats, even when provided with medical evidence of the increased health benefits of restraining their cat within premises will still let their animals wander at night.

This will remain the status quo in the ACT until a greater awareness of the benefits of restraining cats indoors at night is achieved. The *Domestic Animals Act 2000* allows only the Minister to declare a cat curfew in a suburb, or area of a suburb, and only when there is a serious nature conservation threat as a result of cat activities.

It is only during this period that, cat owners must confine their animals to their premises. The curfew can also specify the times during which cats must be confined.

Neighbours are entitled to lodge a complaint if your cat causes an animal nuisance that affects them or their property.

The Minister is considering reviewing new housing developments within the ACT with the view to possibly having "cat-free" zones designated from the outset prior to residents moving in.

IS IT WORKING?

A watching brief is being kept on the numbers of complaints being received concerning cats. Domestic Animal Officers are ensuring that owners of cats brought to the attention of the Department are aware of the legislative requirements. Domestic Animal Services works closely in conjunction with the RSPCA to assist members of the public in overcoming issues that they have with neighbourhood strays or trapping issues.

However without sufficient funding and appropriate staffing levels to manage dogs and cats within the community there will not be any significant improvements for the management and control of cats in the ACT. Both the RSPCA (ACT) and Domestic Animal Services are finding that community desire to eliminate wandering cats from owned premises far outweighs the available staffing and equipment resources to achieve such an outcome. In many cases, residents are demanding that both the RSPCA and Domestic Animal Services to take control of unwanted straying cats on their premises and trap the animal for them. This is beyond the resources currently allocated to both organisations.

The best solution that can be hoped for in the present budgetary climate, is for an increase in funding to allow a fresh education campaign to be implemented that teaches owners the advantages of desexing, identification and keeping cats in at night.

WHAT CHANGES ARE MOOTED?

In the future, aspects of the legislation that may be reviewed in relation to cats would be:

- registration; and
- numbers of cats allowed to be kept at premises.

These two changes would overcome a number of areas that have made ensuring that the legislation is effective almost impossible.

REGISTRATION:

Should the ACT decide to implement future cat registration, it would be possible to conduct follow up action in relation to kittens born to ensure that the new owner has either taken the responsible step of desexing their animal or applied for a permit to keep their cat sexually entire.

NUMBER LIMITATIONS:

By limiting the number of cats that are allowed to reside at a premise, Domestic Animal Services would be able to effectively control numbers of cats on a suburban lease for the first time. Many complaints presently received are directly related to the numbers, smell and noise of cats from specific premises.

COMMITMENT TO FUTURE NEEDS

In considering any future changes to the *Domestic Animals Act 2000*, the increase to the existing workload of the Domestic Animal Service Officers would require a significant financial commitment from the ACT Government to cover the additional resources required.

The ACT Government's willingness to address the fundamental problems of urban cat management is related directly to the number of complaints received from constituents. Until a severe problem with wandering unowned urban cats arises within an urban environment within the ACT it is unlikely that the ACT Government will fund any additional resources required by ACT Domestic Animal Services or for that matter the RSPCA.

Further information:

Further information concerning the measures implemented within the Strategic Companion Animals Management Package can be viewed on the ACT Government web-site at www.act.gov.au/envirom/pets/index, or contacting Domestic Animal Services on (02) 6207 2424.

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