

Victorian cat legislation

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ABSTRACT

The Domestic (Feral and Nuisance) Animals Act 1994 will stimulate the promotion of responsible cat ownership and will support and complement community education programs directed at setting higher standards of cat ownership and welfare in the community.

The Act will also enable an effective response to be made to the diverse problems posed by nuisance, straying, unowned and feral cats in both urban and rural areas of Victoria.

BACKGROUND

The Domestic (Feral and Nuisance) Animals Act 1994 essentially provides a legislative basis to equip municipal councils in Victoria to:

- promote responsible dog ownership and manage nuisance caused by dogs;
- identify individual dogs as dangerous requiring owners to apply measures to protect the community from further attack;
- maintain adequate standards in domestic animal businesses such as pet shops; and
- promote responsible cat ownership, manage problems posed by nuisance cats and reduce the numbers of unowned cats in both urban and rural locations.

In regard to cats, the broad objectives of the Domestic (Feral and Nuisance) Animals Act are two fold. Firstly, it will enable sustained reduction in the numbers of unowned cats in the state and help prevent populations of unowned and feral cats from being supplemented by straying, irresponsibly owned cats. Secondly, it formally recognises and protects the ownership of cats and will complement community education programs to sponsor an improved standard of cat ownership and welfare.

The general community concerns posed by cats include:

- the danger posed to wildlife in both city and rural areas;
- community nuisance caused by:
 - noise (fighting);
 - odour (spraying);
 - property damage (digging in gardens);
 - harassment of other species of pets including birds, guinea pigs and rabbits;
- straying of cats posing a threat to owned cats by fighting and disease spread;
- the suffering of neglected and unowned cats and kittens;
- financial and emotional burdens on shelters dealing with cats;
- the poor rehousing rate of cats presented to animal welfare shelters; and
- the public health risk posed by cats.

Prior to the passage of the Domestic (Feral and Nuisance) Animals Act, effective cat management programs were difficult to plan and implement. A main concern was that cats had no specific legal identity and cat owners had little protection under law. There was no capacity to legally separate owned from unowned cats. Council officers and animal welfare organisations were forced to operate in a 'grey area' legally when trying to deal with unowned cats.

The fact that individual municipalities in Victoria had in place or were contemplating individual local laws to address nuisance cat problems raised the difficulty of inconsistency between neighbouring council areas. The Domestic (Feral and Nuisance) Animals Act 1994 provides a uniform basis across Victoria to address and help prevent the long standing problems caused by nuisance cats.

In general terms the legislation provides solutions to the problems by:

- helping to reduce the roaming of owned cats;
- removing and preventing unowned cats;
- enabling the removal of cats from designated environmentally sensitive areas;
- providing redress to property owners who do not wish to have cats entering the property;
- requiring identification of cats to facilitate return of cats to owners;
- putting in place a revenue scheme to cover the cost of cat control measures; and
- improving the standard of cat ownership in the community by offering responsible cat owners the option of reduced cat registration fees.

SPECIFIC MEASURES APPLYING TO CATS AND CAT OWNERSHIP IN THE LEGISLATION

1. Registration and identification of cats

The Act requires all owners of cats (over 6 months of age) to apply to have the animal registered with the relevant municipal authority. Councils are required to issue an identification marker to the owner. This marker must be worn at all times by the cat when it is outside its owner's property.

The provisions establish a legal link between the cat and its owner and facilitate the return of straying cats to an owner.

The registration schema is 'two-tiered' with municipalities requested to set a reduced fee payable by owners who can demonstrate a level of responsibility by, for example, having their cat desexed. The alternative or maximum fee is required to be at least three times greater than the reduced fee.

Under the Act Victorian municipalities have the capacity to set the maximum and reduced fee levels.

2. Provisions which apply to owned, nuisance cats

The Act contains a mechanism to provide protection to a property owner who does not wish to have neighbouring cats entering the property.

The Act provides that if:

- a. a cat has been present on private property on more than one occasion without the permission of the owner or occupier of the property; and
- b. the owner or occupier of the property has made more than one written or verbal request to the owner of the cat to prevent the cat from entering or remaining on the property; and
- c. after these requests the cat has again been present on the property,

the council of the municipal district in which the property is situated may serve on the owner of the cat a notice of objection to the presence of that cat on that property.

If after such a notice, the cat enters or remains on the property concerned, the owner of the cat is guilty of an offence.

Cats on private property without permission may be seized by any person. An identified cat may have the ownership details recorded so that the owner may be notified of the nuisance caused by the cat. The legislation requires unidentified cats to be handed to an authorised officer who is empowered to impound the cat. The general impounding provisions of the Act then apply.

3. Control of cats at large

Councils wishing to restrict the presence of cats in public areas or wishing to require owners to keep cats on their own property, particularly at night, may exercise a number of options:

- Under Section 25 of the Act a council may, by resolution, make an order specifying hours during which a cat may not be outside its owner's premises;
- Under Section 26 of the Act a council may, again by resolution, make an order to prohibit the presence of cats in any public area of the municipal district of the council; and
- Under Section 42 of the Act a council may make a local law prohibiting or regulating the keeping of cats in a specified area of the municipality where threatened native fauna are at risk of attack.

4. Cats in conservation areas

Under Section 31 of the Act an authorised officer may destroy any cat found at large in an area designated as a conservation zone under the state's planning and conservation legislation.

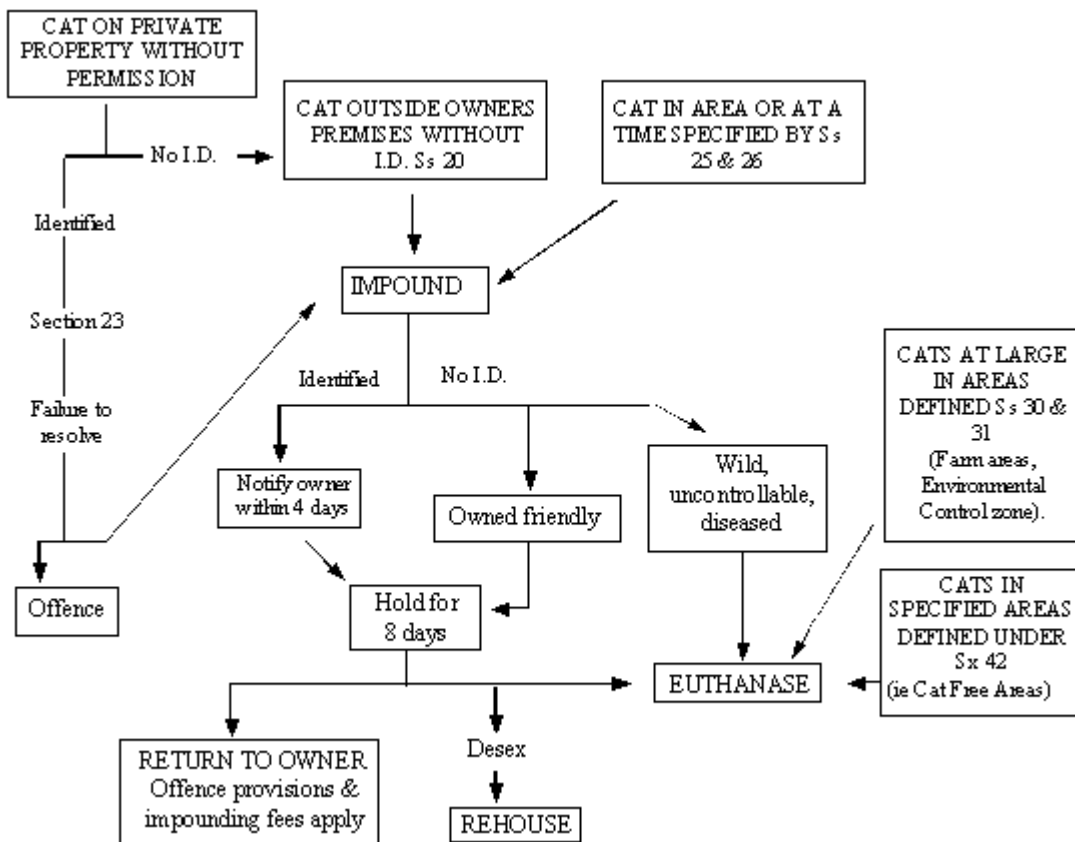
In circumstances in which an identified cat is impounded an officer of the municipality concerned is required to notify the owner of the seizure of the animal.

5. General

Impounded cats are required to be held for at least eight days except that a cat which is not bearing an identification mark and which is wild, uncontrollable or diseased may be destroyed without additional delay.

The legislative basis for responding to straying cats is outlined in Table 1.

Table 1: Domestic (Feral and Nuisance) Animals Act



Establishment of the cat as a legal entity now enables nuisance cats and feral cats to be controlled within municipalities.

Registration fees for cats will provide municipalities with the financial capacity to remedy current problems posed by nuisance cats and to help prevent re-occurrence of these problems.

The Domestic (Feral and Nuisance) Animals Act will generate statewide community education programs building on information currently being made available through government and external sources.

The Act is a very significant step towards the protection and safeguarding of the future of wildlife in Victoria as well as setting an improved standard of cat ownership and welfare in the community.

ABOUT THE AUTHOR

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Peter Penson has held the position of Director, Bureau of Animal Welfare since April 1989. In this position he is responsible for providing technical support and policy advice on the welfare of animals for farming, companionship and recreational purposes as well as on the welfare of animals used for scientific purposes.

[UAM 95 Index page](#)