

# **The Sherbrooke Cat Law - does it work?**

**Garrigue Pergl**

## **INTRODUCTION**

Sherbrooke Council made the Animal Welfare Local Law No. 4 in May 1991 for a three year term. Council further resolved in September 1994 to re-make the Local Law until 2004.

Despite the current re-make of the Animal Welfare Local Law, due to current council amalgamations due in late 1994, the eventual successor council to Sherbrooke will have to determine the future of the Local Law. Given the reluctance to date of other councils to introduce similar Local Laws, the future of this historical attempt to regulate the effects of cats, on people and the environment, is uncertain.

The Victorian government has introduced the domestic feral and nuisance animal Bill giving the cat the same status as a dog, as well as restricting its movements/freedom.

## **BACKGROUND**

The significant impact of unregulated cats on the environment - caused by predation and nuisance - was raised publicly in 1985 by a number of Sherbrooke conservation interest groups. Council prepared a draft byelaw which concentrated on declaration of a buffer zone around the National Park and State Forests -where the replacement of cats and dogs was to be prohibited. It soon became clear that the law was too narrowly focused and strategically deficient in terms of the main objective, and so was rejected by council.

Council set up a Working Group in 1990, with representatives from conservation and animal welfare interest groups, to advise primarily on the most suitable way of dealing with the problems associated with the activities of owned and unowned cats. A new draft byelaw which included provisions that set an animal owners licence system, a demerit point system, 24 hour confinement of cats, and on-the-spot fines was proposed. However like the previous byelaw it also had too narrow a focus and was rejected by council.

The existing Working Group was subsequently restructured to include a broader range of representation -this time including interested groups representing conservation, animal welfare, and cat ownership -with senior officer support being provided with emphasis on technical expertise rather than the previous administrative support. In addition, expert advice was sought from wildlife scientists.

The new Working Group prepared a draft Local Law in early 1991 which proposed a more moderate approach, by including an education and enforcement emphasis. Following extensive public consultation and interest group scrutiny, the Animal Welfare Local Law was made in May 1991 to be effective from November 1991.

## **PURPOSE**

The purpose of the Animal Welfare Local Law was extended beyond the initial focus of protecting wildlife in the National Park and State Forest, to recognise that there were also significant issues relating to predation in urban bushland areas, significant nuisance factors impacting on residents, a degree of threat to the welfare of owned pets, and the need to encourage the owners of some pets to act more responsibly. This included the welfare of all animals.

The Animal Welfare Local Law became a documented set of 'community standards' which aimed to make it clear to individuals what was expected of them in relation to pet ownership. The Local Law sets out the obligations of pet owners -to take reasonable care of their animals -and details the way in which council deals with those who do not comply or with that are considered unowned.

Cats were the main focus of the Local Law because although other animals were significant in causing predation and nuisance, the other animals were already being dealt with through other mechanisms. Dogs were subject to controls under the Dog Act 1970, while foxes and rabbits were being dealt with under council's Pest Animal Control Project and state government programs. In relation to predator control generally the significance of the Local Law was that it provided an opportunity to ensure an integrated approach to pest animal control - where the combined efforts from all agencies became complementary.

The Local Law was part of a long term strategy - to reduce the impact of cats on wildlife populations and on residents' quality of life, as well as providing protection for owned cats from the activities of **people** and other animals. Although it may not have been properly understood at the time, it seems that the long drawn-out process of developing the Local Law was equally as important as the Local Law provisions themselves. In pursuit of the ultimate goal, the process facilitated an important high profile forum through which the broad issues became an agenda item in every household. It is unlikely that any other effort at the time could have triggered such a widespread level of interest and discussion and result in such a high level of community awareness and understanding.

It is now considered that the key to effective long term cat control relies on both a consistent effort to educate people and change their inappropriate cultural attitudes to cats and cat ownership, and simultaneously to take direct action (through the implementation of Local Law provisions) to deal with cats and the problems caused by cats.

## **IMPLEMENTATION**

Provisions of the Animal Welfare Local Law are implemented by Rangers of the Conservation and Recreation Department according to council policy and council approved procedures. It should be noted that council is not ultimately obliged to enforce any particular provisions of the Local Law and may vary the manner and extent of enforcement at any time by resolution to that effect.

Under current policy, the enforcement provisions of the Local Law are mainly intended to be used for dealing with cat owners who consistently or deliberately breach its requirements -allowing adequate use of discretion in individual cases where education and information are likely to provide a more sustainable solution. Council's approach to implementation of the Animal Welfare Local Law has been firstly to motivate cat owners through support and information, then to encourage cat owners to be responsible through the provision of both positive and negative reinforcement, and as a last resort -for deliberate or persistent offenders -pursue the more traditional forms of punishment.

To emphasise the communities expectations of cat owners in a reasonable way, council deliberately takes lenient approach to those who are trying and a firmer approach to those that are not trying.

The main provisions of the Animal Welfare Local Law in summary involve:

1. Limiting of the number of cats allowed to live on a property.
2. Requiring all owned cats to be registered and identified.
3. Requiring all owned cats to be constrained from entering prohibited public lands or some private land.
4. Requiring all owned cats to be contained within their owners property at night time.
5. Prohibiting the feeding or encouragement of unowned or feral cats.
6. Encouraging neutering of cats that are not used for breeding.
7. Requiring cat owners to prevent their cats from causing nuisance.
8. Providing for the impoundment or disposal of cats.
9. Defining the processes by which council operates.

Some of the cats encountered by Rangers do not have owners or are unregistered and therefore in such cases these approaches are fairly meaningless. If a cat is not registered or identified then unless claimed by the owner, there are no opportunities to motivate or encourage any relevant person and so any action is limited to enforcement by way of euthanasia.

At present approximately 2 percent of impounded and unidentifiable cats are claimed by the public.

## DOES THE LAW WORK?

### Performance

Performance of the Animal Welfare Local Law has been reviewed by way of assessing observational and anecdotal information. This is due to the nature of the Local Law and the environment in which it operates being so dynamic and lacking in structured quantifiable components - scientific data is unavailable or limited in relevance.

No relevant local scientific studies of a sociological or ecological nature have been undertaken during the three years the Local Law has been in existence. Therefore, the main review is based on whether or not there are indications that the main objectives of the Local Law have been substantially achieved or advanced - as a direct or indirect result of council having made the Animal Welfare Local Law in 1991. A survey of resident perceptions relating to law in Sherbrooke, is to be undertaken shortly, in cooperation with Deakin University, Clayton, Victoria.

### Has there been increased protection for wildlife or wildlife habitat?

#### (i) Lyrebird population

The Sherbrooke Lyrebird Survey group have observed that there is now an increasing survival rate of young birds in Sherbrooke Forest. With a population in 1970 of between 100 to 120 birds, decreasing over the period up to 1983 to about 60 birds, the population was threatened with local extinction. The Local Law was implemented in 1991, and by 1992 the bird population began to increase to between 65 to 70, followed in 1993 by 70 to 75 birds, and in 1994 by 75 to 80 birds. Although it is obvious that other programs such as the State Department of Conservation and Natural Resources fox control works are assisting with protection of wildlife populations, it is reasonable to consider that the Local Law has also been significant in supporting the 'come back' of the Lyrebird population in Sherbrooke Forest. (Source: Sherbrooke Lyrebird Survey Group)

Sherbrooke Wildlife Shelter reports a decrease in the number of native animals brought to the refuge, originating from within Sherbrooke, with cat related injuries.

#### (ii) Possums

Prior to the introduction of the Local Law the number of possums being brought to the refuge in a year was increasing. Of the total number of possums brought in for the year 1991 (120) the proportion having been attacked by cats (77) reached 64 percent. This trend changed during 1992 with the proportion of the total number of possums (187) brought in for that year, that had been attacked by cats (38), reduced to 20 percent for that year. Numbers of possums with cat related injuries at the shelter have continued to decline.

#### (iii) Native birds

In contrast, native birds are now under greater threat than before. Of the total number of birds brought in for the year 1991 (40) the proportion having been attacked by cats (12) was at 30 percent. This trend changed during 1992 with the proportion of the total number of birds (59) brought in for that year, that had been attacked by cats (31), increased to 53 percent for the year. (Source: Sherbrooke Wildlife Shelter).

It has been suggested that the change in bird attacks may be in some way linked to the reduction in possum attacks. The reduced opportunity for cats to hunt at night due to confinement, being compensated for, by increased activity during the day time. Possums as nocturnal animals are probably more vulnerable to attack at night and the majority of birds are more vulnerable during the day.

#### (iv) Nocturnal animals generally

The Belgrave Wildlife Shelter reports overall that the number of cat related injured nocturnal animals had decreased by over 60 percent since the introduction of the Sherbrooke Local Law.

#### (v) Welfare of owned and confined cats

Anecdotal evidence from a local veterinary practice indicates a decline in the number of cats injured as a result of fights with other cats and cats injured in vehicle accidents.

The same veterinarian believes that Sherbrooke cat owners have a greater level of concern for the welfare of cats and native animals exhibited by greater levels of household cat confinement, than cat owners from outside Sherbrooke, who visit his practice.

Of the apparently unowned and unregistered cats impounded, 90 percent are unclaimed and authorised in Sherbrooke. The end result for these particular cats is considered better than the alternative outcomes they may have occurred with irresponsible ownership, starvation, poisoning, shooting or dog attacks.

Feral cats once trapped are euthanased immediately. The removal of these cats from the district has, we believe, reduced the risk of threat of injury to owned cats.

#### (vi) Presence of cats in the Dandenong Ranges National Park

Park Rangers report a marked decline to near zero of cats observed and attribute this to greater public awareness generated by the development of the Sherbrooke Law. Park staff also feel the law has also discouraged dumping of cats in the park

#### **Has there been a reduction in unresolved nuisance issues for residents?**

The important aspect of this issue relates to the ability to deal with nuisance problems more so than hoping to ever prevent their initial occurrence. Of the 106 complaints received relating to cat nuisance, 99 have been successfully resolved. Resolution has involved a number of mechanisms including trapping or advice to complainants.

#### **Advice sought from Sherbrooke from other agencies seeking to introduce cat controls**

Federal, state and local governments are taking advice and using the Local Law model to guide their own draft legislation. The federal and both recent state governments have taken advice from Sherbrooke and used the provisions of the Local Law as a model to guide their own draft legislation. The Commonwealth Nature Conservation Agency is using the concept in its Feral Pest Abatement Plans, the National Consultative Committee on Animal Welfare has recommended to the Federal Primary Industry Department that it should facilitate uniform state and territory legislation for cat control based on the Sherbrooke model. The past and present Victorian State Governments have sought advice and used provisions of the Sherbrooke model in the past draft Companion Animals Bill and the current Feral and Nuisance Domestic Animals Bill respectively. Local government around Australia is referring to the Sherbrooke Local Law and experience as a guide to their own legislation.

#### **Have there been any unforeseen implications?**

The Local Law has been reviewed twice resulting in minor changes which included an Amendment Local Law (1993) to clarify relating to disposal of unwanted cats, and changes in policy to clarify operational procedures.

In conclusion, Sherbrooke Council believes that the Animal Welfare Local Law and its development, implementation and review have led to a greater community focus and understanding of the needs of companion and native animals.

Sherbrooke residents highly value the presence of wildlife both in back yard and bushland reserves. At the same time they value companion animals and so a reasonable compromise has been reached.

In the end council believes the objectives of the Local Law, particularly to protect the rights of all animals are being met. The Law has shown to be workable and enforceable.

Finally, in the opinion of council Rangers, the provisions of the Cat Law in Sherbrooke are markedly easier to enforce and more publicly acceptable than those relating to dogs.

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