

# Cat curfew - Casey City Council

**David Baker**

## INTRODUCTION

The introduction of the Domestic (Feral and Nuisance) Animals Act into Victoria resulted in increased responsibilities for Councils over dogs and domestic animal businesses and introduced a new class of domestic pet into the regulatory sphere — cats.

Overnight, our feline companion animals were hoisted onto an almost equivalent legal footing as dogs and that new status came with some discontent. Some cat owners begrudged having to pay registration for their animals and one could only think that some of their arguments may have mirrored those of dog owners when registration laws came into force for them many years back.

Arguably, the new Act wasn't specific enough in relation to the powers and responsibilities of Councils over cat control when compared to the direct provisions relating to dogs. There was significant debate and concern raised by a number of Councils in relation to officer powers and the role of Council in the area of cat control.

Some in the community expected Council to provide a cat control service including trapping and impounding. It was argued that as Council was now receiving income from cat registration it followed that cat control services should be provided by the Councils. Some Councils provided a cat control service whilst others adopted a more conservative and prudent approach and elected not to involve themselves in this area.

## THE INTERIM

From the time the new Act came into force many of our residents expected Council to provide a cat control service. After a number of complaints were received it was decided to introduce a cat trapping service for use by residents affected by trespassing cats. Traps were hired out for a two week period and officers would attend at the complainant's property to collect trapped cats which were then impounded at the city pound. Council would also accept cats that were humanely trapped in other types of traps taking the view that it was safer for the animal's well being to be in our custody rather than a complainant's.

Council was fortunate to have a pound services arrangement with the RSPCA (Peninsula Animal Aid Branch) and so no new cat housing infrastructure was required to properly care for impounded cats.

Council chose not to adopt a proactive stance in relation to cat control rather preferring to provide a trap hire and collection service, in answer to calls from the public for improved controls. No additional officer resources were allocated to deal with this increased function and the demand for the service wasn't as high as in the area of dog control.

## TIME FOR AN ORDER

Our cat trapping service was essentially designed to deal with unowned or unidentified cats. In situations where the complainant was aware of the ownership of the nuisance cat they were steered towards the trespassing animal provisions of the Act as opposed to using the trapping service. Some of the difficulties of this system were:

1. it relied on the honesty of the complainant that they didn't know who owned the cat;
2. most trapped cats were not wearing registration or identification tags when found; and
3. the trespassing provisions of the Act were, at best, cumbersome.

Anecdotal stories were also doing the rounds of the Councils in relation to officers and Councils being threatened with legal action in relation to trapped cats and what appeared to be a lack of clear legislation and procedures in regards to cat trapping.

Our Council was also continuing to handle a significant number of cat nuisance complaints to question the usefulness of the trespassing animal provisions of the Act in dealing with these issues.

It was apparent that Council should be introducing an Order under Section 25 of the Act to deal with this issue. The question then was what type of Order should be imposed:

1. A 24 hour, 7 day a week order to apply in all areas other than the owner's property?
2. A 7pm – 7am order in all areas other than the owner's property?
3. A 24 hour, 7 day a week public places only order?

Consideration was given to imposing a night time curfew as some other Councils had done. Some of the issues that arose when this system was examined were:

1. our residents were complaining about cat nuisances at all hours of the day and nocturnal hunting of wildlife was only one of the concerns; and
2. the practicalities of enforcing the order — how do you prove the animal was trapped between the prohibited hours, do we need to employ night shift officers?

Council acknowledged that cats could cause various nuisances which included:

- a. cats fighting at any hour of the day;
- b. using neighbours gardens as toilets;
- c. aggravating dogs and making them bark etc. by wandering around properties at will;
- d. causing motorists to take evasive action to prevent a collision where cats ran across roadways; and
- e. attacking wildlife at any hour of the day.

In considering the imposition of an Order, Council reviewed the cat impoundment statistics for the twelve months preceding the preparation of the report in December 1998. It found that 264 cats were impounded in that period of which only 14 were reclaimed by owners (ie: 5% recovery rate which compared to a 35% recovery rate for dogs). Of the 14 reclaimed only one was registered at the time but was not wearing its marker. Clearly the responsible cat ownership message didn't appear to be sinking in.

We also considered the perennial argument that would be raised by cat owners if a 24 hour Order was introduced which was that cats couldn't be contained on their owner's property — it's impossible. Our approach, whilst it may seem cavalier to some, was to place the onus directly back onto the cat owner. It was their responsibility to secure the animals under their charge and ensure it did not interfere with a neighbour's peaceful enjoyment of their property. If this meant building cat enclosures then that was the real responsible pet ownership cost of owning a cat. Council was nonetheless a little nervous having 'flash backs' to the 'lynch mob' marches on the former Sherbrooke Shire offices when they introduced a cat curfew Local Law in the early 1990s.

It was understood that this thinking was a quantum leap from traditional approaches to cat ownership and it was recognised that with the introduction of the Order would have to come some restraint or discretion in its enforcement. In this regard Council did not change any of its operational procedures after the introduction of the Order.

In this sense the situation remained to all intents and purposes as status quo with the only change being that officers were now protected from any perceived liability and Council had an enforceable law to assist when intervening over cat nuisance issues. Council officers continued to provide a response service only in relation to cat nuisances and impoundments. Contrary to the fears of some we didn't employ an army of 'cat catchers' to terrorise the town and cat owners would not have observed any change in the way we did business unless their animal happened to be trapped or was reported as being out by a complainant.

Essentially, if a neighbourhood had no concerns about cats in their areas visiting other properties then we would never receive a complaint and there would be no need for our officers to become involved. It was in effect, allowing neighbourhoods to continue to live harmoniously with their companion animals whilst protecting the right of a resident to enjoy their property without enduring the presence of cats upon their land and providing a means of redress if they were concerned.

On 2 February 1999 Council passed an Order making it an offence for a cat to be found outside the premises of the owner at any time. The Order was gazetted and without much fanfare became law within Casey.

## **CONCLUSION**

The making of the Order had little impact on our service activities and on the public at large.

From time to time some vocal elements of the cat owner population would attempt to incite people into believing that the Order was somehow an insidious plot by Council to deny cat owners of their rights to own cats and that the Order was made by dog owners that had a bias against cats. This couldn't be further from the truth. Council's enforcement of the law was tempered with a significant degree of pragmatism.

Attendance to cat nuisance and related complaints continue to account for around 13% of Council's animal management services. In 2000 we received 349 calls for assistance (compared to 2287 dog related nuisances) and impounded 381 cats with 37 being reclaimed (10% reclamation rate — an improvement on the 1998 figures). Cats accounted for 38% of registered animals with 9198 cats being registered this year compared with 23516 dogs. On the basis of complaints per registered animal cats would appear to be behaving better than dogs.

The Order simply put cats on the same legal footing as dogs and from an operational perspective, cats still enjoyed liberties above and beyond those of the dogs in that officers on general patrol would stop and attend to a dog found unsecured or wandering, even if a complaint hadn't been lodged, but would generally not involve themselves if a cat was for instance seen sleeping on its owner's front porch.

Some argue that Casey's approach was extreme or draconian. We accept that our Order possibly wouldn't sit well with all residents or other municipalities. That is the benefit of the Section 25 process. If a night time curfew is considered the best approach then it would be correct to assume that it would be made state law. The current process allows communities to set their own Orders to suit. It's not a case of trying to sell the Order as the panacea for all cat problems in the town. The broader cat management issue is still one that must be addressed in a multi agency approach. The reality is that our Order suits Casey's needs and serves us well.

## **ABOUT THE AUTHOR**

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David Baker has been in Local Government since 1988 with Dandenong, Berwick and now Casey Council and has worked in the field of local law enforcement for most of that time serving as a Local Laws Officer, Planning Investigator and most recently as Superintendent Local Laws responsible for Council's Community Protection Unit.

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