

Pause for paws - Feedback on the dog and cat laws in WA

Public Submission

Respondent Information

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Introduction

RSPCA WA welcomes the review of the *Cat Act 2011* (Cat Act) and *Dog Amendment Act 2013* (Dog Act) as this legislation can have a profound impact on animal welfare. Here, in our response to the Department of Local Government ‘Pause for Paws’ Discussion Paper (Discussion Paper), RSPCA WA provides key recommendations for improved cat and dog management legislation in WA.

Though distinct from the *Animal Welfare Act 2002*, the Cat Act and Dog Act affect animal welfare via their influence on responsible pet ownership, pet identification and traceability, community and animal safety, irresponsible and indiscriminate breeding and the fate of impounded animals.

Though they fall outside RSPCA WA Inspectors’ remit under the *Animal Welfare Act 2002*, West Australians often report cat and dog management issues to RSPCA WA. Issues include but are not limited to roaming cats, dog barking, dog bites and attacks and ownership disputes. These reports highlight deficiencies in the Cat Act and Dog Act and their implementation.

Our key recommendations for legislative reform include:

- Cat containment regulations to improve the welfare of cats and decrease the impact on wildlife
- Repeal of Breed Specific Legislation (BSL) which has been proven to be ineffective at reducing dog bite and dog attack incidents.
- A number of recommendations for relevant policy and procedural reforms including addressing enforcement gaps, establishing a centralised information database (as per the ‘Stop Puppy Farming’ reforms) and developing guidelines to assist local governments to employ effective, evidence-based strategies to manage roaming cats, ‘nuisance’ barking, dog bites and dog attacks.

The following submission outlines RSPCA WA’s views on each section of the Pause for Paws Discussion Paper.

Registration

RSPCA WA would like to take this opportunity to raise concerns about lack of compliance with dog and cat registration in WA. The benefits of dog and cat registration need to be more effectively articulated and barriers to compliance addressed. In addition to the benefits outlined in the Discussion Paper, registration data represents the closest proxy for pet census data: i.e. it is one of the key ways to collect baseline information about WA's pet population. Many West Australians may be surprised at how difficult it is to accurately answer very basic questions like "how many pet dogs are there in WA?" but we can all be part of efforts to answer such questions by participating in pet registration. Animals, pet owners, local and state governments can all benefit from such data. For example, the data could be used to inform evidence-based resource allocation, e.g. to identify areas with higher need for infrastructure such as dog parks, direct subsidies such as for outdoor cat runs in areas with high rates of cat ownership or reward communities with high rates of compliance.

Barriers to pet registration have been identified including perceptions about difficulty and expense (Rohlf *et al.* 2010). Policies and procedures should seek to address these barriers to increase compliance. For example, some local governments conduct registration drives where registration is offered at a discounted rate or free. Streamlined and standardised registration processes, particularly where people are moving between different shires, may reduce perceived difficulty. Anecdotally, feedback from attendees at RSPCA WA Community Action Days (CAD) suggests that a significant proportion of dog owners aren't familiar with how to register their pets or may be more likely to do so if shire rangers are at hand to advise, for example, at pet related events.

As identified in the Discussion Paper, "*local governments have said that since 2013 when owners have been able to register their dogs for their lifetime, there has been a decline in... the accuracy of the content of registration systems*". It is concerning if lifetime registration is hindering effective pet identification and traceability. If owners of pets with lifetime registration are not advising local governments when they move, ownership changes or the pet passes away, the lifetime registration system should be reconsidered. However, the same could be said for failure to renew when shorter term registration periods expire. These compliance issues may be addressed by a centralised database that

sends reminders or alerts to update details and/or renew registration (please see ‘Information recording and sharing’ p16).

At present, registration represents one of the main ways to determine pet ownership. **RSPCA WA suggests that the legal definition of ‘owner’ under the Cat Act and Dog Act is reviewed to encompass the interests of animals and help clarify ownership disputes.** RSPCA WA often receives correspondence from distressed West Australians involved in cat and dog ownership disputes. Indeed, disputes about pet ownership are not uncommon in Australia particularly in relationship breakdowns and situations of domestic violence. As present, the legislation only considers who ordinarily keeps the pet, microchip details and council registration as proof of ownership. However, it has been recommended that *“the judicial or legislative recognition and adoption of a ‘best interests of the pet’ test, at least in part, would be a logical starting point in resolving pet custody disputes”* (Bogdanoski 2006).

Identification

Tags

Accurate and timely pet identification is essential to ensuring good animal welfare outcomes including reuniting pets and owners and preventing euthanasia by council pounds if an animal remains unclaimed after the statutory minimum holding period. Therefore, rapid on the spot identification of animals without the need for a microchip scanner could improve efficiency and animal welfare outcomes. At present, there are no requirements in the Cat Act or Dog Act for a cat or dog to be wearing a tag with the owners’ details. **RSPCA WA recommends a simple requirement similar to the NSW *Companion Animals Act 1998* and [UK Control of Dogs Order 1992](#) that any pet in a public place must bear the owners’ contact details inscribed on a tag, collar or other safe and effective identification material.** Such a requirement would help the Cat Act and Dog Act achieve their purpose to *“safely return lost animals to their homes”* and *“reduce the number of animals admitted to pounds and shelters”* (DLGSCI 2019). Roaming animals (including those with tags) should still be reported to shire Rangers so steps can be taken to address animal and community health and safety concerns.

Microchipping

The RSPCA regards mandatory microchipping as critical to responsible pet ownership (RSPCA Australia 2019c). Though it pertains to operational matters rather than legislation per se, **RSPCA WA would like to take this opportunity to raise concerns about barriers to compliance with microchipping.** It would appear that there remain barriers to compliance and when these barriers can be overcome, pet owners are willing to comply. For example, so far during the Financial Year 2018/19, at eight RSPCA WA Community Action Days (CADs) across metropolitan Perth and Bunbury, over two hundred pet dogs have been microchipped. CADs aim to assist people who are struggling to meet the financial commitments of dog ownership and microchip implantation is performed free of charge. In a study of over 1000 Australian dog owners, Rohlf *et al.* (2010) identified that *“even owners who appear to be very responsible sometimes fail to engage in recommended behaviours”*, such as microchipping. In order for mandatory microchipping legislation to be effective, it is imperative that barriers to compliance such as cost and perceived difficulty are addressed.

As highlighted in the Discussion Paper, there are significant concerns about failure to keep microchip details updated. **RSPCA WA recommends that microchip details be recorded in a centralised database (see Registration p3).** A microchip is all but useless unless the associated pet and owner details are current. The Dog Act and Cat Act already specify that details must be kept up to date. However, there remain issues with non-compliance. Some non-compliance can likely be attributed to confusion about the process and the multitude of different microchip databases. Community education (eg. step-by-step guidance about how to update microchip details) may assist. In the context of the fate of impounded animals, keeping a pet’s microchip details up to date may *“just save your pet’s life”* (Orr and Hazel 2018).

Rehoming impounded animals

Policy guidance is required in relation to the rehoming of impounded animals in WA.

There are no national or state systems for monitoring numbers of dogs admitted to council pounds in Australia or their outcomes. However, in 2017 in NSW alone, it was estimated that over 41 000 dogs were killed by councils between 2009 and 2012 (Chua *et al.* 2017). According to the Discussion Paper, one of the main purposes of the Cat Act and Dog Act are to *“reduce the proportion of animals that are euthanised”*. However, there does not

appear to be any policy guidance to ensure that local governments make efforts to rehome impounded animals who are suitable for adoption.

Where animals are impounded, in no part do the Cat Act or Dog Act mention obligations to seek rehoming for suitable unclaimed animals nor, to our knowledge, is there a decision tree to standardise how animals are assessed in pounds across different shires. At present, decisions about impounded animals' fate appear to be left entirely to each local government's policies and grassroots pound rehoming organisations. Where an unclaimed impounded cat or dog is suitable for rehoming, policy guidance should specify that the people in charge of that animal must make at least some documented efforts to rehome the animal.

As per [RSPCA Policy A05 Euthanasia of Companion Animals](#), we believe that physically healthy and behaviourally sound companion animals that are suitable for adoption should not be euthanased and as per [RSPCA Policy A04 Adoption of RSPCA Animals](#), we aim to rehome all suitable animals in our care.

'Nuisance' barking

'Nuisance' barking is of particular concern to RSPCA WA because so far during the financial year 2018-19, RSPCA WA has received reports about more than 130 incidences of suspected deliberate poisoning of pet dogs. Many of these reports suggest barking dogs may have led to frustrated neighbours taking matters into their own hands. This indicates that this can be a life or death issue for dogs and the management of 'nuisance barking' urgently needs to be improved.

RSPCA WA recommends that DLGSC, together with relevant stakeholders, develops guidance materials on 'nuisance' barking as a matter of priority. Guidance materials are urgently needed to assist local governments to employ effective, humane, evidence-based strategies to address 'nuisance' barking for the benefit of dogs, owners and the wider community. Guidance materials could include 'Managing barking dogs - a guide for local governments', training workshops and a standardised leaflet about barking dogs for local governments to give residents (at present, different - and sometimes extremely risky - advice is being given to residents of different shires).

Barking is a normal form of domestic dog communication. Over thousands of years of domestication, humans have directly and indirectly selected for various forms of barking (Pongrácz *et al.* 2010). Yet in an increasingly urbanised environment, dog barking is regarded as a ‘nuisance’. Barking may also be a sign of underlying physical and/or behavioural concerns such as fear, frustration, anxiety, compulsive disorders, phobias or cognitive dysfunction (‘dog dementia’) (Cross *et al.* 2009).

RSPCA WA is extremely concerned by reports that aversive methods such as electric shock collars are being used on barking dogs in WA. Aversive methods punish the dog rather than addressing the underlying reasons for the barking (Cross *et al.* 2009). The use of electric shock collars is particularly concerning because these devices are associated with physical harm (eg. discomfort, pain, injury), mental harm (eg. fear, anxiety, phobia, learned helplessness) and damage to the human animal bond (Masson *et al.* 2018). It has also been suggested that aversive punishment-based methods may constitute a public health risk factor for dog bites (Ó Súilleabháin 2015) because they “*may provoke fearful or defensively aggressive behaviour*” (Herron *et al.* 2009) and “*increase aggression towards people*” (Arhant *et al.* 2010; Rooney and Cowan 2011). Peak professional veterinary and dog training organisations in Australia and overseas warn against the use of electric shock collars including the Australian Veterinary Association (AVA), New Zealand Veterinary Association (NZVA), British Veterinary Association (BVA) and Pet Professional Guild (PPG).

RSPCA WA continues to call for the prohibition of electric shock collars under the *Animal Welfare Act 2002*. It would also be appropriate for policy guidance under the Dog Act to prevent the use of these inhumane devices. For example, guidelines supporting the Dog Act should ensure that management of ‘nuisance’ barking relies on identifying and addressing the underlying cause(s) and using safe, effective, humane and evidence-based methods.

Dog attacks, dangerous dogs and restricted breeds

The RSPCA does not support breed specific legislation (BSL) such as that included in the *Dog Act 1976*. BSL is ineffective and fatally flawed and should be repealed. BSL is based on flawed assumptions that certain breeds are inherently dangerous, those breeds can be readily identified and banning those breeds decreases the rate of dog bites and attacks. None of these assumptions are evidence-based. It has been posited that BSL only

persists due to misplaced fear, lack of clear understanding of risk, misinformation, stereotyping and flawed assumptions about the efficacy of the legislation (Patronek *et al.* 2010).

BSL is based on perceived rather than actual risk. Rather than making the community feel safe, BSL has been found to increase people's perception that a banned breed is aggressive and artificially increases perception of risk, making people feel more fearful and increasing their propensity to report incidents involving those breeds (Creedon and Ó'Súilleabháin 2017).

Certain dog breeds are not inherently dangerous and it is not appropriate to make assumptions about an individual dog's propensity for aggressive behaviour based solely on their breed (Casey *et al.* 2014). Indeed, comparisons using standardised temperament tests have found no significant differences between 'banned breeds' and Golden Retrievers (Ott *et al.* 2008). While genetics may partially influence propensity for aggressive behaviour in specific contexts, developmental and environmental factors determine whether that genetic propensity manifests (Duffy *et al.* 2008). As highlighted by the British Veterinary Association (BVA) in their submission to the 2018 UK Department of Environment, Food and Rural Affairs (DEFRA) Select Committee Inquiry into BSL, dog behaviour is complex arising *"partly as a result of its inherited characteristics, but more importantly is a result of the socialisation, rearing and training provided by its owner, the environment in which the dog is kept and a given set of circumstances"*. A meta-analysis of studies on risk factors for aggressive dog-human interactions concluded that *"Despite considerable speculation of a role for breed as a risk factor for human directed dog aggression, insufficient evidence exists to draw firm conclusions"* (University of Liverpool Department of Epidemiology & Population Health 2011).

The arbitrary nature of the list of 'banned breeds' was questioned in the 1990s when the UK House of Lords debated the list (that is mirrored in WA legislation). Lord Houghton of Sowerby challenged the arbitrary nature of the 'banned breeds' list using the example of the Japanese Tosa, *"I wonder about banning a breed of which there is only one dog in the country. How could one dog have committed any crimes which would justify a legal ban?... there is no reason to believe that the rate of incidence of attacks by Tosa dogs on humans is any higher than that of any other dogs...no local authorities in Japan...attach this description [of dangerous breed] to the Tosa dog. There are approximately 2,000*

Tosa dogs in Japan at present" (HL Deb 1991). The recent 2018 UK DEFRA Select Committee Inquiry into BSL concluded that the focus on breed was misguided and ineffective and an alternative dog control model should be developed to prevent the *"unnecessary destruction of good-tempered dogs that could have been safely rehomed"* (DEFRA Select Committee 2018).

Given that listing as a 'restricted breed' can have life and death consequences, it is inappropriate to include 'breeds' where identification is unreliable and unfeasible. 'Pit bull terrier' and 'American pit bull terrier' are listed as 'dangerous dog (restricted) breeds' in WA. Accurate identification of pit bulls has long been known to be unreliable and unfeasible (Beck *et al.* 1975; Olson *et al.* 2015). Research indicates that even experts and experienced dog professionals cannot reliably visually identify 'pit bull type' dogs (Olson *et al.* 2015). Indeed, 'pit bull' does not even describe any one particular dog breed but rather is a label given to dogs that loosely share some physical features (morphology) (Hussain 2005). 'Pit bull terrier' and 'American pit bull terrier' are not recognised by the American Kennel Club or Australian Kennel Club as purebred dog breeds. DNA testing for these dog types is unfeasible given that this group of dogs do not necessarily share a particular 'genetic signature'. Thus genetic tests for 'pit bulls' are not commercially available (i.e. are not included in commercially available canine genetic tests by Orivet, Advance or International Biosciences) (Olson *et al.* 2015).

The definition of 'dangerous dog (restricted breed)' in the Dog Act makes identification even more problematic as it includes *'a mix of 2 or more breeds, one being a breed prescribed by the regulations to be a restricted breed'* which makes the flawed assumption that part pit bull terriers can be accurately identified. Therefore, it can be seen that decisions regarding 'dangerous dog (restricted) breeds' are subjective, unreliable and unfeasible. This is unacceptable particularly given that this legislation may be the difference between life and death for individual dogs.

Perhaps most importantly, there is little evidence (either from Australia or overseas) that BSL reduces the rate of dog bites or attacks (Collier 2006). Indeed, there is more evidence outlining the flaws of BSL. The government of the Netherlands was the first country to commission a scientific evaluation of BSL. The evaluation concluded that rather than focusing on attack data, bite reduction strategies should focus on the specific circumstances of the incidents and education as a preventative (Cornelissen and Hopster

2010). The Netherlands has repealed BSL. Likewise, there is also no BSL in the Australian Capital Territory (ACT) (Greenway 2017). A Spanish study concluded that BSL “*exerted little impact on the epidemiology of dog bites*” (Rosado *et al.* 2007). A Danish study concluded that “*no effect of the [breed specific] legislation can be seen on the total number of dog bites, therefore supporting previous studies in other countries that have also shown a lack of evidence for breed-specific legislation... .. further highlighting that future legislation in this area should be prioritized on non-breed-specific legislation in order to reduce the number and risk of dog bites*” (Nilson *et al.* 2018).

Even setting aside the evidence outlined above, BSL is not a statistically plausible strategy to reduce dog bites. Epidemiological modelling of data including risk that a person will be bitten by a dog and the proportion of dog bites attributable to specific breeds, concluded that implausibly large numbers (many thousands) of dogs would have to be removed from a community to prevent just a single dog bite (Patronek *et al.* 2010). As a representative of the City of Toronto Department of Public Health wrote in the Canadian Veterinary Journal, “*If we want to prevent all bites, there is only one sure way and that is to ban all dogs. That is of course as unrealistic as trying to prevent bites by enacting breed specific legislation*” (Bandow 1996).

Further to the evidence presented above, the human cost of BSL cannot be underestimated as detailed in the final report of the Victorian Parliamentary Inquiry Into the Legislative and Regulatory Framework Relating to Restricted-Breed Dogs, “*Families can go to the wall to defend their family dog... Owners of seized dogs, which have no history of aggressive behaviour, are forced to fund their own defence for having purchased or adopted a dog whose only crime was having certain physical characteristics... owners are forced to literally fight for their dog’s life*” (Parliament of Victoria 2016).

In place of BSL, evidence indicates that effective dog bite and dog attack legislation should focus on exhibited behaviour not breed; “the deed not the breed” (Creedon and Ó’Súilleabháin 2017). To be effective, mitigation strategies should focus on community education, dog socialisation, reward based training and veterinary treatment (e.g. behavioural modification) where required.

More broadly, current ‘dangerous dog’ legislation, policies and procedures appear to overlook current scientific understanding of aggression in dogs. For example, Anne

Greenaway, Principal Solicitor at Lawyers for Companion Animals, a NSW private law firm, posited that *“the ease with which dogs are declared dangerous by some councils is worrying. Equally worrying is the fact that some rangers lack skills, experience and qualifications when it comes to dog behaviour. This can lead to a dog with an otherwise friendly and non-aggressive temperament being declared dangerous”* (Greenway 2017).

Outcomes for animals, owners, local governments and the wider community may be improved if legislation, policies and procedures pertaining to dog aggression were more evidence-based. For example, at the recent Australian Veterinary Association (AVA) Conference held in Perth 5-7 May 2019, leading Veterinary Specialist in Animal Behaviour, Dr Jacqui Ley presented on ‘Canine aggression - why dogs bite and how to treat aggression due to mental illness in dogs’. Dr Ley outlined the different types of dog aggression and the difference between aggressive behaviour that can be considered within the normal spectrum versus behavioural pathologies. Different types of aggression have different triggers and treatments. At present, ‘dangerous dog’ legislation, policy and procedures do not appear to take this into account and in some cases, this may put animals and people at greater risk. For example, if a dog is aggressive due to anxiety and that dog is declared dangerous, he/she may be subjected to further stressors such as confinement in an enclosure or tethering and could conceivably become even more anxious, aggressive and distressed. For the legislation to be effective, it is essential that it is founded in a sound, evidence-based understanding of animal behaviour.

It is equally important to understand the role of humans in dog attack and bite incidents. Greenway asserts that *“when it comes to legislating against dog attacks, the focus should be on dog owners... it is the attitude of the owner rather than the dog’s behaviour, breed, or temperament that most strongly influences whether a dog is likely to be involved in an attack... [and] how does surrendering and later euthanizing the dog, make the community any safer?... the irresponsible owner can, and often does, simply obtain another dog. A dog that will likely be treated in the same manner, with a high probability of the same outcome, another dog surrendered and euthanised”* (Greenway 2017).

Greyhounds

As above, RSPCA WA does not support BSL such as requirements in the Dog Act for

greyhounds to be muzzled in public unless they have passed the Green Collar Assessment administered by Racing and Wagering WA (RWWA)'s Greyhounds as Pets (GAP) program. Some of the BSL targeting greyhounds has been repealed recently in Victoria following the 2016 Parliamentary Inquiry into the Legislative and Regulatory Framework Relating to Restricted-breed Dogs. The Committee "*received many submissions... the overwhelming majority of which support revoking the muzzling requirement... [and] after reviewing the evidence, the Committee concurs that the muzzling requirement is unnecessary. Removing the requirement may increase the rate of adoption of ex-racing Greyhounds, which are currently euthanased in large numbers*" (Parliament of Victoria 2016). From January 1 2019, pet greyhounds in Victoria no longer have to wear muzzles in public places unless the individual dog has been declared a dangerous dog. Alternative approaches to BSL for greyhounds include requirements for socialisation from a young age and the responsible husbandry of adult dogs (Ledger *et al.* 2005).

Assistance dogs

Legislation relating to assistance dogs has failed to keep up with progress in this sector. There are now many types of assistance dogs (RSPCA Australia 2019b) that are not acknowledged in the existing legislation. **RSPCA WA would recommend that the WA state government considers extending assistance dog certification status to appropriately accredited organisations.**

Potential animal welfare issues associated with the use of assistance dogs should be taken into account including selection and breeding, rearing and housing, training, stress and over-work. The RSPCA acknowledges that assistance animals can have a positive and transformative impact on the lives of people. However, it is important that the welfare of assistance animals is also monitored, evaluated, and prioritised (RSPCA Australia 2019a).

The Discussion Paper mentions the "*full public access rights*" of assistance dogs "*including being allowed... on public transport*". Though it goes beyond the remit of this review, **RSPCA WA would like to take this opportunity to draw attention to Australian research which supports the case for people to be able to bring dogs (not just assistance dogs) on public transport.** Lack of transport prevents some people from being able to take their dog to a vet and this may have serious animal welfare ramifications. The reliance of large numbers of dog owners on cars also has wider implications for urban planning,

sustainability, health and the liveability of Australian cities (Kent and Mulley 2017). 95% of the over 1,250 Sydney dog owners who participated in a 2017 study supported allowing dogs on public transport, as they are in European cities (Kent and Mulley 2017). The study authors, experts in public transport policy, assert that *“if public transport is for travel for all citizens and dogs are an important part of so many people’s lives, why should dogs be excluded from public transport?”* (Kent et al. 2017).

Numbers of cats

RSPCA WA would urge the WA state government to place limitations on cat numbers. As the Discussion Paper highlights, *“the Cat Act does not limit numbers of cats that can live at a property at any one time”*. The Cat Act allows for local laws to be made limiting the number of cats that may be kept at premises or premises of a particular type. However, unlike the Dog Act, the primary legislation for cats does not specify maximum numbers. The Dog Act s26 (2) (a) allows for a local law to *“limit the number of dogs that can be kept in or at a premises to 2, 3, 4, 5, or 6 only”*. Likewise, limitations as to the numbers of cats to be kept are urgently required in particular to provide additional mechanisms to address issues such as cat hoarding.

Cat curfews and restricting cats to premises

RSPCA Australia encourages cat containment within property boundaries, as this can help protect cats from disease and injury, enhance the human-animal bond, reduce the impact of hunting by cats, decrease disturbance caused to neighbours and help prevent uncontrolled cat breeding ([Policy 9.4.1](#)). **RSPCA WA supports cat curfews and restricting cats to premises for the welfare of cats and wildlife.**

As the Discussion Paper acknowledges, *“WA has a large unwanted cat problem... Local governments, cat refuges and the community have told us that cats that wander and create a nuisance are an ongoing problem”*. RSPCA WA also receives daily calls about ‘nuisance’ roaming cats including threats and reports of harm. It is clear that ‘nuisance’ roaming cats are a significant issue affecting a large number of animals, people and communities in WA. Residents’ frustration is palpable. The welfare of cats and wildlife is at risk as well as public health and safety.

RSPCA Australia recently conducted detailed nationwide research into cat management in

Australia including WA. Detailed information including the final report, results of the public consultation and summary of findings are available to [download online](#) and cat management is such a critical issue that it will be the topic of the 2020 RSPCA Australia Science Seminar.

As per the final report ‘Best Practice Domestic Cat Management in Australia’, *“Cat containment regulations need to mandate 24-hour containment, rather than night-time curfews, if they are to significantly reduce wildlife predation, breeding of unwanted cats and cat nuisance... Implementation of cat containment should be preceded by programs to educate owners about the benefits of containment and how to ensure the welfare of contained cats”*. In 2019, RSPCA Australia released a guide about cat containment called ‘Keeping your cat safe and happy at home’ which is available to [download online](#).

There are precedents for cat curfews and restricting cats to premises in other Australian jurisdictions. The ACT *Domestic Animals Act 1994*, allows the Minister to declare cat containment areas and 17 of these areas have been declared to date (ACT Government 2019). The Tasmanian *Cat Management Act 2009* and Victorian *Domestic Animals Act 1994* also allow councils to declare cat containment areas and curfews (RSPCA Australia 2018).

Cat sterilisation

RSPCA WA strongly supports the assertion in the Discussion Paper that ***“sterilisation (de-sexing) of cats is important to help reduce the number of unwanted cats in the community”***. However, despite legislation mandating that cats are sterilised by the age of six months, WA continues to face a crisis of cat overbreeding. RSPCA WA encounters many cases of cats and kittens suffering from neglect and abandonment that could have been prevented if owners had sterilised their cats. Other organisations particularly Cat Haven, receive thousands of kittens every year because cat owners have failed to sterilise their cats (Cat Haven 2019). Detailed analyses and recommendations for effective cat desexing strategies can be found in the [RSPCA Australia Research Report on early-age desexing of dogs and cats](#) and the [2018 RSPCA Australia Research Report on Best Practice Domestic Cat Management in Australia](#).

As cats can reach sexual maturity before six months, the age of mandatory sterilisation should be revised down to effectively address cat overbreeding and the welfare of

significant numbers of unwanted cats. More information can be found in the [RSPCA Australia Research Report on early-age desexing of dogs and cats](#).

While legislation is an essential component of preventing unplanned-z and over-breeding, other non-legislative measures are also required. Organisations such as Cat Haven, SAFE, WA Pet Project and some local governments do operate subsidised desexing programs in WA but a well-resourced state-wide cat desexing strategy (including community education and subsidies) is urgently required to prevent the significant animal welfare, environmental, and public health consequences of cat overbreeding.

Combining the Cat and Dog Acts

RSPCA WA has no objections if the Cat and Dog Acts were to be combined provided that it leads to more consistent administrative and enforcement provisions.

Other issues

Information recording and sharing

RSPCA WA is concerned about gaps in information recording and sharing and recommends that a centralised state database (as per the ‘Stop Puppy Farming’ reforms) be established as a matter of urgency to ensure information is readily available to the relevant parties. At present, information is held by individual shires in disparate and disconnected databases that are not accessible by other shires or rescue organisations. This results in serious concerns such as those raised in the Discussion Paper - *“At times, dogs that are held in pounds or places with rescue organisations may not have their history properly checked to make sure the dog has not previously been declared dangerous... before being re-homed or placed in foster care”* (DLGSCI 2019).

As per the WA State Government’s proposed ‘Stop Puppy Farming’ reforms, a centralised database similar to the South Australia [Dogs and Cats Online](#) (DACO) system is urgently required in WA to enable relevant agencies (and where appropriate, the general public) to access and update relevant information. A well-designed and administered centralised database could have profound benefits. In addition to recording information and sending updates about registration, data about animal breeding must be included on the database such as the number of breeding animals registered to an individual person, the number of breeding females they own, the number of times those female animals have been bred etc. The database should enable lifetime traceability even where ownership changes. For example, in QLD, their state database includes a Supply Number which must be included in the microchipping paperwork of every dog born after May 2017 *“linking the animal to its former owner (breeder) and current owner”* to *“allow tracking of unethical breeding practices”* (Orr and Hazel 2018).

Enforcement gaps

Daily communication from West Australians indicates to RSPCA WA that there are enforcement gaps and widespread confusion about the roles of different agencies when it comes to cat and dog management in WA.

To clarify the role of RSPCA WA, our Inspectors are appointed under the *Animal Welfare Act 2002* (Animal Welfare Act) to investigate and respond to complaints of cruelty and

neglect. Depending on the circumstances, our Inspectors may also have powers under the Animal Welfare Act to render assistance with animals found sick or injured. Accordingly, if a resident finds an animal, for example a roaming cat, who is sick, injured and/or has been subject to cruelty, neglect or abandonment, they can report to RSPCA WA via the Cruelty Hotline 1300 278 3589 or [online](#).

In regards to local government, our understanding is that their Rangers have responsibilities to enforce the Dog Act, Cat Act and relevant local laws. In addition, local governments may also nominate Rangers to be authorized as General Inspectors under the Animal Welfare Act. Rangers appointed as General Inspectors under the Animal Welfare Act have the same powers as RSPCA WA Inspectors. Hence, if a resident finds an otherwise healthy roaming animal (eg. an owned, semi-owned or unowned cat), they should be able to seek assistance from their local government and in some instances, where a Ranger is authorized as a General Inspector, they may also respond to an animal that is found sick, injured and/or has been subject to cruelty, neglect or abandonment.

Unfortunately, RSPCA WA receives daily complaints that indicate significant enforcement gaps. A prime example is the lack of consistency in local governments' approach to cat management. Some local governments actively respond to residents' reports of 'nuisance' cats by enlisting the services of pest management contractors, some have formal arrangements with animal welfare organisations to rehome cats, others appear to have opted out of cat management entirely and leave residents to take matters into their own hands. Different interpretations of the Cat Act have led to further confusion particularly when roaming cats are reported on business premises, private property and land belonging to state government departments such as Main Roads and the Department of Transport.

There are concerning animal issues occurring in WA which appear to be falling into enforcement gaps between animal welfare legislation and dog and cat management legislation. Ongoing reviews of the Cat Act, Dog Act and *Animal Welfare Act 2002* provide critical opportunities to address these gaps and improve legislative clarity. For example, RSPCA WA receives a considerable number of queries from local government in regards to entry of premises to render assistance to animals abandoned on private property. These queries indicate that 'Entry of premises' (eg. Dog Act s.12A) requires clarification.

To complement the statutory review of the Dog Act and Cat Act, **RSPCA WA strongly recommends that the WA State Government together with relevant stakeholders, also develops clear policies to close enforcement gaps and ensure consistent, effective, evidence based and humane animal management.** For example, the [ACT Draft Cat Plan was available for public consultation](#) until 28 June 2019 and reports on the consultation are expected later this year. The Plan covers eight strategic priorities including promoting responsible cat ownership, improving compliance and enforcement, reducing rates of semi-owned and un-owned cats, adopting best practice animal welfare, exploring options to expand cat containment, raising awareness about the impact of cats on wildlife, managing cats in rural areas and reducing public health risks (ACT Government 2019). In addition, local governments are encouraged to develop and implement Domestic Animal Management Plans (DAMP) as they are required to in Victoria with reviews every four years to “*address administration of the [Domestic Animal] Act and the management of dog and cat issues in their community*” (Greenway 2017).

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