

**Submission by Susan Lewis, Cat Breeder and Member of the  
Governing Council of CatsWA, Written in Response to the  
Invitation to Provide Feedback on Dog and Cat Laws in WA**

***I am a passionate breeder of Siamese cats and have known and owned cats for as long as I can remember. I have also rehomed a number of cats that still live with me.***

***As a co-author of the Submission made by FCCWA (CatsWA) my submission varies little from theirs. The main difference is in the initial part of the document in italics down to \*\*\*\*\****

*In order to establish my Bona Fides, I would like to provide some information on my background:*

*I have a B.Agr.Sc (Latrobe University) and a M.Agr.Sc (Melbourne University).*

*I was employed as Animal Welfare Officer by the University of Western Australia for 25 years. For the 8 years prior to my retirement I held the position of Deputy Director of Research Services. I was the Senior Administrator of Compliance for the University in the areas of Animal Welfare, Animal Ethics, Human Research Ethics, Gene Technology, Biological Safety, Animal Management and Research Conduct/Misconduct.*

*I was appointed by Mr. Paul Omodei to the original Committee responsible for drafting the WA Animal Welfare Act. I was nominated by the University of Western Australia and the Western Australian Animal Ethics Group that I had established some years earlier. WAAEG members consisted of the Chairs and Senior Administrative staff of Animal Ethics and Welfare Committees throughout WA.*

*I am a pragmatic person and I am able to balance the matters needing Regulation through Legislation with the welfare of cats and their ethical treatment. I firmly believe that the vast majority of the public of WA recognize the need for Legislation relating to Cats but that this must be*

*tempered with due regard for the physical and behavioral needs of cats in order to optimize their welfare.*

*I believe that the current Cat Act requires an overhaul in order to achieve its original goals and acknowledge the requirements of cat lovers and legitimate, ethical registered breeders.*

*Major changes need to be made to the management and implementation of the Cat Act by Local Governments and their rangers. Having spoken to rangers from one local council I am aghast at their lack of understanding of the Cat Act, their overbearing and bullying tactics and the irresponsible methods they use to implement the Act. The utter disregard by this Council's Rangers for the welfare of cats, their disrespect for their constituents and their sheer ignorance of the Legislation is horrifying. I have personally observed their behavior – as they bullied and lied about the Cat Act to a cat breeder who was in the midst of a nervous breakdown.*

*The interpretation of the Act and what rangers believe is required of them has led them to zealously over-monitor the registered cat owners and breeders whilst ignoring the main cause of the 'Cat Problem' in WA*

***– The Backyard Breeder (BYB).***

*Given the commitment by the WA State Government for identifying and closing down puppy farms, one would expect council rangers would be fully aware of what defines a backyard breeder and that identifying and closing them down should be their priority. This is not the case with most councils and their rangers, instead they have seized the easy, lazy option of pursuing registered cat owners and breeders instead. If we are going to make any progress at all in achieving the goals of the Act – there will have to be major educational campaigns aimed at the public – to 'dob-in a BYB' and major changes in attitude by rangers – in order to locate BYB's and potentially eradicate them.*

*I believe that the appropriate implementation of the Cat Act can only be achieved by legislating/regulating what is specifically required by councils and their rangers. Delegating to councils and rangers the ability to write their own Local Laws (often inconsistent with the goals of the Act) has led to a*

*myriad of inconsistencies and entirely incorrect interpretations - leading to disharmony among all those affected.*

*I sincerely urge the Review Committee to investigate what has been happening, and the cases going to the State Administrative Tribunal. I have written a Statement pertaining to the treatment of a cat breeder by her local rangers. This statement has been submitted to SAT in support of another breeder who has also been bullied and harassed and refused her Breeders Licence. It is a shocking indictment of those rangers involved. Should the Review Committee wish to see this Statement – please let me know.*

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*This Document aims to identify some deficiencies and current problems currently applying to the Act itself and its implementation by Local Governments.*

*I provide for the Review Committee's consideration - some suggestions for additional material for inclusion in the revised Act and some suggestions for resolving the identified deficiencies.*

*This document is laid out as follows:*

- 1. Preamble*
- 2. Background*
- 3. Matters of Concern*
  - A. The number of Cats Permitted to be kept by Cat Owners and Cat Breeders.**
  - B. Applications for Breeders Licenses**
  - C. Problems with the Implementation of the Act by Local Councils**
  - D. Some Facts About Cat Breeders.**
  - E. Backyard Breeders (BYBs)**
  - F. Conclusion**
- 4. Comments on Western Australia Cat Act 2011, Version 00f0-00*
- 5. Comments on Western Australian Cat Act 2011, Regulations 2012*

## 1. PREAMBLE

The WA Cat Act (2011) - as per page 1 of the Act - is

'An Act to –

- Provide for the control and management of cats; and
- Promote and encourage the responsible ownership of cats, and for related matters.

As stated in the 'Pause for Paws' document requesting feedback from stakeholders, the main purposes the Cat Act 2011 (and Dog Act 1976) are to

- Encourage responsible pet ownership
- Safely return lost animals to their homes
- Keep the community and other animals safe
- Reduce the numbers of animals admitted to pounds and shelters
- Reduce the number of animals that are euthanized

Point 3 being more relevant to dogs.

Whilst these original goals are admirable – the current legislation and associated guidance documents for Local Laws are deficient in many areas making them 'unfit for purpose' and hence the proposed goals will never be able to be achieved. This is evidenced by data illustrating the increasing number of cats being seized and the number of cats being euthanized. The intention of the Act was to reduce these numbers. Clearly the strategies currently being upheld by local governments are not working and the implementation of the Act is happening without appropriate consideration of best practice. We will describe some of the reasons below.

## 1. BACKGROUND

Animal welfare is widely acknowledged as linked with Animal Control. Current best practice for the care and management of cats is critical to the success of regulatory measures. It is widely acknowledged that animals – including cats are sentient beings. Scientific evidence shows that many species experience emotions ranging from joy and happiness to deep sadness, grief, PTSD (post traumatic stress disorder) along with empathy, jealous and resentment. Cat owners already know this and the majority (especially breeders) seek to optimize the environment of their cats in order to limit any stress. Stress is known to lead to numerous illnesses – some terminal. Sentience should be acknowledged by council rangers and referred to in their Website information for cat owners.

Across the world – the 5 Freedoms for Animals underpin the treatment of all pets (and other species), Both the WA RSPCA and The Cat Haven fully endorse the 5 Freedoms which are:

1. [FREEDOM FROM HUNGER AND THIRST, by ready access to fresh water and diet to maintain health and vigour.](#)

2. FREEDOM FROM DISCOMFORT, by providing an appropriate environment including shelter and a comfortable resting area.
3. FREEDOM FROM PAIN, INJURY AND DISEASE
4. FREEDOM TO EXPRESS NORMAL BEHAVIOUR
5. FREEDOM FROM FEAR AND DISTRESS

Some Organisations have added to these 5 freedoms to make them more specific to cats, e.g. American Association of Feline Practitioners – Veterinary Professionals Passionate About the Care of Cats’ (catvets.com). This organization has numerous Position Statements: - see list.

<https://catvets.com/guidelines/position-statements>.

This is the type of information all cat owners, breeders, council rangers and authorities should be aware of and implement to ensure the welfare of all cats they interact with.

Differences between cats and dogs. This may seem a question with simple answers. For breeding the answers are more complex. Cats are not small dogs and must not be considered in this way. Breeding for cats and dogs is vastly different and many, including vets, will say cats are far more complex and difficult to breed.

| <b>Cats</b>  | <b>Dogs</b>   |
|--|---|
| Reach sexual maturity as early as 4 months for females and 6 months for males  | Generally will be over 6-12 months before sexual maturity.  |
| Females will cycle regularly, sometimes every two weeks until mated  | Come into season approx. every 6 months   |
| Females are induced ovulators and will ovulate when mated, whether in season or not  | Females ovulate when in season and hormone levels correct   |
| Cannot be inseminated artificially, they MUST be mated by the cat  | Breeders can use semen from any male dog for insemination   |
| Semen cannot be collected and frozen for later use   | Semen can be stored or purchased from unrelated dogs  |
| Entire cats are not suitable as pets so cat breeders cannot establish ‘satellite’ breeding programs with pet buyers  | Dog breeders can ‘place’ breeding dogs with pet owners to reduce the number of dogs on their premises   |
| Cats are very prone to viral infections, especially those in multicat situations. Vaccinations are not effective in eliminating diseases. Many cats will still carry viral loads even when fully vaccinated. For this reason breeders will often house cats and kittens separately | Dogs are always vaccinated with ‘live’ vaccines which give greater protection. If the female is fully vaccinated and puppies vaccinated viral infections are well controlled. |

|   |  |
|---|--|
| Breeders cannot keep a 'breeding pair'. It is recommended that one male is kept for three females as a minimum. This will enable the breeder to space the litters and reduce the stress of constant calling for both the male and the female. There is very limited ability to purchase 'stud services' from other breeders | Dog breeders can use alternatives to enable breeding such as insemination or using an unrelated stud |
| Cats do not generally attack people and cat fights usually do not require intervention by Rangers   | Dog attacks are frequent and take up a lot of time for Rangers                                       |

## 2. Matters of Concern

### A. The number of Cats Permitted to be kept by Cat Owners and Cat Breeders.

- The current Cat Act refers only to the registration of cats owned by cat owners and cat breeders. We would like this to be expanded to up to 6 categories of cat owners.
  - **Cat owners (de-sexed cats only)**
  - **Minor Breeders (hobby breeders) with a maximum of 12 cats**
  - **Major breeders with more than 12 entire cats**
  - **Boarding Catteries – who may also be pedigree cat breeders**
  - **Boarding Catteries**
  - **Informal cat owners/feral cats**

We believe that councils need to accept these categories and judge the maximum numbers of cats to be kept by a particular group according to the facilities they have for their cats and their husbandry practices. In other words, if all other requirements are met for Registration – then the assessment for each category should be 'horses for courses' i.e. facilities must be planned, built, maintained and managed at a level consistent with best practice for health and welfare of the number of cats kept at those premises and be consistent with both the letter and the spirit of the Cat Act.

**We believe that pet owners should be able to keep up to 9 cats and minor cat breeders up to 12 breeding cats depending on their facilities.**

**Allowing Local Councils to make their own Local Cat Laws, has resulted in huge anomalies in the treatment of cat owners and their cats. It has had the opposite effect that one assumes was intended by the Cat Bill - it does NOT provide uniform, fair and appropriate regulation. In fact the situation is arguably worse than it was prior to the Cat Bill, because now some local Councils use the Bill to its full extent and use draconian measures to enforce, concentrating on breeders trying to register their cats. Others are happy to take the fees but do absolutely nothing to regulate the genuine registered breeders, nor the backyard**

**breeders. The high fees for ‘Approved Breeding Establishment’ in some cases goes into the general Council funds, there is no inspection, no regulation nor concern for the cats in these cases.**

The current Act does not provide limits on the number of cats that be kept on premises either for cat owners or breeders. The Act does however empower local councils to create their own Local Laws – guidance documents to councils requires councils to consider their goals and objectives in creating a Local Law and what such a law would achieve in addition to the WA Cat Act and associated Regulations. Should a council not have its own local cat law then the Uniform Local Provisions apply. **Prescribed premises** means premises to which a local law applies that limits the number of cats that may be kept at those premises.

- Regulation 4(1) additional number of cats in relation to prescribed premises means a number of cats that is in addition to the standard number of cats for the premises.

*Regulation 6(1) a person who is ordinarily resident at prescribed premises must ensure that the number of cats ordinarily kept at the premises is not more than the standard number of cats for the premise*

*Regulation 6(2-) It is a defence to a charge under subregulation (1) to prove that*

- 1. approval for an additional number of cats is in effect in respect of the premises; and*
- 2. the total number of cats ordinarily kept at the premises is less than or equal to the sum of –*
  - (i) the standard number of cats for the premises*
  - (ii) the additional number of cats referred to in the approval*

## **B. Applications for Breeders Licenses**

In summary a cat owner or breeder can apply for any number of cats when a local council does not have a local law prescribing the ‘usual number of cats’ able to be approved. Where there is a limit to the number of cats which can be approved under a Local Law then the cat owner or breeder can apply for additional cats up to 3 times the normal number approved.

Applying for and receiving a Breeders License should be a simple and streamlined process that is described in detail on the Council websites using a flow chart and description of the process.

Under the Cat Act Regulations (2013) Section 23 states:

Person who may not be refused approval to breed cats (s.37 (5)).

A local government is not to refuse an application for the grant or renewal of an approval to breed cats if the applicant —

- (a) has attained the age of 18 years; and
- (b) has not been convicted within the previous 3 years of an offence against —
  - (i) the Cat Act 2011; or
  - (ii) the Dog Act 1976; or
  - (iii) the Animal Welfare Act 2002;and
- (c) is a current member of one of the following organisations and associations —
  - (i) the Cat Owners Association of Western Australia (COAWA);
  - (ii) the Feline Control Council of Western Australia (FCCWA);
  - (iii) the Australian National Cats (ANCATS).

Despite these Regulations some Local Councils are refusing to provide Licences to breeders who are fully compliant with the requirements above. The State Administrative Tribunal has been receiving complaints from both owners and breeders who are identifying Council and their Rangers as being incorrect as to their interpretation of their role and have a poor understanding of the Cat Act and its associated Regulations.

In one particular municipality this has happened to several breeders – with no reasons given. Such behaviour is inconsistent with the Act

**We believe that minor cat breeders should be able to keep up to 12 breeding cats. Breeders require this number of cats to enable them to breed their cats in an ethical way by ensuring they avoid inbreeding, minimize line breeding and using out-crossing wherever possible. See CatsWA Policy on Inbreeding.**

[http://www.fcc-wa.com/CatsWA\\_PolicyOnInbreedingAndLineBreeding.pdf](http://www.fcc-wa.com/CatsWA_PolicyOnInbreedingAndLineBreeding.pdf)

In order to continue to outcross – minor cat breeders are required to purchase completely unrelated cats (either from Australia or overseas). Once a breeding cat can no longer be bred (to avoid inbreeding or due to age) the goal is to de-sex them and rehome. There are some occasions when the minor cat breeder is forced to retain a de-sexed cat. Examples being that the cat cannot settle into its new **pet home** and is returned to the breeder or the cat may be so bonded to its breeder or another cat – that to rehome it would be cruel and contrary to its welfare. Having said that – the majority of retired breeders are able to be rehomed. Should a de-sexed ex-breeding cat not be suitable for rehoming – then the breeder must be able to retain it – but it should not count toward the 12 breeding cats.

Facilities used to house the cats should be consistent with the 5 freedoms, keeping in mind the needs of cats to have access to vertical space.

With regard to Major Cat Breeders and Boarding Cattery Owners who also breed – the same principles should apply. The facilities should be assessed according to the 5 Freedoms as well as being consistent with Local Planning Guidelines and Registration requirements. There are currently dedicated kennel zones within several local government areas. These areas are predominantly occupied by dog breeders who have separate fees and conditions to the dog owner in suburbia. Cat breeders, particularly those breeding more than one breed, are also moving into these areas. CatsWA believe this should be encouraged and registered cat breeders also be offered reduced fees and increased cat numbers.

We cannot speak on behalf of informal cat owners (e.g. stray cats usually living in industrial areas and often fed by workers in the vicinity) – but there is information and guidelines available as to how best to manage these situations.

We realize that it is both difficult and expensive for Local Councils to develop their own Guidelines for assessing individual applications for Registration. **We strongly recommend that for the sake of uniformity and simplicity – the Review Committee scrutinize the Application Form for Cat Breeders produced by the City of Joondalup. It is comprehensive and provides all required information to be used for assessment of all the suggested categories above.**

<https://www.joondalup.wa.gov.au/kb/resident/cats-apply-to-breed-cats>.

A common Application Form would be cost-effective, provide consistency and be simple for all local councils to implement within the Perth Metropolitan area. Country municipalities may have differing requirements but should also aim for a consistent approach.

Whilst we endorse the City of Joondalup Breeder Application Form – **we do not endorse their requirement that breeders can only keep 3 breeding cats** – this would be a disaster and lead to inbreeding and be completely contrary to best practice. It is also inconsistent with the Act and Guidance notes provided to councils.

**We also believe that it is appropriate for senior rangers to conduct annual inspections of approved breeder premises.** These should be arranged in advance and a checklist should be provided to breeders to enable them to be prepared for what the visit entails. The term ‘visit’ is preferable to ‘inspection’ – as visit implies that it will be a cooperative and collaborative experience to the benefit of both parties.

**We strongly recommend and urge the WA Government to take a stronger role in its own legislation and set standards and uniformity for the benefit of the Local Councils and cat owners throughout the state.**

### **C. Problems with the Implementation of the Act by local councils**

The implementation and administration of the Act has been delegated to local

councils. The councils have been provided with guidance documents to enable them to understand what is required of them and to produce relevant forms and guidance to cat owners and breeders in their constituency. They are also authorized to monitor compliance, take appropriate actions in the cases of non-compliance and educate the residents in their constituency as to their responsibilities under the Act. The absence in the Act of a number of key principles – relating to animal welfare and the behavioral and physical needs of cats must be addressed as ignorance has led to many council rangers considering themselves as ‘enforcers’ rather than monitors, educators and in some cases ‘enablers’.

The 2011 Act has been interpreted by Local Councils and their council rangers from a number of districts as giving them the role of enforcers without due deference as to how they conduct that role. Respect and common courtesy for rate payers has been ignored. It appears that the Act as interpreted by some rangers is actually discouraging them from becoming cognizant of current best practice relating to cats i.e. The 5 Freedoms etc. Without identifying the specific requirements of cats and providing training to rangers, they will continue to focus on enforcement – which has not contributed towards the goals of the Cat Act.

Some council rangers see their role as monitoring the ongoing compliance of those owners who have already registered their de-sexed, micro chipped and vaccinated cats. Even worse, some owners have had their cats seized if they have exceeded what some councils believe to be an appropriate number of cats – in some cases a maximum of 3 (personal communication). One family was not advised that they could apply for a 4<sup>th</sup> cat resulting in the 4<sup>th</sup> cat being sent to The Cat Haven for rehoming leaving the devastated owner and children bereft.

In the guidance documents the intent of the Act has been made extremely clear. Section 79 of the Act provides local councils with the power to make local laws when they are seen as necessary within their constituency. The Cat Local Law Guidance under Section titled *Overview* notes:

- A Cat Local Law does not operate outside the district of the local government for which it is made and is inoperative to the extent it is inconsistent with the Act or any written law. This guidance is being ignored by a number of suburban councils.

**Clearly the delegation of the Cat Law to the Local Councils and individual rangers is chaotic and unacceptable.**

The Cat Local Law Guidance Notes for local governments, Section 2.8. states:

- Point 1 The Act does not provide limits on the number of cats that can be kept on premises’.
- Point 2 ‘Limits for the keeping of cats may therefore be determined by the local government and will need to be a compromise between what is seen to be acceptable to the public to prevent nuisance whilst still being feasible for cat fanciers and breeders. The local government should also consider what would be achieved by limiting cat numbers.

Under Section headed ‘the need for Local Law’, the Guidance notes state:

- A local Government needs to consider what elements of cat control they wish to regulate and only decide to make a local law if:
- The Act, Cat Regulations 2012, the Cat (Uniform Local Provisions) Regulations 2013 or any other written law do not already cover that matter: and
- There appears a sufficient need for additional regulation in that area.

Under Section headed ‘Current Cat Local Laws’ the Guidance notes state:

- A local law should not reproduce any provision already covered in the Act or Cat Regulations 2012 either within the content of the local law or within boxed notes.

It has become very clear to us – having learned from members of the Society of their experiences with rangers from various councils - that many rangers have a very poor understanding of the Cat Act and their responsibilities under the Cat Act.

In our view all council rangers and their management should undergo training in all aspects of the Act to enable them to perform the roles required of them to achieve the goals of the Cat Act

#### **D. Some Facts About Cat Breeders.**

The vast majority of cat breeders are devoted to their cats. The health and welfare of their cats is their primary concern. It is inevitable that there are those within the WA community who do not approve of breeding pedigree cats or who hate cats in general. However, we believe that the ethical, licensed cat breeders of our organization – CatsWA – ‘exceed’ 100% compliance with the WA Cat Act and associated Regulations and this should give reassurance to the public. We also have our own strict requirements with which our registered breeders and members MUST comply.

CatsWA members are required to strictly adhere to our Constitution, Code of Conduct for Members (**which includes the Breeders Code of Ethics**), Code of Conduct for Governing Council, Show Rules, CatsWA Grievance Policy and all documentation enabling us to comply with our Governing Body – the Australian Cat Federation. We are not afraid to implement necessary actions in the case of non-compliance and members have been expelled for non-compliance.

- Cat breeders incur major costs when they are breeding kittens. Breeders insist on feeding their cats on high quality foods to ensure their cats are in the best possible physical condition for breeding and showing.
- Kittens are usually born inside their homes in heated, safe environments e.g. bedrooms. From birth the kittens are socialized to ensure they will grow into affectionate and confident companions for kitten adopters

- Both mother and kittens are wormed regularly with safe (but expensive) products
- Kittens start the weaning process from approx. 4 weeks and are fed on high quality food to ensure physical and psychological health.
- At approx. 8 weeks kittens are vet-checked and receive their first vaccinations
- Soon after vaccination the kittens are micro chipped
- At approx. 12 weeks kittens receive another vet-check and their second vaccination.
- Once the kittens reach 1.2kg or more in weight both males and females are de-sexed. Some breeds reach this weight earlier than others.
- When kittens have recovered from de-sexing they are adopted out to their new owners.
- Profit margins are very small - and in many circumstances the breeder actually incurs a deficit, especially if veterinary and capital costs are accounted for.
- Ethical, legitimate, registered breeders are breeders for love not money.
- We welcome members of the public to our shows where they can view the beautiful pedigree cats and the equally beautiful companion cats.
- Some breeds require expensive heart scanning annually for every breeding cats as well as DNA testing for heritable diseases.
- Registered breeders DNA test foundation cats for hereditary diseases such as PRA, PKD, HK. Not all diseases are able to be tested for but with more tests becoming available each year the list grows and this is an increasing expense.

**For registered breeders it is IMPERATIVE to make a specific point to WA Cat Act Review Committee. Breeder's cats are either housed indoors with secure outside exercise areas or in secure outdoor pens. Breeding cats cannot be allowed to roam as breeders must be able to verify pedigrees that are recognized worldwide.** The only times they are outside is when they are fully confined in their play areas (cattios) or in their mating areas. Some breeders without access to enclosed play areas use leads to enable their cats to experience the outside world.

**Free roaming cats are just as big a nuisance to registered breeders as the general population and it is clear that the Cat Act as it stands has not addressed this problem. It concentrates on those that try to become registered breeders or indeed registered cat owners.**

The Philosophies and commitment of ethical, legitimate, registered breeders means that they should never contribute to the existing 'cat problem' in WA. This is because their cats are too valuable to be allowed to leave the security of their homes or play areas or breeding accommodation.

If a breeder is identified as causing a nuisance or breaching the Cat Act the rangers can approach the registering bodies for assistance to resolve the issues as we all have Code of Ethics for breeders.

#### **E. Backyard Breeders (BYBs)**

**BYBs are those breeders who 'fly under the radar' and give legitimate breeders a bad name.**

**BYB's are the cat equivalent of puppy farms. The current WA government is making major progress in the reforms required to close down puppy farms and the revised Cat Act MUST address this problem as it is one of the MAJOR causes of the Cat problem in WA, i.e. the ever increasing numbers of cats being impounded and euthanized.**

**The Cat Act is effectively reducing the number of bona fide pedigree cat breeders, registered with their member body and the councils, but doing nothing to address the BYB problem.**

**This is drastically reducing the availability of genuine, quality, healthy pedigree cats and decimating the genuine cat fancy in WA.**

BYBs have many or all of the following characteristics:

- Their breeding cats are bred too frequently leaving them in poor condition
- Their breeding cats are bred to the point where they are no longer able to breed
- The cats and kittens are confined in small shelters – often with inadequate shelter
- Kittens are sold at a very young age
  - They are not de-sexed
  - They are not micro chipped
  - They are not vaccinated
  - They are not free of worms or fleas
  - They are malnourished and underweight
  - They are sold via pet shops still or from the back of a car
  - They are often fluffy breeds e.g. Ragdolls and Persians - the fluff disguises their condition
  - They are no longer sold on GumTree but advertise by word of mouth, through other BYBs and currently use the local suburban selling sites
- The new owners do not perform any of the Cat Act requirements (registration, desexing, proper housing and confinement etc) often because they cannot afford to. The kittens often die from disease or accident. Also many kittens are purchased from BYBs by parents for their children. The children enjoy the kittens whilst they are young – but when they become less interesting and playful – they are left to fend for themselves and become strays and add to the feral cat population.
- The strays then become nuisance cats and breed more and more strays
- **BYBs are major contributors to the WA Cat problem and their eradication should be the primary focus of council rangers.**
- We acknowledge there will be difficulties for rangers in locating and identifying BYBs and we recommend rangers liaise with their counterparts who have been involved with locating puppy farms.

- We note that under the Local Government that councils can be authorized to use various types of surveillance e.g. drones and consideration of surveillance should be considered as an option for locating BYBs.

## **F. Conclusion**

CatsWA encourages all of our members to comply with the Cat Act 2011. Some breeders are frightened to register their cats because they fear being over regulated and the COST. Most breeders will have at least 6-10 cats which is a high annual cost for registrations compared to dogs. The costs of breeding have increased, particularly vet fees, and the profit from selling kittens is low for most breeds. More testing for heritable diseases is available and required for registered breeders. Most BYB do not test their breeding cats.

**There is way too much disparity in the charges put upon 'Approved Breeding Establishments' by the various councils, ranging from the Cat Act 2011 mentioned \$100.00 per each entire cat per year, to a 'package charge'. This must be addressed as it is unfair. The situation is worse than it was prior to the Cat Act.**

Cats WA supports sterilisation of pedigree kittens at point of sale rather than the current six months. Where kittens cannot be sterilised for health reason a vet can provide a letter to exempt sterilisation and nominate the age for this to be undertaken for each affected kitten.

CatsWA would support a curfew for cats at night with owners encouraged to build secure enclosures for their pets. Total confinement will need to be gradually introduced as cats used to free roaming will often not adapt easily to being confined, which will lead to an increased surrender rate if enforced immediately. Breeders encourage new owners to keep their kitten and cats confined.

CatsWA is concerned at the use of cat traps by the general public. These traps are often loaned or hired from the local government. There seems to be no control over what happens to cats trapped and anecdotal evidence is that pet cats are 'disappearing' with no trace.

The Cat Alliance has published excellent guidance on trapping cats and these should be adopted immediately by rangers who can provide them to members of the public who hire traps.

There are also reports of violence towards cats by juveniles as well as adults. Distressed pet owners find their pets obviously tortured before death and report that local rangers, police and RSPCA say there is nothing that can be done, even when there is evidence as to who the perpetrators are. This apparent lack of concern for the welfare of cats is worrying. As we have stated earlier, cats are sentient beings. They feel pain and as a humane society we must encourage respects for the welfare of all animals.

CatsWA also deplores the use of 1080 to control feral cats. This is inhumane and causes suffering for the animals.

CatsWA supports the Cat Act remaining separate from the Dog Act.

#### **4. Comments by CatsWA on Western Australia Cat Act 2011, Version 00f0-00**

##### **Page 1,**

Include comment such as

‘Ensure the welfare of all cats is paramount at all times’

##### **Page 2, Clause 3(1)**

Include (d) ‘ local governments to ensure operating guidelines for their cat management facilities are available on their website and facilities are available for inspection by the general public and RSPCA inspectors

##### **Page 10, Division 2 - micro chipping Clause 2(b)**

Must be retained

##### **Page 16, Clause 28 (b) Disposing of seized cats**

Add words ‘ for a minimum of 14 days’

Include (c) Seized cats must be advertised in local papers and Social Media pages such as ‘Lost Pets of Perth’ to optimise return to owner.

##### **Page 18, Clause 33(b)**

Local Government rangers must make every effort to contact the owner to ensure that the cat is not exempt, not sufficient to act on ‘has no reason to believe that the cat is exempt’. Most rangers transfer these cats almost immediately to The Cat Haven without appropriate effort to locate the owner (? Letter drop in location, notice on ‘ lost pets of Perth). The Cat Haven is then forced into making a financial decision to use limited financial resources on which to base their decision to either ‘microchip and sterilise’ or euthanize.

##### **Page 19 Division 4 - Breeding of Cats, Section 35(1)**

‘Approved Cat Breeder’ is an ambiguous terminology. Does it mean approved through an authorised Cat Society, through Local Government or both?

A Clause should be inserted which specifically refers to ‘backyard breeders (equivalent to puppy farmers) and ‘hoarders of cats’

##### **Page 20 Subdivision 2 - Becoming an approved cat breeder, Section 36 (2)(a).**

An efficient, cost-effective solution for acquiring the relevant information would be for all Local Governments to use the same Application Form for use by Breeders. The City of Joondalup has produced an excellent form suitable for all Local Governments within the Metropolitan area. Country municipalities may need to modify it to suit their specific circumstances.

**Page 29, Section page 52 General powers of authorised persons**

After point a should be b, stating that using traps should be conducted according to specific guidelines. The Cat Alliance has published excellent guidelines for use by authorised persons and members of the public.

**Page 34 Section 69(2) Objection may be lodged.**

Numerous Local Government Websites do not provide forms or details of what is required. Instead they request the person lodging the objection to contact rangers by phone. This is inappropriate as there is then no written record.

**Page 34 Section 70 Dealing with objection Point (!)**

There is at least one Local Government where decisions are made by rangers alone. This is completely inappropriate. All Local Governments should ensure that Committees are in place as prescribed in the Act and that the Policies, Processes and Procedures used by Committees/rangers are published on the website.

**Page 40 Division 2 – Local laws Section 79 (1)**

There is an urgency to ensure some consistency between Local Governments with regard to the management of Local Laws.

**Page 41 Section 79 (3) Subsections (a) through (k).**

Addition of 2 further subsections:

(l) compliance of cat facilities with minimal standards

(m) identification and regulation of Backyard breeders.

All Local Governments should be consulting the following 2 documents.

***(a) The Guidance Document titled ‘Cat Act 2011 – A Guide for Local Governments’.***

This guidance provides 43 pages of simple explanatory advice on how Local Governments can best achieve the key features of the WA Cat Act 2011.

Many members of CatsWA can attest to the fact that rangers from their Local Governments are either unaware or ignoring this guidance document. Website information on Policies, Processes and Procedures is absent from the majority of Local Government websites – leaving members of their constituencies with no knowledge or understanding of what is required of them to comply with the Act.

They are then subjected to unreasonable behaviour by local rangers who see themselves as ‘enforcers’ - rather than educators - who can enable the public to become compliant. Instead rangers are meting out punishment.

Local Governments should be collaborative with their constituents and ensure adequate public consultations apply to Section 79(3) Subsections (a) through (k). Once gazetted the

Local Law must be available on all Local Governments' websites – and must include the Policies, Processes and Procedures used by rangers in enacting their responsibilities.

**(b) The Guidance Document titled 'Cat Local Law – Guidance Notes'**

A sensible and comprehensive guidance document of 18 pages has been produced to assist Local Governments in designing the layout and potential contents of a Local Law. This document suggests that some Local Governments will find it unnecessary to create a Local Law, as the Act, Regulations and Uniform Local Provisions are sufficient for ensuring compliance.

The document warns that Local Laws should not reproduce anything already included in the existing Cat Act etc. The guidance also gives a suggested layout of a Local Law and provides suggestions as to **what could be included** – however **it does NOT prescribe what MUST be included**, as this will depend on the specific circumstances pertaining to individual Local Governments.

Unfortunately it is clear that many Local Governments have selectively interpreted the content of this guidance. Many of these new Local Laws have been written so as to impose unreasonable restrictions on the ownership of cats by the public e.g. the number of cats able to be kept. It appears that an **example** written on page 15 of the Guidance notes has been literally interpreted as a requirement of what should go into a Local Law – whereas it is simply one of 2 examples.

However – in contrast - there is very little included in Local Laws concerning the 'establishment, maintenance, licensing, regulation, construction, use, record-keeping and inspection' of Local Governments' Cat Management Facilities and whether they meet minimum standards (Page 16). The guidance provides comprehensive details of the type of information required to assess these facilities.

This guidance asks Local Governments to pose the question 'what would be achieved by limiting cat numbers?' Cat breeders are happy to be visited and have their facilities and standards of husbandry assessed. However breeders completely reject the power currently being exerted by Local Government rangers to restrict the number of cats allowed when they are being maintained to standards of best practice.

Local Governments need to understand and accept that cats owned by breeders are **NEVER ALLOWED FREE ACCESS TO THE OUTSIDE** – it therefore follows that in no way can breeder's cats contribute to the Cat Problem in WA. Local Government rangers and their management who are enforcing draconian rules on breeders – when the Act itself does not place a limit on cat numbers – urgently require training in all aspects of cat Legislation. This includes addressing the real causes of the Cat Problem and improving their Public Relations skills.

Local Governments appear to have no strategies in place to identify and pursue Backyard breeders – major contributors to the Cat Problem.

## 5. Comments by CatsWA on Western Australia Cat Act Regulations 2012

Page 16, Section 16,

Include basic details of housing and husbandry. For consistency and cost-effectiveness Metropolitan Local Governments and their constituents would benefit from adopting the City of Joondalup Application for Registration or a variant of it.

Page 21, Section 21,

as per comments in our CatsWA Submission, we propose cat breeders should be divided into sub-categories.

Minimal housing and husbandry standards should be available on The Local Government website to enable different categories of breeders to understand the minimal acceptable standards for the number of breeding cats they own

Page 11, Section 23, subsections (a), (b), (c)

This entire Section should be retained to enable ethical, registered cat breeders to continue to breed to the standards of the WA Cat Legislation, their WA Society and their National Association. For CatsWA the governing body is the Australian Cat Federation.

It must be emphasised that ethical, registered Cat breeders keep all their cats either in their homes and/or external, high quality, secure enclosures. Breeding cats are NEVER permitted free outside access. Therefore it follows that ethical, registered breeders DO NOT in any way contribute to the WA cat problem.

A new section will need to be added addressing the issues of identification and potential eradication of Backyard breeders (akin to puppy farms). The State Government gave a pre-election commitment to the eradication of puppy farms and that strategy has commenced. Local rangers should be adapting these strategies to the backyard breeders who are directly contributing to the Cat Problem in WA. Potential funding should be sought for this.

The CEO of the Cat Haven fully endorses Government support for ethical, registered cat and dog breeders. Ros is adamantly opposed to allowing backyard breeders to continue their practices unabated, she has direct experience of the pitiful, physical conditions of the cats which have reached the end of their breeding lives - they are dumped at The Cat Haven.

We request that all Local Governments have the Cat Act (2011), Cat Regulations (2012), Cat Uniform Local Provisions) Regulations 2013 and all modifications as approved. on their websites. We commend those who wrote the 2 Guidance documents for Local Governments - which will need to be modified according to changes in the Act etc.

Oversight and compliance with the Cat Act by Local Governments and their rangers must become more consistent and could be greatly improved by the following proposal. Once the revised Cat Act has been gazetted - formal training should be arranged for training of senior rangers potentially through the Rangers Association.

Once senior rangers have been assessed as fully conversant with the WA Cat Act etc., they

can take that knowledge back to their Departments for the training of their staff. Alternatively on-line training and quizzes could be produced which could form compulsory training for the entire ranger population.

**Comments by CatsWA on the Cat (Uniform Local Provisions) Regulations 2013.**

We hope that our suggestion of expanding the number of categories of cat owners will be adopted. This could then be fully explained either within the Regulations or modifications to the Uniform Local Provisions.