



Department of
**Local Government, Sport
and Cultural Industries**

Statutory review of the *Cat Act 2011* and *Dog Amendment Act 2013* Report



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About DLGSC

The DLGSC works with partners across government and within its diverse sectors to enliven the Western Australian community and economy through support for and provision of sporting, recreational, cultural and artistic policy, programs and activities for locals and visitors to the State.

The department provides regulation and support to local governments and the racing, gaming and liquor industries to maintain quality and compliance with relevant legislation, for the benefit of all Western Australians. This publication is current at September 2019.

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Executive Summary

The Department of Local Government, Sport and Cultural Industries (the department) has completed a statutory review of the *Cat Act 2011* (Cat Act) and the *Dog Amendment Act 2013* (Dog Amendment Act).

The Cat Act fully commenced in 2013 and was introduced to provide for the control and management of cats and to promote the responsible ownership of cats. The Dog Amendment Act was introduced in 2013 and includes provisions for the compulsory microchipping of all dogs and new dangerous dog requirements to improve community safety through stricter control of dangerous dogs.

The review commenced on 12 May 2019 for a 12-week period with the release of the consultation paper: *Pause for Paws, Feedback on Dog and Cat Laws in WA*. The department received over 1,250 written submissions (of which 1,192 related only to greyhounds) and 5,822 online survey responses. Workshops were held in the metropolitan area and in regional centres to gather feedback from rangers and other local government staff. The department also met with stakeholders including the Cat Haven and Dogs Refuge Home.

The purpose of the review was to gather feedback and information about how effective the Cat Act and the Dog Amendment Act have been, whether they should continue and whether there is the need for a full review of both Acts. Following analysis of the issues raised during the consultation period, a number of findings have been made as outlined in this report.

It should be noted that while the review focused on the entire Cat Act, it only focused on the amendments made to the Dog Act in 2013.

While submissions received during the review indicated that many of the provisions of the Cat Act and Dog Amendment Act have been (or may be) effective overall, feedback also showed that an important component to improving the operation and effectiveness of both Acts is providing suitable education campaigns to the public to promote responsible pet ownership and greater understanding of the laws that currently exist, and for more effective and consistent enforcement of laws.

Cats

The review found that the Cat Act has generally been well accepted by the community and most local governments, particularly with regards to microchipping and sterilising of cats (although the age of sterilisation continues to be an issue).

The aim of cat sterilisation through the Cat Act was to provide for the control and management of cats and to support the responsible ownership of cats. This is a long-term aim of the legislation and it is acknowledged there are continuing problems in WA with cat overbreeding. The Cat Haven reported that the numbers of kittens surrendered to them have slightly improved overall since the Cat Act commenced in 2013. However, as they are now receiving cats from local governments and from regional areas, there has been an increase in the total number of cats being surrendered to them.

Consistency in the number of cats allowed per household and nuisance/wandering cats are areas where the Cat Act could be more effective. It has been suggested that the Cat Act should contain provisions about confining cats to premises and the number of cats allowed so that the same rules apply across the State and local governments do not have to make their own local laws about these matters.

Dogs

The review found that the changes introduced by the Dog Amendment Act in 2013 were generally viewed positively, with some improvements needed around the management of nuisance barking dogs and other enforcement provisions to allow rangers to be able to more effectively undertake their duties.

The review highlighted support for replacing the breed specific provisions, namely “dangerous dog (restricted breeds)” with a model that promotes responsible dog ownership and management for improving public and pet safety. A significant number of submissions advocated for pet greyhounds not to be muzzled.



Feedback

Feedback to the review indicated that the *Cat Act 2011* and provisions introduced by the *Dog Amendment Act 2013* have been generally effective. While there is a need for the continuation of both Acts, there are improvements that could be made. A summary of the findings highlighted in the report is at Appendix 1.

The feedback and information gathered from this review could be used to inform a full review of both Acts, with a focus on the following key themes:

- Greyhounds not to be muzzled when in public places
- Confining cats to premises
- Limiting the numbers of cats kept at premises
- Consistency of the laws across the State (noting that this is also being considered as part of the review of the *Local Government Act 1995*)
- Review of penalties, enforcement and the powers of rangers to enter premises, seize animals etc
- Combine the cat and dog Acts into one Act.

Mandatory sterilisation of dogs and a central registration database were key themes raised in the feedback received. It should be noted that these matters are being examined separately under the Stop Puppy Farming initiative.

Introduction

The *Cat Act 2011* was introduced to reduce the impact of unwanted cats on the community and the environment through mandatory sterilisation. It aims to lower the number of cats being euthanised over the longer term as the numbers of unwanted cats in the community gradually decline.

The *Dog Amendment Act 2013* introduced a range of new measures including new dangerous dog requirements to improve community safety through stricter control of dangerous dogs.

Both Acts require that cats and dogs are registered with the local government where they are ordinarily kept and that they are microchipped.

The main purposes of the Acts are to:

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

Statutory requirements

The Cat Act requires the Minister for Local Government to carry out a review of the operations and effectiveness of the Act and the need for the continuation of the Act. A report based on the review is to be tabled in Parliament by 1 November 2019.

The Dog Amendment Act requires the minister to carry out a review of the operation and effectiveness of the Act as soon as practicable after 1 January 2019. The report based on the review is to be tabled in Parliament as soon as practicable after the report is prepared.

Review procedure – how we consulted

Surveys

The Pause for Paws – Feedback on dog and cat laws in WA paper was released on 12 May 2019 for a 12-week period. An online general survey was available to the community with a separate local government survey available to rangers and local governments.



Workshops

The department met with the WA Local Government Association, Local Government Professionals WA and the WA Rangers Association and conducted workshops for rangers and local government staff at:

- City of South Perth
- City of Busselton
- City of Greater Geraldton
- City of Kalgoorlie Boulder.

The workshops gave rangers and staff the opportunity to raise concerns about the operations of the current Acts and to discuss ideas for improvements.

Workshop attendance

Workshop location	Attendance
South Perth	31
Busselton	14
Kalgoorlie	10
Geraldton	11
Total	66

Key themes raised in the workshops included:

1. A centralised registration database – to include microchip details and if a dog has been declared dangerous.
2. The need for rangers to have the power to enter premises, seize animals and obtain owners details in some situations. It was noted that this would be particularly useful in circumstances of repeated non-compliance of pet owners.
3. Sterilisation
 - a. Mandatory sterilisation should be introduced for dogs (unless an approval to breed or other exemption is approved)
 - b. Sterilisation age for cats should be reduced as they reach sexual maturity before six months (the current sterilisation age)
4. Penalties should be incurred when cats wander/trespass on property without consent. A cat curfew should be introduced, or cats should be confined to their property.

There was also significant support for combining the two Acts into one.

Written and survey submissions

The department received over 1,250 written submissions. Of these, 1,192 advocated for the removal of the requirement for greyhounds to be muzzled when in public places.

About half of respondents to the general survey had read the consultation paper prior to responding to the survey. Most survey respondents live in large metropolitan local governments with nearly 14 per cent coming from the City of Rockingham, 11 per cent from the City of Joondalup, six per cent from the City of Wanneroo and nearly five per cent from the Cities of Mandurah and Stirling.

As can be seen from the Table below, dog owners made up a large majority of respondents followed by owners of both a cat and dog and then cat owners.

What best describes your relationship to dogs and cats	Total Number	As a percentage
I have a dog(s)	2,041	40%
I have a dog(s) and cat(s)	907	18%
I have a cat(s)	707	14%
Other (please specify)	609	12%
I have no specific relationship with dogs or cats	577	11%
I am involved in animal welfare, including re-homing of dogs and cats	133	3%
I am employed in role that works with dogs and/or cats	117	2%
I am a breeder of dogs	21	0%
I am a breeder of cats	14	0%
I am involved in the greyhound racing industry	7	0%
I am a breeder of dogs and cats	6	0%
Grand Total	5,139	100%

The department recognises and is grateful for the time and contributions of the community and stakeholders who provided feedback, comment and assistance in undertaking the review.

Organisation of this report

This report is set out in two main parts:

Part 1 deals with the current legislation and the feedback received during the consultation period on a range of topics about the Cat Act. These topics include registration, collars and tags, microchipping, nuisance and wandering cats and cat sterilisation.

Part 2 examines the operations and effectiveness of the Dog Amendment Act and the feedback received during the consultation period. The topics include registration, collars and tags, microchipping, nuisance dogs, dog attacks, dangerous dogs, restricted breeds, greyhounds and assistance dogs.

The report also explores the possibility of combining the two Acts into one.

Part 1 – Cats

1.1 Registration

Current legislation

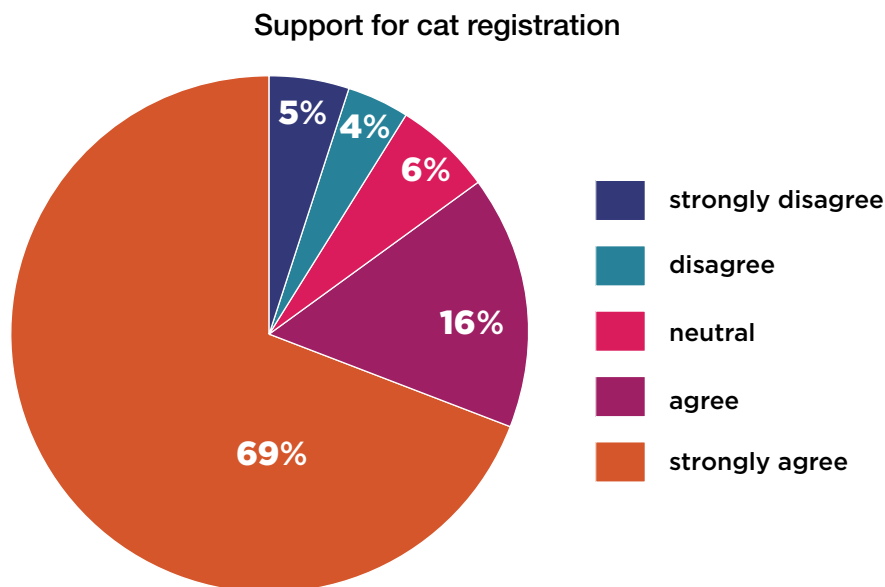
The Cat Act states that cats that have reached the age of six months are required to be registered with the local government in the district they are ordinarily kept. One of the main benefits of registration is that it provides an important way for local governments to check if owners are microchipping and sterilising their cat/s. Local governments ask for confirmation about whether cats are microchipped and sterilised when they are being registered.

Cats can be registered with their local government for a period of one year, three years or for their lifetime. A benefit of lifetime registration is a reduction of the administrative burden on local governments because renewal notices only need to be issued once and the details of the cat only need to be entered on their systems once. It also reduces the costs for owners who only pay for registration once.

There are also disadvantages with lifetime registration because there is no reminder sent to owners to re-register their cat. As a result of this, owners may not advise local governments if they no longer have a pet or if they move.

Feedback summary

Overall, 85 per cent of respondents to the survey agreed that cats should be registered as can be seen in the table below:



The most popular registration period for cats was for a lifetime registration with 80 per cent of respondents supporting this option. A further 47 per cent of respondents supported an option to register animals for three years and 38 per cent for one year.

Around 85 per cent of respondents believe that the registration periods for cats and dogs should be the same.

Feedback from local governments indicated that problems associated with lifetime registrations were mainly keeping pet registration details up to date, but these could (in part) be alleviated with a central registration database.

The Australian Veterinary Association (AVA) submitted that they support compulsory registration and permanent identification of dogs and cats. The AVA noted that while annual or three yearly registration provides an easy mechanism for maintaining accurate records that identify the owners of the animals, the registration period (whether annual, three yearly, or lifetime) is secondary to the need to have up-to-date identification details.

These are essential for reuniting lost animals with their owners and enforcing legislation around animal ownership and animal behaviour.

Findings

1. Registration of cats is strongly supported. The current three options for periods of registration should remain.
2. Registration periods for cats and dogs should be the same.
3. A central registration database for cats should be explored.

1.2 Collars and tags

Current legislation

The use of tags as a method of identification for cats was introduced through the Cat Act. Cats must wear a registration tag whenever the cat is in a public place. Cats will generally wear a collar, so the tag can be attached to it.

Feedback summary

Survey results (general survey – 65 per cent; local government survey – 63 per cent) showed support for cats to wear a registration tag. There was also majority support for cats to wear a registration tag even if it is microchipped.

There were some comments to the review that plastic identification tags were recognised as an environmental concern as well as being easily damaged or lost.

Consultation conducted prior to the commencement of the Cat Act had very strong support for cats to wear an identifying tag (95 per cent of respondents) and there does not seem to be sufficient support to change that view.

Findings

4. Feedback indicated that the wearing of collars and tags achieves the purpose of enabling a cat to be identified by rangers – including making it obvious that it is a domestic cat that has an owner.
5. There is strong support for this to continue with no change.

1.3 Microchipping cats

Current legislation

The Cat Act requires cats to be microchipped by six months of age. Cats must be microchipped when they are transferred to a new owner (no matter what age).

Feedback summary

Over 60 per cent of survey respondents (general and local governments) agree that microchips are an effective way to identify cats.

During the workshops, rangers and local government staff reported that one of the main issues with microchips is that they are not being registered with the relevant microchip database company or details are not being updated when the cat has been transferred to a new owner or the owner moves to a different local government area. Evidently, it is common for the microchip not to be registered, or to be registered to a breeder or rescue organisation rather than the owner. This can make finding the owner difficult and can lead to cats being held in pounds longer than necessary.

Furthermore, local governments and some stakeholders have reported that some microchip database companies will not provide details of owners, citing privacy concerns. Once again, this means that local governments and rescues/shelters have a difficult (sometimes impossible) task in reuniting cats and their owners.

Findings

6. Strong support from the public, local governments and industry exists for the practice of microchipping cats to continue.
7. Improvements could be made to the way microchip details are stored – this could be in either a national or State-based database.
8. Feedback indicated that education on the current requirements of microchipping, focusing on obligations of owners/breeders/rescues when a cat is transferred to a new owner and the need to keep information up-to-date, is necessary to achieve the desired outcomes of reuniting pets with their owners and the obligations of being a responsible cat owner.

1.4 Cat numbers and nuisance/wandering cats

Current legislation

As with most Australian States, Western Australia has a large unwanted cat problem. While the introduction of the Cat Act was not expected to resolve this and the associated issues straight away, it did provide some ways that the number of unwanted/feral cats could be reduced, particularly through the requirement for all cats to be sterilised.

The Cat Act gives local governments the ability to create their own local laws to manage cats that are creating a nuisance, such as killing wildlife. Local laws can specify places where cats are absolutely prohibited, but at the moment they cannot introduce restrictions across the whole district.

Feedback summary

Wandering cats

Local governments, cat refuges and the community report that wandering cats creating a nuisance are an ongoing problem. Possible solutions raised during consultation include cat curfews and restricting cats to premises.

Fifty-six per cent of survey respondents agreed that cats are a nuisance in their neighbourhood. This was highest amongst those who had no relationship with cats and dogs with 67 per cent of dog owners agreeing. Among cat owners, 25 per cent of respondents believed wandering cats were a nuisance.

Confinement

Seventy-three per cent of respondents supported the confinement of cats to the owner's property. It should be noted that among cat owners, there was only 49 per cent support, with 39 per cent of cat owners opposing cat confinement.

Curfews

Eighty-eight percent of respondents agreed that cats should be kept inside at night. The strongest level of resistance came from cat owners, with 16 per cent opposed to this idea.

Numbers

The maximum number of cats permitted at a single residence which received the most support was two (40 per cent), followed by three cats (19 per cent) and four (14 per cent) among survey respondents.

A consistent theme in the feedback to the review was that there should be State-wide laws about cat confinement and numbers of cats allowed rather than the current position of local governments making their own local laws about some of these matters.

Feedback from cat breeders is that there should be consistency across local governments with regards to numbers of cats. Cat breeders have long contended that it is not the registered breeders who are the problem with regards to wandering cats or cat numbers as they follow their organisations' codes of ethics, register with their local governments and generally confine their cats to premises/cat runs.

Control and enforcement

Fifty-five per cent of all respondents disagreed that there are sufficient controls used by local governments to manage cats. The greatest level of disagreement came from people with no relationship to cats or dogs (76 per cent) with 60 per cent of dog owners of the same belief. Generally, survey results indicated that there are not sufficient controls over cats.

Fifty-five percent of people believed local governments were not enforcing controls to manage cats adequately. From feedback to the review, this is mainly around wandering cats (cats being on the property of someone other than their owners and in some cases, damaging property or injuring/killing wildlife).

Wildlife

Fifty-one percent of people surveyed have the view that cat attacks on animals, wildlife, other cats and people are an issue. This compares to cat owners of which only 23 per cent believed there is an issue.

The following comment was indicative of feedback in a number of submissions received regarding the impact of cats on wildlife:

“Regulations to restrict pet cats to their owners' property will, undoubtedly, improve conservation benefits for a diverse range of species utilising urban, suburban and peri-urban environments. Targeted education programs that highlight the welfare benefits that arise from restricting pet cat movement and encourage wildlife-friendly cat husbandry, implemented at community- and State-levels, could be used to drive change in attitude and behaviour among cat owners.”

Findings

9. There is strong support for cat numbers and confinement/curfews of cats to be implemented State-wide (in legislation) rather than through individual local laws – to provide consistency among local governments.
10. As a means of controlling cat numbers, there were multiple requests in the feedback received for the Cat Act to be brought into alignment with the Dog Act by placing greater restrictions on cat owners in relation to the number of cats that people can own.

1.5 Cat sterilisation

Current legislation

Under the Cat Act, cats are to be sterilised by the time they are six months of age unless they are exempt. A cat can be deemed exempted from sterilisation if it is approved for breeding purposes by the local government or if a veterinarian has given it a certificate exempting it from sterilisation.

Sterilising cats is important to help reduce the number of unwanted cats in the community. If a cat is being sold, traded or given away, it must be sterilised. If a cat is too young to be sterilised when it is transferred to someone else, a prepaid de-sexing voucher is to be provided to the new owner.

Feedback summary

In the survey, 1,130 respondents indicated they had obtained a cat in the last five years. Of those, 1,006 indicated the cat had been de-sexed.

Twenty-one per cent of respondents indicated they had received a de-sexing voucher when they took ownership of the cat (from the breeder, pet shop etc.). Of these, 63 per cent said it encouraged them to have the cat sterilised.

Overall, sixteen per cent of people who completed the survey believe the current age for cat sterilisation is not appropriate. It should be noted that 37 per cent of respondents said that it is appropriate, with 46 per cent being unsure (as less than half of survey respondents had read the consultation paper, this high number may indicate that people are not aware of the sterilisation age).

Agreement with Cat Sterilisation Age	No	Unsure	Yes
I am a breeder of cats	36%	0%	64%
I have a dog(s) and cat(s)	12%	26%	62%
I am a breeder of dogs and cats	20%	20%	60%
I have a cat(s)	14%	27%	59%
I am employed in role that works with dogs and/or cats	29%	19%	52%
I am involved in animal welfare, including re-homing of dogs and cats	23%	31%	46%
Other (please specify)	21%	45%	35%
I have a dog(s)	14%	63%	23%
I have no specific relationship with dogs or cats	23%	57%	20%
I am a breeder of dogs	40%	40%	20%
I am involved in the greyhound racing industry	20%	60%	20%

While consultation indicated that sterilisation of cats is an effective way of reducing cat numbers in the longer term, the age a cat is sterilised needs further investigation. The Cat Haven and the RSPCA advocate for cats to be sterilised at less than six months because cats can reach sexual maturity from as young as three months. This view is generally supported by rangers. By contrast, the Australian Veterinary Association's position is that the timing of the procedure is best determined by the veterinarian in consultation with the owner. The AVA provided the following comment:

“While the AVA strongly supports the sterilisation of cats, the decision whether to sterilise, the timing of the procedure, and the nature of that procedure is best determined by the veterinarian in consultation with the owner. These decisions should not be determined by government legislation. The veterinarian is best placed to understand the specific health and management circumstances of individual animals in their care.”

Consultation conducted prior to the commencement of the Cat Act had very strong support for cats to be sterilised (92 per cent of respondents) and there does not seem to be sufficient support to change that view.

Several submitters suggested that government (and/or local government) funding programs should be made available to assist cat and dog owners to meet the costs of de-sexing and microchipping their pet. This could be similar to funding programs available when the Cat Act was introduced in 2013.

Based on submissions received to this review, there is strong support for continuing the provisions for cats to be sterilised to improve cat health, decrease environmental issues, reduce overbreeding and the (often) consequential issues of neglect and abandonment.

Findings

11. The provisions in the Cat Act for cats to be sterilised should remain.
12. Feedback indicated that the age of cat sterilisation should be lowered, although further expert consultation on this will be needed.



Part 2 – Dogs

2.1 Registration

Current legislation

The *Dog Act 1976* requires all dogs must be registered in the local government of the district in which they are ordinarily kept. The Dog Amendment Act introduced registration periods of one year, three years or lifetime.

The benefits of lifetime registration are a reduction of the administrative burden on local governments because renewal notices only need to be issued once and the details of the dog only need to be entered on their systems once. It also reduces the costs for owners who only pay for registration once.

There are also disadvantages with lifetime registration because there is no reminder sent to owners to re-register their dog. As a result, owners may not advise local governments if they no longer have a pet or if they move. Local governments have said that since 2013 when owners have been able to register dogs for their lifetime, there has been a decline in annual revenue from registrations and on the accuracy of the content of registration systems.

Feedback summary

Of the survey responses, the most popular registration period for dogs was for lifetime registration with 81 per cent of respondents supporting this option. Forty-eight per cent of respondents supported an option to register animals for three years and 37 per cent for one year.

Some local governments have indicated that revenue received from dog registrations has decreased in the years since lifetime registration commenced, which has (and will continue to) impact the financial situation of local governments in the long term.

A common sentiment expressed by local governments concerned keeping pet registration details up to date when they are registered for lifetime. In addition, local governments find it difficult to keep track of changes in ownership, address details and other relevant information. A central database is regarded as a partial solution to this problem, in combination with awareness campaigns.

Around 85 per cent of respondents believe that the registration periods for dogs and cats should be the same.

Findings

13. The three options for periods of registration for dogs should remain.

14. Registration periods for dogs and cats should be the same.

15. A central registration database for dogs is needed.

2.2 Collars and tags

Current legislation

The Dog Act prescribes that dogs must wear a registration tag of a certain colour to indicate that they are registered. Dogs are not permitted to be in a public place unless they are wearing a collar and tag that complies with the standards in the Act.

Feedback summary

Seventy-eight per cent of respondents supported the continuation of dogs wearing registration tags, with almost 63 per cent of this group strongly supporting the concept.

Concerns regarding the environmental impact of plastic tags have been raised with the department. Some local governments consider the need to wear plastic registration tags is unnecessary (except for dangerous dogs) since dogs should be microchipped.

If a form of identification is required to be worn by dogs, local governments suggested that a way to address some of the concerns associated with plastic tags is for metallic registration tags to be used. These could be engraved and used by pet owners as name tags and will assist in cases where microchips are unable to be scanned.

Findings

16. Registration tags should continue to be worn by dogs.

17. Consideration could be given to metallic identifiers to be worn instead of plastic tags (this could also apply to cats).

2.3 Microchipping dogs

Current legislation

The Dog Amendment Act introduced provisions for dogs to be microchipped. This applies to dogs that have reached three months of age and to dogs that are transferred to a new owner (no matter what age).

Feedback summary

Over 60 per cent of survey respondents (general and local governments) agree that microchips are an effective way to identify dogs.

Local governments have said that one of the main issues with microchips is that they are not being registered with the relevant microchip database company or details updated when the dog has been transferred to new owners. They report that this happens mainly where the microchip is either not registered or is registered to a breeder or rescue organisation rather than the owner. This can make finding the owner difficult and can lead to dogs being held in pounds longer than necessary.

There was strong support in submissions for one centralised national database to manage microchip data. There has been a shift in some States towards a State-based approach to data management. There is strong continued support by industry and the public for the practice of microchipping dogs. Keeping owner details up to date as part of an approach to the management of microchip data is a continuing challenge for local governments.

As with cats, local governments and stakeholders have reported that some microchip database companies will not provide details of owners, citing privacy concerns. Once again, this means that local governments and rescues/shelters have a difficult (sometimes impossible) task in reuniting dogs and their owners.

Findings

18. Strong support from the public, local governments and industry exists for the practice of microchipping dogs to continue.

19. Improvements should be made to the way microchip details are stored – this should be in either a national or State-based database.

20. Feedback indicated that education on the current requirements of microchipping, focusing on obligations of owners/breeders/rescues when a dog is transferred to a new owner and the need to keep information up to date is necessary to achieve the desired outcomes of reuniting pets with their owners and the obligations of being a responsible dog owner.

2.4 Nuisance dogs

Current legislation

The Dog Amendment Act changed the way that local governments can manage nuisance dogs. A more structured approach was introduced, including that local governments can act on one complaint about a nuisance (barking) dog; and owners can be issued with abatement notices and fines if the problem continues.

Feedback summary

Complaints about nuisance/barking dogs are an ongoing issue for local governments and the public. Survey responses were split on the issue of barking dogs, with 38 per cent of survey respondents agreeing that barking dogs are a problem in their neighbourhood, 39 per cent believe that barking dogs are not a problem and 24 per cent being neutral on the issue. Interestingly, respondents who identified as owning a dog, a cat, or both a dog and a cat were less likely to consider dog barking a problem compared to respondents who own no pets.

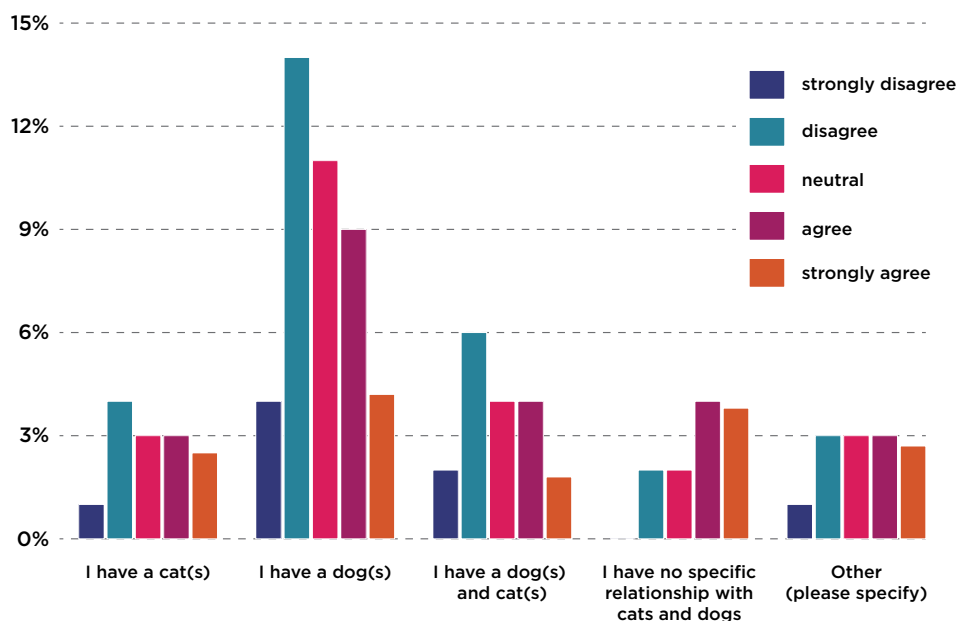


Figure 1: “Barking dogs are a problem in my neighbourhood.”

It was evident from the written submissions that barking dogs have a significant impact on their neighbours. Those who are affected by nuisance barking feel very strongly on the issue and call for stronger enforcement and harsher penalties.

Comments from the surveys and written submissions indicate that the process for dealing with nuisance barking dogs is long and ambiguous, often without a clear or satisfactory solution being reached.

Feedback was received that many local governments require a diary recording events of barking to be completed but then local governments do not take appropriate action. On the other hand, some local governments noted that the changes made in 2013 where only one nuisance/barking dog complaint needs to be received before it can be investigated has led to an increase of complaints resulting in rangers being involved in many hours of investigation, which (in some cases) have not ended in successful resolutions.

The following is indicative of comments made by a number of local governments about this matter:

“Barking dog issues take up a significant amount of Ranger time and it would be good to have greater powers to force dog owners to implement bark control strategies without having to take the matter to court. A formalised standard on what constitutes ‘nuisance barking’ would also be useful with a scale to categorise the level of barking issues after diary assessment and potentially have additional modified penalties that can be issued to reflect the level of the breach.”

The WA Rangers Association has reported: “Rangers and Local Government Officers should have greater enforcement powers to enter a property where a dog is ordinarily kept when an officer has received a complaint and have reasonable grounds for believing that a nuisance has been created to inspect the conditions under which the dog is kept.”

Findings

- 21. Feedback indicated support for greater clarification of what constitutes nuisance barking and how these complaints are best dealt with by local governments.**
- 22. There was support for an increase in penalties and for rangers to have more powers to enter/inspect/seize when it has been established a nuisance dog resides at a property.**
- 23. Feedback suggests that guidance materials to assist local governments (and owners) to employ effective, humane, evidence-based strategies to address nuisance barking for the benefit of owners, dogs and the community would be an effective method of dealing with this problem.**

2.5 Dog attacks

Current legislation

Dog owners and every person responsible for control of a dog can be prosecuted if their dog chases or attacks any person or animal, regardless of whether physical injury is caused or not to the person or animal. Owners can be fined even if they are not present at the time of the attack. A person who has been attacked by a dog can take private legal action for any injury or damage they have suffered, including medical costs, veterinarian bills and damage to property. Additional penalties can apply for setting or urging a dog to chase or attack, if the attack results in a fatality, or if the dog is a dangerous dog.

Feedback summary

Seventeen per cent of survey respondents believe that dog attacks are a problem in their neighbourhood.

Many comments in surveys and written submissions called for more training and education for owners and dogs to prevent attacks rather than having a strong focus on penalties, with the following comment from a local government ranger being indicative of feedback on this matter:

“Increasing penalties is not going to decrease the number of serious dog attacks that occur. Educating people, especially children, about basic dog behavior and recognising warning signs in dogs is a more effective way of reducing the impact of dog bite incidents in the future.”

Feedback indicated widespread support for increased education and community awareness campaigns aimed at owners, breeders, children and the public to reduce the incidences of dog bites. An approach to dog ownership based on the Calgary model¹ was favoured among industry submissions and in a submission received from Lisa Baker MLA. Research from this study indicates that this approach has proven to be effective in dealing with issues related to animal control.

The Australian Veterinary Association advocates for a national reporting system to track incidences of dog bites along with mandatory reporting of dog bite incidents to a national database.

Feedback suggested that penalties (fines) may not be high enough to make some people comply with their responsibilities of owning a dog, particularly one that has (or has threatened to) attack. Thirty-eight per cent of survey respondents feel that the penalties for dog attacks are not appropriate.

Additionally, some submissions suggested creating tiers for attack penalties with the severity of the attack dictating the penalty imposed. This concept was also raised at ranger workshops the department conducted.

Feedback on the issue of dog attacks also included improving the definition of ‘attack’ for the purposes of prosecutions.

Findings

24. This is a broad topic where there are strong views, particularly on the penalties available and the powers that rangers have for seizing and holding dogs that have (or threatened to) attacked.

25. There is support for increases to penalties for the owners of dogs that attack.

26. Feedback was strong for education and community awareness campaigns aimed at owners, breeders, children and the public to reduce the incidences of dog bites/attacks.

¹ <https://www.calgary.ca/CSPS/ABS/Pages/Animal-Services/Responsible-pet-ownership-and-licenses.aspx>

2.6 Dangerous dogs and restricted breeds

Current legislation

The Dog Act allows for any dog to be declared dangerous by a local government if:

- The dog has caused injury or damage by an attack on, or chasing, a person, animal or vehicle or
- The dog has repeatedly shown a tendency
 - to attack, or chase, a person, animal or vehicle even though no injury has been caused by that behaviour or
 - to threaten to attack
- Or if the behaviour of the dog meets other criteria prescribed.

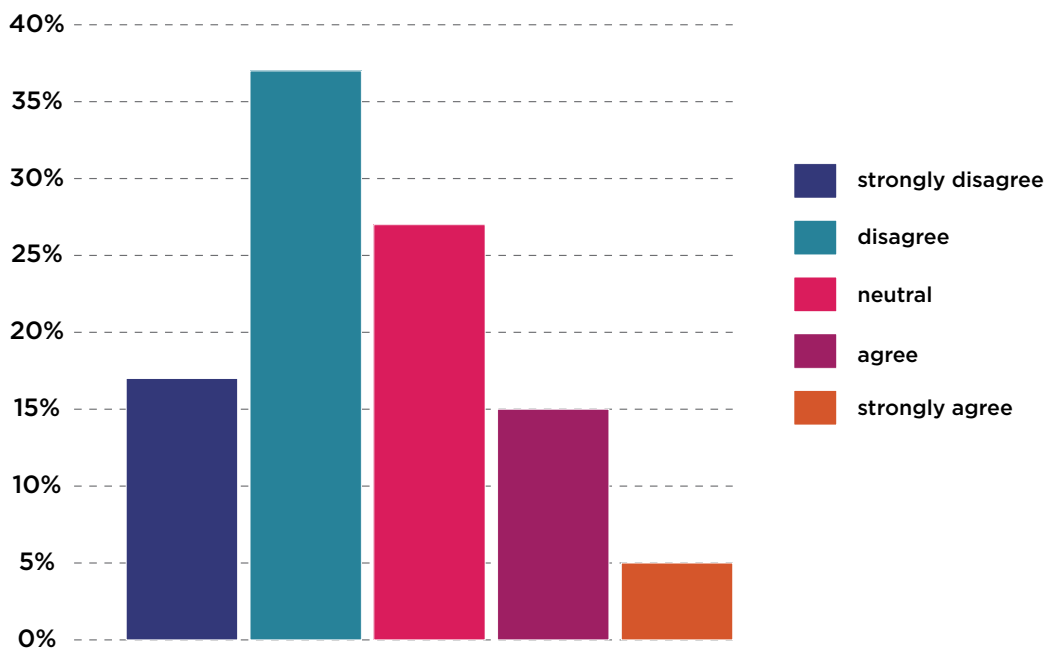
The fines in relation to dangerous dogs were increased in 2013 and a criminal offence was introduced if a dangerous dog kills a person or puts a person's life at risk. Courts can impose a requirement for dog owners to attend and complete a dog training course instead of (or in addition to) a fine.

The Dog Amendment Act strengthened the provisions on restricted breed dogs by banning the advertising for sale of all the restricted breeds.

Feedback summary

Survey results show that many respondents do not believe dangerous dogs are a problem in their neighbourhood while 20 per cent do believe they are an issue.

Figure 2: "Dangerous dogs are a problem in my neighbourhood."



While 20 per cent of respondents also feel that dangerous dogs are not being managed effectively in their neighbourhood, almost half (44 per cent) of respondents were neutral on this matter which may indicate they have not had any first-hand experience with the issue.

Rangers and the WA Rangers Association have commented that, at times, dogs that are held in pounds or placed with rescue organisations may not have their history properly checked to make sure the dog has not previously been declared dangerous (or is a restricted breed dog) before being re-homed or placed in foster care. This may be assisted with by a national (or State-based) database so that local governments and rescue organisations can check on a dog's history before re-homing it.

The WA Rangers Association also noted that the restricted breed provisions should be reviewed as it is a subjective decision for rangers to identify a dog as a restricted breed.

This can lead to difficulties in prosecutions as an 'expert' opinion along with possible DNA testing may be needed to verify the breed of a dog.

A common theme in written submissions regarding dangerous dogs was calls for clearer provisions for dangerous dog enclosures. In the workshops held with rangers, it was suggested that a definition of an enclosure for a dog declared dangerous is provided in the legislation. In a number of other jurisdictions, such as Queensland and New South Wales, the dangerous dog enclosure provisions are explicit and detailed. It should be noted that standards and guidelines for the housing of dogs is included in the 'Health and Welfare of Dogs Standards and Guidelines' currently being finalised by the Department for Primary Industry and Regional Development.

A number of submissions called for legislation regarding restricted breeds to be removed, stating that the behaviour of dogs is dictated by the owners, not their breed. Restricted breed dogs are those which are prohibited under Commonwealth legislation.

These themes can be summarised in the following comment from the Australian Veterinary Association:

"Any dog of any size, breed or mix of breeds has the potential to be aggressive and to be declared dangerous so dogs should not be declared dangerous on the basis of breed or appearance. Each individual dog should be assessed based on its behaviour. The role of the dog owner is a critical factor with respect to the animal's behaviour."

Findings

27. Feedback indicated a need for increased education and awareness campaigns to identify and appropriately manage dangerous and aggressive dogs.

28. While provisions introduced in 2013 such as increased penalties, courts being able to impose training requirements for dog owners, and stricter controls around dangerous dogs appear to be accepted, feedback suggests that there is a need for further improvements around dangerous dog enclosures, reviewing penalties and reviewing the declaration of dogs restricted or dangerous based on their breed.

2.7 Greyhounds

Current legislation

The Dog Act provides that retired racing greyhounds can return to the community as household pets, however, they must always be on a lead when they are in a public place. They are also required to wear a muzzle unless the dog has completed an approved training program as stipulated in the Act.

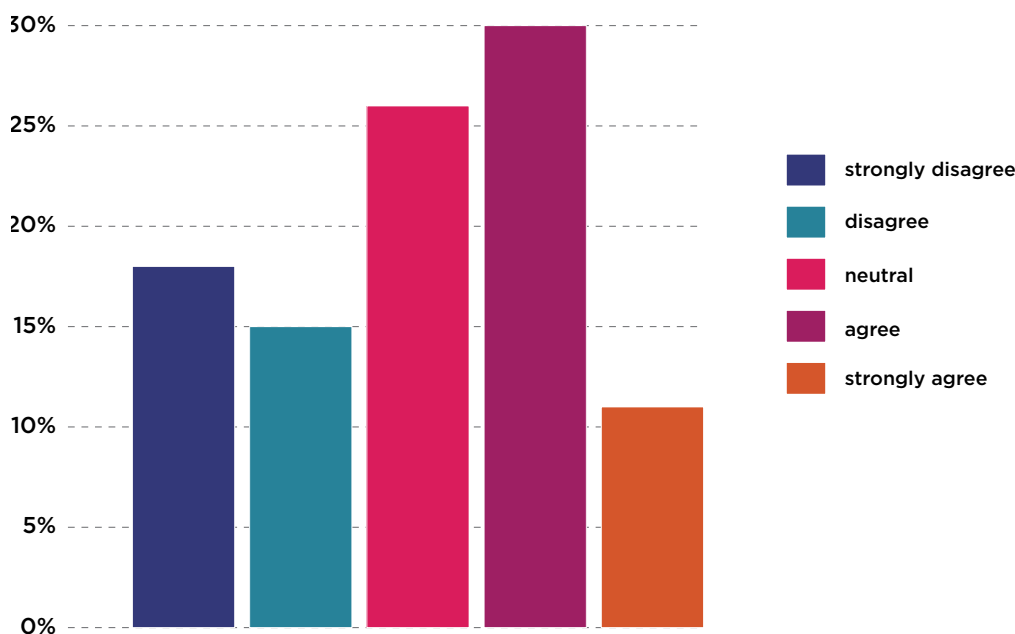
Feedback summary

Fifty-three per cent of survey respondents were in favour of removing the requirement for greyhounds to be muzzled when in public places. 18 per cent believe the requirement should remain, while 29 per cent were neutral.

Respondents to the surveys were asked if greyhounds should be required to complete an approved training program before they may be permitted to be in a public place without a muzzle.

As can be seen by the table below, 41 per cent of respondents supported the concept while 33 per cent disagreed and 26 per cent were neutral on the matter.

Figure 3: Greyhounds should be required to complete an approved training program to be unmuzzled in public places.



A large number (1,192) of written submissions advocated for pet greyhounds to not have to be muzzled when in public places, whether the dog has completed training or not. Many of these submissions suggested that the breed-specific muzzling requirement was ill-informed and archaic and that greyhounds are no more likely to attack than any other breed of dog. Submissions of this nature were received from members of the public, some local governments, peak bodies, animal welfare groups and other organisations in the industry.

In its submission to the review, the WA Rangers Association stated that it did not agree with the recommendation (from greyhound associations and some sections of the community) for greyhounds to be allowed to be off lead and/or unmuzzled in dog exercise areas or other public areas as it has been noted that greyhounds do attack.

Submissions from Racing and Wagering WA and Lisa Baker MLA supported the removal of compulsory muzzling but the provision requiring greyhounds to be on a leash while in public places to remain. The RSPCA (WA) also does not support the requirement for muzzling greyhounds.

Findings

29. Strong support exists for removing the compulsory requirement for greyhounds to be muzzled in public places.

30. There was also support for the muzzling requirement to be removed, but greyhounds to be kept on a leash in public places.

2.8 Assistance dogs

Current legislation

Assistance animals are used for a variety of reasons to help people with their daily lives. In Australia, the most commonly used assistance animal is a dog. An assistance dog is defined as any dog trained or being trained by an approved organisation or is approved by the Director General of the department, to alleviate or manage an effect of a person's disability or medical condition.

If a dog is approved as an assistance dog, it has full public access rights, including being allowed into shopping centres and on public transport.

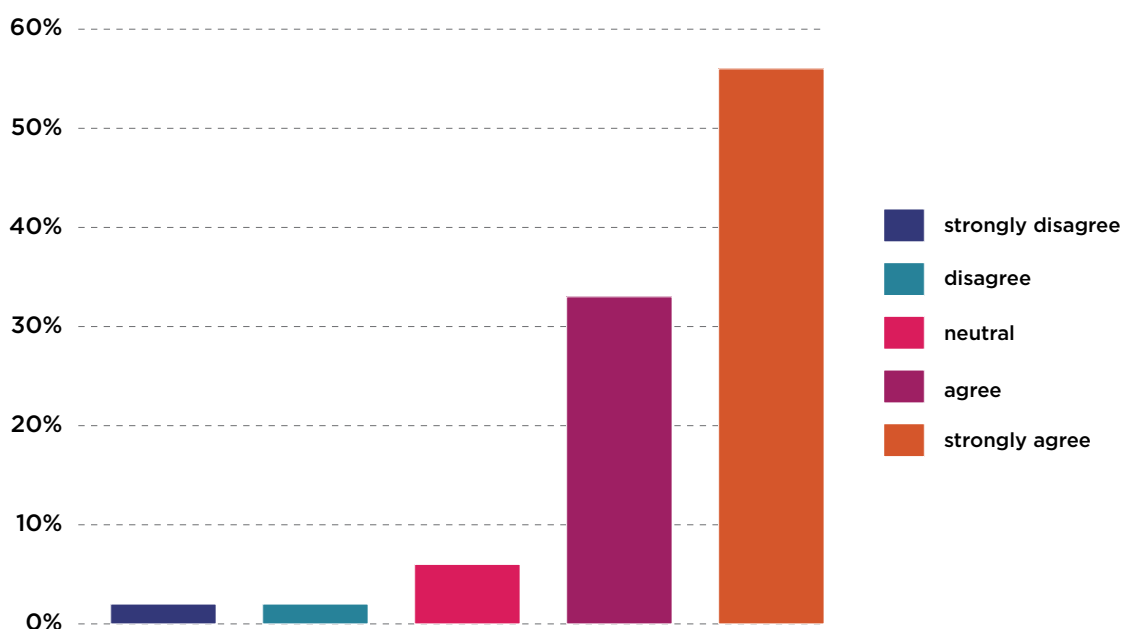
Feedback summary

Feedback has been received suggesting that there should be the ability to approve public access rights for other types of support dogs, such as dogs used in schools or for therapy. Rather than supporting a specific person with a disability or medical condition, a handler could be approved to take education or therapy dogs into public places for helping multiple people, such as children with behavioural issues or mental health conditions.

There was significant support for education and therapy dogs having public access rights, with 90 per cent of survey respondents in favour. Only four per cent were opposed.

Feedback was received from assistance dog advocates for the (2013) provisions to be amended to give people who are refused access to facilities with assistance dogs greater scope for recourse. Currently, only the *Disability Discrimination Act 1992* (Cth) accommodates for assistance animal complaints via the Australian Human Rights Commission. The Sussex Street Community Law Service Inc submitted that its service has acted in many cases where a person with a disability (accompanied by an assistance dog) has been denied access to premises, vehicles and facilities.

Figure 4: “Education and therapy dogs should have public access rights.”



Findings

31. While the changes made in 2013 allowing for public access right for assistance dogs have been effective, there was strong support for public access rights to be extended for other types of support dogs.

32. Education about assistance dogs may assist to increase awareness about these trained and approved dogs being allowed in public places and areas like shopping centres etc.

Combining the Cat Act and the Dog Act

Current legislation

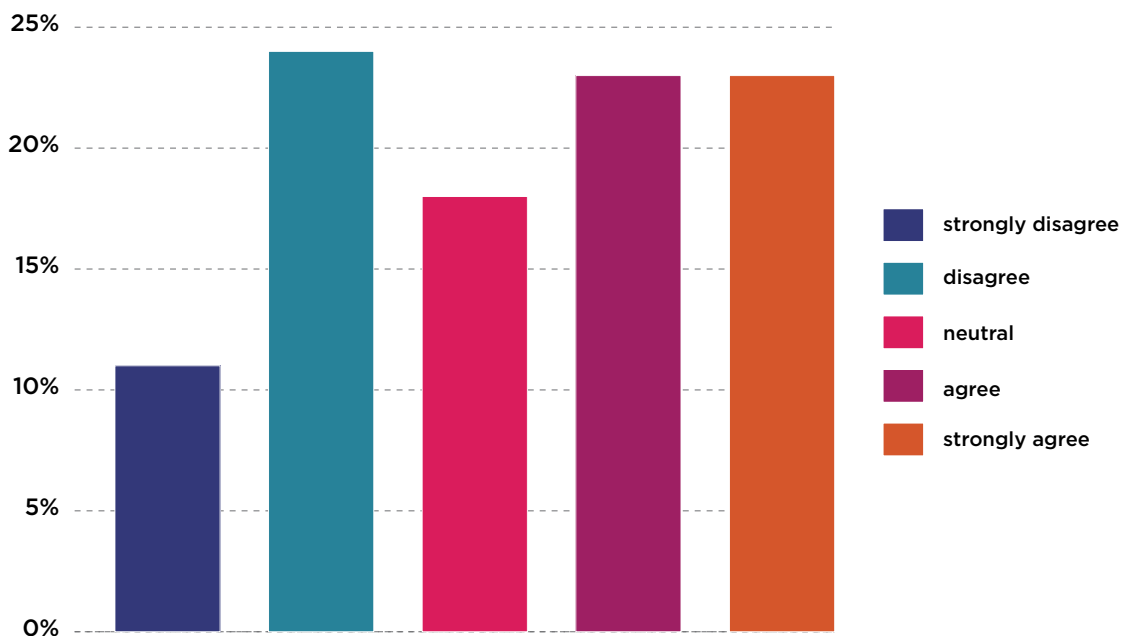
Most States and Territories around Australia have one Act for both cats and dogs. Many requirements apply equally to cats and dogs including registration, microchipping and some enforcement provisions. While there are some areas that are more relevant to dogs than cats and vice versa (for example dog attacks), generally cats and dogs are kept in similar circumstances and can impact negatively on the community when not managed effectively.

A combined Act would still allow for provisions specific to dangerous dogs, dog attacks and management of cats, but it would provide for consistent registration and microchipping provisions for cats and dogs. While not all provisions would apply equally, it would ensure that administrative and enforcement provisions were the same.

Feedback summary

As can be seen from the table below, opinions provided in the survey were split on this topic, with 46 per cent of respondents agreeing that there should be one Act for both cats and dogs.

Figure 4: “There should be one Act for both cats and dogs”



Among written submissions received, there was support for combining the *Dog Act 1976* and the *Cat Act 2011*. The WA Rangers Association supported combining the Acts as it would provide a consistent approach to many issues and is in line with most other Australian States and Territories. A combined Act may also enable the negative impacts of cats and dogs on the environment to be dealt with more effectively.

Findings

33. Feedback indicated support for combining the *Cat Act 2011* and the *Dog Act 1976* into one Act. This view was most evident among rangers and industry organisations who provided written submissions. The common theme is that they believe combining the Acts would be effective in allowing consistency in compliance, enforcement and more generally, laws among local governments.

Other matters

The department also received feedback that was not covered in detail in the consultation paper or was not within the scope of this review. These matters could be considered in any further review of the Acts to continue improving the effectiveness and operation of the legislation:

- Specific regulations to cover cat and dog foster carers, rescues and shelters – including whether animals should be registered, numbers of animals allowed to be kept and penalties when a (declared) dangerous dog is re-homed without the new owners/rehoming agency/local government being informed
- Cat breeders – standardise prescribed breeder applications across local governments
- The definitions relating to dog attacks and provocation should be reviewed – particularly to allow for enforcement following a dog attack and potential proceedings in court.
- The WA Rangers Association (WARA) submitted that the Cat Act and Dog Amendment Act have been effective but note that there are some issues that need to be addressed to continue to improve the operation of the Acts. WARA also commented that the introduction/changes to the Acts has led to additional resource obligations (workload and costs) on local governments to enforce the Acts and maintain compliance.

Conclusion

The analysis of the submissions to the statutory review of the *Cat Act 2011* and *Dog Amendment Act 2013* have provided insights into the effectiveness of both Acts, in addition to highlighting issues that may require further attention and potentially, improvement.

Feedback has indicated that, generally, both Acts are effective at providing for the control and management of cats and dogs and are meeting the objectives of promoting and encouraging responsible ownership of pets.

While the review has found that both Acts should continue, some key themes have been identified as areas for improvement:

- Not muzzling greyhounds when in public places
- Confining cats to premises
- Limiting the numbers of cats kept at premises
- Applying consistency of the laws across the State (noting that this is also being considered as part of the review of the *Local Government Act 1995*)
- Reviewing penalties, enforcement and the powers of rangers to enter premises, seize animals etc
- Combining the cat and dog Acts into one Act.

The feedback and information gathered as part of this review can be used to inform any future review or amendments of the Acts.

Appendix 1 - Summary of findings

Part 1 – cats

Registration

1. Registration of cats is strongly supported. The current three options for periods of registration should remain.
2. Registration periods for cats and dogs should be the same.
3. A central registration database for cats should be explored.

Collars and tags

4. Feedback indicated that the wearing of collars and tags achieves the purpose of enabling a cat to be identified by rangers – including making it obvious that it is a domestic cat that has an owner.
5. There is strong support for this to continue with no change.

Microchipping cats

6. Strong support from the public, local governments and industry exists for the practice of microchipping cats to continue.
7. Improvements could be made to the way microchip details are stored – this could be in either a national or State-based database.
8. Feedback indicated that education on the current requirements of microchipping, focusing on obligations of owners/breeders/rescues when a cat is transferred to a new owner and the need to keep information up to date, is necessary to achieve the desired outcomes of reuniting pets with their owners and the obligations of being a responsible cat owner.

Cat numbers and nuisance/wandering cats

9. There is strong support for cat numbers and confinement/curfews of cats to be implemented State-wide (in legislation) rather than through individual local laws – to provide consistency among local governments.
10. As a means of controlling cat numbers, there were multiple requests in the feedback received for the Cat Act to be brought into alignment with the Dog Act by placing greater restrictions on cat owners in relation to the number of cats that people can own.

Cat sterilisation

11. The provisions in the Cat Act for cats to be sterilised should remain.
12. Feedback indicated that the age of cat sterilisation should be lowered, although further expert consultation on this will be needed.

Part 2 – dogs

Registration

13. The three options for periods of registration for dogs should remain.
14. Registration periods for dogs and cats should be the same.
15. A central registration database for dogs is needed.

Collars and tags

16. Registration tags should continue to be worn by dogs.
17. Consideration could be given to metallic identifiers to be worn instead of plastic tags (this could also apply to cats).

Microchipping dogs

18. Strong support from the public, local governments and industry exists for the practice of microchipping dogs to continue.
19. Improvements should be made to the way microchip details are stored – this should be in either a national or State-based database.
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Nuisance dogs

21. Feedback indicated support for greater clarification of what constitutes nuisance barking and how these complaints are best dealt with by local governments.
22. There was support for an increase in penalties and for rangers to have more powers to enter/inspect/seize when it has been established a nuisance dog resides at a property.
23. Feedback suggests that guidance materials to assist local governments (and owners) to employ effective, humane, evidence-based strategies to address nuisance barking for the benefit of owners, dogs and the community would be an effective method of dealing with this problem.

Dog attacks

24. This is a broad topic where there are strong views, particularly on the penalties available and the powers that rangers have for seizing and holding dogs that have (or threatened to) attacked.
25. There is support for increased penalties for the owners of dogs that attack.
26. Feedback was strong for education and community awareness campaigns aimed at owners, breeders, children and the public to reduce the incidences of dog bites/attacks.

Dangerous dogs and restricted breeds

27. Feedback indicated a need for increased education and awareness campaigns to identify and appropriately manage dangerous and aggressive dogs.
28. While provisions introduced in 2013 such as the increase to penalties, courts being able to impose training requirements for dog owners, and stricter controls around dangerous dogs appear to be accepted, feedback suggests that there is a need for further improvements around dangerous dog enclosures, reviewing penalties and reviewing the declaration of dogs restricted or dangerous based on their breed.

Greyhounds

29. Strong support exists for removing the compulsory requirement for greyhounds to be muzzled in public places.
30. There was also support for the muzzling requirement to be removed, but greyhounds to be kept on a leash in public places.

Assistance dogs

31. While the changes made in 2013 allowing for public access right for assistance dogs have been effective, there was strong support for public access rights to be extended for other types of support dogs.
32. Education about assistance dogs may assist to increase awareness about these trained and approved dogs being allowed in public places and areas like shopping centres etc.

Combining the Cat Act and the Dog Act

33. Feedback indicated support for combining the *Cat Act 2011* and the *Dog Act 1976* into one Act. This view was most evident among rangers and industry organisations who provided written submissions. The common theme is that they believe combining the Acts would be effective in allowing consistency in compliance, enforcement and more generally, laws among local governments.

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