



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

Pause for paws

Feedback on dog and cat laws in WA



© State of Western Australia.
Published by the Department of Local Government,
Sport and Cultural Industries, Western Australia,
May 2019.

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

Perth office

Gordon Stephenson House
140 William Street
Perth WA 6000

Leederville office

246 Vincent Street
Leederville WA 6007
PO Box 8349 Perth Business Centre
WA 6849

Email: info@dlgsc.wa.gov.au

Website: www.dlgsc.wa.gov.au

This publication is available in alternative formats.



Contents

Having your say – purpose of the review	4
Feedback to the review.....	4
Why do we have cat and dog legislation?	5
What is being reviewed?	6
Registration of cats and dogs.....	6
Collars and tags.....	7
Microchipping cats and dogs.....	9
Nuisance dogs.....	9
Dog attacks, dangerous dogs and restricted breed dogs.....	10
Greyhounds.....	11
Assistance dogs.....	12
Cat numbers and nuisance/wandering cats.....	13
Cat sterilisation.....	14
Combining the Cat and Dog Acts.....	14
What do you think?	15
Next steps	15



Having your say – purpose of the review

The *Cat Act 2011* and *Dog Amendment Act 2013* commenced five years ago. Both Acts are now being reviewed to see how effective the changes have been in the control and management of cats and dogs in Western Australia.

The paper is designed to gather feedback from the community, local governments and stakeholders about how the 2013 changes are working and whether they have been effective, and identify any areas that could be improved.

Feedback to the review

The best way to provide feedback is via the [online survey](#).

Other ways to provide feedback include:

- Email: cat&dogreview@dlgsc.wa.gov.au
- Post: Cat and Dog statutory review
Department of Local Government, Sport and Cultural Industries
PO Box 8349
Perth Business Centre WA 6849

Submissions close 4 August 2019.



Important note:

The Department of Local Government, Sport and Cultural Industries has recently sought and obtained feedback on the **Stop Puppy Farming initiative**, which includes transitioning pet shops into adoption centres, mandatory de-sexing for non-breeding dogs and a centralised registration system.

This is ongoing and is separate to this review about cats and dogs which focuses on changes made in 2013.

More information on the Stop Puppy Farming initiatives can be found at www.dlgsc.wa.gov.au/stoppuppyfarming

Why do we have cat and dog legislation?



The main purposes of the *Cat Act 2011* (Cat Act) and *Dog Act 1976* (Dog Act) 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
- reduce the proportion of animals that are euthanised.

The Cat Act and Dog Act require that cats and dogs are registered with the local government where they are ordinarily kept and that they are microchipped. Also, all cats are to be sterilised unless an approval to breed has been granted by the local government.

The Cat Act was introduced to reduce the impact of unwanted cats on the community and the environment through mandatory sterilisation. It aims to reduce 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 compulsory microchipping of all dogs and new dangerous dog requirements to improve community safety through stricter control of dangerous dogs.

What is being reviewed?

Since the Cat Act and changes to the Dog Act were introduced in 2013, the community, local governments and key stakeholders have provided feedback about how the changes have been working, what has been effective and what improvements could be made. Some of these topics are explored further below. Feedback on other issues is also invited.

Registration of cats and dogs

One of the main benefits of registration is that it provides an important way for local governments to check if owners are microchipping and (in the case of cats) sterilising their pet/s.

Local governments ask for confirmation about whether cats and dogs are microchipped and sterilised when they are being registered.

Cats and dogs can be registered with their local government yearly, three yearly or for their 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 cats and dogs 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 or dog and so 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 their dogs for their lifetime, there has been a decline in annual revenue from registrations and on the accuracy of the content of registration systems.



Collars and tags

The use of tags as a method of identification for cats was introduced through the Cat Act. The Dog Act states that dogs must wear collars and tags, while cats will generally wear a collar so the tag can be attached to it.

Advantages and disadvantages of collars and tags

Advantages	Disadvantages
Safe and easy identification (from a distance) that it is an owned pet	Not a permanent method of identification as collars can slip off or be removed
Easy visual method to determine whether cats and dogs are registered	Costs to local governments as they must purchase tags to give to owners when the animal is registered
Quickly reuniting a lost or injured animal with its owners	Can pose a danger to cats if a safety collar is not used

Concerns regarding the environmental impact of plastic tags has also been raised with the Department.



Collar and tag requirements in Australian jurisdictions



Jurisdiction	Legislation	Cats and dogs - collars and tags
WA	<i>Dog Act 1976, Cat Act 2011</i>	Cats and dogs must wear tags when in a public place. Dogs also must wear collars.
ACT	<i>Domestic Animals Act 2000</i>	A regulation may make provision in relation to the compulsory identification of dogs and cats.
NSW	<i>Companion Animals Act 1998</i>	Dog to wear collar and tag with a name of the dog and the address or telephone number of the owner. Cats must have a form of identification.
QLD	<i>Animal Management (Cats and Dogs) Act 2008</i>	A dog, such as a declared dangerous, menacing or restricted dog must, always, wear a collar with an attached identifying tag. Otherwise - cats and dogs must be microchipped (permanent identification device).
SA	<i>Dog and Cat Management Act 1995</i>	If not microchipped – cats and dogs need to display a collar and registration disc when in public. Attack trained dogs, guard dogs and patrol dogs must always wear a collar.
TAS	<i>Dog Control Act 2000 Cat Management Act 2009</i>	A dog, other than a guide dog or hearing dog, must (while in a public place) wear a collar fastened around its neck to which is attached the dog's registration disc. Cats – are to be microchipped.
VIC	<i>Domestic Animals Act 1994</i>	Dangerous dogs and restricted breed dogs are to wear a collar. Dogs and cats are to be microchipped with other identification encouraged.

Microchipping cats and dogs

Dogs must be microchipped by the time they reach three months of age, while cats are to be microchipped by six months of age. Both are to be microchipped when they are transferred to a new owner (no matter what age).

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 cat or dog has 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 cats and dogs being held in pounds longer than necessary.

Nuisance dogs

The 2013 changes to the Dog Act brought in improved ways for local governments to deal with nuisance dogs. A more structured approach was introduced, including that local governments can act on one complaint about a nuisance (generally barking) dog; and owners can be issued with abatement notices and fines if the problem continues.

Complaints about nuisance/barking dogs are an ongoing issue for local governments and the public.



Dog attacks, dangerous dogs and restricted breed dogs

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.

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.

Feedback over the past five years has indicated that the 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. The changes also strengthened the provisions on restricted breed dogs by banning the advertising for sale of all the restricted breeds.

The restricted dog breeds throughout Australia are:

- Dogo Argentino
- Fila Brasileiro
- Japanese tosa
- American pit bull terrier
- Pit bull terrier
- Perro de presa Canario or presa Canario
- any other breed of dog the importation of which is prohibited absolutely by the *Customs (Prohibited Imports) Regulations 1956 (Commonwealth)* – no other breeds have been prohibited.

Rangers 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.



Greyhounds

Retired racing greyhounds can return to the community as household pets. Greyhounds 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.

Greyhound associations and some members of the community have advocated for pet greyhounds not to have to be muzzled

when in public places, whether the dog has had any training or not.

There are mixed views about whether greyhounds should be allowed to be off lead and/or unmuzzled in dog exercise areas or other public spaces.

Collar and tag requirements in Australian jurisdictions

Jurisdiction	Legislation	Greyhounds
WA	<i>Dog Act 1976,</i>	Muzzled in public place, unless it has completed a prescribed training program. Must be on lead.
ACT	<i>Domestic Animals Act 2000</i>	If a dog is deemed a “Dangerous Dog” the dog must wear a muzzle in public.
NSW	<i>Companion Animals Act 1998</i>	Muzzled in public place, unless it has completed a prescribed training program. Must be on lead.
QLD	<i>Animal Management (Cats and Dogs) Act 2008</i>	An ex-racing greyhound is to be muzzled when in a public place. Some local councils may have different rules about this.
SA	<i>Dog and Cat Management Act 1995</i>	Muzzled unless exempt. Must be on lead.
TAS	<i>Dog Control Act 2000</i>	Greyhound is to wear a muzzle and be on a lead.
VIC	<i>Domestic Animals Act 1994</i>	Since January 2019 muzzling in public no longer applies. Must be restrained at all times.

Assistance dogs

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.

Under the Dog Act 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 of Local Government, Sport and Cultural Industries, to alleviate or manage an effect of a person's disability or medical condition.

The approved organisations are Assistance Dogs Australia, Lions Hearing Dogs, Seeing Eye Dogs Australia and Royal Guide Dogs Associations of Australia.

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.

Since the 2013 amendments to the Dog Act, feedback has been received 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.



Cat numbers and nuisance/wandering cats

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 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.

Local governments, cat refuges and the community have told us that cats that wander and create a nuisance are an ongoing problem. Possible solutions are cat curfews and restricting cats to premises.

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

The Cat Act does not limit numbers of cats that can live at a property at any one time. Instead, local governments can have a local law saying how many cats can live at a property. While this allows local governments to decide what is best for their community and how many cats should be allowable in their district, it does mean that the numbers of cats allowed can vary



between local governments. The Dog Act allows for local laws to limit the number of dogs kept at premises to between two and six, unless special conditions apply (the property is approved as a kennel establishment), but again, this can vary between local governments.

Cat sterilisation

Sterilisation (de-sexing) of cats is important to help reduce the number of unwanted cats in the community.

Cats are to be sterilised by the time they are six months of age unless a veterinarian has given a certificate exempting it from sterilisation, or the cat has been approved for breeding purposes by the local government.

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.



Combining the Cat and Dog Acts

Many requirements apply equally to cats and dogs, including registration, microchipping and some enforcement provisions. While there are some areas which 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 greyhounds, 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.

In addition, the negative impacts of cats and dogs on the environment could potentially be dealt with more effectively if both were managed under one Act.

Most Australian States and Territories have one Act for both cats and dogs.





What do you think?

To have your say on the effectiveness of the current cat and dog laws or any of the issues discussed in this paper, complete the [online survey](#)

Surveys will be open until 4 August 2019.

Next steps

The feedback gathered from this three-month consultation will be analysed and presented to the Minister for Local Government.

The report will then be tabled in Parliament later this year.

The report will be available on Parliament's website at www.parliament.wa.gov.au

