

## Report to the Future Melbourne Committee

Agenda item 6.4

### Cat Containment

19 March 2024

**Presenter:** Rushda Halith, General Manager Community and City Services

#### Purpose and background

1. The purpose of this report is to respond to the resolution by the Future Melbourne Committee (FMC) on 3 October 2023, requesting a report from Management setting out advice on the merits and means of pursuing orders under the *Domestic Animals Act 1994* (the Act) to confine cats to the property of their owner and prohibit domestic cats from environmentally sensitive areas, from the commencement of Council's next Domestic Animal Management Plan (DAMP), due 4 December 2025 (refer Attachment 1 for details of request).
2. The Act prohibits cats from being on private property without permission, allowing officers to return registered cats to their owner or impound unregistered cats. In public places, cats are currently not collected or impounded due to health and safety risks. Cat traps are not left in public places due to the risk of capturing animals other than cats.
3. Council can, by resolution, make an order under Section 25(2) of the Act to introduce the requirement for cats to be securely confined to the owner's premises, in a specified part of, or the entire municipality. There are two main types of containment laws: 24/7 confinement or a night-time curfew.
4. Council can, by resolution, make an order under Section 26(2) of the Act to prohibit cats from being present in any public place of the municipality or impose conditions on the presence of cats in any public place, such as the restraint of cats in public or mandatory desexing.
5. As at February 2024, there are 3,980 cats registered in the City of Melbourne with 74 per cent registered to apartments and 103 cats not desexed. In 2023 the City of Melbourne received 103 reports of roaming cats, most of these were reported in North Melbourne, Kensington and West Melbourne where there are known unowned or semi-owned cat colonies.
6. In 2022, 459 people provided feedback for the Council's DAMP 2022-2025 on perception of cats in neighbourhoods. 75 per cent said they never or rarely see cats preying on wildlife; 89 per cent said they never or rarely see cats living in sensitive environmental areas or reserves; 56 per cent said they never or rarely see cats roaming the streets during the day, 59 per cent said they never or rarely see cats in the street at night and 80 per cent reported seeing cats kept inside.

#### Key issues

##### ***Baseline data and community sentiment***

7. While Council can make orders under the Act requiring all domestic cats to be confined to the property of their owner and prohibiting domestic cats from environmentally sensitive areas, further work is required to understand community sentiment or the likely effectiveness of the implementation of such orders.
8. Under the current DAMP, community consultation is planned in relation to the mandatory desexing of cats in July 2024. It is proposed that this consultation also incorporate questions about cat confinement and public place exclusions to get an understanding of community sentiment on potential orders and to commence collecting baseline data. This recommendation allows for these consultations to be captured within existing budget and planned approach.

##### ***State Government and multi-council approach needed***

9. Of the 79 Councils in Victoria, 38 have some form of cat containment either through 24/7 containment or containment during specified times, commonly referred to as a curfew. Two of the seven neighbouring Councils to City of Melbourne have laws in the form of a curfew, with varying approaches to enforcement.
10. The City of Melbourne will collaborate with neighbouring councils to learn from the effectiveness of their programs over time and plans to engage with the Australian Veterinary Association and the Animal Welfare

Victoria to understand the feasibility and effectiveness of a coordinated, multi-council approach to cat containment. We will advocate for the Victorian Government to take a lead on facilitating collective expertise and multi-council enforcement strategies, which may supersede this plan if there is state government intervention.

### **Community education and behaviour change programs**

11. The City of Melbourne currently encourages responsible pet ownership including keeping cats safe by confining cats to their homes and being inside at night. Cat enclosures and cat proof fencing is promoted on our website, and promotional material from Animal Welfare Victoria is provided to cat owners where an issue of a cat not being confined to its property is identified.
12. Additionally, RSPCA Victoria and Zoo's Victoria encourage cat owners to join the 'Safe Cat, Safe Wildlife' community, providing quarterly communication to members with tips and tricks for keeping cats indoors.
13. Once we have gathered insights from community consultations and cross sector coordination, we could integrate a program of education and evidence-based behaviour change initiatives into our current animal management service. This can be done through existing objectives under the DAMP which includes shifting owner behaviour through campaigns promoting the benefits of cat containment, cat enclosures and associated nuisance issues.

### **Recommendation from management**

14. That the Future Melbourne Committee:
  - 14.1. Approves the integration of cat containment into the community consultation activities already planned for July 2024 on the mandatory desexing of cats.
  - 14.2. Requests that Management explores integrating cat containment as part of the planned 2024 investigation into making an order under the *Domestic Animals Act 1994* for the mandatory desexing of cats.
  - 14.3. Requests management work with Animal Welfare Victoria and the Australian Veterinary Association to undertake a review of cat containment measures in Victoria.
  - 14.4. Notes that management will continue to work with surrounding councils to better understand outcomes of current mandatory orders.
  - 14.5. Requests a report from management by March 2025 with an update and advice on the role of cat containment in Council's next Domestic Animal Management Plan, due in December 2025.
  - 14.6. Notes the potential for this item to be superseded if there is intervention at the State Government level.

#### **Attachments:**

1. Supporting Attachment (page 3 of 9)
2. Notice of Motion (page 4 of 9)

## **Supporting Attachment**

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### **Legal**

1. The Act provides for the management of cats in the municipality. Council can resolve:
  - 1.1. under Section 25(2) of the Act to make a municipal order to confine cats to their owners premises in the municipal district or a specified part of the municipal district during hours specified in the order
  - 1.2. under Section 26(2) of the Act to make a municipal order to place conditions on cats in any public place or prohibit cats within its municipal district
2. Municipal orders must be published in the Victorian Government gazette and in a newspaper circulating in the Council district.

### **Finance**

3. There are no direct financial implications arising from the recommendations contained within the report. The recommendations will be funded within existing budgets.

### **Conflict of interest**

4. No member of Council staff, or other person engaged under a contract, involved in advising on or preparing this report has declared a material or general conflict of interest in relation to the matter of the report.

### **Health and Safety**

5. In developing this proposal, health and safety issues or opportunities have been considered, these include recognising zoonotic disease.

### **Stakeholder consultation**

6. No community engagement was undertaken in the formulation of this report. Consultation was conducted with neighbouring Councils by email. Community engagement will commence in 2025 in relation to DAMP objectives outlined in this report.

### **Relation to Council policy**

7. This recommendation relates to the both the current DAMP and the development of the next DAMP.

### **Environmental sustainability**

8. This recommendation includes issues regarding cats and their impacts on wildlife populations and zoonotic diseases. Further opportunities to address these issues will be considered as part of the delivery of the next DAMP.

## Future Melbourne Committee, 5 October 2023 Agenda item 7.1

Attachment 2  
Agenda item 6.4  
Future Melbourne Committee  
19 March 2024

### Notice of Motion: Cr Dr Olivia Ball: Cat containment

#### Motion

That the Future Melbourne Committee requests a report from management by March 2024 setting out:

1. Advice on the merits and means of pursuing the following from the commencement of Council's next Domestic Animal Management Plan, due 4 December 2025:
  - 1.1. requiring all domestic cats to be confined to the property of their owner at all times, with reasonable exceptions, under the Domestic Animals Act 1994 (the Act);
  - 1.2. otherwise prohibiting domestic cats from environmentally sensitive areas, under the Act;
  - 1.3. a method for evaluating the effectiveness of the above, with outcomes-based objectives such as the positive response of wildlife populations, reduced incidence of zoonotic disease, cat nuisance complaints and cat injury and death in road accidents; and
  - 1.4. a program of education and evidence-based behaviour change initiatives.
2. Advice on the extent of such orders in the metropolitan area and opportunities to maximise the benefits of cat containment initiatives and orders through a co-ordinated multi-Council approach.
3. Options for conducting public engagement in FY 24-25 on cat containment generally and potential orders and initiatives specifically, for consideration as part of the Annual Plan and Budget 2024-25.

#### Background

*Pet cats are part of a massive problem confronting Australia's wildlife, says Environment Minister Tanya Plibersek, and she has [called for] new measures such as ... ban[ning] cats outdoors ... to prevent native species extinctions.*

– *The Age*, 8 September 2023

The federal government has announced its desire to see more domestic cat containment bylaws and more cat-free zones near nature reserves as “high-priority, low-cost” measures to stem native species extinction, while noting that cat containment is good for cats, giving them a much longer life expectancy.<sup>1</sup> Nearly half of all Victorian LGAs have already introduced measures of this kind.

Domestic cats are of significant value to humans as companion animals, but also have negative consequences which can be managed by limiting where cats may go, as we do with dogs and other pets. ‘Cat containment’ means owners keeping their cat(s) on their property, whether indoors or outdoors.

The 2 orders envisaged in this motion would work in tandem, as a containment order would apply only to cats belonging to CoM residents, while control zones would apply also to cats from neighbouring municipalities that may enter CoM.

<sup>1</sup> M. Foley, [‘Your pet cat is part of Australia’s wildlife crisis: Tanya Plibersek,’](#) *The Age* (8 Sept. 2023).

Council's responsibilities in managing pet cats are governed by Victoria's *Domestic Animals Act 1994* (DAA). The purpose of the Act is to "promote animal welfare, the responsible ownership of ... cats and the protection of the environment" (s1).

The Act requires each local government to prepare and implement, annually review and periodically evaluate a Domestic Animal Management Plan (DAMP) giving effect to the DAA and associated regulations, and "any other matters related to the management of dogs and cats in the Council's municipal district that it thinks necessary" (s68A(2)(e)).

The City of Melbourne adopted its current DAMP for 2022-25 in October 2022. Its first annual review is due by October 2023, while our next DAMP is due by 4 December 2025 (DDA s86A(1)).

Management of domestic cats in the interests of "animal welfare ... and the protection of the environment" (as per the DAA) involves identification, desexing and containment.<sup>2</sup> CoM's 2022 DAMP seeks only to educate owners and promote cat containment, stopping short of enforceable orders (pp14 & 18).

A recent study estimates 71% of Australian pet cats are allowed to roam,<sup>3</sup> but the rate is likely lower in CoM, given 86% of dwellings in CoM are apartments.<sup>4</sup> Most apartment-dwelling cats are unlikely to be roaming.

As at 26 April 2023, 3,588 households in the City of Melbourne owned one or more registered cats, numbering 4,482 pet cats in total. (The true number is likely higher, given not all cats are registered.) Of these, some 2,300 (51%) live in apartments.

In 2016-17, CoM impounded 219 cats, which in 2020-21 had increased by 62% to 355. In 2020-21, only 16% of these impounded cats were reclaimed by their owner, while 48% were rehomed by a new household. Those not claimed or adopted were mostly deemed unowned or feral, resulting in a euthanasia rate of 36%.<sup>5</sup>

The City of Melbourne seeks to reduce the euthanasia rate to zero.<sup>6</sup>

Councils may, by resolution, make an order under s25 of the DAA prohibiting domestic cats from entering any specified public places or parts of its municipal district, or impose conditions under which cats might lawfully be present in those places (say, on a leash).

The DAA (s68A) requires local governments to evaluate their animal control services. The Australian Veterinary Association recommends using "clear, measurable outcome-based objectives, reported transparently." That is, not based on the number of cats caught, but focussed on the intended goals, such as increasing wildlife populations or reducing the number of cats killed on our roads.<sup>7</sup>

### *Cat safety & welfare*

In the 12 months to April 2023, 11 deceased pet cats were recovered by animal management staff in the City of Melbourne and, being micro-chipped, could be returned to their owner.

Contained cats live safer, healthier and significantly longer lives. Containment benefits cats by protecting them from injury and disease caused by fighting between cats, from dog attacks, snake bite, poisoning, road accident trauma or other misadventure, and from getting lost or irretrievably separated

<sup>2</sup> Australian Veterinary Association (AVA), '[Management of cats in Australia](#)' policy (15 July 2022).

<sup>3</sup> AVA, '[Responsible cat ownership resources for veterinarians](#)', AVA newsletter (11 Feb. 2022).

<sup>4</sup> 2021 Census

<sup>5</sup> CoM's [DAMP 2022-25](#), p20.

<sup>6</sup> *ibid*, p31

<sup>7</sup> Australian Veterinary Association, '[Management of cats in Australia](#)' policy (15 July 2022).

from their owner. Containment is estimated to extend the life of a cat by an average of 3 years.<sup>8</sup> Containing cats also increases interaction between them and their owners.<sup>9</sup>

Containment also reduces nuisances posed by cats (eg. spraying, fighting, howling, damaging gardens, defecating and trespassing) and risks to humans, wildlife and livestock from zoonotic disease (pathogens which can spread between human and non-human species, eg. toxoplasmosis and salmonellosis). In the 12 months to April 2023, CoM received 64 complaints of trespassing or nuisance cats, or more than one every week.

Animal Welfare Victoria, within the Dept of Agriculture, is the state government agency responsible for administering the DAA. Its website advises: “Cats don’t need to roam.” According to the Australian Veterinary Association (AVA),

“Contained cats require an appropriate environment with enrichment that meets the cats’ physical and mental needs, allows expression of natural behaviours, promotes good health and welfare and minimises stress. This should include controlled outdoor access where possible.”<sup>10</sup>

Animal Welfare Victoria recommends cat owners with a yard build a cat enclosure or cat-proof fencing, and provides detailed information on how. Balcony netting is an option for apartment-dwellers.

The cost of creating an outdoor containment area and/or providing indoor enrichment is minimal compared with potential vet bills. But the AVA recommends governments subsidise or provide low-cost outdoor enclosures,<sup>11</sup> much as they subsidise or incentivise things like desexing and rehoming.

The Australia Veterinary Association advises:

“Cats unaccustomed to being contained may suffer distress if suddenly restricted. This may lead to development of behavioural problems which may increase relinquishment rates, both of which are undesirable from an animal welfare perspective... Ideally, cats should be trained to be contained as young kittens...

“... ensure that adequate exercise and environmental enrichment [eg. climbing structures, hiding areas, safe toys and scratching posts] are available ... Cats contained to an owner’s property should have access to an outdoor, escape-proof enclosure to provide activity and stimulation.

“Support should be provided to help owners ensure the well-being of their contained cats, in the form of information and guidelines on appropriate enclosures and environmental enrichment.

“Introduction of compulsory requirements should follow an appropriate consultation and phase-in period to accommodate cats that are currently unaccustomed to confinement. These cats should be allowed to adjust through a gradual reduction in time spent beyond the property and provision of a suitable outdoor enclosure.”<sup>12</sup>

<sup>8</sup> City of Fremantle, [‘Regional cat containment education program’](#) (21 Sept. 2020). Other estimates are much higher.

<sup>9</sup> AVA ACT division, [submission on the ACT’s cat containment program](#) (2015).

<sup>10</sup> AVA, [‘Management of cats in Australia’ policy](#) (15 July 2022).

<sup>11</sup> AVA ACT division, [submission on the ACT’s cat containment program](#) (2015).

<sup>12</sup> AVA ACT *ibid.*

### *Biodiversity & wildlife conservation*

It is well documented that domestic cats prey on wildlife<sup>13</sup> – mammals, birds, reptiles, frogs and insects. Even if well fed by humans and wearing a bell, their hunting instinct generally remains. And they are highly efficient predators. Those allowed outdoors kill an estimated 294 million animals each year.<sup>14</sup>

Domestic cat predation is implicated in the decline and extinction of many Australian mammal species.<sup>15</sup> Cats have contributed to most extinctions of Australian mammals<sup>16</sup> and are a greater threat to native mammals than land-clearing.<sup>17</sup>

Cat containment is important in urban environments, where we have sensitive parklands like Royal Park to protect, and where pet cats are denser per unit area.

Mandatory cat containment is consistent with CoM's Biodiversity Emergency Declaration, our Nature in the City strategy – which states we should be demonstrating 'leadership in conserving biodiversity' – and our significant conservation, city greening and biodiversity programs, such as the White's skink habitat project in Royal Park, the floating wetlands which support birds and rakali on the Birrarung (Yarra) river, and our Superb City Wrens program which is for the benefit of all small birds. Westgate Park alone has 168 documented bird species.

### *Containment, not curfew*

Some Victorian Councils have introduced nighttime curfews for cats, allowing them to roam freely during the day. The proposal set out in the motion is not a curfew, but a policy of 24-hour containment to the owner's property. Pets die on roads during the day, just as they do at night; and cats kill wildlife in the daytime, just as they do at night.

Thirty-eight of Victoria's 79 local governments – nearly half – have either a 24/7 containment policy or some form of cat curfew.<sup>18</sup> Among them:

- <sup>13</sup> M. Bamford & M. Calver, '[Cat predation & suburban lizards: A 22-year study at a suburban Australian property](#),' *The Open Conservation Biology Journal* (2012) 6, 1-11, p1; P.B. Churcher & J.H. Lawton, 'Predation by domestic cats in an English village,' *Journal of Zoology* (London, 1987) 212: 439-55. D.G. Barratt, '[Predation by house cats \*Felis catus\* in Canberra](#), Australia: Prey composition & preference,' *Wildlife Research* (1997) 24: 263-77; D.G. Barratt, '[Predation by house cats \*Felis catus\* in Canberra](#), Australia: Factors affecting the amount of prey caught & the impact on wildlife,' *Wildlife Research* (1998) 25:475-87; C. Gillies & M. Clout, 'The prey of domestic cats (*Felis catus*) in two suburbs of Auckland City, New Zealand,' *Journal of Zoology* (London, 2003) 259: 309-15; M. Woods, R.A. McDonald & S. Harris, 'Predation of wildlife by domestic cats *Felis catus* in Great Britain,' *Mammal Review* (2003) 33: 174-8; C.A. Lepczyk, A.G. Mertig & J. Liu, 'Landowners and cat predation across rural-to-urban landscapes,' *Biological Conservation* (2004) 115:191-201; Y. van Heezik, A. Smyth, A. Adams & J Gordon, 'Do domestic cats impose an unsustainable harvest on urban bird populations?' *Biological Conservation* (2010) 143: 121-30.
- <sup>14</sup> B.P. Murphy, L.A. Woolley, H. M. Geyle et al., '[Introduced cats \(\*Felis catus\*\) eating a continental fauna: The number of mammals killed in Australia](#),' *Biological Conservation* (2019) 237: 28–40. Woinarski JCZ, Murphy BP, Legge SM, et al. (2017) How many birds are killed by cats in Australia? *Biological Conservation*. 214:76-87; Woinarski JCZ, Murphy BP, Palmer R, et al. (2018) How many reptiles are killed by cats in Australia? *Wildlife Research*.
- <sup>15</sup> Murphy et al. *ibid*.
- <sup>16</sup> AVA, '[Responsible cat ownership resources for veterinarians](#)', AVA newsletter (11 Feb. 2022).
- <sup>17</sup> Murphy et al. *op. cit.* p28.
- <sup>18</sup> C. Moodie, '[Councils ramp up pressure on state governments to overhaul Australian cat laws](#),' ABC News (16 Feb. 2023).

**Greater Bendigo** Council was one of the first Australian LGAs to introduce a cat curfew (from dusk til dawn),<sup>19</sup> before voting unanimously in 2021 for around-the-clock cat containment in its current DAMP – supported by 80% of their community – but has yet to make the necessary Order under the *Domestic Animals Act* for it to take effect.<sup>20</sup> At present, Bendigo’s fine for a cat caught roaming at night is \$120,<sup>21</sup> on top of boarding costs and compulsory registration of impounded animals if they are unregistered. The Council website provides advice on how to confine one’s cat and help them adjust to the curfew, saying, ‘in a few nights, your cat will adjust to its new routine.’<sup>22</sup>

**Knox** City Council’s 24-hour containment policy (called a ‘curfew’) took effect in April 2022, after a 6-month ‘grace period’ for owners and their cats to prepare and adjust. The Council website provides information on cat-proof fencing, free-standing cat enclosures, how to build your own enclosure and how to enrich a cat’s environment while contained. Cats may leave the owner’s property on a leash or in a cat carrier. First offences attract a \$91 fine;<sup>23</sup> while subsequent infringements incur a \$545 fine. The policy has 85% community support.<sup>24</sup>

**Bass Coast** Shire has introduced cat containment orders that took effect on 1 July 2023. It held 2-hour information sessions in towns throughout the shire and supported cat owners to prepare for the order through social media.<sup>25</sup>

Further afield, the City of **Fremantle** banned cats from 12 areas within its municipal district in 2020, including parks, beaches, river reserves and golf courses (penalty: \$200),<sup>26</sup> complemented by a cat containment policy introduced in 2021. Six neighbouring LGAs in Perth jointly deliver a ‘Happy at home’ education program for cat owners.

The Perth LGA of **Kwinana**’s cat containment local law was to take effect in April 2022 – but was overturned by a state parliamentary committee. The Invasive Species Council notes state and territory legislation governing animal management by local governments differs across the country.<sup>27</sup>

The **ACT** has a cat containment policy applying to cats throughout the territory *born* since 1 July 2022. However, in 17 ACT suburbs, all cats must be contained, regardless of their age. Signs have been erected in these suburbs to remind people that all cats must be contained at all times. The public is invited to report roaming cats by phone or email. The ACT government is initially taking an educative approach to compliance, with rangers providing advice and warnings. Fines of up to \$300 will be introduced. Legislation is also planned to permit owners to walk their cats outdoors on leads.<sup>28</sup>

In **Queensland**, 74 out of 77 LGAs have already enacted 24-hour cat containment bylaws.<sup>29</sup>

<sup>19</sup> S. Lawrence, J. Findlay, S Gard & C. Power, ‘[Cat owners might have to confine pets at all times as Bendigo council overhauls animal laws](#)’, ABC News (9 July 2021).

<sup>20</sup> Bendigo’s Animal Services branch (email, 27 April 2023).

<sup>21</sup> T. Dalton, ‘[Cat curfew in Bendigo more strict, councillors unanimous on limiting cats to properties 24/7](#)’.

<sup>22</sup> City of Greater Bendigo, ‘[Cat curfew](#)’.

<sup>23</sup> Knox City Council, ‘[Keeping a cat in Knox](#)’.

<sup>24</sup> C. Waters, ‘[Cat owners face hefty fines as Melbourne council introduces 24-hour ‘cat curfew’](#)’, Nine News (1 July 2021).

<sup>25</sup> Bass Coast Shire, ‘[Cat containment](#)’.

<sup>26</sup> City of Fremantle, ‘[Fremantle Council supports tougher cat laws](#)’ (10 Feb. 2022).

<sup>27</sup> Moodie, *op. cit.*

<sup>28</sup> ACT Government City Services, ‘[Cat containment](#)’.

<sup>29</sup> D. Lu, “‘Keep your cat indoors’: [Why conservationists are pushing for pet containment in Australia](#),’ *The Guardian* (12 September 2023).



Moved: Cr Dr Olivia Ball

Seconded: Cr Elizabeth Doidge