

Future Melbourne Committee

Agenda item 7.1

3 October 2023

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.¹ 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.

¹ 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.² 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,³ but the rate is likely lower in CoM, given 86% of dwellings in CoM are apartments.⁴ 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%.⁵

The City of Melbourne seeks to reduce the euthanasia rate to zero.⁶

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.⁷

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

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

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

⁴ 2021 Census

⁵ CoM's [DAMP 2022-25](#), p20.

⁶ *ibid*, p31

⁷ 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.⁸ Containing cats also increases interaction between them and their owners.⁹

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."¹⁰

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,¹¹ 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."¹²

⁸ City of Fremantle, '[Regional cat containment education program](#)' (21 Sept. 2020). Other estimates are much higher.

⁹ AVA ACT division, [submission on the ACT's cat containment program](#) (2015).

¹⁰ AVA, '[Management of cats in Australia](#)' policy (15 July 2022).

¹¹ AVA ACT division, [submission on the ACT's cat containment program](#) (2015).

¹² AVA ACT *ibid*.

Biodiversity & wildlife conservation

It is well documented that domestic cats prey on wildlife¹³ – 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.¹⁴

Domestic cat predation is implicated in the decline and extinction of many Australian mammal species.¹⁵ Cats have contributed to most extinctions of Australian mammals¹⁶ and are a greater threat to native mammals than land-clearing.¹⁷

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.¹⁸ Among them:

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- ¹³ 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.
- ¹⁴ 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*.
- ¹⁵ Murphy et al. *ibid*.
- ¹⁶ AVA, '[Responsible cat ownership resources for veterinarians](#)', AVA newsletter (11 Feb. 2022).
- ¹⁷ Murphy et al. *op. cit*. p28.
- ¹⁸ 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),¹⁹ 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.²⁰ At present, Bendigo’s fine for a cat caught roaming at night is \$120,²¹ 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.’²²

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;²³ while subsequent infringements incur a \$545 fine. The policy has 85% community support.²⁴

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.²⁵

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),²⁶ 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.²⁷

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.²⁸

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

¹⁹ 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).

²⁰ Bendigo’s Animal Services branch (email, 27 April 2023).

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

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

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

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

²⁵ Bass Coast Shire, ‘[Cat containment](#)’.

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

²⁷ Moodie, *op. cit.*

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

²⁹ 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