

# Appendix 1

Cat Curfew

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# HOBSONS BAY CITY COUNCIL

## DISCUSSION PAPER

### CAT CURFEW

#### 1 BACKGROUND

Council's Domestic Animal Management Plan 2013-17 (DAMP) includes an action to consider the costs and benefits of a cat curfew.

A community survey was conducted to inform the development of the DAMP. Respondents were asked to rate their concerns about a number of relevant issues on a scale of 1-5 (5 being of high concern). 136 respondents completed the survey. The table below shows the percentage of respondents and the level of concern for these particular cat management issues:

**Table 1.**

| ISSUE                                | 1   | 2   | 3   | 4   | 5   |
|--------------------------------------|-----|-----|-----|-----|-----|
| Stray cats                           | 19% | 12% | 9%  | 13% | 47% |
| Cats threatening wildlife            | 11% | 12% | 15% | 12% | 50% |
| Cats trespassing on private property | 28% | 14% | 12% | 11% | 35% |
| <i>Support mandatory desexing</i>    | 11% | 1%  | 7%  | 12% | 69% |

The responses for "support for mandatory desexing" are not particularly relevant to the consideration of whether to introduce a cat curfew, but have been included for comparison purposes.

The responses reveal that for the other issues, particularly stray cats generally and the threat they pose to wildlife, that there is a significant level of concern.

Under the *Domestic Animals Act 1994*, Section 25, councils are given the power to make orders by resolution relating to the control of cats. Under the Act, councils may make an order that prohibits cats from being outside the premises of the owner during the hours specified in the order. Any such order must be published in the Government Gazette and a local newspaper. This power has been used by councils to introduce "night curfews" that require cats to be confined to an owner's premises during specified times.

Alternatively – as has been done by Wyndham City Council – a Local Law could be introduced to place controls on the keeping of cats.

## 2 ISSUES FOR CONSIDERATION THAT DO NOT SUPPORT THE INTRODUCTION OF A CAT CURFEW

### 2.1 STATISTICS

Table 2.

| Hobsons Bay Key Statistic             | Year ended April 2013 | Year ended April 2014 |
|---------------------------------------|-----------------------|-----------------------|
| Number of impoundments (cats)         | 641                   | 846                   |
| Number of unregistered cats impounded | 610 (95%)             | 786 (93%)             |
| Number of cats returned to owner      | 35 (5.4%)             | 55 (6.5%)             |
| Number of cats rehoused               | 60 (9.4%)             | 60 (7.1%)             |
| Number of cats euthanased             | 546 (85.2%)           | 731 (86.4%)           |

### 2.3 INTERPRETATION OF STATISTICS

These statistics indicate that the majority of cats that are impounded are not owned and/or are stray or feral. The vast majority of impounded cats are unregistered and are not released to an owner and nor are many cats able to be rehoused.

As a large majority of impounded cats are not owned or reclaimed, then the implementation of a curfew is likely to have a negligible effect on reducing the number of cats “at large”. With cats being unregistered and not claimed by owners, there would also be minimal income achieved from fines issued for breaches of the curfew which could be applied to improved enforcement measures.

### 2.2 BENCHMARKING

Yarra Ranges Shire Council – 24-hour curfew

Mornington Peninsula Shire Council – 24-hour curfew

Wyndham City Council – had previously implemented a cat curfew under the *Domestic Animals Act*, and then abolished it. Wyndham has recently introduced a Local Law that requires cats to be confined to owners’ premises at night.

Greater Geelong City Council – night curfew

Surf Coast Shire Council – night curfew

Kingston City Council – night curfew

Brimbank City Council – no curfew.

Moonee Valley City Council – night curfew.

Maribyrnong City Council – no curfew.

## **2.3 STATE LEGISLATION**

Control of dogs and cats is regulated under the *Domestic Animals Act 1994*. The Act does not require cats to be confined to owners' premises. However, if a resident objects to a cat being on private property, the cat may be seized and impounded. If the cat owner can be identified, a Notice of Objection may be served on the cat owner making it an offence for that cat to trespass on the objector's property.

## **2.4 COMMUNITY OPPOSITION**

The DAMP survey did not demonstrate overwhelming support for the introduction of a cat curfew, compared to the support for the introduction of compulsory desexing. To require cats to be confined to the owners' properties during specified hours requires a change to the way cats are managed. As many cat owners currently allow their cats to wander, there will be a level of opposition against the introduction of a cat curfew.

## **2.5 ENFORCEMENT DIFFICULTY**

Enforcement of a cat curfew is problematic, if not impossible, for various reasons including:

- Animal Management Officers (AMOs) work standard hours 8:00am – 4:45pm, seven days per week.
- For OHS reasons, AMOs can only handle and transport cats if they are appropriately confined in a cage. AMOs could not be expected to chase cats that are at large in breach of a curfew.
- Introduction of a cat curfew will lead to community expectations in regard to enforcement and management that cannot be met.
- The majority of cats that are trapped and impounded (as shown in Table 2) are not owned or released to owners. In all of those cases, there is no possibility of taking any enforcement action.
- Benchmarking information provided by councils that have introduced curfews indicates that in all cases, curfews are managed by cat trap programs and loan schemes. AMO's are not expected or required to work after hours to enforce the various councils' curfews.
- The experience of councils that have introduced curfews shows that there are limited numbers of enforcement actions – few infringement notices have been issued following the introduction of curfews.

## **2.6 CURRENT CAT TRAPPING PROGRAM**

As noted above, all councils which were contacted in relation to their curfews advised that the curfew is enforced through cat trap programs and loan schemes.

The Animal Management Service already operates an effective cat trap loan service. Cat traps are loaned to residents to assist with dealing with cats that are straying on to their property. The cat trap loan service is considered the most effective way of dealing with wandering cats, and that management method would remain in place regardless of whether a curfew was introduced.

If a curfew was introduced, it is likely that the cat trap service would need to be expanded with purchase of some additional traps to reduce waiting times. The expansion of the cat trap service would also necessitate allocating additional staff resources to manage the delivery of traps and collection of traps and impounding of cats. The cat trap service currently occupies one day per week to deliver and collect traps. An expanded cat trap service would require one additional officer's day per week, and an expanded service could not be absorbed within current resources.

## 2.7 LIMITED EFFECT OF A NIGHT CURFEW

Councils with curfews have not been able to report any significant impact on cats “at large” following the introduction of cat curfews. Mornington Peninsula supports its curfew on the basis of ease of administration for AMO’s when dealing with wandering cats when owners have been identified. However, Mornington Peninsula also reported that “minimal” numbers of impounded cats are reclaimed by owners, and that the curfew obviously has no impact on the unowned cat population. Other councils could not report any measurable reduction in cat complaints or cats wandering at large.

The Lost Dogs Home quotes figures from a study that claims each cat kills (on average) 44 animals per year. The Lost Dogs Home is strongly of the view that night curfews are not effective in reducing native wildlife kills because most native animals and birds are not nocturnal. This view is supported by a study by REARK\* which found that animals that cats prey on are typically:

| Type of animal killed                       | % of total kills |
|---|------------------|
| Rats, mice, rabbits                         | 51%              |
| Native mammals                              | 0.4%             |
| Introduced birds (sparrows, blackbirds etc) | 16.2%            |
| Native birds                                | 4.8%             |
| Native reptiles                             | 27.7%            |

This indicates that two-thirds of animals killed by cats are undesirable introduced species and one third are native species. Due to the high number of rare and endangered native species within Hobsons Bay this is significant. However, the small number of domestic cats caught indicates that this is most likely a stray and feral cat management issue.

\*REARK Research (1994). *Research Report on the Metropolitan Domestic Cat: A Survey of the Population Characteristics and Hunting Behaviour of the Domestic Cat in Australia*. Petcare Information and Advisory Service, Melbourne

## 3 ISSUES FOR CONSIDERATION THAT SUPPORT THE INTRODUCTION OF A CAT CURFEW

### 3.1 COMMUNITY SUPPORT

The community survey conducted during the development of the DAMP highlighted a significant concern from the 136 respondents about cats and wildlife, cats on private property and stray cats. There will be a level of community support for the introduction of a curfew. Other councils that have introduced curfews have done so in response to community support.

### 3.2 SEND A MESSAGE

The introduction of a curfew will assist in sending a message that it is inappropriate for cats to be at large and not under the supervision of an owner.

### 3.3 GOOD FOR CATS

An effective cat curfew is beneficial for cats generally:

- Cats wandering at night are more likely to be hit by a car
- Cats wandering at night are more likely to be involved in a fight with other cats and get injured
- Cats wandering at night are more likely to catch a disease
- Cats confined to their owners' homes live longer than cats that are allowed to wander

### 3.4 BENEFITS

Despite over 90% of impounded cats being unregistered and only 5-6% of cats being reclaimed by owners, there may be a positive effect of having some owners change their animal management behaviours by complying with a curfew.

### 3.5 AMENITY ISSUES

Some understanding of the size of the cat problem for residents can be demonstrated by the following resident request data from the CHARM system:

| Type of request     | No. of requests<br>1/7/13 – 30/6/14 |
|---------------------|-------------------------------------|
| Cat cage request    | 271                                 |
| Cat pick up request | 317                                 |
| Cat found           | 203                                 |
| Cat lost            | 83                                  |
| Cat problems        | 26                                  |

As has been experienced by other councils, it is likely that a curfew would prompt an initial influx of resident requests to deal with cats at large. There is already a waiting list for the use of cat traps. As the cat trap scheme is the only effective way to enforce a curfew, it is expected that there would be an increase in the number of request to borrow cat traps.

## 4 BIODIVERSITY CONSIDERATIONS

The 2014 Biodiversity Discussion Paper highlighted Hobsons Bay's significant biodiversity assets including many rare and endangered species of fauna and flora. Council has committed to developing a biodiversity strategy in 2015-16 to enhance its management of these important community assets.

The biodiversity discussion paper identified pest animals, including cats, as a key threat to biodiversity in key conservation areas. This aligns with the observations of conservation staff who have reported regular sightings of cats in key conservation areas such as the Truganina Explosives Reserve and Newport Lakes.

Based on the discussion paper it is anticipated that the biodiversity strategy will make recommendations on the management of pest animals in key conservation areas. This is likely to include the recommendation that further investigation and a holistic approach be taken to manage the impacts of cats, both feral and domestic, on rare and endangered species. A holistic approach to the management of cats that stray into key conservation areas is likely to include a range of options and will be greatly influenced by whether the majority of cats entering key conservation reserves are:

- owned (including owned and registered and owned and unregistered), or
- un-owned (including both feral and unregistered cats).

In the case that a significant portion of cats entering key conservation areas are owned a holistic approach will need to consider a range of options that might include:

- greater enforcement of registration of cats

- the use of Notices of Objection on owners of cats that trespass on Council owned significant conservation areas
- education of cat owners to make them aware that a lost or discarded cat can become a feral cat with subsequent consequences to native wildlife.
- the introduction of a cat curfew
- a cat trapping program in such sensitive areas

Of these measures, only a cat trapping program will be effective if a significant portion of cats entering key conservation areas are un-owned.

A decision on which measures would most effectively manage the impacts of cats on key conservation areas would be greatly informed by:

- further investigation into whether cats entering key conservation areas are owned or un-owned
- A review of which techniques have been most effective in protecting rare and endangered fauna in Councils with areas of similarly high conservation value such as the Shire of Yarra Ranges and Hume City Council. This may include:
  - Public education on the effective management of domestic cats
  - The management of stray and feral cats

## OPTIONS

1. Do not introduce a curfew
2. Introduce a night curfew
3. Introduce a 24-hour curfew
4. Implement a trial
5. Undertake further community consultation to assess the level of support for a curfew.

There are arguments both for and against the introduction of a cat curfew. Animal Management Officers do not support the introduction of a curfew because:

- It is considered that a curfew will have minimal impact on wandering cats because the problem appears to be mainly as a result of stray and un-owned cats;
- Introduction of a curfew will lead to community expectations about enforcement that can't be delivered. That would then lead to frustration with and criticism of AMO's and Council generally.
- A cat curfew can only be enforced through cat trapping programs and cat trap loan schemes – the Animal Management unit already provides these services.

It is considered that implementing a trial would not be an appropriate response to the question of whether to introduce a curfew as there is already information available from other councils about the effectiveness of curfews.