



Environmental Defenders' Office  
AUSTRALIAN CAPITAL TERRITORY

Nature Conservation  
Environment, Planning and Sustainable Development Directorate  
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28 June 2019

Dear Nature Conservation Team,

**Draft ACT Cat Plan 2019-29: Environmental Defenders Office (ACT) Submission**

The Environmental Defenders Office (ACT) Inc ('EDO ACT') is a community legal centre specialising in public interest environmental law in the ACT and surrounds. We provide legal representation and advice, take an active role in environmental policy and law reform, and produce community legal education publications and sessions.

Given Australia's extinction crisis, the contributions of feral cats to the extinction of a number of mammals (predation by feral cats is a Commonwealth-listed key threatening process),<sup>1</sup> and their ongoing, existing threat to a variety of mammals, birds, reptiles and frogs, the EDO ACT welcomes the opportunity to comment on the Draft ACT Cat Plan 2019-2029. The proximity of suburbs to nature reserves in the ACT means that wildlife are particularly vulnerable to predation by both domestic and feral cats. The EDO ACT notes the broad support by environment and community groups for continuing and expanding cat management measures in the ACT.

Accordingly, the EDO ACT offers the following reflections and recommendations with respect to the Draft ACT Cat Plan, notably strategy 2, and the questions therein.

**Previous reviews of cat management in the ACT**

Numerous existing ACT Government strategies have highlighted the need to improve cat management in the ACT. These include, for instance:

- The ACT Pest Animal Management Strategy (2012-2022): This notes feral cats as a pest animal, with risks including "*predation of small mammals, reptiles and birds*" and the "*potential reservoir of feline diseases*". Current management and monitoring practices

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<sup>1</sup> See the Australian Government, Department of the Environment and Energy, *Listed Key Threatening Processes*, located at <http://www.environment.gov.au/cgi-bin/sprat/public/publicgetkeythreats.pl>.



include “domestic cat containment requirement in new suburbs adjacent to high-value conservation areas”;<sup>2</sup>

- The ACT Nature Conservation Strategy (2013-2023): This states as an action that “the government will improve management of the impacts of cats on wildlife and consider expansion of the ACT cat containment policy”;<sup>3</sup>
- The Draft ACT Native Woodland Conservation Strategy (2019): This strategy notes the expansion of cat containment areas to mitigate the impacts of urbanization, for “new residential areas developed in the vicinity of a woodland area with high conservation value, or threatened woodland fauna habitat”.<sup>4</sup>

In addition to existing ACT Government strategies, specific research and reviews into the management of cats in the ACT have been undertaken.<sup>5</sup> This includes, for instance, *Responsible pet ownership and the protection of wildlife: Options for improving the management of cats in the ACT (2014)*,<sup>6</sup> prepared for the ACT Responsible Cat Ownership Steering Committee. This background paper is exceptionally detailed and includes a number of legislative and policy reforms, yet to be implemented, including:

- Aligning legislation with respect to domestic cats with other jurisdictions by establishing a system of cat registration in the ACT;
- Declaring all reserved areas (including wilderness areas, national parks and nature reserves) as cat containment areas, making it an offence for owned cats to roam in reserved areas;
- Ensuring all non-microchipped and/or desexed cats claimed from animal shelters are not released until they are microchipped and desexed;
- Expanding cat containment to target priority areas for conservation of threatened and significant wildlife species;<sup>7</sup>
- Implementing an ACT wide public education program to promote responsible cat ownership;

<sup>2</sup> ACT Government, *ACT Pest Animal Management Strategy 2012-2022*, p 70, located at [https://www.environment.act.gov.au/data/assets/pdf\\_file/0008/575117/PAMS\\_WEB.pdf](https://www.environment.act.gov.au/data/assets/pdf_file/0008/575117/PAMS_WEB.pdf)

<sup>3</sup> ACT Government, *ACT Nature Conservation Strategy 2013-23*, p 19, located at [https://www.environment.act.gov.au/data/assets/pdf\\_file/0004/576184/ACT-Nature-Conservation-Strategy\\_web.pdf](https://www.environment.act.gov.au/data/assets/pdf_file/0004/576184/ACT-Nature-Conservation-Strategy_web.pdf)

<sup>4</sup> ACT Government, *Draft ACT Native Woodland Conservation Strategy (2019)*, p 28, located at [https://s3.ap-southeast-2.amazonaws.com/hdp.au.prod.app.act-yoursay.files/4815/5435/2420/Native\\_Woodland\\_Conservation\\_Strategy.pdf](https://s3.ap-southeast-2.amazonaws.com/hdp.au.prod.app.act-yoursay.files/4815/5435/2420/Native_Woodland_Conservation_Strategy.pdf)

<sup>5</sup> See also Cat Containment Research: ANU Undergraduate Policy Analysis Project 2018 available at <https://www.envcomm.act.gov.au/investigations/independent-audit-of-the-gungahlin-strategic-assessment>

<sup>6</sup> Kathy Eyles and Michael Mulvaney (2014), *Responsible pet ownership and the protection of wildlife: Options for improving the management of cats in the ACT*, located at <https://www.pestsmart.org.au/responsible-cat-ownership-in-the-act/>

<sup>7</sup> Eyles and Mulvaney, p 38.



- Rolling out a program of compliance and enforcement with a public education campaign, using warnings and information to assist compliance, progressing to more serious consequences for repeat consequences.<sup>8</sup>

In the context of a new development, the EDO ACT notes that the ACT Commissioner of Sustainability and the Environment's Independent Audit of the Gungahlin Strategic Assessment Report (2017), emphasised the need to improve compliance measures and enforcement of cat containment laws. The Commissioner noted that she had received complaints from members of the public in the months preceding the audit about the lack of enforcement of cat containment laws.<sup>9</sup> She requested, as a corrective action, "a plan on how to address the compliance and enforcement for cat containment".<sup>10</sup>

**How important is compliance and enforcement in relation to: desexing, microchipping and cat containment? Should there be more emphasis on enforcing cat laws? How?**

In light of the above, the EDO ACT welcomes the Draft ACT Cat Plan's emphasis on compliance and enforcement in Strategy 2. Some suburbs in the ACT have been cat containment areas for almost 15 years, including Bonner and Forde. However, there has been a noted lack of enforcement in these suburbs<sup>11</sup> - this needs to change.

Compliance and enforcement with respect to desexing, microchipping and cat containment is extremely important. Without enforcement, there is no incentive to comply with the law, rendering it ineffective in achieving its aims in ensuring the welfare of cats, and to better protect wildlife in the ACT. A review of matters prosecuted by the Department of Public Prosecutions in the last 3 financial years indicates that only three matters were prosecuted under the Domestic Animals Act 2000. The information provided does not indicate whether those prosecutions relate to microchipping, desexing and/or cat containment, though it is highly unlikely. Given the ongoing impacts of predation by cats on wildlife, compliance and enforcement is essential for wildlife protection.

In addition to enforcement of cat laws, there needs to be greater, recurrent, community education on the rights and responsibilities of cat owners. Community education cannot be one-off – it needs to be recurrent and strategic. Desexing, microchipping and cat containment options need to be affordable and accessible. Relevant authorities need to be appropriately resourced to engage in community education activities in addition to compliance and enforcement of ACT laws.

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<sup>8</sup> Eyles and Mulvaney, p 39.

<sup>9</sup> Office of the Commissioner for Sustainability and the Environment, *Independent Audit of the Gungahlin Strategic Assessment* (2017), p 56.

<sup>10</sup> Office of the Commissioner for Sustainability and the Environment, p 37.

<sup>11</sup> Eyles and Mulvaney, p 15.



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### Should cat registration be introduced?

Cat registration is already a feature of animal welfare legislation in a number of jurisdictions including NSW<sup>12</sup> and Victoria.<sup>13</sup> As identified, it is an effective method of ensuring identification of cats, and reunification of lost cats. A current barrier to enforcement of cat containment laws is the lack of compulsory cat registration. The EDO ACT supports the strengthening of laws for cat ownership including through compulsory cat registration, to help facilitate compliance and enforcement for cat containment. We do, however, emphasise the need for registration to be both affordable and accessible to the general public, to encourage its uptake.

#### Recommendations:

1. Implement a recurrent educational program on the rights and responsibilities of cat owners in the ACT;
2. Appropriately resource authorities to engage in compliance and enforcement mechanisms as set out in the *Domestic Animals Act 2000 (ACT)*;
3. Amend the *Domestic Animals Act 2000* to introduce a compulsory cat registration system in the ACT, providing consistency in laws with our neighbours.

If you have any questions or wish to clarify any of the above, please do not hesitate to contact the EDO ACT on (02) 6243 3460 or [Stephanie.Booker@edoact.org.au](mailto:Stephanie.Booker@edoact.org.au).

Yours faithfully,

**Stephanie Booker**  
CEO / Principal Legal Officer

<sup>12</sup> Companion Animals Act 1998 (NSW), section 9.

<sup>13</sup> Domestic Animals Act 1994 (Vic), section 10.