



# Hunter Bird Observers Club

Affiliated with BirdLife Australia

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The General Manager,  
Newcastle City Council,  
PO Box 489  
Newcastle NSW 2300  
Sent to: mail@ncc.nsw.gov.au

Dear Sir/Madam,

## **Re: Domestic cats roaming onto neighbouring properties**

Hunter Bird Observers Club Inc. (HBOC) is concerned about domestic cats roaming onto neighbouring properties both during the day and at night. We are particularly concerned about domestic cats hunting local, urban and suburban birdlife which is a common occurrence. We receive complaints from members and the general public several times a year about domestic cats killing birds in suburban backyards and local bushland. Residents who experience such events become extremely distressed and all the more so when they discover that they have little recourse to further action if the offending owner does not agree to restrain the cat. The negative impact on affected residents and local birdlife is not adequately acknowledged by legislation.

However, many responsible councils are becoming concerned about the damage that unconstrained domestic cats can do to wildlife and are attempting to act within their currently limited power to put some effective controls on the owners of domestic cats and we ask Newcastle Council to do the same.

In a letter (5/12/2019) to the Office of Local Government (OLG), HBOC asked that OLG act upon the resolution of the Local Government Conference by amending the *Companion Animals Act 1998* to make it possible for local councils to ensure that the unconstrained movement of domestic cats can be controlled.

We received a reply part of which is as follows:

*“the Government has also enacted new measures to strengthen incentives to identify, register and de-sex cats, which may be expected to reduce nuisance and roaming. From 1 July 2020, annual permits for non-de-sexed cats will be introduced in NSW. This will mean that owners of cats that are not de-sexed by the age of four months will be required to pay an ongoing fee of \$80 per year.*

*A range of maximum penalties and on-the-spot fines concerning the registration and microchipping of cats have also been increased under the legislation. On-the-spot fines for failing to microchip a cat or failing to register a cat have increased to \$180 and \$330 respectively. If a cat owner fails to ensure it is not in a public place where it is prohibited or fails to ensure it has an acceptable form of identification, on-the-spot fines have increased to \$180. Implementation of these reforms is being closely monitored by OLG.*

*While Councils do not currently have the power to order cat owners to restrain a cat within the home, they do have powers that may help to reduce the impact of roaming cats, including the power to issue a nuisance order.*

*The Act enables councils to investigate specific complaints about nuisance cats. If a complaint is substantiated, a council can issue a nuisance order to the owner of a cat that either makes a noise that persistently disturbs the peace and comfort of any person, or repeatedly damages anything outside the property on which it is ordinarily kept.*

*Nuisance orders remain in force for six months and specify the behaviour of the cat that must be prevented. The owner can be issued with a fine each time the nuisance order is not complied with.*

*Action may also be taken by neighbours. The Companion Animals Act 1998 (the Act) permits two circumstances in which persons, other than authorised officers, may seize cats. These are:*

- *where the cat is in a public place prohibited under the Act (food preparation / consumption areas or wildlife protection areas) (section 30); or*
- *where it is reasonable and necessary for the protection of any person or animal (except for vermin) from injury or death (section 32).”*

HBOC asks Newcastle City Council to implement the above changes to the *Companion Animal Act 1998* and further, to investigate the introduction of Wildlife Protection Areas which councils have the power to introduce - <https://www.tweed.nsw.gov.au/WildlifeProtectionAreas>

HBOC believes that it is entirely reasonable for residents affected by roaming cats to ask for the constraint of offending animals and we support a resolution that “domestic cats should no longer be free to wander and should be confined to the house of their owner and/or an appropriate meshed cat run” put forward by Shoalhaven and Blacktown City Councils at the Local Government Conference.

We look forward to a reply outlining any new actions you may be considering.

Yours faithfully,



Ann Lindsey – Conservation Co-ordinator - 13<sup>th</sup> September, 2020.