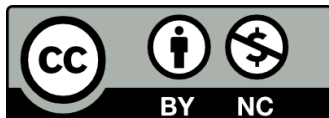


Review of NSW Companion Animal Regulatory Issues

Recommendations for Effective Cat Management

Final Version

29 September 2021



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Summary

The principal policy objective of the *Companion Animals Act 1998* (NSW) (**CA Act**) is “to provide for the effective and responsible care and management of companion animals”.¹ The New South Wales (NSW) Office of Local Government (OLG), responsible for administering the *CA Act*, strives to encourage responsible pet ownership by increasing the rates of identification and desexing, reducing the rates of euthanasia and removing barriers to successful rehoming of surrendered or abandoned animals.² However, in practice, urban cat management in NSW is not consistent with these objectives or community expectations, and results in 42% of impounded and surrendered cats being euthanased. It is characterised by poor return-to-owner rates of just 4% and excessive numbers of unwanted kittens being born. Requiring shelter/pound staff to kill healthy and treatable cats and kittens results in mental health damage, and costs to local councils for cat management exceed the income from registrations and annual permits by approximately ten to one.

On 1 July 2020, amendments to the *CA Act* came into force which reduced the registration fee for all cats and introduced an annual permit scheme for undesexed cats. The addition of the annual permit fee has compounded issues for cat owners on low incomes who acquire kittens from friends or family whose cats have accidental litters, semi-owners who acquire ‘stray’ cats, and cat rescue groups who are currently doing significant work in desexing and rehoming cats that would otherwise need to be managed by local councils. These new owners often acquire undesexed cats older than 4 months and promptly arrange for the cat to be desexed, but under the current provisions are unable to avoid an annual permit fee for the first year.

The fundamental legislative obligations with which cat owners in NSW must comply (identification, registration, annual permits and, to avoid the obligation for an annual permit, desexing) can result in significant financial burdens. Even though there exists legal authority, local councils may be discouraged from reducing or waiving fees for their residents in need of support, because these fees must still be remitted in full to the OLG.³ Further, the various late fees and unavoidable offences for people acquiring unowned or previously owned undesexed cats older than 4 months result in punitive financial penalties imposed on those least able to afford them.

This issue of affordability is recognised broadly by local councils, animal welfare organisations and other community groups, and has resulted in many attempts to deliver affordable and sustainable desexing and identification programs in areas of need (e.g. low socioeconomic areas, areas with high

¹ *Companion Animals Act 1998* (NSW) s 3A (*‘CA Act’*).

² ‘Dogs and Cats’, Office of Local Government (NSW) (Web Page) <<https://www.olg.nsw.gov.au/public/dogs-cats/>>.

³ Office of Local Government (NSW), *Companion Animals Guideline 1: Registration Agents* (June 2020) 19 (*‘Companion Animals Guideline 1’*).

population of semi-owned or unowned cats, areas overrepresented by cat-related complaints or impoundments and shelter admissions). Unlike in other jurisdictions (e.g. Victoria), attempts to deliver such programs in NSW can be described at best as ad hoc with varying degrees of success, despite considerable efforts by, and funding from, animal welfare organisations, regulated Rehoming Organisations, and cat rescue groups.

This document sets out how these issues contribute to the continuation of behaviours which significantly impair the primary objective of cat management: to reduce the numbers of undesexed cats and free-roaming cats. Finally, it sets out 5 recommendations which should be considered by the NSW OLG to remedy the current policy and regulatory deficiencies.

Recommendations

1. Extend practical effect of annual permit grace period

It is recommended that a person who owns an undesexed cat that reaches 4 months of age, or acquires an undesexed cat older than 4 months of age, but desexes the cat within a grace period is not required to obtain an annual permit for that initial year (as is currently required according to NSW OLG advice). The NSW OLG could implement this recommendation immediately by simply updating its advisory documents to local councils and registration agents and, if necessary, issuing other communications.

2. Increase autonomy for local councils to exercise discretionary power in respect of fees and charges

It is recommended that local councils are empowered under s 95 of the *CA Act* to reduce or waive fees or charges to persons who are fulfilling the objective of the Act to prevent unwanted cats, and who are “in receipt of a pension, benefit or allowance under the *Social Security Act 1991*” (Cth), but without the need for councils to fund such decisions from consolidated revenue. Note that broader subsidy or waiver schemes are proposed in recommendation 5.

3. Enhance functionality of the Register

It is recommended that additional functionality be added to the Register to remind owners to update contact details (e.g. automated email and text messages every 6 months, providing a link to the online portal).

4. Streamline identification and registration

It is recommended that the identification and registration obligations are merged, so that owners are only required to lodge their details and their cat’s details with the Register once.

5. Establish NSW Government funded desexing programs or incentives for local councils

It is recommended that NSW OLG establish a framework or program with appropriate funding to increase the availability of subsidised desexing to cat owners on low incomes and provide for high intensity desexing and identification campaigns in areas of need.

Conclusion

Adoption of these recommendations will enhance the NSW OLG's ability to more effectively and efficiently address its mission of encouraging responsible pet ownership by increasing the rates of identification and desexing, reducing the rates of euthanasia, and removing barriers to successful rehoming of surrendered or abandoned companion animals.

These recommendations are not intended to be the end of the journey towards better responsible pet ownership behaviours; rather they are 'quick wins' to improve the current system within the existing regulatory framework. As this review demonstrates, there is a clear need for reform of the CA Act as it applies to cats. Further work is clearly required to progress a business case and proposed legislative amendments to support this necessary reform.

Introduction

Purpose of document

This submission was developed to:

- outline serious concerns in relation to the interpretation and practicality of the newly introduced annual permit scheme along with the recently amended registration and identification system for cats, and the implications for local councils and registration agents having to implement and enforce these requirements, and
- provide recommendations for improvements to increase the numbers of cats being desexed, and reduce the problems and associated costs arising from complaints, cat impoundments and shelter management.

It aims to provide compelling evidence for the New South Wales (**NSW**) Office of Local Government (**OLG**) to make amendments to current requirements and policies as soon as possible to address these concerns and improve domestic cat management in NSW.

The contributors to this submission have been working for many years to prevent unwanted cats in their communities, and to reduce the numbers of cats entering and being euthanased in pounds and shelters. Their expertise includes pound and shelter management, research, strategic development and implementation, ethics, law, education, social change, and practical cat care and management.

Background and context

On 1 July 2020, amendments to the *Companion Animals Act 1998* (NSW) (**CA Act**) came into force which reduced the lifetime registration fee for all cats and introduced an annual permit scheme for undesexed cats. The new annual permit scheme requires owners of an undesexed cat or a cat not desexed before 4 months of age to apply for an annual permit and pay an \$81 fee. The permit must be renewed on an annual basis while the cat remains undesexed, although breeders are exempt. This scheme was designed to encourage people to desex their kittens by 4 months of age to prevent unwanted pregnancies, as cats can become pregnant from this age. It is useful if a person can afford to desex their kittens, and if they have had the kitten(s) in their care prior to them becoming 4 months of age.

However, the addition of the annual permit fee has compounded issues for cat owners on low incomes, semi-owners who provide care for stray cats (many of which are undesexed), and individuals and cat rescue groups (see Supplementary Materials) who are currently doing much of

the work in desexing and rehoming cats that would otherwise need to be done by local councils.⁴

These issues include:

- many people (approximately 10% of cat owners) cannot afford to desex their cats especially if they are on low incomes or have an unexpected litter to desex.
- many rescue groups and semi-owners who are willing to take responsibility for stray cats that are older than 4 months of age cannot desex these cats prior to 4 months if they do not find them or acquire them prior to this time. Yet they are still asked to pay \$81 for the first year (in addition to life-time registration), even though they desex these cats as soon as possible after acquisition.
- microchipping is often done at the time of desexing, and this results in the cat and owner's details being entered in the Register of Companion Animals (**Register**⁵). The cat is now *in the system*, and the owner can be identified and required to register their cat, and possibly pay for an annual permit if the cat is older than 4 months of age, in addition to registration fee. Because the additional cost of cat microchipping and registration, combined with annual permit fees, is prohibitive for people on low incomes, such people may be deterred from desexing their cats (which is the most effective action to prevent unwanted wandering cats).

Goals of cat management

The primary objective of cat management for all stakeholders is to reduce the numbers of undesexed cats and free-roaming cats (whether undesexed or desexed). Secondary goals (and their order of priority) may vary between stakeholders, which include state and local governments, animal welfare agencies, cat rescue groups, community or wildlife groups, cat lovers, and the community at large. These secondary goals include:

1. Reduce costs arising from complaint calls, cat impoundments and shelter management. Costs for shelters or pounds to manage a cat are typically \$500-\$1,500/cat, depending on their commitment to a live outcome for the cat. Contract costs for a third party (welfare agencies or veterinarians) to manage impounded cats typically range from \$100-\$500/cat.
2. Reduce impact on staff from killing healthy and treatable cats, especially pre-weaned kittens, and healthy fearful or timid adult cats. Research convincingly demonstrates the

⁴ Sarah Zito et al, 'Cat Ownership Perception and Caretaking Explored in an Internet Survey of People Associated with Cats' (2015) 10(7) *PLOS ONE* e0133293.

⁵ Section 79 of the *CA Act* provides that there is to be a Register of Companion Animals. Local councils access the Register through a database known as the Companion Animals Register (CAR). The public, authorised veterinary practices, and authorised identifiers access the Register through an online portal known as the NSW Pet Registry (<<https://www.petregistry.nsw.gov.au>>). For the purposes of consistency, the term **Register** will be used to refer to both the legislatively established Register and the portals.

adverse mental health effects on staff involved with killing animals in shelters, with documented increased risk of depression, substance abuse, high blood pressure, and suicide.⁶

3. Reduce the impact on cats that experience stress and sickness from impoundment or lengthy rehoming processes related to oversupply, and are consequently often killed.
4. Reduce impact on the environment – fewer free-roaming cats means less wildlife predation.
5. Improve social amenity – less fighting and associated noise, less urine and faecal soiling.
6. Benefit to pet and human health from fewer kittens being born and fewer free-roaming unowned cats.

Obligations for cat owners: Identification, registration, desexing

The CA Act prescribes several key obligations with which cat owners in NSW must comply, subject to several exemptions. These obligations relating to identification, registration and annual permits (or desexing to avoid the obligation for an annual permit), are described briefly in this section.

Identification

Owners are required to ensure their cat is identified before their cat reaches 12 weeks of age or before being sold or given away (regardless of age).⁷ This obligation is commonly referred to as *Permanent Identification (identification)*. A summary of features related to this obligation include:

- Microchipping, at the expense of the owner (i.e. usually a vet procedure).
- Information recorded on the Register including the microchip number, the cat details (gender, age etc.) and owner details (name, address, contact details etc.).⁸
- No costs or fees are payable to the NSW Government related to identification.
- Exemptions or deferrals are available (e.g. a vet-certified health risk).⁹

⁶ Benjamin E Baran et al, 'Euthanasia-Related Strain and Coping Strategies in Animal Shelter Employees' (2009) 235(1) *Journal of the American Veterinary Medical Association* 83; Pauleen Bennett and Vanessa Rohlf, 'Perpetration-Induced Traumatic Stress in Persons Who Euthanize Nonhuman Animals in Surgeries, Animal Shelters, and Laboratories' (2005) 13(3) *Society and Animals* 201; Charlier L Reeve et al, 'The Caring-Killing Paradox: Euthanasia-Related Strain Among Animal-Shelter Workers' (2005) 35(1) *Journal of Applied Psychology* 119; Stephanie S Frommer and Arnold Arluke, 'Loving Them to Death: Blame-Displacing Strategies of Animal Shelter Workers and Surrenderers' (1999) *Society and Animals* 7(1) 1; Hope M Tiesman et al 'Suicide in US Workplaces, 2003-2010: A Comparison with Non-Workplace Suicides' (2015) 48(6) *American Journal of Preventative Medicine* 674.

⁷ CA Act (n 1) ss 8(1)-(2).

⁸ *Companion Animals Regulation 2018* (NSW) reg 4, 8 ('CA Reg').

⁹ *Ibid* reg 12(2).

If a cat owner does not complete the identification before a kitten reaches 12 weeks of age, or sells a cat which is not identified, or acquires a cat older than 12 weeks of age which is not already identified, then they are guilty of an offence, which presently incurs a maximum penalty of \$880.¹⁰

If a person acquires a cat older than 12 weeks of age which is not already identified, even though the new owner: a) did not own the cat before it was 12 weeks of age; and b) took steps to microchip and submit cat and owner information after they acquired the cat, the new owner is still guilty of an offence because the cat was not identified when required by law.

Maintaining identification information on the Register is the responsibility of the owner. However, in practice, details may be updated by a variety of entities including local councils, animal welfare organisations (eg, RSPCA, AWL NSW, CPS) or authorised veterinary practices (as *authorised identifiers*).

Registration

Owners are required to ensure that their cat is registered before their cat reaches 12 weeks of age or before being sold or given away (regardless of age).¹¹ Notwithstanding, the relevant registration fee (see below) is required before the cat reaches 6 months of age.¹² This obligation is commonly referred to as *Lifetime Registration (registration)*. A summary of features of this obligation include:

- At the time of registration, the NSW Government may check on necessary information for a cat; for example, if the cat has been identified (including microchipped) and desexed.
- The owner applies and pays for registration. From 1 July 2021, the following fees apply:
 - nil, if the cat is desexed and was directly acquired from a local council pound, animal shelter (e.g. RSPCA, AWL NSW, CPS), or a Rehoming Organisation.¹³
 - \$27 if the cat is desexed and owned by an eligible pensioner.¹⁴
 - \$56 for a desexed or undesexed cat owned by any other person.¹⁵
 - A late fee of \$18 if the registration fee has not been paid 28 days after the date on which the animal was required to be registered.¹⁶

¹⁰ CA Act (n 1) ss 8(3)(a), 8(4)(a).

¹¹ Ibid s 9(2); CA Reg (n 8) reg 14.

¹² CA Reg (n 8) reg 18(1).

¹³ Office of Local Government (NSW), *Introduction of free lifetime registration for rescued pets and increases to companion animal fees for 2021/22* (Circular 21-15, 30 June 2021) ('Circular 21-15').

¹⁴ CA Reg (n 8) reg 18(2)(d); Circular 21-15 (n 13).

¹⁵ CA Reg (n 8) reg 18(2)(b); Circular 21-15 (n 13).

¹⁶ CA Reg (n 8) reg 18(1)(c); Circular 21-15 (n 13).

- Undesexed cats or cats not desexed by 4 months of age may also be subject to an annual permit fee (see below).
- There are various exemptions and grace periods in the *CA Act, Companion Animals Regulation 2018 (NSW) (CA Reg)*, and in NSW OLG guidelines.

Annual permits and desexing

Owners are required to apply for an annual permit for their cat if it remains undesexed after it reaches 4 months of age.¹⁷ This is referred to as the *Annual Permit Scheme*. A summary of features relating to this Scheme and desexing include:

- An owner who elects to desex their cat is responsible for the associated costs (veterinary procedure). This applies to the public and any animal welfare organisation.
- An owner who has not desexed their cat before it reaches 4 months of age must apply for an annual permit and pay an \$81 fee. This permit is renewable on an annual basis while the cat remains undesexed.
- There are specific exemptions available in the case of veterinary-certified health risks (certified before the cat reaches 4 months of age) and for breeders.¹⁸
- There are other various exemptions and grace periods in the *CA Act, CA Reg*, and in NSW OLG guidelines.

Desexing a cat and ensuring the desexing information is updated on the Register is the responsibility of the owner. However, in practice, the veterinarian, local council or authorised welfare agency may update the identification information on the Register or provide a certificate in paper form, to indicate the cat was desexed and on which date. The desexing information may be submitted at the time of desexing, after identification, or when registration is completed.

In some cases, a new owner may acquire a cat that has already been desexed and this can be certified by a vet, although in practice the exact date of desexing may be unknown.

The above obligations are costly and confusing for owners, and do not directly prevent the problem of undesexed cats arising from non-compliance of owners due to cost constraints, or failure to understand their obligations.

¹⁷ *CA Act* (n 1) s 11B.

¹⁸ *Ibid* ss 11F-11G.

Foundations for improvements

Understanding the problem

In 2018-19, cat intake to NSW local council pounds totalled 15,580 cats (excluding those cats managed under RSPCA or Sydney Dogs' and Cats' Home contracts) and a further 19,325 were admitted to shelters (including cats managed under contracts for local governments), representing a total of almost 35,000 cats.

- Cat impoundments by local governments are approximately 4.6 cats per 1,000 residents.¹⁹ This compares with 7 cats/1,000 residents in Victoria and Queensland, and reflects that many NSW local governments do not respond to cat-related issues.
- Typically, 40% to 60% of cat impoundments or admissions to shelters are kittens, reflecting excessive, unwanted cat reproduction.
- Return-to-owner rates are 4% of impoundments compared to 7% in Victoria and Queensland, likely reflecting inefficiencies in the NSW identification system, and barriers to microchipping and registering cats.
- Rehoming rates are 51% compared to 58% in Victoria and 68% in Queensland.
- Euthanasia rates are 39% compared to 31% in Victoria and 21% in Queensland. Cats killed represent 2 cats per 1,000 residents, similar to Victoria but higher than than Queensland (1.4 cats/1000 residents) reflecting the lower return-to-owner and rehoming rates in NSW.

Cat impoundments, cat-related calls to local government and shelter intake of cats are correlated with socioeconomic factors and are significantly higher in suburbs where 20% to 30% of households are classed as low income, which in Australia is often defined as 2.4 people living on less than \$650/week. In these suburbs, there are high numbers of 'free/give-away' kittens and cats, because the cost of desexing cats is unaffordable.

Main barrier to desexing is cost

In Australia, multiple surveys report that most owned cats are desexed, at rates typically exceeding 90%.²⁰ However, in low socioeconomic suburbs, desexing rates are lower. Research from the USA confirms the Australian experience. In households with annual family incomes greater than

¹⁹ Diana Chua, Jacqui Rand and John Morton, 'Surrendered and Stray Cats in Australia: Estimation of Numbers Entering Municipal Pounds, Shelters and rescue Groups and Their Outcomes' (2020) (unpublished).

²⁰ Animal Medicines Australia, *Pets in Australia: A National Survey of Pets and Animals* (Report, 2019); J Johnson and MC Calver, 'Prevalence of Desexed Cats in Relation to Age in a Convenience Sample of Western Australian Cats' (2014) 92(6) *Australian Veterinary Journal* 226; Laura Johnston, Julia Szczepanski and Philip McDonagh, 'Demographics, Lifestyle and Veterinary Care of Cats in Australia and New Zealand' (2017) 19(12) *Journal of Feline Medicine and Surgery* 1199.

USD75,000, 96% of cats were desexed.²¹ At the US federal poverty line where individual annual incomes range between USD16,000 and USD19,000, only 10% of cats were desexed. In fact, annual family income was the strongest predictor of whether cats in the household were desexed.

Based on Australian research, 90% of people enrolling a cat in a free desexing program targeted to low socioeconomic suburbs, when asked “What was the single most important factor why you have not already had this cat desexed?”, said it was because desexing was unaffordable.²²

Research also shows, however, that providing free or affordable desexing in socioeconomically disadvantaged areas increases the desexing rate in pets to 90%.²³ The clear implication is that low-income individuals and families want to do the right thing in caring for pets, and when voluntary, free/affordable and accessible desexing programs are available, and are coupled with information on why it is important to desex, high rates of desexing can be achieved.

In addition to the cost of desexing, the registration and microchipping costs along with annual permit costs (if the cat is over 4 months of age at the time of desexing) are also barriers to people getting cats desexed. People on low incomes can afford to feed a cat and provide inexpensive items, such as bedding, food, toys etc., but the cost of desexing, microchipping and council registration for the cat is simply unaffordable. Costs typically run from \$350 to \$500 for a female cat for desexing, microchipping and vaccination, with additional costs for registration (\$56) and annual permit (\$81) if desexed after 4 months of age.²⁴ These additional costs reduce the uptake of free/subsidised desexing programs, encouraging semi-ownership. NSW public policy is effectively encouraging people to say that “it’s not my cat.”

If the goal of public policy for cat management is to reduce the numbers of semi-owned, unowned, and owned cats producing kittens, then these barriers to desexing and taking ownership of cats need to be removed, particularly for people in socioeconomically disadvantaged areas. Something clearly needs to change.

Long-term solution needed for complex problem

There is no silver bullet to fix this complex problem. A long-term solution is needed, which must include reform of the CA Act as it applies to cats. Such reform takes time, requires a well-developed business case and the passage of legislative amendments. However, aspects of the annual permit

²¹ Karyen Chu, Wendy M Anderson and Micha Y Rieser, ‘Population Characteristics and Neuter Status of Cats Living in Households in the United States’ (2009) 234(8) *Journal of the American Veterinary Medical Association* 1023.

²² Jacquie Rand, ‘Connecting Positively with Cat Semi-Owners’ (Seminar Presentation, RSPCA Animal Welfare Seminar, 18-19 February 2021).

²³ Miles Chadwich, ‘Social Change’ (Workshop, Australian Institute of Animal Management Annual Conference, 23 October 2019).

²⁴ Refer to Obligations for Cat Owners: Identification, Desexing, Registration section above.

scheme, which are a significant barrier to responsible pet ownership, could be improved within the existing regulatory framework. Addressing these issues, and implementing the other identified recommendations, are 'quick wins' which can be pursued now.

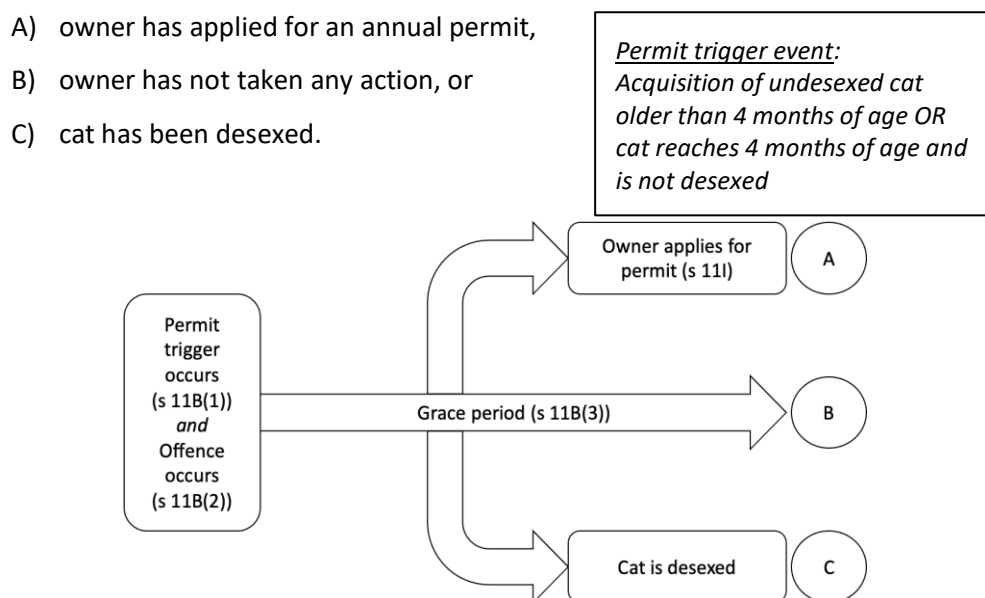
The immediate challenge: NSW annual permit scheme

Section 11B(1) of the *CA Act* provides that "a permit is required to own a cat that is 4 months old or older, unless the cat is desexed", subject to certain exceptions specified in the *CA Act*²⁵ and the *CA Reg*.²⁶ The owner of an undesexed cat which is required to have a permit commits an offence if a permit is not in force.²⁷ However, no enforcement action can occur during a 2-month grace period.²⁸ The grace period applies from the latter of:

- the cat reaching 4 months of age, or
- the time at which a person acquires ownership of the cat.²⁹

An owner's possible actions during the grace period

The figure below outlines the three possible outcomes that may occur following the grace period:



²⁵ *CA Act* (n 1) ss 11F and 11G(f).

²⁶ *CA Reg* (n 8) reg 27A.

²⁷ *CA Act* (n 1) s 11B(2).

²⁸ *Ibid* s 11B(4).

²⁹ *Ibid* s 11B(3).

Scenario A: Owner has applied for an annual permit

Section 11B(4) of the *CA Act* is clear on this scenario: although the owner has strictly committed an offence during the period from the trigger event³⁰ until they have applied for the annual permit, no action can be taken against the owner in relation to such an offence.

Scenario B: No action taken

If the owner fails to take action during the grace period, the following actions may be taken against the owner in respect of the offence:

- the local council may give notice to the owner that they must apply for a permit within 14 days,³¹
- a penalty notice may be issued to the owner,³² or
- legal proceedings may be commenced in the Local Court or Supreme Court.³³

Scenario C: Cat has been desexed

The *CA Act* and *CA Reg* are not explicit as to the rights and obligations of cat owners in this scenario. Advisory documents issued by the NSW OLG to local councils and veterinarians, however, state that in these circumstances, the owner will be required to hold a permit for one year as the cat was not desexed before reaching 4 months of age.³⁴ This position is further stated on the NSW Pet Registry website.³⁵

Based on these advisory documents, it is assumed that NSW OLG's position in this scenario is that:

- a permit is required in respect of the part of the grace period that the cat was not desexed,
- an offence occurs if the owner fails to apply for a permit during the grace period, and
- enforcement action may be taken against the owner in respect of the offence after the grace period.

Is the NSW OLG position reasonable?

The current limit of the grace period to allow an application for an annual permit rather than to also allow for a cat to be desexed is proving to be a disincentive for the desired behaviour. Semi-owners and rescue groups who, out of compassion, take in surrendered or stray unowned cats who are

³⁰ The trigger event is an undesexed cat reaching 4 months of age or an undesexed cat 4 months or older being acquired without a current permit.

³¹ *CA Act* (n 1) s 11E.

³² *Ibid* s 92; *CA Reg* (n 8) sch 1.

³³ *CA Act* (n 1) s 93.

³⁴ Office of Local Government (NSW), *Annual permits: Questions and answers for NSW councils* (August 2020) question 16 ('*Annual permits: Q&A for NSW councils*'); Office of Local Government (NSW), *Annual permits: Questions and answers for NSW veterinarians* (September 2020) question 15.

³⁵ Office of Local Government (NSW), 'Frequently asked questions', *NSW Pet Registry* (Web Page) <<https://www.petregistry.nsw.gov.au/#/faq>>.

4 months of age or older to desex them to prevent unwanted breeding are being penalised for doing what the annual permit scheme is designed to encourage. Instead of allowing owners to desex within a grace period and thus avoid the payment of an annual permit fee, it encourages some people not to desex, identify or register these cats to avoid engagement with the Registry and the annual permit scheme. Unlike owners who acquire a cat before the age of 4 months, there is no opportunity for owners in this situation to avoid the additional cost. In effect, people are penalised for helping cats that need to be desexed.

In the *Annual Permits Questions and Answers for NSW Councils*, the purpose of annual permits is stated as follows:

*The NSW Government is committed to promoting responsible pet ownership and improving animal welfare standards. Desexing improves the health and wellbeing of cats, including lowering the risk of some cancers, and reduces behaviours such as roaming and aggression. Preventing unwanted litters eases the burden on pounds and shelters, reduces euthanasia rates, and helps address concerns about feral and stray cats and their effect on wildlife.*³⁶

Additionally, the annual permit promotional fliers state:

Why are annual permits being introduced?

Annual permits for [un]desexed cats:

- *create a stronger incentive to desex cats and improve their health and wellbeing*
- *lower demand on pounds and shelters*
- *reduce euthanasia rates*
- *help address concerns about feral, stray and roaming cats*
- *help protect our wildlife.*³⁷

It would be more reasonable and consistent with the underlying policy rationale of the annual permit scheme and in the public interest that in scenario C (described above), the cat owner should not be required to apply and pay for a permit if they acquire an undesexed cat 4 months of age or older and desex it within the grace period. This proposal is consistent with the intention of the grace period, except that the cat would be desexed during the grace period rather than the owner obtaining a permit.

³⁶ *Annual permits: Q&A for NSW councils* (n 34) question 2.

³⁷ Office of Local Government (NSW), *Let's Talk About Desexing, Baby!* (2020).

This approach is consistent with other grace period allowances and the legislative purpose of the annual permit.

7.2.8 When processing change of ownership details for a cat for which an annual permit is due, the new owner has two months to obtain that permit. It is only 28 days after that two month period has expired that the late fee can be applied.

Therefore, if the new owner pays for the permit within two months and 28 days then no late fee is due. This will require registration agents to manually override the permit type to apply a 'permit without late fee'.³⁸

Currently, when a previous owner or the seller has failed to comply with identification, registration, or permit requirements, both that person and the new owner may be guilty of an offence. It is arguable whether this is the public policy or legislative intent of the schemes. In such circumstances, any new owner should have a similar grace period of 2 months to undertake necessary actions. In relation to the annual permit scheme, this means having the cat desexed, or providing veterinary certification that desexing must be deferred for medical reasons. Allowing a grace period to encourage desexing is clearly aligned with the intention of the annual permit scheme.

A precedent has been set where new owners of dogs which have not been desexed by the required date for various reasons (for dogs, by 6 months) are exempt from paying additional registration:

New owners of the following categories of dogs are not required to pay the additional registration fee (as long as the dog is desexed at the time of registration by the new owner) because they did not own the animal until after the relevant desexing age had been reached and therefore were unable to comply with the desexing requirement. Often these dogs are not desexed by six months of age.

- *Ex-service of state dogs (police and correctional dogs)*
- *Ex-racing greyhounds rehomed outside the racing industry*
- *Ex-working dogs*
- *Ex-assistance animals*
- *Ex-breeding dogs kept by recognised breeders.³⁹*

(emphasis added)

³⁸ Companion Animals Guideline 1 (n 3) 39.

³⁹ Office of Local Government (NSW), *Additional functionality and improvements to the NSW Companion Animals Register and Pet Registry* (Circular 21-03, 8 April 2021).

Recommendation 1:

Extend practical effect of annual permit grace period

Purpose: To remove the \$81 annual permit fee for new owners of cats older than 4 months who act to desex within a reasonable (grace) period

For the reasons detailed above, **it is recommended that a person who owns an undesexed cat that reaches 4 months of age, or acquires an undesexed cat older than 4 months of age, but desexes the cat within the grace period is no longer required to obtain an annual permit for that initial year** (as is currently required according to NSW OLG advice). The grace period should also apply to obtaining veterinary certification if desexing must be deferred for medical reasons.

Option 1: Administrative action

Taking enforcement action against an owner is currently discretionary; there is no obligation on the part of the NSW OLG or other agency to issue a penalty notice or commence legal proceedings. The offence in scenario (C) described above is not a continuing offence as there is no obligation to have a permit in force once the cat is desexed.

Accordingly, **it is suggested that the NSW OLG could implement this recommendation immediately by simply updating the advisory documents referenced above and, if necessary, issuing communications to local councils and other registration agents.**

In this option, NSW OLG would advise local councils and other registration agents that they should no longer seek payment for an annual permit fee upon registration of a new cat (if required) unless the applicant intends not to desex the cat during the grace period. This will ensure no further impact on the local council or registration agent as this approach avoids any decision to 'waive' or 'discount' permit fees.

Option 2: Regulatory change

Alternatively, an additional class of cat could be inserted in reg 27A of the CA Regulation:

(c) a cat, if the cat is desexed by the end of the grace period set out in section 11B(3) of the Act.

(amendment **emphasised**)

Recommendation 2:

Increase autonomy for local councils to exercise discretionary power in respect of fees and charges

Purpose: To allow local councils to exercise discretion in applying fees and charges under an existing head of power

As suggested throughout this document, actions should be taken to remove barriers to desexing cats while enabling identification. In some cases, individual consideration of circumstances is required. The current system does not sufficiently allow for this to occur.

Section 95 of the CA Act provides the following head of power:

- (1) Any fee or charge payable under this Act—...
- (b) may be reduced or waived in respect of persons in receipt of a pension, benefit or allowance under the Social Security Act 1991 of the Commonwealth.

NSW OLG has explicitly prevented the operation of this head of power by local councils by advising:

There are no discounts or rebates for annual permits. This also applies to pensioners.

Registration discounts are still available for animals purchased by eligible pensioners .⁴⁰

Further, the Companion Animals Guideline 1 provides:

5.3.3 Registration agents cannot alter the fees set out in the Notice. The full fee set for each category of registration must be remitted to OLG. If a council wishes to provide a subsidy for a certain class of people, this must be treated as a community service obligation and funded from consolidated revenue.⁴¹

This current approach provides a disincentive to local councils to take a responsive approach to the needs of their residents who are not automatically eligible for reduced fees or charges under the CA Act or CA Reg. This includes those who are trying to reduce numbers of unowned cats in the community by desexing and adopting or rehoming these cats. It also acts as a disincentive for people

⁴⁰ Annual Permits: Q&A for NSW Councils (n 34) question 10.

⁴¹ Companion Animals Guideline 1 (n 3) 19.

from low socioeconomic backgrounds who might otherwise do the 'right thing' by desexing and identifying their cat . In the end, the objectives of the *CA Act* are harmed by this approach.

Instead, **it is recommended that local councils are empowered under s 95 of the *CA Act* to reduce or waive fees or charges to persons who are fulfilling the objective of the Act in preventing unwanted kittens, who are in receipt of identified entitlements, and without the need for councils to fund such decisions from consolidated revenue.** It is expected that if other recommendations are pursued, the need for local councils to exercise this discretionary power would reduce significantly over time. It is noted that a broader range of subsidy and waiver schemes are proposed in recommendation 5.

Recommendation 3:

Enhance functionality of the Register

Purpose: To improve return-to-owner rates of lost cats, and reduce the cost of cat management by local councils

Decreasing the number of unidentified cats being impounded needs to be a key performance indicator of effective cat management. Return-to-owner rates of up to 60% for cats are being achieved by some local governments in Victoria, and on average across Victoria, are nearly double those of NSW (7% versus 4%).⁴²

Regular automated email and text message reminders are likely to encourage owners to update their contact details on the Register.⁴³ Some private microchip database companies are already doing this. As many people move each year, to maximise return of lost cats to owners it is important that the Register has current contact information.

It is **recommended that additional functionality be added to the Register to remind people to update contact details** (e.g. automated messages every 6 months with a link to the online portal).

This recommendation should be supported by an education campaign to increase community knowledge on how to find lost cats and how to return found cats to their home. This will save local council costs because of fewer nuisance calls, and fewer cats to impound, rehome or euthanase. Resources are already available to help inform the community of how best to search for a lost cat or find the owner of a wandering cat.⁴⁴ It is far more likely that cats will find their way home (i.e. studies have shown 59%⁴⁵ and 66%⁴⁶ of lost cats returned home themselves) if they are not impounded. The median distance cats wander from their homes is just over 1 hectare or 10,000 sq metres,⁴⁷ which is equivalent to approximately 5 average Australian house blocks in all directions.

⁴² Jacquie Rand et al, 'Strategies to Reduce the Euthanasia of Impounded Dogs and Cats Used By Councils in Victoria, Australia' (2018) 8 *Animals* 100; Chua (n 19).

⁴³ Katie Goodwin et al, 'Email Reminders Increase the Frequency That Pet Owners Update Their Microchip Information' (2018) 8(2) *Animals* 20.

⁴⁴ Eg, see <<https://www.g2z.org.au/lost-pets.html>>.

⁴⁵ Emily Weiss, Margaret Slater and Linda Lord, 'Frequency of Lost Dogs and Cats in the United States and the Methods Used to Locate Them' (2012) 2(2) *Animals* 301.

⁴⁶ Linda K Lord et al, 'Search and Identification Methods that Owners use to Find a Lost Cat' (2007) 230(2) *Journal of the American Veterinary Medical Association* 217.

⁴⁷ Philip Roetman et al, 'Cat Tracker South Australia: Understanding Pet Cats Through Citizen Science' (Report, Discovery Circle Initiative, University of South Australia, 2017).

Recommendation 4:

Streamline identification and registration

Purpose: To reduce confusion and avoidance, and increase microchipping

The current processes and timeframes related to microchipping and registration create confusion for owners and often entail extra work for local councils. Although identification and registration are both required by the time a cat reaches 12 weeks of age (noting that the registration fee is required before the cat reaches 6 months of age), they remain two distinct obligations and require separate actions to be undertaken by the owners. NSW OLG data indicate that only half of microchipped cats are registered; the dual system is clearly not working.

It is **strongly recommended that the identification and registration obligations for cats are merged, so that owners are only required to lodge their details and their cat's details with the Register once. This could most easily be achieved by discontinuing the separate cat registration system**, as has happened in other states in Australia (such as Queensland). Microchipping, entry of cat and owner details, and subsequent recording on the Register of desexing information should still be required by vets and cat owners, and be an intrinsic step in high intensity desexing programs. Further refining the functionality of the Register (Recommendation 3) would ensure that the NSW OLG and councils are able to follow up on undesexed cats that otherwise will pose an ongoing burden to the community.

The NSW OLG should carefully review the business case for retaining registration fees for cats in view of potential savings gained by streamlining the process, reduced costs related to enforcement of registration, and reduced costs related to cat impoundment, rehoming and euthanasia.

To prevent cat impoundment and euthanasia, and to increase return-to-owner rates, microchipping is an important strategy for cat management. Microchipping is often done at the time of desexing. This results in the cat and owner's details being entered in the Register - the cat is now *in the system*, and the owner can be identified and required to pay for registration, and possibly for an annual permit if the cat is older than 4 months when desexed. Because these additional costs may be prohibitive for people on low incomes, such people may be deterred from microchipping and desexing their cats. To manage these unintended consequences, councils should be encouraged to offer low cost or free microchipping and desexing (see Recommendation 5), to minimise potential impacts on desexing and return-to-owner rates.

Recommendation 5:

Establish NSW Government funding for desexing programs and incentives for local councils

Purpose: To assist local councils to offer cat desexing subsidies for residents in need, to prevent unwanted cats

High intensity free desexing and microchipping campaigns, targeted to areas of high cat-related complaints, impoundments and shelter admissions, are effective and desperately needed.⁴⁸ Desexing approximately 30 cats/1,000 residents in the first one to two years in target areas will result in measurable declines in these key indices.⁴⁹ Lower levels of desexing (e.g. 5 cats/1,000 residents) will be required in subsequent years to maintain these decreases. Supporting both owners and semi-owners to take full ownership also reduces these problems.⁵⁰

Because of the fast-breeding rate of cats, provision of affordable desexing for those who need support is a key priority. In low-income areas, the high numbers of stray cats result in high levels of semi-ownership of cats (3-9% of Australian adults care for one or more cats they do not perceive as their property).⁵¹ The majority of cats and kittens in these areas are acquired from family or friends, or are acquired passively because the cat wanders in and they provide it with care.

Desexing subsidies result in tangible benefits

The current cost of reactive management to local councils and the community is in the order of ten times greater than the income received from registration fees. A more cost-effective strategy would be to proactively prevent the birth of unwanted cats rather than manage them after they are born. There are substantial savings for local councils and welfare agencies who subsidise the desexing of cats for residents in need of support in the community compared with having to impound or rehome

⁴⁸ Julie Levy, NM Isaza and KC Scott, 'Effect of High-Impact Trap-Neuter-Return and Adoption of Community Cats on Cat Intake to a Shelter' (2014) 201 *The Veterinary Journal* 269; Daniel Spehar and Peter Wolf, 'Integrated Return-To-Field and Targeted Trap-Neuter-Vaccinate-Return Programs Result in Reductions of Feline Intake and Euthanasia at Six Municipal Animal Shelters, (2019) 6 *Frontiers of Veterinary Science* 77; Banyule City Council, Submission No 141 to House Standing Committee on the Environment and Energy, Parliament of Australia, *Inquiry into the problem of feral and domestic cats in Australia* (2020).

⁴⁹ Banyule City Council (n 48).

⁵⁰ Ibid.

⁵¹ Jacqui Rand et al, 'Public Opinions on Strategies for Managing Stray Cats and Predictors of Opposition to Trap-Neuter and Return in Brisbane, Australia' (2019) 5 *Frontiers in Veterinary Science* 290; Zito (n 4).

them, as demonstrated in the table⁵² below, which is based on estimated current comparative costings and savings in the National Desexing Network (NDN) Cooperative Desexing Program. Amounts paid by councils will vary depending on their procedures and use of other organisations. However, these costings demonstrate the actual costs of reactive strategies of collecting/holding and euthanasing or rehoming, compared with a more proactive strategy of prevention of unwanted cats by desexing.

<i>Estimated costs of cat management strategies in NSW⁵³</i>	Cost
Collect, hold (10 days average ⁵⁴) and euthanase (cost per cat)	\$750
Collect, hold (10 days average) and rehome (cost per cat)	\$1360
Estimated local council desexing subsidy (average per cat)	\$90*
<i>Savings for local councils resulting from desexing subsidies in NSW</i>	Savings
One unwanted cat not euthanased ⁵⁵	\$660
One unwanted cat not rehomed ⁵⁶	\$1270
300 unwanted cats not euthanased ⁵⁷	\$198,000
300 unwanted cats not rehomed ⁵⁸	\$381,000

*Average desexing subsidy costs based on standard program current as at July 2021 (reviewed and adjusted every 2-3 years as needed)

Desexing subsidy programs

Many successful desexing subsidy programs have been implemented across Australia. A variety of approaches are summarised below – details are given in the Supplementary Materials (Appendix 1).

State Government grants programs

The Animal Welfare Fund Grants Program is overseen by Animal Welfare Victoria. In 2020-21, Round 1 of the Pet Desexing Grant offered a pool of \$500,000 to support local councils and not-for-profit

⁵² Cost comparisons of local council collection/holding/care and euthanasia or rehoming a stray cat compared with prevention of a cat through a desexing subsidy program based on City of Gold Coast Council and AWLQ costs in SE Qld (adjusted for increased average impoundment time x 2.5 in NSW) and NDN Cooperative Desexing Program July 2021. Data compiled by Joy Verrinder.

⁵³ Rand et al. (n 51).

⁵⁴ Impounded cats in NSW are required to be held for a minimum of 7 days if unidentified and 14 days if identified

⁵⁵ Local council savings = Cost to collect, hold and euthanase that is not spent (\$750) less desexing subsidy which is spent (\$90).

⁵⁶ Local council savings = Cost to collect, hold and rehome that is not spent (\$1360) less desexing subsidy which is spent (\$90).

⁵⁷ Local council savings = Cost to collect, hold and euthanase that is not spent (300 x \$750 = \$225,000) less desexing subsidy which is spent (300 x \$90 = \$27,000). These savings represent the minimum, and could be exponentially higher as thousands more kittens may be prevented in otherwise produced first litters.

⁵⁸ Local council savings = Cost to collect, hold and rehome that is not spent (300 x \$1360 = \$408,000) less desexing subsidy which is spent (\$90 = \$27,000). These savings represent the minimum, and could be exponentially higher as thousands more kittens may be prevented in otherwise produced first litters.

organisations to provide free or low-cost desexing programs for cats and dogs owned by vulnerable and disadvantaged Victorians.

Australian Community Cat Program

The Australia Community Cat Program is a research project initiated and led by the Australian Pet Welfare Foundation. The project is evaluating the impact on cat impoundments and euthanasia of a high intensity desexing program targeted to areas with high cat intake into shelters and pounds. It is currently operating in 4 states (Qld, Vic, SA and NSW). It is providing free desexing, microchipping and registration for owned entire cats, and cats being cared for by semi-owners (defined as people who did not regard the cat as their property), and assisting semi-owners to take ownership of the cat. Initial data demonstrate that within 12 months, this high intensity and targeted approach results in a 30% to 50% decrease in shelter intake and a 50% to 80% decrease in euthanasia. It is funded by many partners including 4 local governments, 3 Foundations (Brigitte Bardot, Pets Regardless, Bissell), RSPCA Qld and 3 pet care companies (MSD Animal Health, Greencross, Rufus & Coco).

Council-funded desexing programs

Free desexing programs for cats have been used successfully in Banyule City (population 130,000) since 2011/12. Recently Council has contributed \$30,000 per year for a free cat desexing program which includes free microchipping, registration and transport to get the cat to the clinic if required. Since 2013, 780 cats have been desexed, microchipped and registered free of charge.

NDN Cooperative desexing programs

The National Desexing Network (**NDN**) currently runs NDN Cooperative Desexing Programs free of charge for councils in several states, including NSW. This program offers set payments to veterinarians, and an affordable payment of \$50 for residents on low incomes or with too many cats, with local councils paying the balance of \$50 for a male cat desexing and \$100 for a female desexing. Local councils can subsidise the whole cost and offer free desexing to some or all their residents.

Intensive multi-pronged approach to desexing

Strategies used by Animal Welfare League Queensland in the City of Gold Coast (population 600,000), have focussed on a Community Vet Clinic that provides low cost desexing for the general public; Council NDN Cooperative Desexing Program for pension/concession card holders, people on low incomes, and people with too many cats; intensive National Desexing Month campaigns with local vets; and rehoming high numbers of desexed animals into the community.

Cat rescue groups

There are hundreds of cat rescue groups (as distinct from registered Rehoming Organisations) operating across NSW, ranging from individuals through to complex teams of 30 or more. These cat rescue groups are collectively rehoming, microchipping, desexing and registering thousands of cats across NSW each year. They are generally funded by the members of the group and through donations, and collectively save councils and shelters hundreds of thousands of dollars each year in resources and funds. Anecdotally, some of these cat rescue groups are also each spending over \$50,000 a year on desexing 'vouchers' offered to the public to subsidise the desexing costs for thousands of cats, further increasing the collective investment by these groups. Some councils recognise and support the efforts of cat rescue groups operating in their LGA and collaborate and assist where possible. Such collaboration should be further encouraged and could be extended in scope to benefit the community.

A new approach recommended in NSW

It is recommended that NSW OLG establish a framework or program with appropriate funding to increase the availability of subsidised desexing by focusing in particular on cat owners on low incomes, and to provide for high intensity desexing and identification campaigns in areas of need.

Important characteristics of successful programs include:

- Affordable desexing (between \$0 and \$50) combined with subsidised or free microchipping and free lifetime registration, offered at the discretion of local councils, for people experiencing financial hardship, and in areas of high cat impoundments or cat-related complaints.
- Making affordable desexing available to people with a large number of cats, or semi-owners who are willing to take responsibility for an unowned cat they are currently feeding.
- Partnering with local animal welfare and cat rescue groups or other community groups, particularly for low socioeconomic areas.
- Establishing public hospital-like veterinary clinics which focus on desexing and critical services at affordable prices to ensure the ongoing availability of low-cost services.
- Establishing dedicated facilities in heavily populated low-income areas where high volume, ongoing desexing of owned, semi-owned and unowned cats is required.
- Undertaking high intensity desexing campaigns in rural and remote communities that may have limited access to veterinary clinics.

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