

Inquiry into the Animal Care and Protection Amendment Bill 2022

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Mr Chris Whiting MP
Chair
State Development and Regional Industries Committee
Parliament House
George Street
Brisbane Qld 4000
Email: SDRIC@parliament.qld.gov.au

Dear Mr Whiting,

Thank you for the opportunity to make a submission in relation to the Animal Care and Protection Amendment Bill 2022.

Our background

I am the Executive Director and Chief Scientist of the Australian Pet Welfare Foundation (APWF). As a peak body and advocate for pet welfare, the APWF provides evidence-based solutions within the community to save the lives of pets and people. In this regard, the APWF is leading a transformational five-year research project to assess methods of managing semi-owned and unowned cats, otherwise known as stray cats in cities and towns based on targeted desexing and responsible ownership programs.

The project will establish whether Community Cat Programs result in positive outcomes for the community compared to current “trap-adopt or kill” programs utilised almost exclusively by jurisdictions across Australia in response to calls related to found or nuisance cats. Based on proven and extensive overseas research and data from Australia, it is expected that this research project will demonstrate multiple community benefits, including fewer free-roaming cats and therefore reduced potential for wildlife predation, reduced cat-related complaints and cat management costs to local governments, reduced impound rates and euthanasia of healthy and treatable cats and kittens in shelters and pounds, and less mental health damage to shelter and pound staff compared to the existing ‘business as usual’.

General comment on Bill

The APWF welcomes this long-overdue review of the *Animal Care and Protection Act 2001 (ACP Act)*. In general terms, the proposed amendments are supported and will hopefully result in better animal welfare in Queensland, including for pets.

Unfortunately, like other similar reviews being undertaken across Australian jurisdictions, this review has not sufficiently considered the linkages with the *Animal Management (Cats and Dogs) Act 2008 (AMCD Act)* and *Biosecurity Act 2014 (Biosecurity Act)*. As a result, there is a risk that the Bill will be another lost opportunity to enhance legislation supporting effective management, improved welfare, and responsible ownership of pets rather than merely addressing welfare provisions.

Key issues

The **APFW** raises the following key issues for consideration by the Committee:

- classification of cats; and
- the abandonment offence.

Classification of cats

Under current Queensland law, cats are classified as domestic or invasive animal ('feral cat'). A domestic cat means a cat that is owned by a person (*Biosecurity Act*, sch 4), with the owner being defined by section 9 of the *AMCD Act*. Any cat which does not satisfy the definition of a domestic cat is a feral cat (*Biosecurity Act*, sch 2, pt 2). This dichotomous classification does not reflect the practical reality and is not supported by evidence-based research. As a result, cat management, welfare and ownership policy in Queensland is ill-equipped to respond the actual needs of pets, their owners, animals more broadly and the environment.

The RSPCA's manual for Best Practice in Domestic Cat Management (RSPCA Australia 2018) defines **domestic cats** as those with some dependence (direct or indirect) on humans, and subcategorised into **owned**, **semi-owned cats** and **unowned cats**. This classification is similar to that included in the Federal Government's *Threat abatement plan for predation by feral cats* which classifies cats as **domestic cats**, **stray cats**, and **feral cats**.

Owned cats are identified with and cared for by a specific person and are directly depending on humans. They are usually sociable although sociability varies.

Semi-owned cats are fed or are provided with some other care by people who do not consider they own them. These cats are of varying sociability, with many socialised to humans, and they may be associated with one or more households. These are considered stray cats under the Federal Government's *Threat abatement plan classification*.

Unowned cats are indirectly dependent on humans, may have casual and temporary interactions with humans, and are of varying sociability, including some who are unsocialised to humans. Unowned cats may live in groups or colonies in urban environments, where common aggregation places include rubbish tips, food outlets, and fishing harbours. These are considered stray cats under the Federal Government's *Threat abatement plan classification*.

Feral cats can be distinguished from domestic cats because they are unowned, unsocialised, have no relationship with or dependence on humans, survive by hunting or scavenging, and live and reproduce in the wild. For practical policy and management purposes, there is a high probability that a cat in Australia found more than 2-3 km from the nearest human habitation is a feral cat (Roetman et al. 2017).

Feral cat density

The most reliable estimates (Legge et al. 2017) are that the **feral cat** population in natural environments in Australia is between 1.4 million (after periods of extensive drought) and 5.6 million (after periods of extensive rainfall). Their average density is 0.27 cats/km². However, population density in specific areas varies depending on environmental and geographical influences, as well as on the availability of prey species. Despite culling of cats over many years, there is no evidence that culling has reduced overall numbers of feral cats in Australia, which is difficult in vast, remote landscapes (Stobo-Wilson et al. 2020).

Domestic cat density

According to Animal Medicines Australia (2021), there are about 4.9 million **owned cats** (190/1,000 residents) in Australia, with 30% of households having at least one cat (average 1.6).

Legge et al. (2017) estimated that there were 0.7 million **semi-owned** and **unowned cats**, or 8.2 cats/km², representing approximately 29 cats/1,000 residents in highly disturbed environments. Two Australian surveys of semi-owners (cat carers who do not see the cats as their property) found 3-9% of adults fed a semi-owned cat daily, and an average of 1.5 cats were fed (Rand et al. 2018; Zito et al. 2015). If 3% of adults feed 1.5 semi-owned cats on average, the total number of semi-owned cats would be 0.9 million (36 cats/1,000 residents), a figure close to Legge's estimate of semi-owned/unowned cats. If 9% of adults feed an average of 1.5 cats daily, the upper end of the estimate for these cats would be 2.7 million, which is close to Legge's upper estimate of 2.65 million cats in highly modified environments. The difficulty in accurately estimating semi-owned/unowned cat numbers using surveys is compounded by the fact that some cats are fed by more than one person, and some urban and peri-urban unowned cats are not fed by people intentionally.

The variability in total semi-owned/unowned cat numbers is also affected by the fact that the density of these cats varies between suburbs, with the highest numbers occurring in the most socioeconomically disadvantaged areas (Rand et al. 2018). This is reflected in published data from Victoria showing that on average 7 cats/1,000 residents are impounded by local governments, but the range runs from 1 cat/1,000 residents in high socio-economic suburbs to 33 cats/1,000 residents in lower socio-economic suburbs or regional areas (Rand et al. 2018). Semi-owned and unowned cats comprise 80% to 100% of council impoundments.

If we look at the total intake of owned, semi-owned and unowned cats into animal welfare shelters and municipal pounds across Australia for those states with readily accessible data, the range runs from 5.6 cats/1,000 residents for NSW to 11.9 cats/1,000 for South Australia (unpublished data, Chua & Rand, 2022). These figures do not include, however, the many cats received directly by rescue groups. Most cats admitted to council pounds (85-100%) and animal welfare shelters (60-80%) are semi-owned and unowned cats from urban areas – classed as stray cats in shelter and pound data (Kerr et al. 2018; Alberthsen et al. 2013). So, whether we try to measure or estimate the number of semi-owned and unowned cats in Australia from survey data, or from council and shelter intake data, the precision of the results leaves a lot to be desired.

Recommendation

The above is only short explanation of the differences in classification of cats. There is strong scientific evidence for varying approaches to cat management, depending on classification. We have not included further detail on these approaches specifically, however, would welcome the opportunity to provide the Committee with further information if requested.

In addition to the existing scientific evidence, and as noted above, one of the objectives of the APFW's transformational research project is to investigate improved approaches to managing semi-owned and unowned cats. Broad implementation of our findings will not be as successful unless the differences in classifications of cats are recognised under the animal welfare, management and ownership legal regimes.

As such, although the classifications are not defined under the *ACP Act*, this Bill is the perfect opportunity for Queensland to lead the way by amending relevant legislation to insert an appropriate classification of cats, based on scientific evidence, which also reflects current reality.

It is critically important for protecting native wildlife that legislation recognises the difference between feral cats and domestic cats. This distinction is important because it impacts:

1. the methods available for successful management of cats to reduce their numbers and their potential for wildlife predation
2. the actual threat to native wildlife

Abandonment offence

The APWF recognises the importance of the abandonment offence and welcomes the Government's attempts to clarify certain elements. However, it is noted that even with the proposed amendment, there remains significant breadth to the offence, risking its use to prevent effective management of cats which are neither owned domestic cats nor feral cats. In its current form or proposed amended form, it may also prevent scientific research which is otherwise ethical and designed to protect to welfare of animals.

To remedy this deficiency, APWF recommends that section 19 of the *ACP Act* is further amended to provide clarity as to certain reasonable or lawful excuses. It is submitted that such an amendment could be:

- to provide that a regulation may prescribe circumstances in which it is a reasonable or lawful excuse for conduct which would otherwise be considered abandonment; or
- to provide that the chief executive (or delegate) may grant a permit or certificate to certain organisations to allow them to undertake an activity which would otherwise be considered abandonment.

In the first option (prescribed circumstances in regulation), the usual regulation-making process would ensure appropriate community consultation and parliamentary oversight without having to resort to further legislative amendments.

In the second option (permit), the amendment could be supported by a provision which allows for a regulation to prescribe the requirements for applying for, making or rejecting, and cancelling, such a permit. Further, the types of organisations to which such a permit is granted could be limited by regulation (by name, classification, or registration).

Either amendment option provides appropriate flexibility for implementation while maintaining focus on animal welfare by not unnecessarily diluting the offence. Further, such an amendment is consistent with the Bill's objective of facilitating the ethical use of animals for scientific purposes while protecting their welfare.

Conclusion

Thank you again for the opportunity to comment on the Bill.

I would welcome any opportunity to discuss our submission with the Committee at one of its upcoming hearings, or in any other way.



Kind regards,
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