
7 ADVOCACY AND COMMUNITY SERVICES

7.1 CAT CURFEW SUNSET TO SUNRISE

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Attachments: Nil

SUMMARY

Mitchell Shire Councils Domestic Animal Management Plan (DAMP) was endorsed in July 2018 and proposed the implementation of a cat curfew from sunset to sunrise. Community engagement has been undertaken to gain feedback before implementation of the curfew.

At present Mitchell Shire Council does not have an order in place that requires cat owners to confine their cats to their premises. However, under section 25 of the *Domestic Animals Act 1994* which, in part, states;

25 Cats found at large

- (1) If a cat is found at large outside the premises of the owner of not securely confined to the owners premises, in a municipal district or a specified part of a municipal district in respect of which an order under this section has been made, during the hours specified in the order, the owner is guilty of an offence
- (2) A Council may, by resolution, make an order under this section.

Based on the outcomes of the engagement process, it is proposed that an order is imposed for a cat curfew sunset to sunrise across the municipality.

RECOMMENDATION

THAT Council:

1. Implement Mitchell Shire Council Cat Curfew from sunset to sunrise to take effect three (3) months from the date of this resolution.
2. The wording of the order by resolution be the following;

“If a cat is found at large outside the premises of the owner between sunset and sunrise, the owner is guilty of an offence under section 25 of the *Domestic Animals Act 1994*.”

CAT CURFEW SUNSET TO SUNRISE (CONT.)

BACKGROUND

After engagement with Mitchell Shire community the Council adopted the Domestic Animal Management Plan 2017-2021 (DAMP) on the 16 July 2018. The DAMP required that in year one (1) Council would:

- In year 1, Council will proceed to introduce an Order that would require cats to be confined from dusk to dawn (sunset to sunrise)

(The above measure will be subject to further community consultation)

Of the 383 people that responded to the DAMP survey, 70% wanted a cat curfew. Whilst 48% noted that they had issues with cats roaming on private property, 74% thought that all cats should be de-sexed.

Between 9 April to 28 May 2019, Mitchell Shire Council consulted with the community on implementing the cat curfew sunset to sunrise. This was in order to seek further comment.

ISSUES AND DISCUSSION

Controls for Cats

Cats that are owned, semi owned or feral can cause significant damage and nuisance by:

- Killing native wildlife
- Trespassing onto privately owned property and defecating in gardens
- Fighting and creating a general noise nuisance looking for mates
- Urinating

Cats can have a significant detrimental effect on the environment.

There are currently minimal control mechanisms in place for the control of cats within the community. The *Domestic Animals Act 1994* (DAA) states in part that:

Section 23 Dogs and cats on Private property without permission

If a dog or cat has been present on private property on more than one occasion within the permission of the owner or occupier of the property, the owner or occupier of the property or an Authorised officer may seize the dog or cat while it is present on the property

The DAA is specific in setting out the process residents and Councils must undertake regarding enforcement action against a cat owner for a cat that is continually trespassing. The following process applies in line with the DAA;

1. The cat will need to be trapped and given to a Local Laws Officer on more than one occasion.
2. Once it has been established that the same cat is reoffending, Local Laws Officers can issue a Notice of Objection to the cat owner objecting to the presence of that cat being on the property.
3. Complainants need to be aware that if a Notice of Objection is issued, that their address will be identified to the cat owner.
4. If the cat continues to trespass, Council may issue an infringement

CAT CURFEW SUNSET TO SUNRISE (CONT.)

Often the notice of trespass is not issued due to the complainant not wanting their personal details known. There is a requirement for the address of the complainant to be included in the notice.

There are no control mechanisms within *Mitchell Shire Council Local Law No 1 Community and Environment* that deals with cats trespassing onto private property.

The introduction of a cat curfew will allow Council to issue an order under section 25 of the DAA dealing specifically with the hours for which a cat must be securely confined on an owner's property. This could be applied as an alternative to imposing a notice of trespass through section 23 of the DAA.

There are 27 Councils within Victoria that have a cat curfew in place. The curfews vary depending on the Council.

CONSULTATION

The Community consultation for the introduction of the cat curfew included;

- Advertising the proposed cat curfew order for comment in the Local papers
- Inviting public comment through Mitchell Shire Council web page and Facebook page
- The preparation and publication of media releases
- Responding to media enquiries, written public submissions and enquiries made by the public in person or over the phone

All written submissions were required to be made within a 42-day period. There were 47 submissions from our community in relation to the cat curfew, percentages are noted:

- 52% owned no cats, 34% owned 1 cat, 9% owned 2 cats and 4.5% owned 3 or more
- 72% registered their cat, 20 didn't and 8% didn't answer
- 32% allowed their cats out day and night, 7% day only and 42% their cat stayed indoors always
- 71% had problems with feral and nuisance cats, 28% didn't have concerns
- 84% had concerns with the impact cats have on the environment, 15% didn't have concerns
- 77% supported the cat curfew, 20% did not support, and 2% were not sure
- 79% were likely to comply with the curfew, 20% were not likely

CAT CURFEW SUNSET TO SUNRISE (CONT.)

On Animals at Mitchell Facebook page, Council posted the cat curfew information and requested thoughts and comment. Of the 4600 reached, 937 voted, 82% voted "Yes" for a cat curfew and 18% voted "No".

Comments from the community consultation varied, the majority being in favour of the cat curfew:

"I believe the only solution to the feral cat problem is a 24 hours cat curfew"

"I'm on a rural property with two 16-year-old farm cats. They hate it inside as they hate my young children. Surely this won't apply to farm cats"

"Will be very hard to enforce and will cause friction between neighbours"

"We do not own a cat, however our vegetable garden is commonly used as a cat toilet which is very unhealthy"

"Cats should not be allowed to wander at any time. They can be run over or be hunting wildlife at any time of the day or night"

As part of the consultation Council also advertised on Facebook, there were 12,321 people reached (number of people who viewed ad), and 30,877 impressions (number of times the ad was on screen).

IMPLEMENTATION OF CAT CURFEW

The implementation process prior to the three (3) month exemption for the curfew to come into effect will involve community education this will include the following;

- Information sheets on the cat curfew outlining the new requirements
- Information on how determine hours of sunset and sunrise
- How you can house your cat so that it is contained during the hours required
- Benefits the cat curfew will have for cat owners and the environment
- Posts on Mitchell Shire Council webpage and social media
- Media releases on the cat curfew
- How enforcement of the cat curfew will be carried out leading up to implementation
- When will the cat curfew be implemented

Implementation after the three (3) month period has expired

- Media release and social media posts advising the community that the cat curfew is now enforceable
- How will the cat curfew be enforced
 - On the first breach a written warning will be issued
 - On the second breach an infringement will be issued
 - At the beginning of each registration period enforcement will be reset

CAT CURFEW SUNSET TO SUNRISE (CONT.)

Enforcement of the curfew will be in line with the “Dog not confined” enforcement process.

FINANCIAL, RESOURCE AND ASSET MANAGEMENT IMPLICATIONS

The implementation of the cat curfew will not impact on the resources of Council as the activities around actioning cat collections are currently undertaken by the Local Laws unit.

Costs will include officer time to prepare reports, letters, hold meetings, etc. Actions assigned to individual officers, teams or department will be included as business plan actions. The delivery of the actions will be funded through annual department budgets.

POLICY AND LEGISLATIVE IMPLICATIONS

There are no policy or legislative implications as a result of the implementation of the cat curfew.

RISK IMPLICATIONS

Risk Ranking is determined using [ROHS201-G1- Corporate Risk Matrix](#).

Risk	Risk Ranking	Proposed Treatments	Within Existing Resources?
Local Laws Officers unable to enforce or regulate the Cat Curfew	Medium	Reliance on community and property owners to assist with enforcement	Yes
Increase number of cats impounded	Medium	Further capacity to house more cats from 18 to 36	Yes
Will cause friction between neighbours and will be hard to enforce	Low	When a cat is trapped on private property between sunset and sunrise, enforcement action will involve a warning and then an infringement	Yes

CAT CURFEW SUNSET TO SUNRISE (CONT.)

SUSTAINABILITY IMPLICATIONS (SOCIAL AND ENVIRONMENTAL)

There will be an improvement overall to the environment with the introduction of the car curfew.

- Cats will be safer overnight in a secure environment
- There will be a decrease in neighbour complaints
- Protection of wildlife such as birds

CHARTER OF HUMAN RIGHTS IMPLICATIONS

The rights protected in the *Charter of Human Rights and Responsibilities Act 2006* were considered in preparing this report and it's determined that the subject matter does not raise any human rights issues.

CHILDREN AND YOUNG PEOPLE IMPLICATIONS

There are no children and young people implications.

OFFICER DECLARATION OF CONFLICT OF INTEREST

No officers involved in the preparation of this report have any direct or indirect interest in this matter.

CONCLUSION

That Council resolve to create an Order that all owners of cats in Mitchell Shire must keep their cat/s securely confined to the owner's property and not allow their cat/s to wander at large outside the owner's property within the municipal district between sunset and sunrise.

5. Exemptions: This order is not applicable to public lands owned/managed by Parks Victoria or Department of Environment and Primary Industries.