



**Biodiversity
Council**

Submission to the Review of the NSW Companion Animals Laws discussion paper

2 May 2024

About The Biodiversity Council

The Biodiversity Council brings together leading experts including Indigenous knowledge holders to promote evidence-based solutions to Australia's biodiversity crisis. The Council was founded by 11 universities with the support of Australian philanthropists.



Contents

Introduction	3
Summary of recommendations	4
Response to consultation questions	6

Introduction

The Biodiversity Council appreciates the opportunity to provide input to the review of the NSW *Companion Animals Act 1998*. **Our feedback focuses on cat management and the opportunity to collectively increase responsible pet ownership, protect wildlife and enhance the lives of pet cats by amending the Act to include cat containment provisions for local councils.**

In built environments, wildlife are under pressure from compounding threats, including: removal of vegetation and natural habitats, vehicle strikes, pollution of water, and predation by introduced species. **Removing the threat of roaming pet cats is one of the easiest and most effective actions individuals, councils, communities and governments can take to alleviate pressure on wildlife.** Evidence indicates free-roaming pet cats in New South Wales predate upon at least 190 different native species and pose a risk to threatened species in natural areas¹.

Cat management has reached a critical intervention point as cat ownership in Australia is at an all-time high. Around one third of households have a pet cat, totalling 5.3 million pet cats across Australia². Cats – pet and otherwise – have devastated Australia’s biodiversity and continue to have major impacts. The most significant impacts of pet cats occur when cat owners allow their cats to roam, which leads to the hunting and killing of wildlife. **In New South Wales, at least 35-52% of owners allow their cats to roam**^{3,4}, noting, this level can vary greatly across regions.

There is a growing culture of cat owners that care for their cat in a way that limits the impact of their pets on the wider environment and people, however, increased investment and direction from governments is needed to make cat containment the norm. **NSW is one of the only states that does not allow local governments to introduce cat containment laws (curfews).**

Requiring cats to be contained to their owners properties would provide multiple benefits, including reduce the number of pet cats hunting and killing wildlife, reduce nuisance behaviour impacting neighbours, reduce rates of cat-borne diseases that cost NSW \$2 billion per year in human health impacts⁵, and improving the welfare of pets

It is the Biodiversity Council’s view that the *Companion Animals Act* should be amended to enable local governments to mandate cat containment, accompanied by other behaviour change strategies that utilise communication, education, awareness, incentivisation and enforcement.

We detail 12 recommendations that emphasise the need to amend the Act to support containment for councils and provide them with the resources to properly implement initiatives to increase responsible pet ownership practice, as well as other legislative amendments that focus on improving biodiversity outcomes through better cat management.

¹ NSW Government 2023, [Wildlife rehabilitation data dashboard](#), viewed May 2025.

² Animal Medicines Australia 2022, [Pets in Australia: A national survey of pets and people](#).

³ IPSOS 2019, *Cat containment survey*, data provided via the Cat Protection Society of New South Wales.

⁴ Ma, GC & McLeod, LJ 2023, ‘[Understanding the factors influencing cat containment: identifying opportunities for behaviour change](#)’, *Animals*, v. 13, no. 10.

⁵ Legge, S, Taggart, P, Dickman, C, Read, J, & Woinarski, JCZ 2020, ‘[Cat-dependent diseases cost Australia AU\\$6 billion per year through impacts on human health and livestock production](#)’, *Wildlife Research*, 47, 731–746 or [view the plain language factsheet](#).

Summary of recommendations

Recommendation 1: *Require local governments to develop and implement companion animal management plans that address objectives, strategies, monitoring and evaluation, and require that these plans be reviewed at least every 5 years to help drive continuous improvement of cat management.*

Recommendation 2: *Provide an exemplar/template companion animal management plan to councils for councils to adopt or amend, to improve efficiency and increase consistency across NSW.*

Recommendation 3: *Amend Part 4 of the Companion Animals Act 1998 to enable local governments to enforce the containment of pet cats at a local level by allowing councils to declare an entire local government area, or any area within their jurisdiction, as a cat containment or curfew area for the purposes of preventing cats from roaming.*

Recommendation 4: *Ensure that a practical policy approach is taken that gives councils enough flexibility to meet the specific needs of their area and their communities, including phase-in periods.*

Recommendation 5: *Develop a cat containment policy that councils can adopt or amend as needed.*

Recommendation 6: *Allocate long-term multi-year funding to support local governments to enforce compliance with the Companion Animals Act 1998 and any cat containment policies. Local governments should be eligible for funding to support the employment of staff to establish and implement cat containment policies and the implementation of associated activities, such as advertising and providing subsidies and support to community members.*

Recommendation 7: *Develop and disseminate a standardised companion animal management guidance package for local governments. The NSW Government should encourage all councils to adopt these. The package should include:*

- *A companion animal management plan template,*
- *An exemplary cat containment policy that councils can adopt or amend as needed*
- *Guidance and format councils can follow to undertake community consultation, and*
- *A messaging and communication guide*

Recommendation 8: *Continue to recognise two categories/definitions for cats: 1) owned (pet) cats –for which owners have full responsibility, and 2) unowned cats, which could also be termed feral.*

Recommendation 9: *Incorporate consideration of the environment into the objectives of the Companion Animals Act 1998.*

Recommendation 10: Amend the NSW Companion Animals Act 1998 to:

- 1) clearly articulate mandatory desexing of pet cats by four months of age
- 2) require all animals rehomed through a pound or shelter to be desexed.

Recommendation 11: Provide ongoing funding for councils to undertake large-scale desexing, microchipping and registration programs, and fund effective education programs to encourage people to keep cats indoors. Continue to disallow trap neuter release programs which do not reduce the impacts cats have on wildlife.

Recommendation 12: Make it an offence under the Companion Animals Act 1998 to release any cat to the environment, including bush land, suburban and urban landscapes.

Response to consultation questions

1. Strategic framework for encouraging responsible ownership of companion animals

(d) How could the legislation be improved to motivate better cat owner behaviour and encourage owners to manage their cats more responsibly? (For example, cat containment).

Encouraging councils to develop companion animal management plans

One avenue for driving councils to deeply consider companion animal management and the issues, strategies and outcomes relevant to their jurisdiction is to legislate the requirement to develop and implement a local companion animal management plan. Such a requirement would ensure councils fulfil their responsibilities to the community to increase the practice of responsible pet ownership. To improve consistency between councils, it is strongly recommended that an exemplar/template companion animal management plan be made available for councils to adopt as is or to adjust in response to local conditions as needed.

Victoria and South Australia companion animal legislation requires local governments to review animal management plans every 4-5 years which prompts councils to consider emerging issues to address, like cat containment.

In NSW there is no such requirement for councils to develop companion animal management plans. However, a 2023 desktop review of NSW council websites (n = 128) identified at least 38 councils (29%) that have proactively developed a companion animal management plan, or cat plan, at some stage, despite this not being a legislative requirement in NSW companion animal legislation. At the time of the review, of the plans available online, around ~23% (n = 9) of plans were more than five years old and 16% (n = 6) were more than ten years old.

Recommendation 1: *Require local governments to develop and implement companion animal management plans that address objectives, strategies, monitoring and evaluation, and require that these plans be reviewed at least every 5 years to help drive continuous improvement of cat management.*

Recommendation 2: *Provide an exemplar/template companion animal management plan to councils for councils to adopt or amend, to improve efficiency and increase consistency across NSW.*

2. Compliance and enforcement role of councils

(a) What changes to NSW laws, regulations, codes or guidelines could be provided to councils and other enforcement authorities to better support responsible pet ownership?

Enable councils to introduce cat containment laws

As a priority, minor amendments should be made to the *Companion Animal Act 1998* to provide councils with a clear pathway to implement cat containment laws at a local level. There is growing consciousness amongst the Australian community that keeping cats contained is the safest approach for wildlife, as well as the cats themselves and would reduce nuisance behaviour and the spread of cat-borne diseases which have a \$2 billion human health impact in NSW each year⁶.

The New South Wales Government should introduce policies that allow councils to govern cat containment in order to reflect this public need. Such legislation would acknowledge that cat containment is a part of responsible pet ownership and solidify this understanding amongst pet owners.

Rationale

1) Broad support for cat containment laws from councils and community

There is broad support across the board for NSW councils to be empowered to introduce cat containment laws:

- The 2012 NSW Companion Animals Taskforce asked the public ‘do you support providing councils with voluntary powers to issue local orders to cat owners to confine their cats (where appropriate and enforceable)?’⁷. Of 1,185 respondents, over 71% (n=850) said ‘yes’, with 16% responding ‘no’ (n = 185) and 13% ‘unsure’ (n = 148).
- RSPCA NSW CEO Steve Coleman succinctly summarised the need for cat containment laws when he expressed full support for NSW’s Eurobodalla Shire Council’s call to implement cat containment⁸: “Managing cats and their impacts is a major challenge in Australia. No one has the ultimate solution to deal with the various categories of cats. At least we can deal with the owned cat population and influence their outcomes, by way of cat curfews. An amendment to the NSW Companion Animals Act 1998, either to provide for a cat curfew, or give local councils the discretion to introduce a curfew, would help in encouraging responsible pet ownership.” Mr Coleman said cat containment and curfews should be considered in a local context, for example cats living near national parks and wildlife reserves posed a greater risk to wildlife compared to cats living in highly urbanised settings.

⁶ Legge, S, Taggart, P, Dickman, C, Read, J, & Woinarski, JCZ 2020, ‘[Cat-dependent diseases cost Australia AU\\$6 billion per year through impacts on human health and livestock production](#)’, *Wildlife Research*, 47, 731–746 or [view the plain language factsheet](#).

⁷ NSW Companion Animals Taskforce 2012, [NSW Companion Animals Taskforce report](#).

⁸ Eurobodalla Shire Council 2018, [Media release: push for cat curfew](#), 3 May, viewed 1 May 2025.

He said a phase-in period should also be implemented to allow cats and owners time to adjust.’

- In 2020 a nation-wide survey asked councils “What would you like to implement in terms of cat management, if you had no limitations and the freedom, resources etc’ to do anything?” the most popular answer was ‘enforce pet cat containment’.⁹
- 63% of NSW respondents (n = 693 out of 1,101) said they support policies to ‘require cat owners to keep their cat contained to their property’, in research undertaken by Monash University for the Biodiversity Council¹⁰.

2) *Achievable for councils and on-ground results*

In the immediate term, creating an enabling environment would allow councils that are ready to to introduce cat containment laws to their community (versus, a mandated statewide law). There’s a clear appetite by councils for cat containment policies – at a local level. Over the past two years at least 18 individual councils have publicly called for the power to introduce cat containment laws, and some have been calling for such powers for more than a decade. The success of mandatory cat containment will require a combination of public engagement, awareness,, assistance, monitoring and enforcement. Hence, enabling councils at the local level creates a pathway for councils to engage with their community on the issue and increase the likelihood of adherence to new laws. Councils have expressed opposition to statewide blanket laws, which could have unintended consequences for councils not equipped to manage such laws and ultimately lead to failed outcomes. For example, resources for managing pet cats greatly varies across jurisdictions depending on local priorities. Tweed Shire Council is one council that has prioritised cat management, and in 2017 successfully obtained funds to implement a three-year ‘Love cats, love wildlife’ program¹¹. The program involved an education campaign, community training and local wildlife monitoring. Thus, councils like Tweed Shire Council would be in a better position to successfully implement cat containment policies, than ones that have not yet implemented any groundwork with the community. Allowing councils to locally introduce cat containment in the immediate-term, would allow councils that are ready, to begin championing cat containment policies in their communities while a statewide approach is deliberated further. While communication and education are important, ultimately, it is essential that local governments are able to make it a fineable offence to allow pet cats to roam beyond their property. Without this segments of the pet-owning community will ignore containment requirements and this will undermine the commitment of the rest of the community - most people are happy to follow a rule when they feel it applies fairly to everyone, and if laws are not enforced, it sends the signal that they can be ignored.

3) *Creating a stepping-stone*

In an ideal scenario, cat containment would be required across all jurisdictions in NSW with enough resources made available by the state government to adequately introduce and

⁹ Nou, T *et al.* 2021, [The management of cats by local governments of Australia](#), [Threatened Species Recovery Hub](#).

¹⁰ Biodiversity Council 2025, [2024–2025 Biodiversity Concerns Report: A survey of community attitudes toward nature conservation](#).

¹¹ Tweed Shire Council n.d., [Love cats love wildlife](#), viewed 1 May 2025.

enforce the laws. However, it may be unrealistic to jump to this goal in the short term as the implementation of statewide changes would have practical limitations. Introducing cat containment laws at a local level may be an important and necessary stepping stone to eventually achieve state-wide cat containment in NSW. Introducing laws at a local level should require councils to undertake a community engagement process, which is an important first step in introducing the concept to the community and taking them on a behaviour-change journey. Additionally, there is a high risk that a statewide policy would overlook the cultural needs of different communities. The Government should develop a statewide cat containment goal for the long term - but in the interim – some consistency could be achieved through the provisions of exemplar/template cat containment policies that councils can choose to adopt or adapt.

4) *Aligning NSW with other states*

NSW and Western Australia are the only two states that do not enable councils to enact cat containment through state legislation. For example, the respective companion animal management legislation in Victoria, Tasmania, Queensland and South Australia supports local governments to create locally-specific laws for pet cat containment. Changing the legislation to allow cat containment laws would help align NSW with other states and is a step towards increasing consistency across Australia.

5) *Shifting cultural attitudes to the keeping of cats*

While there is an expected and accepted expectation that dogs are kept under their owners' control at all times, either securely contained within an owners' yard or leashed, the same legal and social precedent does not yet exist for cats in Australia. Shifting towards the current culture of containing dogs was underpinned by clear legislation. The same precedent needs to be set for cats through the companion animal legislation. A widely held misconception is that cats are a 'low maintenance' pet with minimal needs¹². However, comprehensive research has found that the welfare needs of many Australian pet cats are not being met¹³. NSW laws should reflect the responsibilities that come with owning a cat, including cat containment.

Benefits of cat containment

6) *Benefits to wildlife*

Increasing the number of pet cats that are kept contained reduces predation pressure on native wildlife. It is estimated that each free-roaming, hunting pet cat in Australia kills an average of 186 mammals, birds and reptiles per year; the majority of these kills (61.3%) are native wildlife¹⁴. Introduced animal species also make up a proportion of prey killed by pet cats (38.3%), particularly in town and cities where introduced species can be more abundant.

¹² Udell *et al.* 2023, '[CATastrophic myths part 2: Common misconceptions about the environmental, nutritional and genetic management of domestic cats and their welfare implications](#)', *The Veterinary Journal*, vol. 300-302.

¹³ Lawson *et al.* 2019, '[The environmental needs of many Australian pet cats are not being met](#)', *Journal of Feline Medicine and Surgery*, vol. 22, no. 10, pp. 898-906.

¹⁴ Legge, S *et al.* 2020, '[We need to worry about Bella and Charlie: The impacts of pet cats on Australian wildlife](#)', *Wildlife Research*, vol. 47, no. 8, pp. 523-539.

Cats kill a broad range of native prey, even in highly developed areas. Records from the NSW wildlife rehabilitation database during the 2022/23 financial year show that 190 different species were attacked by cats, including 18 species classified as threatened¹. In addition to direct predation, free-roaming pet cats can negatively affect the welfare of wildlife by causing fear and stress, and through the spread of diseases like toxoplasmosis. For a detailed review of the impacts of cats on wildlife, including data from NSW, please see our submission to the inquiry into the management of cat populations in New South Wales¹⁵.

7) *Benefits to cats*

Roaming is a risky activity – cats that roam are exposed to traffic, other animals and hazardous substances. Contained cats enjoy reduced chance of infection disease, parasite infestation and physical injury. Most cats that live outdoors only live a few years. While a cat kept at home, or indoors, lives up to 10 years longer¹⁶. Two in three cat owners have lost their cat to a roaming-related incident, with one in three to a car accident¹⁷. Nine in ten cats who go missing are never reunited with their owners.

8) *Community benefits*

Owners that allow their pet to freely roam can also cause disturbances to the community through actions such as: altercations with other companion animals, defecation on private property other than the cats' normal residence, stalking and harming wildlife in others' gardens and the spread of diseases.

9) *Benefits to the economy*

Cats are vectors for pathogens that cause disease in native species, livestock and people. These diseases that can only occur in locations with cats cost the Australian economy \$6 billion per year in human health impacts, and an estimated \$2 billion per year in NSW through hospitalisations, miscarriages, birth defects, mental health conditions, increased accident and suicide rates, and lost work time. They also cause livestock loss and meat production losses due to spontaneous abortions, still births and cysts in meat.⁶

Ensure legislative changes are clear and unambiguous

The legal pathway for councils to create cat containment rules must be clear and unambiguous so that it is easy for councils to adopt and apply.

The general consensus is that councils in NSW do not have the power to enact cat containment in their jurisdiction. Legal advice from several separate sources, including legal advice provided directly to councils, has concluded that there is no practical pathway for NSW councils to create general cat containment rules (personal comms.). However, Queanbeyan-Palerang Regional

¹⁵ Biodiversity Council 2024, [Submission to the inquiry into the 'Management of cat populations in NSW'](#)

¹⁶ RSCPA NSW n.d., [Keeping cats safe at home](#), viewed 4 May 2025.

¹⁷ Elliott, A, Howell TJ, McLeod, EM & Bennett PC 2019, '[Perception of responsible cat ownership behaviours among a convenience sample of Australians](#)', *Animals*, vol. 9, no. 703.

Council (QPRC) challenge this conclusion. QPRC has introduced a 24/7 cat containment policy to seven areas within its jurisdiction using Order 18 in the Local Government Act 1993¹⁸. In their policy, QPRC explain ‘Section 124 of the Local Government Act does allow a Council to place an order on a premises for the keeping of animals. In regards to this, Council would apply this Policy to a group of premises within the Googong Township, Googong Sunset... and any future greenfield residential developments in Queanbeyan Palerang’. It is uncertain whether or not this would hold up in a court of law. Alternate legal advice received (personal comms.) concluded that the law could only be used on a ‘cat by cat’ basis and that it would be difficult in the current NSW legislative environment to establish that permitting a cat to roam outside the premises was ‘keeping an animal inappropriately’ as required by Section 124.

The above example demonstrates legislative changes are needed to create a clear, direct and practical pathway for councils in NSW to enact cat containment generally across their jurisdiction. Unclear and ambiguous legislation can result in misinterpretation and make it harder for councils to utilise.

Recommendation 3: Amend Part 4 of the Companion Animals Act 1998 to enable local governments to enforce the containment of pet cats at a local level by allowing councils to declare an entire jurisdiction, or any area within their jurisdiction, as a cat containment or curfew area for the purposes of preventing cats from roaming. Councils should have the flexibility to introduce containment laws that meet the specific needs of their area, including phase-in periods.

Recommendation 4: Ensure that a practical policy approach is taken that allows enough flexibility to meet the specific needs of local areas and their communities, including phase-in periods.

Recommendation 5: Develop a cat containment policy that councils can adopt or amend as needed.

Recommendation 6: Allocate long-term multi-year funding to support local governments to enforce compliance with the Companion Animals Act 1998 and any cat containment policies. Local governments should be eligible for funding to support the employment of staff to establish and implement cat containment policies and the implementation of associated activities, such as advertising and providing subsidies and support to community members.

Recommendation 7: Develop and disseminate a standardised companion animal management guidance package for local governments. The NSW Government should encourage all councils to adopt these. The package should include:

- A companion animal management plan template,
- An exemplary cat containment policy that councils can adopt or amend as needed
- Guidance and format councils can follow to undertake community consultation, and
- A messaging and communication guide

¹⁸ Queanbeyan-Palerang Regional Council 2023, [QPRC cat containment area policy 2023](#).

Definitions

It is important to note upfront that cat containment policies are a management tool specifically targeted at reducing wildlife impacts caused by roaming pet cats; containment policies aim to shift human behaviour, so that more owners keep their cats indoors. As detailed above – a large percentage of NSW cat owners still allow their cats to roam, which contributes to a large number of free-roaming pet cats on our streets. Different management tools are required to manage cats that do not have owners.

To continue to support responsible cat ownership and the effective management of cats by local governments in NSW, the Act must continue to recognise only two categories of cats: 1) owned cats for which owners have full responsibility, and 2) unowned cats, which could also be termed feral. Introducing ‘grey area’ categories, such as semi-owned and stray would: undermine clear expectations for pet owners regarding their responsibilities; and place considerable additional complexity and burden on local governments in the management of unowned cats

Recommendation 8: *Continue to recognise two categories/definitions for cats: 1) owned (pet) cats – for which owners have full responsibility, and 2) unowned cats, which could also be termed feral.*

Include clear environmental objectives/s and considerations within the *Companion Animals Act 1998* and for all Government-led companion animal initiatives

A holistic approach to companion animal management should recognise and consider environmental impacts, in conjunction with animal welfare and human health objectives. Environmental considerations are often overlooked in the companion animal management narrative. For example, the purpose of the Companion Animals Act 1998 overlooks environmental protection. The purpose of the act is ‘to provide for effective and responsible care and management of companion animals by’. In contrast, Victoria’s Domestic Animals Act 1994 recognises the intersection, stating that the purpose of the Act is to ‘promote animal welfare, the responsible ownership of dogs and cats and the protection of the environment by...’.

Recommendation 9: *Incorporate consideration of the environment into the objectives of the *Companion Animals Act 1998*.*

Strengthen desexing requirements for cats

Improving desexing rates is necessary to reduce the uncontrolled breeding of cats that results in unwanted litters of kittens. Excess breeding of cats creates animal welfare issues, harms biodiversity when unwanted kittens are abandoned into the environment, and is a resource-intensive burden on the pound, shelter and rescue system.

Preventing unplanned breeding events is dependent on ensuring that all cats are desexed before they reach breeding age at around 16 weeks of age. Unwanted litters that result from owners not

desexing their cats or letting them roam freely outside are a regular source of animals into pounds and shelters; RSPCA NSW shelters can receive up to 500-600 surrendered kittens/week during peak breeding season¹⁹. Unwanted litters also end up abandoned and contribute to the free-roaming unowned cat population that hunts and kills wildlife. Curbing breeding by de-sexing is particularly important in remote and disadvantaged local government areas, where residents and agencies generally have lower capability to enforce other components of the cat management challenge. Part of this work should involve: 1) normalising pre-pubertal desexing (i.e. desexing between 12-16 weeks of age) to prevent cats becoming pregnant with a first litter, 2) establishing within the *Companiona Animals Act* a requirement for all cats to be desexed by 4 months of age, and 3) inspiring councils to take a proactive approach to cat management. In 2021 a national survey was conducted of 240 councils⁹ which found that the majority of local governments have a reactive/passive approach to pet and “stray” cat management. This strategy should involve better understanding, and demonstrating, the cost-benefit value of proactively managing companion animals.

Recommendation 10: Amend the NSW Companion Animals Act 1998 to:

- 3) clearly articulate mandatory desexing of pet cats by four months of age
- 4) require all animals rehomed through a pound or shelter to be desexed.

Recommendation 11: Provide ongoing funding for councils to undertake large-scale desexing, microchipping and registration programs, and fund effective education programs to encourage people to keep cats indoors. Continue to disallow trap neuter release programs which do not reduce the impacts cats have on wildlife.

Ensure legislation discourages the deliberate abandonment of animals

All cats deserve to have their resource and welfare needs met. Abandoning or deliberately releasing an animal is not in the best interest of that animal’s welfare. Existing legislative frameworks that make it an offence to release an animal should be retained and articulated within the *Companion Animals Act 1998* due to its clear alignment with responsible pet ownership.

Recommendation 12: Make it an offence under the *Companion Animals Act 1998* to release any cat to the environment, including bush land, suburban and urban landscapes.

¹⁹ RSPCA NSW 2021, [Warmer and longer days mean it’s kitten season](#), viewed 3 May 2025.