

Frequently Asked Questions

From the public

Cats Information Sheet 11

It is emphasised that the views expressed in this Frequently Asked Questions (FAQ) are those of members of the Companion Animals Advisory Board and should not be regarded as constituting legal advice. Councils and members of the public should seek their own legal advice if requiring clarification or interpretation of the law.

Many people do not like the presence of a cat in their backyards for a range of reasons and complaints may be received simply because of the presence of a cat rather than because of anything the cat is doing. General advice should be to ensure that the complainant does not encourage the cat in any way, such as

- not leaving food lying around for other animals;
- not leaving the back door or cat or dog door open which allows entry of the cat into the house;
- not having an undesexed female cat that will attract tom cats.

People can discourage cats from coming into their yards by:

- owning a dog;
- using deterrents;
- hosing any cat that enters the yard.

Councils are under no obligation to pick up any cats that have been caught by members of the public and most will choose not to do so.

What should I do if there is a noisy cat in my yard?

Mostly this will only be a passing phase associating with mating activity and will generally stop within a few days (nights).

If the situation persists and the owner can be identified, try and resolve the issue through discussion with the cat's owner. If no resolution is possible, and the nuisance persists then contact council. Council would, in the first instance probably ask for the complaint to be made in writing and may then issue an advisory/warning letter to the owner of the cat, requesting cooperation. An acknowledgment letter would usually be sent to the complainant.

If this did not work then each complaint would need to be assessed on its merits. The complainant may be asked to complete a diary to demonstrate persistence. Neighbours may need

to be interviewed to demonstrate noise and unreasonable interference. If it became clear that a nuisance did exist then a Nuisance Order from the council may be all that is required to obtain compliance from the cat owner. In this regard the Order can be a useful tool.

The real problem is how to obtain sufficient evidence to substantiate a breach of the Order. This is almost impossible.

If the owner can't be identified then no action can be taken by the council. The complainant should try to discourage the cat without causing pain or injury to the cat.

What should I do if there is a cat that repeatedly comes and defecates in my yard?

Discourage the cat by gentle means such as deterrents and hosing.

If the situation persists and the owner can be identified, try and resolve the issue through discussion with the cat's owner. If no resolution is possible, and the nuisance persists then contact council. The cat could possibly be defined as a "nuisance" cat (under section 31) if the behaviour is repeatedly damaging your property (See also comments regarding Nuisance Orders under the noisy cats section).

If the owner can't be identified then no action can be taken by the council. The complainant should try to discourage the cat without causing pain or injury to the cat.

What should I do if a cat repeatedly comes and attacks my cat causing injuries?

If you can identify the cat and the owner, then contact the owner and try to work out a way to stop the attacks. Keeping the cats indoors and only allowing either one out at set times to avoid clashes is a possibility. Desexing of the cat(s) will reduce the risk of fights. You may only seize the cat if it is reasonable and necessary for the

protection of any person or animal (other than vermin) from injury or death.

If you seize the cat it must be returned to its owner, or delivered to an authorised officer of the council, or caused to be delivered to the council pound, as soon as possible. Failure to do so is an offence.

Hiring of a trap will usually be necessary to seize the animal. Traps may be hired from some councils or private contractors.

What can I do if a cat is killing wildlife in my area?

If the cat is in a wildlife protection area set aside for this purpose and in which the council has erected notices stating that cats are prohibited, any cat found in that area can be seized for the cat's own protection and if the owner is not present (Section 30).

In areas that have not been declared by the council as a wildlife protection area a cat could be seized "if it is reasonable and necessary for the protection of any animal".

If you seize the cat it must be returned to its owner, or delivered to an authorised officer of the council, or caused to be delivered to the council pound, as soon as possible. Failure to do so is an offence.

What can I do if a cat is harassing my caged birds?

Try and ensure that the cage is placed in a safe and secure location. The cat can only be seized "if it is reasonable and necessary for the protection of any animal".

If you seize the cat it must be returned to its owner, or delivered to an authorised officer of the council, or caused to be delivered to the council pound, as soon as possible. Failure to do so is an offence.

What should I do if someone has moved house and left their cat(s) behind?

Make enquiries to ascertain that the owner of the cat(s) has indeed left and has not gone on holidays and has left someone else to feed the cats. If you are satisfied that the cat(s) have been abandoned then contact the RSPCA or Animal Welfare League as it is an offence under the Prevention of Cruelty to Animals Act to abandon an animal.

Councils will generally not go onto private property to animals without having first issued orders under the Local Government Act. If the

property is a rental property then the landlord would need to be contacted to gain access and information about the former occupant. The council possibly may seize the cat(s) under section 32.

What should I do if I find a healthy stray cat?

As there is no legal notion of a stray cat, there is no offence in a cat straying. Generally you should leave the cat alone if it is not causing a nuisance. Cats cover a wide territory and will generally return to their home.

The owner of the premises may encourage the cat to leave the property but this must not involve any cruelty.

What should I do if I find an injured cat?

Return the cat to the owner if the owner can be identified immediately (e.g. from collar and tag information) otherwise take the cat to a veterinary surgeon, or an animal welfare organisation if they have veterinary assistance on hand. If the finder of the cat has no way of transporting the cat to the veterinarian, council may collect and transport the cat.

What should I do if I find a mother cat and kittens or kittens?

Try and determine if the cat and kittens are owned. Contact an animal welfare organisation for advice.

Can I keep the animal I found?

There are very limited circumstances under which anyone can pick up a "straying" cat (see earlier answers). If the owner can be identified, then you should return the cat to the owner, if not take the cat to the pound. The Act protects animal owners by ensuring that every attempt is made to trace the owners of stray and injured animals. If the animal has not been reclaimed (within 7 days or 14 days if identified), you may ask the pound if you could purchase the animal.

What can I do about "feral" cats in my area?

The Companion Animals Act is not designed to address the issue of "feral" animals. Rather it is designed to assist in the management of owned companion animals. There is a power to seize cats (whether owned or unowned) in certain circumstances, for example wildlife protection areas (Section 30), or if reasonable and necessary to protect a person or animal from injury or death (Section 32). Acts of cruelty are not allowed when seizing a cat. Any seized cat must be taken to a council pound.

What should I do if my cat has gone missing?

You are obliged (under Section 11 of the NSW Companion Animals Act) to notify the NSW Companion Animals Register if your pet has been missing for more than 72 hours - you must do this within 96 hours after the animal went missing. Do this by telling your local council - when and from where it went missing. The council will then notify the animal as 'missing' on the Register for your added protection.

If the animal is subsequently found, please notify the council again so they may update the Register

What should I do if I move house?

Advise the council of your new address within 14 days, using the change of address form for the NSW Companion Animals Register.

You must not leave your cat behind. It is an offence under the Prevention of Cruelty to Animals Act to abandon an animal. If you cannot take your cat to your new premises then you should attempt to find an alternative good home for the cat. Otherwise you might surrender the cat to the council or an animal welfare organisation. Remember that most adult cats do not find new homes when surrendered in this way. Consider having the cat euthanased if no home can be found.

Notify council of any changes.

What should I do if my cat dies?

If the cat was registered, notify the council within 28 days so that the cat's name can be removed from the NSW Companion Animals Register.

Does my cat have to be microchipped?

If your cat was born, sold or given away after 1 July 1999, the cat must be microchipped by the time it is 12 weeks of age, or before it is sold or given away whichever comes first.

If you owned your cat before July 1999, you must identify your cat with a microchip or a collar and tag (the tag should show your telephone number).