

# Local government and cat regulation

Submission to the Environment Committee

January 2023



leadinglearninglinking

## What is Taituarā?

Taituarā — Local Government Professionals Aotearoa thanks the Environment Committee for the opportunity to submit on Erica Rowlands petition for mandatory registration and desexing of cats.

Taituarā — Local Government Professionals Aotearoa is a professional society of approximately 1000 members made up of local government chief executives, senior managers, and council staff. We are an apolitical organisation that can provide a wealth of knowledge about the local government sector, and in particular knowledge of the technical, practical, and managerial implications of legislation and policy.

Our vision is:

To enhance professional local government management, leading staff and enabling communities to shape their future.

Our primary role is to help local authorities perform their roles and responsibilities as effectively and efficiently as possible. We have an interest in all aspects of the management of local authorities from the provision of advice to elected members, to the planning and delivery of services, and other important support activities such as election management and the collection of rates.

Our Regulations and Bylaws Reference Group (RBRG) provides a sector view on cat regulation. We would like to thank the RBRG and members for their input into this submission and we stand ready and able to assist the Select Committee.

# Overview of local government cat control

## Summary

- Cats are a concern to many councils and their communities for biodiversity and nuisance reasons, however, not all councils support mandatory regulation.
- Regional councils have the legal mandate for biodiversity regulation and are controlling feral cats. However, they are frustrated that few territorial authorities have a political mandate, and those that have one, do not have the regulatory tools to manage domestic cats.
- Regional councils welcome national leadership for a legal definition of feral / unowned cats. This single change would enable more effective use of Regional Pest Management Plans.
- Territorial authorities have the mandate for managing cat nuisance and health & safety concerns in their communities.
- We welcome national legislation to regulate cats on the proviso that funding be made available from central government for local government for the first five years, which would include funding to approximately double its animal control services. In subsequent years the registration fees may be able to cover some or all costs.

## Environmental protections

### ***Biosecurity Act 1993***

Under the Biosecurity Act 1993, regional and unitary councils are responsible for protecting their regions' biodiversity. The Government has a National Policy Direction for Pest Management under the Act which provides a mandate for regional and unitary councils to develop Regional Pest Management Plans (RPMPs). Territorial authorities do not have the biosecurity mandates that regional councils have, therefore, the matters that pertain to regional councils under the Biosecurity Act do not apply to them.

Regional and unitary councils are not legally obliged to manage cats, but where there are biodiversity risks they may include cat control in their RPMPs. Approximately half of the 16 regional/unitary councils have cat regulations in place. Most regulations apply to feral cats only, however, two councils have controls in place for domestic cats. The controls are for specified islands and regulation relies on community participation to make the programmes work.

Control of feral cats is undertaken by regional councils where there are specific threats to species. This requires judgement on the part of the enforcement officers as to whether a cat is owned or unowned. There is no legislative help for determining this.

A definition of an unowned cat would assist councils to make clear decisions about whether to euthanise or not. They are not allowed to destroy an owned cat which is someone else's property. Mandatory microchipping and registration of domestic cats, plus a legal definition of an owned cat would provide a legal boundary for regional and unitary councils in controlling feral/stray cats.

Increasingly, ratepayers and Non-Governmental Organisations are calling for cats to be included in RPMPs. Although many regional councils agree, they consider there is a risk of litigation from the cat protection sector because there is no legal definition of a feral / unowned cat. We strongly recommend there be a consistent legal definition of a feral / unowned cat to give regional councils certainty in euthanising feral and unowned populations,

#### *Example of domestic cat control - Environment Southland:*

An example of an RPMP which includes domestic cat control is from Environment Southland. Environment Southland cannot mandate microchipping, but it has worked with the Stewart Island Rakiura community to establish the social mandate to list domestic cats as a "pest agent" on the Island. Pest agents are defined in the Biosecurity Act as animals which help the pest replicate, spread or survive, or interfere with the management of the pest. As such, all domestic cats that are not de-sexed and microchipped are "pest agents" and are prohibited. Enforcement officers that trap cats can easily identify which cats are feral and which are owned. Any cats caught without a chip are unowned and can be destroyed.

#### **Resource Management Act 1993**

Generally, the RMA is not used to control cats, however, there is one Environment Court decision we are aware of where cats have been prohibited in a new suburb to protect a population of native bats<sup>1</sup>. The Court considered that difficulties for the Council to regulate cats was a neutral consideration to whether the bats needed protecting, and a cat ban was required. The resource consent process has been slow and cumbersome due to the known problems with the RMA.

---

<sup>1</sup> Weston Lea Ltd v Director-General of Conservation and Hamilton City Council [2020] NZEnv 189 pp 104-111 <http://www.nzlii.org/cgi-bin/sinodisp/nz/cases/NZEnvC/2020/189.html?query=weston%20lea>



## **Domestic cats**

Domestic cats are part of the cat problem for district and regional councils. Cats have a significant detrimental impact on New Zealand's native species. In addition, cats cause nuisance on neighbouring properties, defecation, spraying, digging and disease concerns.

Irresponsible ownership and the dumping of cats and kittens contribute significantly to stray and feral cat problems around the country.

Territorial authorities have the powers to create bylaws under the Local Government Act 2002 for the following reasons:

- to protect the public from nuisance, and
- to protect, promote and maintain public health and safety
- minimising the potential for offensive behaviour in public

Additionally the Local Government Act provides specifically for bylaws to regulate animals. Councils differ in their interpretation of how these provisions apply to cats and how enforceable cat bylaws can be. Many territorial authorities are supportive in principle of cat regulation for reasons of predation on indigenous wildlife as well as the nuisance and animal welfare issues related to feral cats. However, neither the Local Government Act or Biosecurity Act have the tools needed to progress work in this area.

Anecdotally, some council staff indicated a hesitancy to develop bylaws that include the more commonly used provisions to regulate cats (desexing, microchipping and limiting cat numbers) because of concerns regarding a valid legal basis to make a bylaw on such matters.

### ***Bylaw regulation***

There are approximately 20 councils that have bylaws limiting the number of cats per household. The limits range from 2-5 cats and for some councils, the cap is not mandatory, but only applies if there are nuisance or health reasons to limit a particular household.

Bylaws made under the Local Government Act provide very limited powers to compel compliance with mandatory microchipping, registering, or desexing. However, there are seven councils who have microchipping, registering and/or desexing in their bylaw, Whangarei, Ruapehu, Tararua, Palmerston North, Whanganui, Selwyn, and Wellington. A few councils have additional regulatory tools, i.e. cat traps for hire, or ordering of cat collars. Of the cat collars, one is for the cat to send a message to the cat owner (if any), the other is a wide colourful collar with a reflective strip which is highly visible to birds.

All territorial authorities, whether they have a bylaw or not, take an educative approach rather than an enforcement approach. The reasons are to increase the social mandate to regulate cats, legislation does not support enforcement, the costs have to be fully borne by existing funds because there is no central government funding or cost recovery available, there are practical questions about how to catch cats and what to do with them once caught, and there is no national direction or social mandate.

Bylaws are not enforced unless there is an extreme case, and councils have no powers to seize cats, regardless of whether they have a bylaw or not. An owner who repeatedly refuses to microchip their cat could be prosecuted for breach of bylaw. Councils with cat bylaws rely on the SPCA and non-governmental organisations for regulatory assistance. Registration of cats is via the NZ Companion Animal Register, and stray or caught cats brought in by the public are redirected to the SPCA or other agencies.

For example, one Council introduced mandatory chipping and desexing in 2022 and has employed a cat education officer. People who bring in abandoned cats are redirected to the SPCA or other cat rescue organisations. Issues the Council are working through are:

- the costs of desexing/chipping and how low income families could be assisted
- the lack of capacity of vets to deal with the desexing/chipping demand
- cat rescue organisations being overwhelmed
- absence of Council facilities to hold cats

In contrast, another Council has opted not to have a bylaw and has taken a solely educative approach. Its website has excellent information about responsible cat ownership, through microchipping and desexing<sup>2</sup>. It also has information about what to do if a person finds a lost cat, and tips to stop neighbouring cats toileting in gardens.

### ***Animal control officers***

If the control of cats was to work similarly to the control of dogs, councils would be required to impound and rehome (or euthanise) cats that could not be traced to their owners. Community education would be paramount to bringing in widespread changes.

We roughly estimate that council animal pounds would double in size if there was cat regulation for microchipping, registration, desexing. Running costs would likewise double given the numbers of domestic cats in New Zealand. There are no councils

---

<sup>2</sup> <https://www.waitaki.govt.nz/Services/Animal-Management/cats>

who have gone down the route of enlarging their animal control services to incorporate cat pounds. Cat enclosures would need to meet minimum cage requirements to meet codes of welfare to ensure that cats have the space to behave naturally. There would need to be a sufficient number of cages to ensure the cats could be held for an appropriate period of time to trace an owner before taking further actions.

The control of domestic cats differs to the control of feral cats in that domestic cat regulation involves managing cat owners as well as cats. Animal control officers are specialists in managing dog owners as well dogs, and the same general skill set would be required for cats should the Government introduce cat legislation.

There are already existing risks to councils being unable to actively enforce regulations. Short-term risks are not achieving the outcomes they are seeking. Long-term risks are losing the social licence to regulate because of unfulfilled expectations and a loss of confidence in the system.

## Next Steps

The chief problem is that there are huge numbers of cats in New Zealand and they are apex predators with no predators of their own. There are approximately 1,134,000 domestic cats and 196,000 stray cats<sup>3</sup>. Feral cats are likely to be in the millions<sup>4</sup>. Nationally led legislation for responsible cat ownership requiring desexing, chipping and registration of domestic cats, as well as functional methods to deal with stray and/or feral cats would be a good start in reducing stray and feral cat numbers and reducing the number of native species kills. We reiterate our recommendation that there be a legal definition for a feral / unowned cat to give regional councils certainty when euthanising cats through their Regional Pest Management Plans.

Mandatory desexing and chipping may also reduce the overall number of cats in time due to increased costs of responsible cat ownership. However, there is a risk that increased regulation would result in cat dumping to avoid the costs of compliance.

An ancillary problem to having large overall numbers of cats is that there are specific sites where an indigenous species has critically low numbers and cats are the primary predators, e.g. dotterel breeding sites. Those sites need specific protections from cats

---

<sup>3</sup> <https://www.frontiersin.org/articles/10.3389/fvets.2019.00040/full>

<sup>4</sup> <https://www.rnz.co.nz/news/national/297453/getting-rid-of-2-point-5m-feral-cats-by-2025#:~:text=New%20Zealand%20has%20an%20estimated,all%20gone%20within%2010%20years.>

to prevent extinctions. Tools to address such sites need to be extremely flexible and need to be able to be applied to identified risk situations much more quickly than the current bylaw system provides. A bylaw amendment to address such sites would take at least 6-9 months to complete, leaving the site vulnerable during that time.

Equally the ambiguity of the Local Government Act provisions that do not clearly provide for bylaws to be made to address environmental concerns would require attention.

Regional and territorial authorities regulate cats under the Biosecurity Act 1993 and the Local Government Act 2002 respectively, but these laws do not work together to protect native species from cat predation. There needs to be improved legislation so councils can work together to regulate cats in and around sensitive sites. e.g. dotterels near populated areas. These sites need specific protections from cats and require both regional council and territorial authorities to be involved in managing them. Regional councils have the mandate for biosecurity and territorial authorities need legislation so they can work with regional councils and their RPMPs to change the behaviour of cat owners.

Protecting vulnerable species from extinction will require tools so that cat owners living near the sites are able to be subjected to additional cat controls, e.g., cat owners within a certain radius could be required to keep their cats on their properties. Should a regional council identify a threatened population that needs protection, it should have a process by which territorial authorities and the regional council implement the management plan or other tool or mechanisms together. It is not practical to require councils to undergo lengthy consultation to protect a specific site from cats. The process should be nimble so that regional councils can put an action plan in place quickly, and once in place, territorial authorities are able to implement without consultation.

***Importantly, the educative process is pivotal to any successful scheme. There cannot be successful regulation without a good social mandate behind it, and any regulation needs to be affordable by our poorest citizens.***

### ***Costs of animal control***

The below lists are an outline of where responsibilities and costs of cat legislation would fall:

Costs to cat owners

- Chipping
- Desexing
- Registering



- Potentially the cost of cat containment on their properties at sensitive sites

#### Costs to local authorities

- Establishment of community education roles
- Estimate it will double the cost of animal control
  - Approximately double the number of animal control officers
  - Councils will need sufficient land or space for cat containment pounds
    - Capital cost of cat pounds
    - Need to meet the codes of welfare for them to behave naturally
    - There will be minimum requirements – refer to SPCA guidelines
    - Estimate holding cats for 7-10 days, the same as for dogs, to provide sufficient time for notices and collection
- Assisting compliance for people on low incomes
- Desexing subsidies
- Chipping subsidies
- Cat traps and other cat catching equipment
- Policy development to protect sensitive sites

#### Costs to central government

- Cost of developing legislation
- National register

***The costs to local government would be substantial under this scenario and central government funding would be required to fund it. We recommend funding for the first five years. In subsequent years the registration fees may be able to cover some or all costs.***

## A note on Australia

Australia is a leader in increasing its social licence for cat control.

#### Canberra

ACT has brought in cat legislation to protect their endangered marsupial species from predation. Cats born from July 2022 onwards must be contained to household premises. This can include being kept inside houses, apartments, enclosed outdoor areas or courtyards. The legislation grandparents over existing cats who are still allowed to roam except in suburbs which border on sensitive sites<sup>5</sup>. Those areas require all cats to be contained.

---

<sup>5</sup> <https://www.cityservices.act.gov.au/pets-and-wildlife/domestic-animals/cats/cat-containment>

### *Tasmania*

Tasmania State has brought in legislation<sup>6</sup> which makes it mandatory for cats to be microchipped and desexed, and it's an offence to breed cats except for registered cat breeders. There is also a limit of four cats per household. Councils can declare sensitive sites to be "cat Management areas". Cat management facilities operate similarly to dog pounds. Cats brought in are scanned for their microchip. A reclaimed cat must be desexed and microchipped before release. They are held for 3-5 days and if not claimed, they are either rehomed or euthanised.

### *Felixer grooming trap*

The Australians have also have a smart cat trap under development for use on feral cats in wilderness areas. The trap plays an audio lure to bring cats near and has sensors to determine cats from other animals. When a cat is detected it sprays the target with a measured dose of 1080 which sticks to the fur. The trap relies on the cat's incessant need to groom to lick the poison off. The trap resets itself and holds 20 doses of 1080.

### *Cutting-edge research*

There is cutting-edge research in Australia to address the feral cat populations:

- Assisted evolution – bilby's (marsupials) which survive environments with feral cats pass on their survival traits to their offspring
- Gene-drive technologies – genetically modifying cats to only produce male offspring

---

<sup>6</sup> <https://nre.tas.gov.au/Documents/Catownershiplr.pdf>

<https://www.legislation.tas.gov.au/view/html/inforce/current/act-2009-089>



Professional excellence in local government

Taituarā — Local Government Professionals Aotearoa

Level 9, 85 The Terrace, Wellington  
PO Box 10373, Wellington 6143

T 04 978 1280

E [info@taituara.org.nz](mailto:info@taituara.org.nz)

W [taituara.org.nz](http://taituara.org.nz)