

ANIMAL WELFARE (COMPANION CATS) CODE OF WELFARE 2007 REPORT

Introduction

1. The draft Animal Welfare (Companion Cats) Code of Welfare 2007 (the Code) has been developed by the National Animal Welfare Advisory Committee (NAWAC), pursuant to the Animal Welfare Act 1999 (the Act). This report accompanies the Code recommended by NAWAC to the Minister, as required by section 74 of the Act.

The report notes:

- (a) the reasons for NAWAC's recommendations;
- (b) the nature of any significant differences of opinion about the Code, or any provision of it, that have been shown by the submissions; and
- (c) the nature of any significant differences of opinion about the Code, or any provision of it, that have occurred within NAWAC.

In providing this report, NAWAC notes that it fully considered all submissions it received and reviewed relevant scientific literature, and that there was debate among NAWAC members on many points. This report is not required to, and does not attempt to, show every detail of the analysis and discussions that took place.

2. There are a number of minimum standards where the animal welfare implications are self-evident and require no explanation for their inclusion (e.g. the provision of food and water). NAWAC has decided that it will not provide comment on those minimum standards or recommended best practices, but will provide explanations on minimum standards which it believes are complex, controversial or on which it received submissions with significant differences of opinion. Minimum standards as drafted may have been amended for a number of reasons, including to make them legally robust, to ensure a more effective coverage of the issue, or to change from a recommended best practice to a minimum standard (or vice versa).
3. It should be noted that the Act does not define "significant differences". While there were a variety of opinions expressed in the submissions, NAWAC did not consider that all differences necessarily represented significant differences of opinion. NAWAC has taken the view that significant differences are either: where there are large numbers of submissions which are contrary to a minimum standard in the Code; or where a submission puts forward a justification based on scientific evidence or good practice for a different or alternative minimum standard. NAWAC notes that some individuals or organisations may vary in their interpretation of "significant differences".

4. Cats, for the purposes of the Code, are defined as belonging to one of three categories:
 - (a) *Companion cats* live with humans as “companions” and are dependent on humans for their welfare.
 - (b) *Stray cats* are companion cats which are lost or abandoned and which are living individually or in a group (colony). Stray cats have many of their needs indirectly supplied by humans, and live around centres of human habitation. Stray cats are likely to interbreed with the unneutered companion cat population.
 - (c) *Feral cats* are not stray cats and have none of their needs provided by humans. Feral cats generally do not live around centres of human habitation. Feral cat population size fluctuates largely independently of humans, is self-sustaining and is not dependent on input from the companion cat population.

The Code applies to all persons responsible for the welfare of companion cats, including cats in breeding establishments, boarding catteries, animal welfare shelters and pet shops. A separate section at the end of the Code provides information on stray cats (i.e. lost or abandoned companion cats) and cats living in colonies.

Feral cats are not included under the provisions of the Code. Feral cats may be defined as pests under the Biosecurity Act 1993 and therefore may be subject to control under a pest management strategy.

5. Cats are the most commonly owned companion animals in New Zealand, with population estimates ranging from 900,000 to 1,500,000.¹ Unlike commercially farmed animals, the vast majority of cats are kept for their intrinsic nature as loved and loving companions. Some cats, such as those on farms and in commercial premises, may be kept mainly for the purpose of controlling rodent populations.

Code preparation and public submissions

6. The Act allows for any individual or organisation to draft a code of welfare. This Code was drafted by a writing group convened by the New Zealand Companion Animal Council (NZCAC). NAWAC acknowledges the extensive effort by NZCAC that contributed to the development of the Code. In addition, as required by the Act, representatives of those likely to be affected by the Code were consulted during its preparation and before public notification.
7. NAWAC considered the Code to ensure that it complied with the purposes of the Act, that it was written clearly so as to be readily understood, and that representatives of those likely to be affected by it had been consulted. NAWAC wishes to point out that, at that time, NAWAC decided not to make any final decisions on the Code until it had received submissions. The Code is required to be publicly consulted, and for NAWAC to come to any conclusion prior to this consultation would have meant that NAWAC was not following due process by acting in a biased and predetermined manner.

¹ Kerridge, B. K. 2000. Cat Position Paper. The Society for the Prevention of Cruelty to Animals, Auckland (Inc.)

8. The Code was publicly notified on 2 April 2005 by notices in the major newspapers in Auckland, Wellington, Christchurch and Dunedin. In addition, it was sent to all major libraries and to specific interested groups. The original closing date for submissions was 16 May 2005; however, following consultation with local authorities, the submission deadline was extended to allow them more time to make submissions.
9. A total of 29 submissions were received during the submission process. No oral submissions were heard. Submissions broadly fell into two equal groups:
 - (a) The first group of submitters were concerned with general aspects of the welfare of cats, and made comment on either single or multiple points within the Code.
 - (b) The second group of submitters focused exclusively on problems caused by stray and feral cats, and made comment on this issue only. The potential impact of these cats on native wildlife was often highlighted in the submissions.All submissions have been read in their entirety and taken into account.
10. Following consideration of the Code and the public submissions received on it, NAWAC released a revised version of the Code, dated 1 October 2005, for further comment. This was sent to a selected group from among the original submitters. A total of nine submissions were received during this second-round submission process. While a number of specific points were raised for NAWAC's consideration in these submissions, the submissions generally were supportive of the changes made to the Code by NAWAC following consideration of the public submissions.
11. NAWAC appointed a subcommittee of three members to review the Code in detail and all the submissions received on it. The subcommittee met for two full days in August 2005, and held a teleconference in December 2005. Throughout the period the Code was under review, subcommittee members worked in collaboration by email, and in consultation with the writing group and MAF Animal Welfare Group support staff. MAF Animal Welfare Group support staff liaised with local authorities, who were strongly opposed to some aspects of the public draft of the Code. The subcommittee reported the Code back to NAWAC on 17 May 2006 for final consideration and approval for recommendation to the Minister.

Stray and feral cats

12. The issue most frequently raised in submissions, and which NAWAC spent the most time considering, was how the Code should address the welfare of stray and feral cats. The following issues concerning stray and feral cats were raised in submissions:
 - Cats should be compulsorily desexed and microchipped to reduce the number of stray cats.
 - The definitions of the three categories (owned, stray/unowned and feral) should be redefined.
 - Cats do have a significant impact on native wildlife through predation.

- The Code should not promote the care of cats in colonies, should not require shelter to be provided for cats in colonies, and should not endorse the practice of trapping colony cats for desexing and return to colonies.
 - The definition of “colony” should have a much lower threshold than “6 or more” cats living together.
 - A person who feeds cats in a colony should not then have legal responsibilities as to the welfare of those cats.
 - Pest control euthanasia methods for trapped feral cats should be recognised in the Code.
13. *Cats should be compulsorily desexed and microchipped to reduce the number of stray cats.* While a number of submitters endorsed the recommended best practices in the public draft of the Code that “cats not kept by a registered breeder for breeding should be desexed at or before puberty” and “owned cats should be microchipped”, some called for the Code to go further and require compulsory desexing of all cats not registered for breeding purposes and compulsory microchipping of all cats. NAWAC noted, however, that it was beyond the scope of a code to provide for compulsory desexing and microchipping of cats through minimum standards, and that such a requirement would need to be made through an amendment to the Act. NAWAC did add an additional recommended best practice that “cats sold from a pet shop or rehomed from a shelter should be desexed before sale/adoption”.
14. *The definitions of the three categories (owned, stray/unowned and feral) should be redefined.* Some submissions focused on the definitions of the three categories of cats (owned, stray/unowned and feral), suggesting that these should be reduced to two definitions (owned and stray/feral), the latter being subject to pest control operations. NAWAC noted that the term “feral” is not defined in legislation, is not used consistently by the various groups dealing with cats in New Zealand, and is not used consistently internationally.

NAWAC consulted Dr Dennis Turner, Institute for Applied Ethology and Animal Psychology, Switzerland. Dr Turner is an expert on companion animal behaviour. Dr Turner confirmed that, biologically, feral cat and stray cat populations are distinct. Feral cat populations are made up of solitary (most of the time), territorial predators that have no dependence on humans and that avoid human contact. The population is self-sustaining and does not depend on recruitment from the companion or stray cat population to maintain itself. In contrast, stray cats are a subset of the companion cat population. They remain dependent on humans to a greater or lesser degree, and seek out / do not avoid human habitation. Given their common interest in food and shelter associated with humans, stray cats may willingly live in groups around human habitation. Like all cats, they are predatory to a greater or lesser extent. For the purposes of the Code, these biological and behavioural distinctions lend themselves to definitions of “feral” and “stray” which make practical sense.

NAWAC has, nevertheless, rewritten the definitions from the public draft of the Code to provide better clarity. NAWAC notes that the definition in the Code of “feral cat”

closely matches the definition in the regional pest management strategy of the Auckland Regional Council.²

15. *Cats do have a significant impact on native wildlife through predation.* Some submitters reacted strongly to statements in the public draft of the Code that “generally, owned and stray/unowned cats within the urban environment do not have a significant impact on wildlife. If cats are well fed, most will kill only small numbers of wild animals” and “feral cats may have a significant impact on wildlife, both indigenous and introduced”. These statements were included in a section titled “Cats and Wildlife”. NAWAC felt that it was beyond the scope of a code dealing with the welfare of cats to cover the issue of the extent to which cats impacted on wildlife, and subsequently removed this section from the Code. NAWAC also noted in the Code that “while individual cats exhibit widely varying natures, they also share some common characteristics, such as an instinct for predation. Hunting is a normal part of a cat’s behaviour and some cats (such as those on farms and in commercial premises) are kept mainly for the purpose of controlling rodent populations. The question of protecting wildlife is outside the scope of this code”.
16. *The Code should not promote the care of cats in colonies, should not require shelter to be provided for cats in colonies, and should not endorse the practice of trapping colony cats for desexing and return to colonies.* A significant number of submitters thought that the public draft of the Code endorsed, if not promoted, the care of stray cats in colonies. This view was based on two recommended best practices relating to cats in colonies: that “stray/unowned cats should be provided with access to shelter by those persons attending to managed colonies” and that “healthy stray/unowned cats managed in colonies should be trapped in accordance with the standards as prescribed in the Act, desexed and returned to the colony”. NAWAC took the view that the issue of stray cats and cats in colonies should be dealt with in a separate section in the Code, with the balance of the Code dealing only with companion cats. Furthermore, NAWAC determined that this section should take a neutral view of stray cats and cats in colonies, recognising that they do exist and that some colonies are currently managed with the approval of the landowner and/or local authority, and noting the legal obligations applying to anyone trapping a cat. The Code does not provide any minimum standards or recommended best practices relating to stray cats or cats living in colonies.
17. *The definition of “colony” should have a much lower threshold than “6 or more” cats living together.* A number of submitters took the view that two or more stray cats living together constituted a colony. Following from NAWAC’s approach to stray cats and cats living in colonies (see 16 above), the definition of “colony” became no longer significant. NAWAC therefore determined that a colony was adequately defined as “a group of stray cats living together”.
18. *A person who feeds cats in a colony should not then have legal responsibilities as to the welfare of those cats.* The public draft of the Code sought to make people who provided care to cats in a colony legally responsible for the welfare of those cats. In terms of the Act, NAWAC’s legal advice was that these individuals do not have the

² Auckland Regional Council website. May 2006. 24.0 Definition of terms.

obligations of the “owner or person in charge”. However, should they elect to trap the cats for the purposes of vaccination, desexing, etc, they acquire those obligations while the cats are in their care. References to “colony carers” in minimum standards have been changed to “persons in charge”.

19. *Pest control euthanasia methods for trapped feral cats should be recognised in the Code.* Regional councils were concerned that the public draft of the Code sought to limit the methods available to them to euthanase trapped feral cats during their pest control operations. NAWAC determined that it was not appropriate for the Code to cover feral cats, which are covered under other legislation, and the Code was therefore renamed the “companion” cat code. NAWAC has included in the scope the statement that “**feral cats are not included under the provisions of this code.** Feral cats may be defined as pests under the Biosecurity Act 1993 and therefore may be subject to control under a pest management strategy”.

Other issues considered by NAWAC

20. Other issues of note that NAWAC addressed in the Code were:

- The time at which kittens could safely be let out of the house unaccompanied.
- The provision of shelter for companion cats.
- The appropriate age for the removal of kittens from the queen.
- The need to include a reference to ringworm in the Health section.

21. *The time at which kittens could safely be let out of the house unaccompanied.* The public draft of the Code included a recommended best practice that “kittens should be kept indoors after adoption/purchase until approximately 4 months of age”. Some submitters felt that this should be changed to six months of age, with an allowance that kittens could be let out of the house under supervision between four and six months of age. NAWAC considered this issue, and also that of adult cats which are adopted/purchased, and came to the conclusion that the right time will vary depending on the individual animal and the circumstances of its housing. NAWAC therefore amended the recommended best practice to “kittens should be kept indoors after adoption/purchase until their course of vaccinations has been completed” (approximately three to four months of age) and added a new recommended best practice that “cats should be kept indoors after adoption/purchase, until it is clear that they are comfortable with their surroundings”. NAWAC also added general information about introducing kittens and cats to a new home.

22. *The provision of shelter for companion cats.* A number of submitters wanted a minimum standard included that shelter must be provided for companion cats. NAWAC noted, however, that the Act already requires the provision of adequate shelter for all animals which is appropriate to the species, environment and circumstances of the animal. In the case of cats, NAWAC noted that they are adept at seeking out appropriate shelter for themselves and do not need it to be specially provided.

23. *The appropriate age for the removal of kittens from the queen.* NAWAC sought advice from Dr Dennis Turner, Institute of Applied Ethology and Animal Psychology, Switzerland. Dr Turner confirmed that most experts hold the view that kittens should not be removed from their mothers or litter-mates before 10 weeks of age and preferably 12 weeks, to allow for an adequate socialisation and learning phase towards other cats. Sufficient, but not excessive, handling of young kittens from the end of the second week through to the end of the seventh week will help them to socialise to humans. The two socialisation periods (to cats and humans) are independent of each other, do not conflict with each other, and are important for the development of a well-adjusted adult cat.

NAWAC has therefore retained the original minimum standard of eight weeks of age for removal of kittens from the queen. While Dr Turner has indicated his preference for 10 weeks, NAWAC feels that eight weeks is reasonable as an absolute minimum and notes that there were no submissions asking for a change from this age. NAWAC has then added a recommended best practice that “kittens should be at least 10 weeks old when removed from the queen”.

24. *The need to include a reference to ringworm in the Health section.* NAWAC reorganised this section and included additional information, including on ringworm which was missing from the public draft of the Code. Minimum standards on parasitic diseases, diseases of the skin, and care of claws and coat were removed, as it was considered that all of these were covered by the initial minimum standard “Signs of Ill Health”. This minimum standard was expanded to include both “urgent veterinary attention” and “veterinary attention” scenarios.

The nature of any significant differences

25. All significant differences of opinion about the Code, or any of its provisions, have been set out above or in NAWAC’s response to submissions as set out in Appendices I and II.

26. No significant differences of opinion about the Code, or any of its provisions, were recorded within NAWAC.

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