

## nuisance cats information package

Under the Companion Animals Act 1998 a cat is a nuisance if it makes noise that persistently occurs or continues to such a degree that it unreasonably interferes with the peace, comfort or convenience of any person in any other premise and/or repeatedly damages anything outside the property on which it is ordinarily kept.



### what to do if troubled by a cat

If you have a problem with a cat entering your yard, being noisy, repeatedly defecating in your yard or attacking your cat, please ensure you do not encourage the cat by:

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

You can **discourage** cats from coming into your yard by:

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

discouragement of cats  
should only be done  
without causing pain or  
injury to the cat

If the situation persists and the owner of the cat can be identified, try and resolve the issue through discussion with the cat's owner.

### a cat is killing wildlife in my area

If a cat is in a wildlife protection area in which signs are erected stating that cats are

prohibited, the cat can be seized for the cat's own protection if the owner is not present.

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'.

### a cat is harrassing my caged birds

Try to ensure the cage is placed in a safe and secure location.

Again, you may seize the cat but only 'if it is reasonable and necessary for the protection of any person or animal (other than vermin) from injury or death'.

### seizing cats

Cats may only be seized 'if it is reasonable and necessary for the protection of any person or animal (other than vermin) from injury or death'.

If you seize a cat it must be returned to its owner as soon as possible if the owner can be identified, or delivered to Council's ranger as soon as possible. Failure to do so may lead to an on-the-spot fine.

Hiring of a trap will usually be necessary to seize a cat. Traps are available from Council with the payment of a refundable deposit. Please contact Council's Customer Service section on 1300 864 444 for further information on obtaining a small animal trap.

## steps to resolve a nuisance cat issue

It is suggested you follow the steps below to assist you to reach a favourable outcome for both yourself and the cat owner.

### 1. Discuss

Contact the cat owner first. How you do this is your decision. You may decide to talk personally with the owner, telephone or write to the owner. The cat owner may not be aware their cat is causing a nuisance. In most cases owners will want to do the right thing and will co-operate.

Be courteous when contacting the cat owner. Sometimes they may not know how to go about fixing the problem so be prepared to assist with information.

Be specific and tell the cat owner what the cat is doing to cause a nuisance and give them an opportunity to correct the problem.

If requested, Council will contact the cat owner to advise them of the complaint and their responsibilities under the Companion Animals Act 1998 (NSW).

If requested, Council will contact the cat owner to advise them of the complaint regarding alleged nuisance and their responsibilities under the Companion Animals Act 1998.

### 2. Wait

If the owner agrees to do something about the nuisance please wait a few weeks to see if they have been successful in their efforts. If Council has contacted the cat owner on your behalf allow time for the owner to take action to address the problem.

### 3. Contact Council

Contact Council and request a Nuisance Cat Information Package be sent to you, including additional copies for you to pass onto other potentially affected neighbours.

The Nuisance Cat Information Package can be downloaded directly from Council's website.

### 4. Lodge Complaint to Council

A written complaint may be lodged with Council. **Council will generally not take further action unless a written complaint is received and at least one Noisy Cat Information Sheet and Nuisance Cat Diary** has been completed for at least 14 days.

**The accuracy of information provided relating to the reason, time, date and duration of the nuisance is crucial** if the matter is to proceed as Council's rangers need to investigate complaints to ascertain whether the cat is in fact causing a nuisance.

Council may take action under the Companion Animals Act by the issue of a Nuisance Cat Order on the cat owner if Council's ranger is satisfied sufficient evidence has been supplied. It should be noted that the burden of proof in these matters is equivalent to the criminal standard: that is **beyond reasonable doubt**. This means that before a court, Council would be required to prove beyond all reasonable doubt that the cat was causing a nuisance as defined under the Companion Animals Act.

Council requires your agreement to act as a witness in court and complete a Nuisance Cat Diary for up to six (6) months for evidence if the matter proceeds to court and/or a Nuisance Cat Order is issued to the cat owner.

### 5. Contact a Community Justice Centre (CJC) and/or take Private Civil Action

If you are not comfortable agreeing to act as a witness in court and provide evidence if the matter proceeds to court, Council will not be able to take further action. In this instance you may wish to contact a Community Justice Centre (CJC).

CJC are government-funded but independent centres that specialise in settling differences between neighbours through a mediation process. This is where you meet with the people whose animal is causing the problem, together with a CJC representative to try and solve the problem. This process will not cost you any money, and has a high success rate.

For information on your nearest CJC, visit [cjc.nsw.gov.au](http://cjc.nsw.gov.au)

### 6. Take out your own Noise Abatement Order

If you want to take your own action independently of the Council you have the option to seek a Noise Abatement Order under the provision of Section 268-274 of the Protection of the Environment Operations Act 1997. This involves taking private civil action through the Local Court.

### Further Information

Planning and Environmental Health Division  
Rangers  
Ph: 02 6686 1210  
[ballina.nsw.gov.au](http://ballina.nsw.gov.au)