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COMMENTARY

The Legal Status of Cats in New Zealand: A Perspective on the Welfare of Companion, Stray, and Feral Domestic Cats (*Felis catus*)

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Pinpointing and safeguarding the welfare status of domestic cats is problematic, especially in New Zealand where cats are introduced predators with significant impact on indigenous fauna. Usually the identification of welfare status depends on conservational, legal, and public attitudes that are often contrasting. Cats may rapidly transgress definitions placed on them, confounding attempts to categorize them. In 1 generation, cats can move from a human-dependent state (“stray” or “companion”) to wild (“feral”). Often this categorization uses arbitrary behavioral and or situational parameters; consequent treatment and welfare protection for these cats are similarly affected. Terminology used to describe cats is not equitable across research. However, the New Zealand Animal Welfare (Companion Cats) Code of Welfare 2007 seeks to create a new definition of the terms companion, stray, and feral. It distinguishes between cats who live within and without human social constructs. This legislation mandates that cats in human environments or indirectly dependent on humans cannot be classified as feral. Such definitions may prove vital when safeguarding the welfare of free-living domestic cats and cat colonies.

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The domestic cat (*Felis catus*) is estimated to reach numbers in excess of 200 million worldwide and, in a number of countries, replaces the domestic dog (*Canis familiaris*) as the most populous companion animal (Bernstein, 2005). As such, there is a strong emotional and geographical connection between humans and cat populations, which are likely to have higher density in areas where humans cohabit. Survey data of cat populations do not necessarily include those nonhuman animals who are “nonowned”; however, information from the United States alone suggests that the number may lie between 25 and 60 million individuals (Patronek, 1998). The control and subsequent welfare of cats are therefore of ongoing concern, particularly in areas where they constitute a threat to native ecology and “owned” populations or are perceived as a public nuisance.

Unlike public perception of many pest species that do not have a domesticated basis, perception of cat control is likely to elicit a greater negative public response if not humanely implemented. To illustrate this point, it is important to note that the majority of individuals who provide care to “nonowned” cats do so for reasons of sympathy and ethical concern (Centonze & Levy, 2002).

In New Zealand, the domestic cat is an introduced predator and has been identified as having a marked impact on both introduced and native fauna (Fitzgerald & Gibb, 2001; Pierce & Sporle, 1997). They may have been introduced as early as 1770 (Auckland Regional Council, 2004); however, population increases are more likely to coincide with European settlement circa 1840 (Fitzgerald & Gibb, 2001). During this period, the localized extinction of a number of native species, most notably avian species that comprise the majority of New Zealand’s vertebrate fauna, has been attributed to their presence. Examples of this impact include a single cat, owned by a lighthouse keeper on Stephen Island, causing the extinction of the Stephen Island Wren in the late 1800s (King, 1984).

Recently, an uncontrolled population of cats on Cuvier Island was responsible for the disappearance of the North Island Saddleback, Pied Tit, Tui, and Red Crowned Parakeet (Pierce & Sporle, 1997). Analysis of scat samples from cats in New Zealand indicates that the majority of “feral” animals predominately predate rats and rabbits (Fitzgerald & Gibb, 2001); where rats and rabbits are controlled (native fauna sanctuaries), however, the diet of local cats has not been assessed. Populations of cats are particularly problematic in New Zealand, given that the native fauna have no indigenous mammalian predators; as such, native species have poorly adapted responses to them. This indicates that, unlike other countries with indigenous felidae, New Zealand’s ecology is ill equipped to deal with even low numbers of free-roaming cats. Recent survey data suggest that approximately 10% of companion cats remain unneutered in New Zealand (McKay, Farnworth, & Waran, 2009), potentially representing a significant source of free-roaming cats if not effectively managed.

Other reasons for control of cat populations, which are not exclusive to the New Zealand situation, are also considered in the implementation of pest
management programs. These include cats as potential vectors of disease, both between the differing populations of cats (Patronek, 1998; Slater, 2001) and as carriers of zoonotic infections (Case, Chomel, Nicholson, & Foley, 2006; Eberhardt, Neal, Shackelford, & Lappin, 2006; Robertson, 2007). Cited as a particular concern are unneutered male cats, who are far more likely to suffer from, and transmit, feline immunodeficiency virus (Norris et al., 2007).

**METHODS**

As a result of these issues, the feral cat (specifically) has been placed on the list of pest species in New Zealand (Auckland Regional Council, 2004) and is not covered by the 1999 Animal Welfare Act (Ministry of Agriculture and Forestry, 1999) except to state that “animals captured for the purpose of destruction must be humanely killed.”

Identification as a pest species means that pest management strategies, including euthanasia, can be implemented. Any such animals in a “wild state” or defined as pests may also be hunted and killed under the provisions of the 1987 New Zealand Conservation Act (Ministry of Agriculture and Forestry, 1987) or the Biosecurity Act 1993 (Ministry of Agriculture and Forestry, 1993). The scope and implementation of pest management strategies in New Zealand are decided by local council bodies. Thus, it is difficult to ascertain whether there is a single overarching rationale or intentional targeting of certain cat subpopulations.

It is important to note that provisions under the 1987 New Zealand Conservation Act (Ministry of Agriculture and Forestry, 1987) or the Biosecurity Act 1993 (Ministry of Agriculture and Forestry, 1993) extend only to cats with no identifiable caregiver; it is for this reason that an accurate definition of the term *feral* versus *stray* is vital to safeguard the welfare and integrity of cats in general. The definition of these terms in New Zealand (discussed in the following section) has been considered in the 2007 Animal Welfare (Companion Cats) Code of Welfare (National Animal Welfare Advisory Committee, 2007), which is issued under the Animal Welfare Act 1999.

**Defining the Status of Cats**

Although defining the status of cats is often considered intuitive, there are a number of reasons this may, to some extent, be confounded. Cats, depending on their level of socialization, may move readily between different classifications that exist in the literature. They are also, phenotypically and behaviorally, less domesticated than other companion animals and therefore more likely to revert to a “wild type” (Bradshaw, Horsfield, Allen, & Robinson, 1999). To better
illustrate this, there is no reason a cat who was entirely cared for by human companions cannot give birth, if abandoned, to entirely feral kittens.

In addition, within the scientific literature, there appear to be several criteria for definitions, not all of which are consistent with one another. Slater (2001) notes that in older literature definitions such as “stray,” “owned,” “free-roaming,” “feral,” and “pet” often carry with them no explicit definition. Indeed, even in more recent publications, these seemingly definitive terms are not explicitly defined (Afonso, Thulliez, & Gilot-Fromont, 2006; Akucewicz et al., 2002; Hughes, Slater, & Haller, 2002). This omission may lead to confusion when the reader or implementer of further research holds a conflicting personal definition.

In the literature that does provide definitions, these may be based on behavioral parameters, with reference to levels of socialization and life history (Bradshaw et al., 1999; Hughes & Slater, 2002; Patronek, 1998). Others implement sociogeographical reasoning, with reference to the level of human contact (Case et al., 2006) or geographical location and “ownership” status irrespective of socialization (Cistola, Golder, Centonze, McKay, & Levy, 2004). In some cases, the groupings seem to be poorly delineated, combining one or more categories to reduce analytical complexity. For example, Luria et al. (2004), in defining feral cats, state “the term feral used in this study includes free-roaming stray and feral cats and implies a lack of confinement and ownership” (p. 288).

In research, where significant attempt has been made to define the terms used, definitions are not always in agreement. Further complications arise because the descriptors vary widely; “free-roaming” may readily be applied to stray, feral, and pet cats (Slater, 2001). Others include definitions of terms such as pedigree (distinct from pet), semi-feral, and pseudo-wild (Bradshaw et al., 1999). The use of a wide range of descriptors and definitions is, in and of itself, confusing to those wishing to pursue research in this area. It is also apparent that definitions are often made without reference to precedents.

With respect to the Animal Welfare (Companion Cats) Code of Welfare 2007 (National Animal Welfare Advisory Committee, 2007), the definitions used are, yet again, different from those commonly found in the scientific literature. The definitions serve to provide an overarching set of groupings that best protects the welfare of companion cats in New Zealand. Unlike Bradshaw et al. (1999), the categories are limited to “companion,” “stray,” and “feral.” The definitions are as follows:

*Companion Cat:* Common domestic cat (including a kitten unless otherwise stated) that lives with humans as a companion and is dependent on humans for its welfare.

*Stray Cat:* . . . means a companion cat which is lost or abandoned and which is living as an individual 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.
Feral Cat: . . . means a cat which is not a stray cat and which has none of its 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. (National Animal Welfare Advisory Committee, 2007, p. 10)

Cat-Control Methods

In the interests of animal welfare, it is obvious that tackling the root of the problem through sustained public education, combined with low cost or subsidized neutering services, is preferable to attempting to control the problem once “the cat is out of the bag,” so to speak.

From the literature, it appears that the most common and ethically acceptable method of controlling domestic cat populations, at least in the United States, is the introduction of a program that systematically traps, neuters, and releases (TNR) free-roaming individuals (Robertson, 2007). Some programs will combine this process with vaccinations for infectious diseases of cats (Hughes & Slater, 2002). In Italy, due to a law reform that prevents the killing of feral cats as a means of population control, Rome is already implementing and rigorously analyzing such programs (Natoli et al., 2006). Although the TNR programs are well received by the public and animal welfare organizations, they do not limit the damage done by free-roaming cats in the short term. The also fail to definitively address issues such as disease transfer, parasitic infection, and incursions into companion-cat territories.

RESULTS

When cats are less able to be trapped, labeled as pests, or when they have a marked effect on local fauna, other methods of control are likely to be implemented. Contraception may be used to control the reproductive viability of cats (Munson, 2006); this could be particularly pertinent in areas where surgical expertise is not readily available. In Australia, where (as in New Zealand) the cat represents an introduced predator, various methods have been employed. Poisoning with fresh meat bait is commonly used across large study sites (Burrows et al., 2003). The poison used in this case was sodium monofluoroacetate (1080), a poison that recently has been called into question relative to the amount of suffering it may inflict (Sherley, 2004, 2007). The introduction of exclusion fences across certain territories where native species are to be reintroduced has also been implemented, although at considerably greater cost than many other methods (Moseby & Read, 2006).
In New Zealand, all shelters dealing with cats have instituted policies requiring intact cats to be neutered before they can be rehomed. Across all branches of the Royal New Zealand SPCA, 39,093 cats were relinquished in 2006, although it is not possible to distinguish between those cats who entered the SPCA as “owned” versus “nonowned.” In the Auckland Society for the Prevention of Cruelty to Animals (ASPCA; 2007), those cats who are considered “wild” or “scared” are given an assessment period of 24–72 hr.

Final determination of temperament by three independent staff will dictate whether the animal is humanely destroyed or rehabilitated for rehoming. Cats who are considered dangerous due to being “feral” or “excessively wild” may be euthanized immediately (ASPCA, 2007). Ultimately, how legislation and the public define subcategories of the cat population may influence how cats are permitted to be controlled and the level of acceptance such a program receives.

**DISCUSSION**

Within New Zealand, there is a marked contrast between the interests of welfare scientists and animal-protection groups versus those organizations that are concerned with the protection of New Zealand’s unique ecology. In the creation of definitions of cat groupings, there is an interesting move toward legal protection of cats, certainly in the urban environment. Ultimately, the absolute protection of cats in New Zealand still hinges on their ownership status. However, by using novel definitions in legislation, there is potential, on further research, to extend the protection offered to cats in human social constructs. Such legal precedents are previously apparent only in Italian legislation; although no distinctions are made relative to stray or feral (Natoli et al., 2006), all cats are offered protection from extermination. However, in New Zealand, due to local government processes of cat control, stray cats may continue to be controlled in any manner that is considered humane, including euthanasia.

Unfortunately, there is a paucity of published scientific information available as to the sympathies of the public toward the plight of stray and feral cat populations. As such, work must be conducted to ascertain whether, in countries such as New Zealand and Australia, where cats present a real risk to native species, public perception of cats is distinctly and quantifiably different from other countries. Similarly, it has not been established whether protectiveness toward companion cats leads to a greater or lesser consideration for the welfare of stray and feral cats.

The current definition of the term *stray* in Animal Welfare (Companion Cats) Code of Welfare 2007 (National Animal Welfare Advisory Committee, 2007) could potentially serve to protect many cats who, if using the definitions
of papers contained in this work, would fall into the feral category. Indeed, the code endows any cat who depends on humans, however indirectly, the term *stray*. Under this code, therefore, a cat who has been born into a colony that scavenges from a landfill and has never encountered a human could be categorically identified as a stray.

This action may, in the future, prove pivotal to the safeguarding of cats in the New Zealand ecology; it extends the accepted boundaries of stray and, therefore, the number of animals who could be protected if stray individuals were to receive protection similar to that accorded companion cats. As previously stated, the feral cats (but not lost or stray cats) in New Zealand are considered pests. Subsequently, they can be exterminated under pest-management strategies or hunted and killed under the auspices of the 1987 Conservation Act (Ministry of Agriculture and Forestry, 1987). Shooting and poisoning as methods of control may still be used, depending on the situation, as long as they do not cause “unnecessary suffering.” The only proviso made to protect the welfare of feral cats is that any cat trap set must be monitored every 12 hr and that any animal caught in a trap must be humanely killed.

**CONCLUSION**

Although New Zealand’s urban stray cat populations are not provided with total protection under the 2007 Animal Welfare Code (National Animal Welfare Advisory Committee, 2007), especially if ownership status cannot be established, it is reasonable to suggest that there must be far greater attention paid to nonlethal methods of stray-cat control. Currently, there is no national TNR program active in New Zealand; those that are implemented tend to be sporadic, funded by charitable organizations or localized government pounds. Depending on the practices of the local government body, extermination of stray cats may continue.

Finally, to be effective, any future legal protection must be understood by the organizations responsible for its implementation. There is no doubt that the intention of the 2007 Animal Welfare Code (National Animal Welfare Advisory Committee, 2007) is laudable. The embedded definitions, however, are unique in the literature and difficult to implement; in addition, they may not coincide with the definitions held by many. As such, further work must be conducted to engage interested parties and the public to establish whether they agree with, and can readily establish, the conceptual differences between the categories. Work must also be conducted to identify the extent to which this code permeates the public knowledge and how it is policed, enforced, and disseminated to the legal profession.
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