

# Cat Management Amendment Bill 2019

## Frequently Asked Questions

November 2019

### Q1. Why do we need amendments to the current legislation?

Cats are an important part of our lives as companion animals and are very much part of families and the Tasmanian community.

The [Cat Management Act 2009](#) in its current form, lacks effectiveness in a number of key areas, including the key objective of encouraging responsible cat ownership.

The amendments will make the Act clearer to interpret, easier to administer and implement, provide significant benefits to the public and will provide for consistent regulation of cat management that meets the expectations of the Tasmanian community.

### Q2. What legislative amendments are proposed?

The amendments include:

- Compulsory desexing of owned pet cats from four months of age;
- Compulsory microchipping of owned pet cats from four months of age;
- Limiting to four, the number of cats that can be kept at a property without a permit;
- Increased measures to protect private land from straying and feral cats;
- Improved arrangements for registered cat breeders;
- Removal of the option of a Care Agreement on sale of a cat;
- Commence Section 24 of the Act that requires a cat to be microchipped and desexed before being released from a cat management facility; and
- A number of minor administrative amendments to improve operation of the Act.

### Q3. How was the Draft Cat Management Amendment Bill 2019 made available for public and stakeholder comment?

The Draft Cat Management Amendment Bill 2019 was available for public and stakeholder comment from 31 August 2019 until 4 October 2019. The relevant documents and details of how to make a submission were available on the DPIPWE website. The [Cat Management Amendment Bill 2019](#) and [submissions](#) on the draft Bill are available on the [DPIPWE website](#).

### Q4. Will I be required to register my cat?

Cats will not be required to be registered with State Government.

However, microchipping will become compulsory for all cats over the age of four months. The details of the owner and the cat will be required to be entered into a microchip database and kept current, so a lost cat can be re-united with its owner.

A local council will be able to create a by-law requiring registration within its municipality.

### Q5. Will the State Government be subsidising the cost of microchipping and desexing my cat?

Microchipping and desexing are the responsibility of the owner of a cat. Discounted microchipping and desexing of cats is offered by a number of vets and cat management facilities across Tasmania. Currently, in Tasmania a cat must be desexed or microchipped before being sold, which includes to give away, unless a care agreement has been signed. The amendments make it clear that microchipping and desexing of cats is a positive obligation with regards responsible ownership and applies in all circumstances.

**Q6. Will there be a transition period before compulsory microchipping and desexing is required?**

Yes. There will be a transition period of 12 months to allow cat owners adequate time to adjust to the changes.

Those parts of the legislation that require a transition period will not be proclaimed (become law) until the transition period is completed.

There will be a 12-month transition period for:

- Compulsory microchipping of cats from four months of age;
- Compulsory desexing of cats from four months of age;
- Limiting the number of cats allowed to be kept at a property without a permit to four;
- State Government breeder registration will be replaced with a permit system to breed cats.

**Q7. Will it be compulsory for owners to contain their cat(s) to their property?**

The Act will not require cat owners to contain their cat(s) to their property. However, responsible cat ownership will be encouraged through public awareness programs. Changes to the protection of private property will mean that a roaming cat may be trapped if it is found on someone else's land.

Councils will retain their existing power to make by-laws or establish cat management areas with measures that encourage owners to keep their cats within their property.

**Q8. Will landowners in urban areas be allowed to trap cats?**

Trapping and seizure of cats will be allowed on private land regardless of the proximity to other residences. Landholders who set traps will be required to check traps at least once every 24 hours and return seized cats to the owner if known, or arrange for seized cats to be taken to a cat management facility within 24 hours of capture.

**Q9. What is a cat management facility? Where are they located?**

Currently there are three organisations approved under the *Cat Management Act 2009* to operate cat management facilities:

- [RSPCA Tasmania](#)
- [Ten Lives Cat Centre](#)
- [Just Cats Tasmania](#)

Each of these organisations are non-government and also operate re-homing and fostering programs for unwanted or abandoned cats.

The RSPCA operates a facility at Spreyton, the Ten Lives Cat Centre is located in Hobart and Just Cats has a surrender facility at Mowbray and an adoption centre in Longford.

Councils that have facilities for handling and holding cats are regarded as cat management facilities, however, currently there are no councils with this capacity. A number of councils do utilise the non-government facilities and provide funding to support them.

**Q10. Will my neighbour be allowed to kill my cat if it strays onto their property?**

Primary producers, and those landowners who are more than 1km from the nearest residence, will be permitted to humanely destroy a cat that is found on their property.

**Q11. What will I need to do if I currently own more than four cats?**

A person who wants to keep more than four cats at their property will be required to apply to the State Government or local council for a permit to keep more than four cats. Exemptions will apply to registered breeders, cat boarding facilities, and foster carers working with cat management facilities. There will be a transition period of 12 months to allow a person who currently keeps more than four cats the opportunity to re-home them or apply for a permit.

The proposed limit of four cats is there primarily to provide authorised officers with powers to deal with nuisance complaints associated with the hoarding of cats or where a person is keeping multiple cats but does not contain them to their property.

**Q12. Where will I be able to take a cat that I have trapped?**

A person who traps a cat will be required to either return the cat to its owner (if known), or arrange for the cat to be taken to a cat management facility or their nominee. Anyone considering trapping a cat is advised to contact a cat management facility beforehand to understand the process for handing in a cat and to ensure animal welfare requirements are met. Details of cat management facilities are available on the Biosecurity Tasmania website.

**Q13. What happens to my breeder registration if I am currently registered as a breeder by the State Government?**

Following a 12-month transition period, all State Government cat breeder registrations will be revoked; thereafter only a person who is a member of an approved cat organisation (i.e. Cat Association of Tasmania, Cat Control Council of Tasmania, Australian National Cats Inc.) will be taken to be a registered breeder. During the transition period, persons who are registered as a breeder with the State Government will be encouraged to apply to become a member of an approved cat organisation; alternatively they may apply to the State Government for a conditional permit to breed a cat.

**Q14. How can I apply for a permit to breed cats? Will there be a fee?**

Biosecurity Tasmania will provide an 'Application for a permit to breed a cat' form on its website. Currently there is no intention for State Government to charge a fee. Permits, if granted, will be time-limited and subject to conditions. Councils may choose to apply a fee to cover costs of administration.

**Q15. How can I apply for a permit to keep more than four cats? Will there be a fee?**

Biosecurity Tasmania will provide an 'Application for a permit to keep more than four cats' form on its website. Currently there is no intention for State Government to charge a fee. Permits, if granted, will be subject to conditions. Councils may choose to apply a fee to cover costs of administration.

**Q16. Will a person be allowed to use a firearm to control stray or feral cats?**

A person may humanely destroy a cat on their private land if the land is being used for primary production or is more than 1km from the nearest residence. Persons responsible for undertaking lethal cat management must do so in accordance with the [Animal Welfare Act 1993](#). Note that a person using a firearm must hold an appropriate licence and must abide by the requirements of the [Firearms Act 1996](#).

**Q17. What roles do State and local governments have in relation to cat management?**

Both State and local government are able to enforce the *Cat Management Act 2009* currently and this will continue following the proposed amendments. Council officers who are authorised under the [Dog Control Act 2000](#) are also authorised under the *Cat Management Act 2009*. The extent to which a council is involved in cat management issues within its municipality is at the discretion of the individual council. Powers of enforcement by both State and local government for both the current and amended Act include:

- Compliance in relation to microchipping and desexing of cats;
- Compliance in relation to the sale of cats;
- Permitting and compliance in relation to the breeding of cats;
- Permitting and compliance in relation to the number of cats owned at a property; and
- Declaration and enforcement of cat prohibited and cat management areas.

Both State and local government authorised persons have the equivalent powers under Part 2 of the Act, including powers to trap, size, detain or humanely destroy a cat.

In addition, councils may establish by-laws in relation to management of cats within their municipalities, if they so choose.

#### **Q18. Who will have responsibility for overseeing permits and exemptions under the Act?**

A number of permits or exemptions will be available under the amended Act, including:

- Permit to keep more than four cats at a property;
- Permit for a person who is not a registered breeder, to be able to conditionally breed their cat;

State and local government will be able to consider and grant applications for these permits.

The onus will be on the owner of a cat to ensure they have necessary permits and vet certificates in relation to exceeding the permitted limit of number of cats at a property, breeding cats or exemptions in relation to microchipping and desexing.

#### **Q19. Will Councils be able to make by-laws in relation to cat management?**

The Act supports a council's ability to make by-laws that strengthen the Act with regards to matters that relate to their municipality. For example, councils may make by-laws requiring pet cats be registered or to require owners of cats do not let their animals roam from their property.

#### **Q20. Are there other actions councils can take in relation to the management of cats?**

The Act allows councils to declare 'Prohibited Areas' relating to land within their authority, that allows 'cat management action' (trap, seize, detain, humanely destroy) to be undertaken. A cat that is taken to a cat management facility will be required to be microchipped and desexed before it is returned to its owner. Councils can also declare a 'cat management area' within the area of the municipality in which measures may be taken in respect of cats (including cat management action).

#### **Q21. What are the proposed changes to penalties for offences?**

The Cat Management Amendment Bill 2019 proposes a range of new penalties, as well increases to some existing penalties, to ensure consistency with other related legislation. The penalties are summarised below (noting a penalty unit is currently \$168):

- s. 8A(8) A person must not hinder or disobey an approved or qualified person or authorised person in relation to taking a DNA sample from a cat – fine not exceeding 50 penalty units (new);
- s. 10 Hindering, obstructing or threatening an authorised person – fine increased from 20 to a maximum of 50 penalty units;
- s. 12(1) Cat over the age of four months not microchipped – fine not exceeding 20 penalty units (to be proclaimed after 12-month transition period);
- s. 12(4) Implanting a device other than a microchip – fine not exceeding 20 penalty units (existing);
- s. 14(1) Cat over the age of four months not desexed – fine not exceeding 20 penalty units (to be proclaimed after 12-month transition period);
- s. 14(4) Identifying a cat as desexed if it is not desexed – fine not exceeding 20 penalty units (existing);
- s. 16(2) Keeping more than 4 cats at a premises over the age of 4 months without a permit or not a registered breeder – fine not exceeding 20 penalty units (to be proclaimed after 12-month transition period);
- s. 16A(3) Must publish a notice stating intention to apply for a multiple cat permit and provide correct details – fine not exceeding 20 penalty units (to be proclaimed after 12-month transition period);
- s. 17(6) and s. 18(6) A person within 24 hours after trapping or seizing a cat must take action in accordance with the Act – fine not exceeding 100 penalty units (new);
- s. 24(2)<sup>1</sup> The operator of a cat management facility must ensure that a cat is microchipped and desexed before the cat is reclaimed - fine not exceeding 10 penalty units (new);
- s. 24(4)<sup>1</sup> An owner must not reclaim a cat from a cat management facility that is not microchipped or desexed – fine not exceeding 20 penalty units (existing);

- s. 28(2) A person who destroys a cat must do so quickly and without causing undue suffering – fine increased from 20 to 100 penalty units (consistent with the *Animal Welfare Act 1993*);
- s. 29(1) A person must not breed a cat unless they are a registered breeder or possess a cat breeding permit – fine not exceeding 50 penalty units (breeding permit to be proclaimed after 12-month transition period);
- s. 30(2) A person who is not a registered breeder must not hold himself or herself out to be a registered breeder – fine not exceeding 20 penalty units (existing);
- s. 37(2) A person must not abandon a cat – fine not exceeding 20 penalty units (existing); and
- s. 38A(4) Failure to comply with a requirement notice directing a person to comply with a part of the Act – fine not exceeding 100 penalty units (new).

Is. 24 of the Act was not originally proclaimed, but will be enacted along with the amendments.

## Q22. What administrative amendments are proposed to improve the operation of the Act?

A number of the proposed amendments also include changes that focus on the administration of the Act, with the aim of improving its operation. These are listed below, and additional matters may be raised as part of the public consultation.

- Inclusion of additional definitions and refinement of existing terms to remove ambiguity and improve consistency and interpretation, including: breeding of cats, domestic cat, feral cat, stray cat, desex, primary production land, premises, cat management facility, abandon;
- Removing ambiguity around responsibility for costs of detaining or treating cats at cat management facilities;
- Clarifying the authority and responsibility of operators of cat management facilities to undertake particular actions in relation to cats in their care;
- Removing reference to ‘working days’ for holding times at cat management facilities;
- Cat management facilities to notify cat owners either verbally or in writing;
- Inclusion of a provision for a requirement notice in the Act that allows an authorised officer to require an individual to comply with the Act; failure to comply with a requirement notice would result in an infringement notice and/or a fine;
- Removing inconsistencies between the Act and other Tasmanian State legislation; for example between the [Local Government Act 1993](#) and the *Cat Management Act 2009* in relation to owner liability for costs incurred from detaining and treating a cat;
- Including a non-derogation clause to make it clear that satisfying requirements of the *Cat Management Act 2009* will not discharge obligations required under other legislation, for example the *Animal Welfare Act 1993*; and
- Rectifying other ambiguities identified as part of the public consultation and in the process of drafting the Amendment Bill.

## Q23. Where can the public, media and stakeholders find more information on the management of cats in Tasmania?

The following websites have information on management of cats in Tasmania:

- [DPIPWE](#)
- [TassieCat](#)
- [Ten Lives Cat Centre](#)
- [RSPCA Tasmania](#)
- [Kingborough Council](#)