

Summary of proposed amendments to the *Cat Management Act 2009*

The [Cat Management Amendment Bill 2019](#) delivers on the recommendations for legislative change identified in the 'Tasmanian Cat Management Plan 2017-2022'. Key proposed amendments are summarised below.

Compulsory desexing of all cats by the age of four months

The *Cat Management Act 2009* (the Act) will be amended to make desexing of a cat compulsory by four months of age. Penalties may apply to owners of pet cats if they fail to comply with the Act. Exceptions will apply where a vet certifies that the animal is not in a physically suitable condition to be desexed or for cats owned for the purpose of breeding by a registered breeder. There will be a transition period of 12 months to allow cat owners adequate time to adjust to the changes.

Background

Currently under the Act, only cats that are to be sold¹ must be desexed; however cats can reproduce from as young as four months of age. Whilst the Act encourages owners to desex pet cats, there is no penalty for not desexing a pet cat. Compulsory desexing at four months will reduce the period of time that cats can become pregnant, and the number of unwanted cats that end up part of the stray and/or feral cat population in Tasmania.

¹Sale under the Act includes trade, give away, take consideration for, transfer ownership of and offer for sale.

Compulsory microchipping of all cats by the age of four months

The Act will be amended to make microchipping of a cat compulsory by four months of age. Penalties may apply to owners of pet cats if they fail to comply with the Act. Exceptions will apply where a vet certifies that the animal is not in a physically suitable condition to be microchipped. There will be a transition period of 12 months to allow cat owners adequate time to adjust to the changes.

Background

As with desexing, currently only cats that are to be sold¹ must be microchipped. Whilst the Act encourages owners to microchip pet cats, there is no penalty for not microchipping a pet cat.

Having all owned cats microchipped will help reunite lost cats with their owners, help to reduce the number of roaming or lost cats contributing to the stray and/or feral population, and reduce the number of cats being destroyed.

¹Sale under the Act includes trade, give away, take consideration for, transfer ownership of and offer for sale.

Limit to four, the number of cats allowed at a property without a permit

This amendment will limit to four, the number of cats over the age of four months to be kept at an individual property. Exemptions will apply to registered breeders, cat boarding facilities, and foster carers working with cat management facilities. A person who wants to keep more than four cats at their property will be able to apply to the State Government or their local council for a permit to keep more than four cats. Penalties may apply to cat owners who fail to comply with this section of the Act. There will be a transition period of 12 months to allow cat owners adequate time to adjust to the changes.

Background

Currently, there are no restrictions on the number of cats that can be kept at a property in Tasmania. Allowing people to keep unlimited numbers of cats at a property can result in animal welfare concerns for the cats, health issues for the owners, nuisance issues for neighbours, and potentially increases the number of cats roaming or contributing to the stray and/or feral cat population.

The proposed limit of four cats is 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 and are causing a nuisance to neighbours.

Changes to protection of private property

The amendments will permit:

- a person to trap, seize or detain a cat on their land regardless of the proximity to other residences, provided the cat is returned to the owner if possible, or taken to a cat management facility or their nominee;
- all primary producers to humanely destroy a cat.

The current Act also allows for people whose land is more than 1km from the nearest residence to trap, seize or humanely destroy a cat.

Background

Currently, only property owners involved in primary production relating to livestock, or a person on privately owned land more than 1km from the nearest residence, are permitted to trap, seize or humanely destroy a cat.

The amendments will ensure that all primary producers (as defined in the Tasmanian *Land Tax Act 2000*) will be permitted to trap, seize, detain or humanely destroy a cat found on their primary production land. Owners of any other private property type will be allowed to undertake trapping of nuisance cats in accordance with the Act.

A person will retain permission to humanely destroy a cat on their land if the cat is found more than 1km from the nearest residence.

Replace the State Government-registration of cat breeders with a permit system to breed cats

This amendment will replace the registration of cat breeders by State Government with a conditional, time-based permit system. The proposed amendment will mean that membership with a cat organisation will be the only means for a person to be a 'registered breeder' under the Act.

There will be a transition period of 12 months to allow breeders registered with the State Government time to adjust to the changes. During the transition period, persons who are currently registered as a breeder with the State Government will be contacted to make them aware that the rules are changing, and that from a certain date their breeder registration will be revoked; new applicants for breeder registration will be advised that their registration will be time-limited. People wishing to continue to breed cats will be encouraged to join a cat organisation or will have the option of applying to the State Government of their local council for a conditional permit to breed a cat once this section of the Act is enacted.

Applications for permits will be considered on a case-by-case basis, and permits if issued, will be conditional and time-bound. Failure to meet the conditions of a permit may result in cancellation of the permit and possible fines for non-compliance.

Background

Under the current Act, all cat breeders in Tasmania must either be registered by the State Government or be a member of an approved cat organisation (i.e. Cat Association of Tasmania, Cat Control Council of Tasmania, Australian National Cats).

The Government's objectives in relation to managing the breeding of cats is to prevent uncontrolled breeding that results in unwanted litters and abandoned cats, which regulation

aims to reduce. Cat organisations are focused on breeding pedigree cats and are therefore better placed to manage breeder registrations.

Removal of Care Agreements

This amendment will remove the option of having a care agreement covering the sale of a cat from the *Cat Management Act 2009*. Compulsory desexing and microchipping of owned cats will negate the need for care agreements.

Background

A care agreement currently allows breeders and sellers of cats to pass on the responsibility of desexing and microchipping to a purchaser, on the agreed understanding that the new owner will do so within a set time period.

Reclaiming cats from cat management facilities

This amendment will commence Section 24 of the *Cat Management Act 2009* that requires the operator of a cat management facility to ensure a cat is microchipped and desexed before being reclaimed from a cat management facility.

Before a cat is microchipped or desexed, the owner of the cat is to be notified that the cat is to be microchipped or desexed. Exemptions to microchipping will apply where a vet provides a certificate of exemption; in the case where the owner is a registered breeder or where a vet provides a certificate of exemption, exemptions for desexing will apply.

Background

A provision to this effect is currently in the Act in Section 24, however the section was not enabled when the Act commenced. Requiring a cat to be microchipped and desexed before being reclaimed from a cat management facility is consistent with other compulsory microchipping and desexing provisions.

Amend a number of sections related to the administration of the Act to remove ambiguities and inconsistencies in its wording and operation. These amendments, which do not seek to affect the intent of the Act, include:

- Additional definitions and refine existing terms to remove ambiguity and improve consistency and interpretation. 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;
- Notification of owners by cat management facilities to allow for verbal or written notification;
- Including the provision of a requirement notice in the Act that allows an authorised officer to require an individual to comply with the Act. Currently there is no option allowing the individual to rectify the situation prior to an infringement notice being served. Failure to comply with a requirement notice would result in an infringement notice;
- Increasing penalties for infringements (but not exceeding existing maximum penalty amounts) where appropriate, to reflect community expectations;
- Removing inconsistencies between the Act and other Tasmanian legislation; for example between the *Local Government Act 1993* and the *Cat Management Act 2009* in relation to owner liability for costs incurred of 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.

Proposed amendments with a 12-month transition period

There will be a transition period of 12 months for the following proposed amendments to allow cat owners adequate time to adjust to the changes:

- 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 replaced with a permit system to breed cats.

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

The [Cat Management Amendment Bill 2019](#) was tabled in the Tasmanian Parliament on 13 November 2019.