

TASMANIA

CAT MANAGEMENT AMENDMENT BILL 2019

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CAT MANAGEMENT AMENDMENT BILL 2019

*(Brought in by the Minister for Primary Industries and Water,
the Honourable Guy Barnett)*

A BILL FOR

An Act to amend the *Cat Management Act 2009*

Be it enacted by Her Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:

1. Short title

This Act may be cited as the *Cat Management Amendment Act 2019*.

2. Commencement

The provisions of this Act commence on a day or days to be proclaimed.

3. Principal Act

In this Act, the *Cat Management Act 2009** is referred to as the Principal Act.

4. Section 4 amended (Interpretation)

Section 4 of the Principal Act is amended as follows:

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(a) by omitting the definition of *care agreement*;

(b) by inserting the following definition after the definition of *cat*:

cat breeding permit means, in relation to a cat, a cat breeding permit that is issued under section 31 in relation to the cat and that is in force;

(c) by omitting paragraph (b) from the definition of *cat management facility*;

(d) by omitting “temporarily, as prescribed, or” from the definition of *desex*;

(e) by inserting the following definition after the definition of *desex*:

domestic cat means a cat that a person may, on reasonable grounds, believe to be currently owned;

(f) by omitting the definition of *feral cat* and substituting the following definition:

feral cat means a cat that lives largely or entirely removed from humans in the wild and does not depend for its survival on humans intentionally providing food, water or shelter;

(g) by inserting the following definition after the definition of *function*:

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general manager, in relation to a municipal area, means the general manager, appointed under the *Local Government Act 1993*, of the council for the municipal area;

- (h) by inserting the following definition after the definition of *humanely destroy*:

individual property means –

- (a) if an area of land is the subject of a strata scheme within the meaning of the *Strata Titles Act 1998*, a lot in the complex of lots making up the strata title scheme; or
 - (b) a residence or building on land, that has, or is capable of having, a separate address; or
 - (c) property that is within a prescribed class of property; or
 - (d) in any other case, premises;
- (i) by inserting the following definition after the definition of *microchipped*:

multiple cat permit means, in relation to a cat, a multiple cat permit that

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is issued under section 16A in relation to the cat and that is in force;

- (j) by inserting the following definitions after the definition of *owner*:

premises includes –

- (a) land; and
- (b) a building or part of a building; and
- (c) a structure or part of a structure; and
- (d) fences, walls, outbuildings and other appurtenances of a structure;

private premises means premises that are not a public place;

- (k) by inserting the following definition after the definition of *regulations*:

requirement notice means a notice issued under section 38A;

- (l) by omitting the definition of *stray cat* and substituting the following definition:

stray cat means a cat that is not a domestic cat but lives in close proximity to humans and may receive from them some food,

water or shelter and be accustomed to their presence;

5. Section 4A inserted

After section 4 of the Principal Act, the following section is inserted in Part 1:

4A. Breeding of cats

- (1) For the purposes of this Act, a person breeds a cat if the person allows –
 - (a) the cat to be impregnated; or
 - (b) the cat to impregnate another cat.
- (2) Without limiting the generality of subsection (1), for the purposes of this Act, a person allows a cat to be impregnated, or to impregnate another cat, if the cat is allowed by the person –
 - (a) to be at large, resulting in the cat being impregnated by, or impregnating, another cat; or
 - (b) to be with another cat for the purpose of mating, resulting in impregnation of either of the cats.
- (3) For the purpose of this section, a cat is at large if it is –
 - (a) in a public place and not restrained; or

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- (b) on private premises without the consent of the occupier of the premises.

6. Section 7 amended (Powers of authorised persons)

Section 7(c) of the Principal Act is amended by inserting “trap,” after “may”.

7. Section 8A inserted

After section 8 of the Principal Act, the following section is inserted in Part 2:

8A. Collection and analysis of sample from a cat

- (1) In this section –

approved person means a person approved under subsection (2)(a);

intimate sample means a sample of the blood of a cat;

non-intimate sample means a sample of the saliva, cheek cells, fur, faeces or urine of a cat;

qualified person means a person approved under subsection (2)(b);

sample, in relation to a cat, means an intimate or non-intimate sample taken from the cat.

- (2) The Secretary or a general manager may approve –

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- (a) a person to collect a non-intimate sample from a cat; and
 - (b) a person to conduct the analysis of a sample collected in accordance with this section.
- (3) An authorised person who believes, on reasonable grounds, that an offence under section 29 has been committed in relation to a cat, may request that the Secretary, or a general manager of a council for the municipal area in which the cat is situated, authorise the collection of a sample from the cat for the purposes of determining whether the offence was committed in relation to the cat.
- (4) If the Secretary or a general manager receives a request under subsection (3) in relation to a cat, he or she may authorise –
 - (a) an approved person to collect a non-intimate sample from the cat; or
 - (b) a veterinary surgeon to collect an intimate or non-intimate sample from the cat.
- (5) If an approved person or a veterinary surgeon is authorised under subsection (4) to collect a sample from a cat –

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- (a) the authorised person who made a request under subsection (3) in respect of the cat may do one or more of the following:
 - (i) seize the cat and detain it for as long as is required for the approved person or veterinary surgeon to collect the sample as authorised;
 - (ii) if, in the opinion of the authorised person, the cat is aggressive or difficult to manage, direct the owner of the cat to accompany the authorised person, together with the cat, to a place where the sample may safely be collected;
 - (iii) direct the owner to produce the cat for the purposes of allowing the sample to be collected as authorised; and
 - (b) the approved person or veterinary surgeon may collect such a sample from the cat as authorised.
- (6) If a sample is collected from a cat in accordance with an authorisation under subsection (4), the authorised person who

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made the request under subsection (3) in relation to the cat is to ensure that –

(a) the owner of the cat is advised, before, or as soon as reasonably practicable after, the sample is collected, that the sample is collected for the purpose of analysis; and

(b) both –

(i) a person nominated in writing by the owner of the cat, if such a person is so nominated; and

(ii) a qualified person –

are each provided with a part of the sample that is sufficient for analysis.

(7) The Secretary or a general manager may authorise a qualified person to conduct analysis of a sample that has been collected in accordance with subsection (5)(b).

(8) A person must not –

(a) obstruct, hinder, delay, impede or threaten an approved person, qualified person or veterinary surgeon acting in accordance with this section; or

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- (b) disobey a direction given by an authorised person under this section.

Penalty: Fine not exceeding 50 penalty units

8. Section 10 amended (Hindering authorised persons, &c.)

The penalty under section 10 of the Principal Act is amended by omitting “20” and substituting “50”.

9. Section 12 amended (Microchipping of cats)

Section 12(1) of the Principal Act is amended as follows:

- (a) by omitting “6 months of age is to” and substituting “4 months of age must”;
- (b) by inserting the following penalty after subsection (1):

Penalty: Fine not exceeding 20 penalty units.

10. Section 14 amended (Desexing of cats)

Section 14 of the Principal Act is amended as follows:

- (a) by omitting from subsection (1) “6 months of age is to” and substituting “4 months of age must”;

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- (b) by inserting the following penalty after subsection (1):

Penalty: Fine not exceeding 20 penalty units.

- (c) by omitting from subsection (2)(b) “breeder” and substituting “breeder or the holder of a cat breeding permit in relation to the cat”;
- (d) by omitting from subsection (2)(c) “a prescribed cat” and substituting “a member of a prescribed class of cats”;
- (e) by omitting subsection (3) and substituting the following subsection:
- (3) A cat that is desexed is to be identified by a prescribed mark that is permanently marked inside the left ear of the cat.
- (f) by omitting from subsection (4) “as being desexed” and substituting “in accordance with subsection (3)”.

11. Section 15 amended (Sale, &c., of cats)

Section 15(1) of the Principal Act is amended as follows:

- (a) by omitting paragraph (b) and substituting the following paragraph:
- (b) that is not microchipped, unless a certificate has been issued under

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section 12(2) in respect of the cat;
or

- (b) by omitting from paragraph (c) “in accordance with the Act”;
- (c) by omitting subparagraph (iii) from paragraph (c) and substituting the following subparagraph:
 - (iii) the purchaser is the holder of a cat breeding permit in relation to the cat; or
- (d) by omitting paragraph (e) and substituting the following paragraph:
 - (e) that does not attain a satisfactory result in relation to all health checks prescribed for the purposes of this section.

12. Part 3A inserted

After section 15 of the Principal Act, the following Part is inserted:

PART 3A – KEEPING OF CATS

16. Limit on number of cats kept

- (1) In this section –

cat boarding facility means premises operated by, or on behalf of, an organisation that –

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(a) is run for profit; and

(b) as part of its operations, provides, for consideration, overnight accommodation for cats;

consideration includes monetary or non-monetary consideration;

veterinary establishment has the same meaning as in the *Veterinary Surgeons Act 1987*.

(2) A person must not keep, for any period of time, at any individual property, more than 4 cats that are more than 4 months of age.

Penalty: Fine not exceeding 20 penalty units.

(3) Subsection (2) does not apply to any cat in excess of 4 cats if –

(a) the person keeping the cat holds a multiple cat permit in relation to the cat; or

(b) the person keeping the cat is a registered breeder; or

(c) the person keeping the cat holds a cat breeding permit in relation to the cat; or

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- (d) the cat is being kept at a cat boarding facility or veterinary establishment; or
- (e) the person keeping the cat is fostering the cat as part of a foster program managed by a cat management facility or an approved organisation; or
- (f) the cat is being kept at an individual property for less than 6 months and –
 - (i) the cat is owned by a person who does not usually reside at the individual property; and
 - (ii) the period that the cat is to be kept at the individual property is agreed upon, by both the owner of the cat and the person with responsibility for the individual property, before the cat is left at the individual property; and
 - (iii) no consideration has been, or is to be, paid in respect of the keeping of the cat at the individual property.

16A. Application to keep more than 4 cats

- (1) A person may apply to the Secretary, or the general manager of the council for the municipal area in which the cats are situated, for a permit to keep more than 4 cats (a *multiple cat permit*).
- (2) An application made under subsection (1) is to –
 - (a) include details of –
 - (i) all cats that the person intends to keep, referenced by the number encoded on the microchip implanted in each cat; and
 - (ii) the individual property at which the person intends to keep the cats to which the application relates; and
 - (b) be accompanied by the approved fee, if any.
- (3) If –
 - (a) there is a right to object under subsection (5); or
 - (b) the Secretary, or a general manager, to whom an application is made under subsection (1) so requires –

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an applicant must publish a notice, in a prescribed manner, stating –

- (c) the intention to apply for a multiple cat permit; and
- (d) the address and details of the individual property, and the number of cats, to which the application relates.

Penalty: Fine not exceeding 20 penalty units.

- (4) In considering an application that is –
 - (a) made under subsection (1) to the Secretary, the Secretary must consult with the general manager of the council for the municipal area in which the individual property to which the application relates is situated; and
 - (b) made under subsection (1) to a general manager, the general manager must consult with the Secretary.
- (5) A person may object to the granting of a multiple cat permit if the person resides on, or owns, land within 200 metres of the boundary of the individual property to which the application for the permit relates.

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- (6) An objection made under subsection (5) is to –
 - (a) be in writing; and
 - (b) set out the reasons for the objection; and
 - (c) be given to the Secretary or general manager to whom the application to which the objection relates was made, within 14 days after a notice is published under subsection (3) in relation to the application.

- (7) If a notice is required to be published under subsection (3), in relation to an application made to the Secretary or general manager, the Secretary or general manager, respectively, is –
 - (a) not to consider an application for a multiple cat permit until 14 days after the notice is published; and
 - (b) to take into account objections made under subsection (5), if any.

16B. Determination of application to keep more than 4 cats

- (1) The Secretary or general manager may –
 - (a) grant an application made under section 16A(1) to him or her,

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subject to any conditions he or she thinks fit, if satisfied that –

- (i) the applicant is a fit and proper person to hold a multiple cat permit; and
 - (ii) it is appropriate in all the circumstances; or
- (b) refuse an application made under section 16A(1) to him or her, if not so satisfied.
- (2) If the Secretary or general manager grants an application made under section 16A(1), he or she is to issue a permit in writing to the applicant.
- (3) A permit must not be issued in contravention of a by-law made in accordance with section 43.
- (4) A permit issued under subsection (2) may be in the form that the Secretary or general manager, respectively, determines, but is to, at least, specify –
- (a) the maximum number of cats that may be kept at the individual property to which the permit relates and the number encoded on the microchip with which each cat is implanted; and
 - (b) any conditions to which the permit is subject; and

- (c) the date on which the permit expires.
- (5) The Secretary or a general manager may, by notice to the holder of a multiple cat permit issued by the Secretary or general manager, respectively, vary the permit, including any condition of the permit, at any time if satisfied that there are reasonable grounds to do so.
- (6) If the Secretary or general manager refuses an application made under section 16A(1), he or she is to provide the applicant with notice of the refusal and written reasons for the refusal.

16C. Cancellation of multiple cat permit

- (1) The Secretary or a general manager may, by notice in writing served on the holder of a multiple cat permit issued by the Secretary or general manager, respectively, cancel the multiple cat permit from a day specified in the notice that is not less than one month after the notice is served on the holder of the permit.
- (2) The Secretary or a general manager may only cancel a multiple cat permit under subsection (1) if satisfied that –
 - (a) the provisions of this Act or any other relevant Act are not being complied with; or

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- (b) any condition of the permit is not being complied with; or
 - (c) the situation or condition of the premises on which the relevant cats are being kept is such that the cats are creating a nuisance; or
 - (d) it is in the public interest that the permit be cancelled.
- (3) Before cancelling a multiple cat permit, the Secretary or general manager is to –
 - (a) give to the holder of the permit one month's notice in writing to make submissions as to why the permit should not be cancelled; and
 - (b) consider the submissions made under subsection (4), if any, by the holder of the permit.
- (4) The holder of a multiple cat permit may, within one month after notice is served on that person by the Secretary or general manager under subsection (1), make to the Secretary or general manager, respectively, a submission in writing as to why the permit should not be cancelled.
- (5) A multiple cat permit is cancelled on and from the day specified in a notice given under subsection (1) in relation to the

permit as the day on which the permit is cancelled.

16D. Review of decision

A person who is aggrieved by a decision of the Secretary, or a general manager, under this Part may apply to the Magistrates Court (Administrative Appeals Division) for a review of that decision.

13. Section 16 repealed

Section 16 of the Principal Act is repealed.

14. Section 17 substituted

Section 17 of the Principal Act is repealed and the following sections are substituted:

17. Protection of property from cats

- (1) A person who owns or leases premises, or a person acting on behalf of such a person, may trap, seize or detain a cat found on the premises.
- (2) If a person sets a trap with the intention of trapping a cat in accordance with subsection (1), the person must check the trap, and remove any animals contained in the trap, at least once within every 24-hour period after first setting the trap.

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- (3) If a person sets a trap with the intention of trapping a cat in accordance with subsection (1), and the setting of that trap results in the detention of an animal other than a cat, the person must release the animal, subject to a prohibition on releasing the animal contained in any other Act, as soon as practicable, but in any case no later than 24 hours after first setting the trap.
- (4) A person who traps, seizes or detains a cat under subsection (1) may –
 - (a) if the owner of the cat is known to the person, arrange for the return of the cat to the owner; or
 - (b) whether or not the owner of the cat is known to the person, arrange for the cat to be taken to a cat management facility; or
 - (c) whether or not the owner of the cat is known to the person, arrange for the cat to be taken to a person, business or organisation nominated for that purpose by a cat management facility.
- (5) A person, within 24 hours after trapping, seizing or detaining a cat under subsection (1), must take an action under subsection (4)(a), (b) or (c) in relation to the cat.

Penalty: Fine not exceeding 100 penalty units.

17A. Destruction of cats on property

(1) In this section –

primary production land has the same meaning as in the *Land Tax Act 2000*;

production premises means premises used –

(a) in relation to –

(i) agriculture; or

(ii) horticulture; or

(iii) viticulture; or

(iv) aquaculture; or

(b) for the preparation or storage, for commercial purposes, of food for humans or animals; or

(c) as an abattoir –

or for any associated purposes.

(2) The following persons may humanely destroy any cat found on primary production land or at production premises, whether or not any part of the

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land or premises is used as a place of residence:

- (a) a person managing primary production on the land;
 - (b) a person who is the occupier of the premises;
 - (c) a person acting on behalf of a person specified in paragraph (a) or (b).
- (3) A person may humanely destroy a cat found on his or her private premises –
- (a) if the location at which the cat is found is more than one kilometre from any structure or building used as a place of residence; or
 - (b) in prescribed circumstances.

15. Section 18 amended (Cats in prohibited areas)

Section 18 of the Principal Act is amended by omitting subsection (5) and substituting the following subsections:

- (5) A person who traps, seizes or detains a cat under this section may –
- (a) if the owner of the cat is known to the person, arrange for the return of the cat to the owner; or

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- (b) whether or not the owner of the cat is known to the person, arrange for the cat to be taken to a cat management facility; or
 - (c) whether or not the owner of the cat is known to the person, arrange for the cat to be taken to a person, business or organisation nominated for that purpose by a cat management facility.
- (6) A person, within 24 hours after trapping, seizing or detaining a cat under this section, must –
- (a) take an action under subsection (5)(a), (b) or (c) in relation to the cat; or
 - (b) humanely destroy the cat.

Penalty: Fine not exceeding 100 penalty units.

16. Sections 19, 20 and 21 substituted

Sections 19, 20 and 21 of the Principal Act are repealed and the following sections are substituted:

19. Declaration of prohibited area

A council may declare an area of land within the authority of the council to be an area where cats are prohibited.

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20. Declaration of cat management area

- (1) A council may declare an area of land within the municipal area of the council to be an area within which measures may be taken in respect of cats.
- (2) Without limiting the generality of subsection (1), a measure in respect of a cat may include a cat management action as defined in section 18(1).

21. Proposal for council declaration

- (1) A council that proposes to make a declaration under section 19 or 20 in relation to an area of land is to publish a notice specifying –
 - (a) the area of land; and
 - (b) the proposed restrictions or activities relating to the use of the area of land; and
 - (c) the reasons for the proposed declaration; and
 - (d) that submissions as to the proposed declaration may be made to the council within 15 working days after the notice is published.
- (2) A notice under subsection (1) may be published in one or more of the following ways:

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- (a) in a newspaper circulating generally in the municipal area of the council;
 - (b) in a document delivered to persons whom the council considers likely to be affected by the declaration if made;
 - (c) on a website maintained by or on behalf of the council;
 - (d) in a prescribed manner.
- (3) A person may, within 15 working days after a notice is published under subsection (1), make a submission in writing to the council.
- (4) The council is to consider submissions made under subsection (3), if any, before making a declaration under section 19 or 20.

21A. Council declaration

- (1) A declaration made under section 19 or 20 takes effect on the day specified in it, being a day that is at least 10 days after the declaration is notified by –
- (a) a notice published in the *Gazette*; and
 - (b) a notice published –
 - (i) on a website maintained by or on behalf of the

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council publishing the notice; or

(ii) in a newspaper, circulating generally in the municipal area of the council.

(2) A notice published under subsection (1) is to –

(a) in the case of a declaration under section 19 –

(i) clearly specify the area that is to be a prohibited area for cats; and

(ii) state the period for which the declaration is in force; and

(b) in the case of a declaration under section 20 –

(i) clearly specify the area within which measures may be taken in respect of cats; and

(ii) specify the types of measures being undertaken in that area; and

(iii) specify the person or organisation that is

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undertaking those
measures; and

- (iv) state the period for which
the declaration remains in
force.
- (3) The council may propose to amend or
revoke a declaration made under made
under section 19 or 20 by notice
published in accordance with
subsection (1)(a) and (b).
- (4) A person may, within 15 working days
after a notice is published under
subsection (3), make a submission in
writing to the council.
- (5) The council is to consider submissions
made under subsection (3), if any, before
amending or revoking a declaration.

21B. Cat taken in cat management area

- (1) A person who traps, seizes or detains a
cat in accordance with a measure taken
pursuant to a declaration under
section 20 may –
- (a) if the owner of the cat is known
to the person, arrange for the
return of the cat to the owner; or
- (b) whether or not the owner of the
cat is known to the person,
arrange for the cat to be taken to a
cat management facility; or

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- (c) whether or not the owner of the cat is known to the person, arrange for the cat to be taken to a person, business or organisation nominated for that purpose by a cat management facility.
- (2) A person, within 24 hours after trapping, seizing or detaining a cat in accordance with a measure taken pursuant to a declaration under section 20, must –
- (a) take an action under subsection (1)(a), (b) or (c) in relation to the cat; or
 - (b) if specified in the declaration as a type of measure to be undertaken in the area to which the declaration relates, humanely destroy the cat.

Penalty: Fine not exceeding 100 penalty units.

17. Section 23 amended (Notification where owner identified)

Section 23 of the Principal Act is amended as follows:

- (a) by omitting “and” first occurring and substituting “or”;
- (b) by omitting from paragraph (d) “may be” and substituting “is”;

- (c) by omitting from paragraph (d) “the” second occurring;
- (d) by omitting subparagraph (iii) from paragraph (d) and substituting the following subparagraphs:
 - (iii) the detention and care of the cat;
and
 - (iv) the destruction of the cat.

18. Section 24 amended (Reclaiming cats)

Section 24 of the Principal Act is amended as follows:

- (a) by omitting from subsection (2) “is to” and substituting “must”;
- (b) by inserting the following penalty after subsection (2):

Penalty: Fine not exceeding 10 penalty units.

- (c) by omitting subsection (4) and substituting the following subsection:
 - (4) An owner must not reclaim a cat that is not –
 - (a) microchipped, unless the owner produces a certificate issued under section 12(2) in respect of the cat; and

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(b) desexed, unless –

- (i) the owner is a registered breeder;
or
- (ii) the owner produces a certificate issued under section 14(2)(a) in respect of the cat;
or
- (iii) the owner provides evidence that arrangements have been made with a veterinary surgeon for the desexing of the cat.

Penalty: Fine not exceeding 20
penalty units.

19. Section 25 amended (Unidentified, unclaimed and surrendered cats)

Section 25 of the Principal Act is amended as follows:

- (a) by omitting from subsection (1) “working”;

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- (b) by omitting from subsection (2)
“working”.

20. Section 28 amended (Humane destruction of cats)

The penalty under section 28(2) of the Principal Act is amended by omitting “20” and substituting “100”.

21. Section 29 amended (Restriction on breeding of cats)

Section 29 of the Principal Act is amended as follows:

- (a) by omitting subsection (1) and substituting the following subsection:

- (1) A person must not breed a cat unless he or she –

- (a) is a registered breeder; or
(b) holds a cat breeding permit in relation to the cat.

Penalty: Fine not exceeding 50 penalty units

- (b) by inserting the following subsection after subsection (2):

- (3) Subsection (1) does not apply if a person applies for a cat breeding

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permit as soon as practicable after becoming aware that –

- (a) a cat kept by the person has been bred; and
- (b) the breeding of the cat has resulted in the impregnation of a cat.

22. Sections 30, 31 and 32 substituted

Sections 30, 31 and 32 of the Principal Act are repealed and the following sections are substituted:

30. Registration of cat breeders

- (1) A person who is a member of a cat organisation specified in a notice published by the Secretary in the *Gazette* is taken to be a registered breeder for the purposes of this Act.
- (2) A person who is not a registered breeder must not hold himself or herself out to be a registered breeder.

Penalty: Fine not exceeding 20 penalty units.

31. Permit to breed a cat

- (1) A person may apply to the Secretary, or to the general manager of the council for the municipal area in which the cat is

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situated, for a permit to breed a cat (a *cat breeding permit*).

- (2) An application for a cat breeding permit is to be accompanied by the prescribed fee, if any.
- (3) The Secretary or general manager may –
 - (a) grant an application made to the Secretary or general manager, respectively, under subsection (1), subject to any conditions he or she thinks fit; or
 - (b) refuse an application made to the Secretary or general manager, respectively, under subsection (1).
- (4) Without limiting the generality of subsection (3), conditions on a permit may include conditions relating to the sale or management of any kitten that might result from the breeding of the cat.
- (5) If the Secretary or general manager grants an application made under subsection (1), he or she is to issue a permit in writing to the applicant.
- (6) A permit issued under subsection (5) may be in the form that the Secretary or general manager, respectively, determines, but is to, at least, specify –

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- (a) the name and usual residential address of the owner of the cat to which the permit relates; and
 - (b) the cat to which the permit relates, by reference to the number encoded on the microchip implanted in the cat; and
 - (c) the individual property at which the cat is to be kept; and
 - (d) any conditions to which the permit is subject; and
 - (e) the expiry date of the permit.
- (7) The Secretary or general manager may, by notice to the holder of a cat breeding permit issued by the Secretary or general manager, respectively, vary the permit, including any condition of the permit, at any time if satisfied that there are reasonable grounds to do so.
- (8) If the Secretary or general manager refuses an application made under subsection (1), he or she is to provide the applicant with notice of the refusal and written reasons for the refusal.

32. Cancellation of cat breeding permit

- (1) The Secretary or a general manager may, by notice in writing served on the holder of a cat breeding permit issued by the Secretary or general manager,

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- respectively, cancel the cat breeding permit from a day specified in the notice that is not less than one month after the notice is served on the holder of the permit.
- (2) The Secretary or a general manager may only cancel a cat breeding permit under subsection (1) if satisfied that –
- (a) the provisions of this Act or any other relevant Act are not being complied with; or
 - (b) any condition of the permit is not being complied with.
- (3) Before cancelling a cat breeding permit, the Secretary or general manager is to –
- (a) give to the holder of the permit one month's notice in writing to make submissions as to why the permit should not be cancelled; and
 - (b) consider the submissions made under subsection (4), if any, by the holder of the permit.
- (4) The holder of a cat breeding permit may, within one month after notice is served on the person by the Secretary or general manager under subsection (1), make to the Secretary, or general manager, respectively, a submission in writing as

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to why the permit should not be cancelled.

- (5) A cat breeding permit is cancelled on and from the day specified, in a notice served under subsection (1) in relation to the permit, as the day on which the permit is cancelled.

23. Section 33 amended (Review of decisions)

Section 33 of the Principal Act is amended by inserting “or a general manager” after “Secretary”.

24. Sections 36 and 37 substituted

Sections 36 and 37 of the Principal Act are repealed and the following sections are substituted:

36. Surrender, &c., of cat to cat management facility

- (1) A person in possession of a cat may offer the cat for surrender to –
- (a) a cat management facility; or
 - (b) a person, business or organisation nominated for that purpose by a cat management facility.
- (2) If a cat is offered for surrender under subsection (1), the cat management facility or the person, business or

organisation nominated by the cat management facility may –

- (a) accept the surrender of the cat; or
 - (b) refuse to accept the surrender of the cat.
- (3) If the surrender of the cat is accepted in accordance with subsection (2)(a), the person who surrenders the cat must pay any surrender fee charged by, or on behalf of, the cat management facility.

37. Cats not to be abandoned

- (1) In this section –

abandon, in relation to a cat, includes to relinquish the care or charge of the cat without ensuring that another person has, or will immediately take, care or charge of the cat.

- (2) Except in accordance with this Act, a person must not abandon a cat.

Penalty: Fine not exceeding 20 penalty units.

25. Sections 38A and 38B inserted

After section 38 of the Principal Act, the following sections are inserted in Part 8:

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38A. Requirement notice

- (1) If an authorised person believes, on reasonable grounds, that a person is failing, or has failed, to comply with a provision of this Act, the authorised person may serve a requirement notice on the person.
- (2) A requirement notice served on a person is to –
 - (a) be in an approved form; and
 - (b) specify reasonable measures that the person is to take to rectify the failure; and
 - (c) specify the period in which those measures are to be taken; and
 - (d) state that there is, under section 38B, a right of appeal against the requirement notice.
- (3) An authorised person, by notice served on the person on whom a requirement notice is served, may –
 - (a) revoke the requirement notice; or
 - (b) amend the requirement notice.
- (4) A person on whom a requirement notice is served must comply with the notice.

Penalty: Fine not exceeding 100 penalty units.

38B. Appeal against requirement notice

- (1) A person may appeal to a magistrate against a requirement notice issued under section 38A.
- (2) An appeal is to be –
 - (a) made within 7 days after the issue of the requirement notice; and
 - (b) in an approved form; and
 - (c) accompanied by the prescribed fee, if any.
- (3) On hearing an appeal, a magistrate may make one or more of the following orders:
 - (a) that the requirement notice be complied with;
 - (b) that the requirement notice be amended under section 38A(3)(b), as specified in the order;
 - (c) that the requirement notice be revoked under section 38A(3)(a).

26. Section 41 substituted

Section 41 of the Principal Act is repealed and the following section is substituted:

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41. Delegation

- (1) The Secretary may delegate any of his or her functions or powers under this Act, other than this power of delegation.
- (2) A general manager may delegate any of his or her functions or powers under this Act, other than this power of delegation.

27. Section 45 amended (Regulations)

Section 45(2) of the Principal Act is amended as follows:

- (a) by inserting in paragraph (f) “or desexing” after “breeding”;
- (b) by inserting the following paragraphs after paragraph (i):
 - (ia) any obligations in respect of holders of multiple cat permits or cat breeding permits;
 - (ib) any requirements or practices in respect of the declaration of prohibited areas or cat management areas;

28. Repeal of Act

This Act is repealed on the first anniversary of the day on which the last uncommenced provision of this Act commenced.