

TASMANIA

**CAT MANAGEMENT AMENDMENT (MANDATORY
CONFINEMENT) BILL 2021**

CONTENTS

1. Short title
2. Commencement
3. Principal Act
4. Section 17 substituted
 17. Protection of property from cats
 - 17A. Seizure and detention of cats at large
5. Repeal of Act

CAT MANAGEMENT AMENDMENT (MANDATORY CONFINEMENT) BILL 2021

(Brought in by Rosalie Ellen Woodruff MP)

A BILL FOR

An Act to amend the *Cat Management Act 2009* to require mandatory confinement of cats

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 (Mandatory Confinement) Act 2021*.

2. Commencement

This Act commences on the day on which this Act receives the Royal Assent.

3. Principal Act

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

4. Section 17 substituted

Section 17 of the Principal Act is repealed and the following sections are substituted:

*No. 89 of 2009

17. Protection of property from cats

(1) In this section –

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

(2) The following persons may trap, seize, detain, or humanely destroy any cat found on primary production land:

- (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 trap, seize, detain, or humanely destroy a cat found on their 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.

(4) If a person sets a trap with the intention of trapping a cat in accordance with this section, 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.

(5) If a person sets a trap with the intention of trapping a cat in accordance with this section, 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.

(6) 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

(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; or

(d) whether or not the owner of the cat is known to the person, humanely destroy the cat.

(7) A person, within 24 hours after trapping, seizing or detaining a cat under this section, must take an action under subsection (6)(a), (b), (c) or (d) in relation to the cat.

Penalty: Fine not exceeding 100 penalty units.

17A. Seizure and detention of cats at large

(1) The owner or person in charge of a cat must ensure that the cat is not at large.

Penalty: Fine not exceeding 10 penalty units.

Cat Management Amendment (Mandatory Confinement) Act 2021
Act No. of 2021

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- (2) An authorised person may seize and detain any cat at large.
- (3) If a cat is seized and its owner is identifiable, the general manager is to notify in writing the owner of the cat that –
- (a) the cat has been seized and detained; and
 - (b) the owner may reclaim the cat.
- (4) If, after 5 working days after the notice has been given to the owner, the owner does not reclaim the cat, the general manager may sell, destroy or otherwise dispose of the cat.
- (5) If a cat is seized and its owner is not identifiable, the general manager, not less than 3 working days after its seizure, may sell, destroy or otherwise dispose of the cat.
- (6) The general manager is to take reasonable steps and make reasonable inquiries to identify the owner of a cat.
- (7) The general manager may cause a cat that is seized under this section to be implanted in an approved manner with an approved microchip.
- (8) The owner of the cat is liable for the costs associated with the implanting.
- (9) For the purpose of this section, a cat is at large if it is –
- (a) in a public place and not restrained; or
 - (b) on private premises without the consent of the occupier of the premises.

5. Repeal of Act

This Act is repealed on the three hundred and sixty fifth day from the day on which all of the provisions of this Act commence.