

TASMANIA

CAT CONTROL BILL 2003

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CAT CONTROL BILL 2003

(Brought in by Nicholas James McKim)

A BILL FOR

An Act to provide for the identification, de-sexing and registration of domestic cats and for the duties and responsibilities of their owners; to regulate the sale and supply of domestic cats; to establish the Cat Advisory Board and Cat Fund; and for other purposes.

Be it enacted by His 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:

PART I - PRELIMINARY

Short title

1. This Act may be cited as the *Cat Control Act 2003*.

Commencement

2.
 - (1) This section and section 1 shall commence on the day on which this Act receives the Royal Assent.
 - (2) Except as provided in subsection (1), this Act shall commence on such day as may be fixed by proclamation.

Policy regarding animal welfare and cat control

3.
 - (1) It is declared that the protection of native birds and animals is a prime objective of animal welfare policy in the State;
 - (2) It is also recognised that domestic animal welfare is an objective of the animal welfare policy in the State, and that in this context encouraging greater human responsibility for care of domestic cats is the main aim of this Act;
 - (3) Priorities of domestic cat control legislation is to:
 - (a) Curtail recruitment to the feral population through large-scale desexing;
 - (b) Foster responsible cat ownership and a proactive and Statewide community attitude;
 - (c) Provide for statewide infrastructure for the implementation of this Act.

Interpretation

4. (1) In this Act, unless the contrary intention appears -

"**Authorised person**" means -

- (a) a police officer;
- (b) a registered veterinarian
- (c) a Parks and Wildlife officer
- (d) a cat control officer;
- (e) a cat registrar; or
- (f) an employee of a local authority authorised by the local authority for the purposes of this Act;

"**Cat**" means an animal of the species *Felis catus*, whether or not domesticated;

"**Cat Control Officer**" means a cat control officer appointed under Part 2;

"**Certificate of registration**" means a certificate of registration issued under section 20 of this Act;

"**Compulsory identification**" means the identification of a cat for the purposes of section 16 of this Act;

"**Corporation**" means a council;

"**De-sexed**" means rendered permanently incapable of reproduction;

"**Exercise a function**" includes perform a duty;

"**Function**" includes a power, authority and duty;

"**Fund**" means the Cats Fund established by Part 7 of this Act;

"**Identification information**" means the information prescribed by the regulations as the required identification information for a cat;

"**Local authority**" is defined in section 5;

"**Municipal office**" means a public office within the meaning of the Local Government Act 1993.

"**Municipality**" means a municipal area;

"**Owner**" is defined in section 6;

"**Pound**" in relation to a corporation means the municipal pound established in respect of that corporation under the Local Government Act 1993 or a prescribed private pound that may be used by the corporation under an

arrangement entered into by the corporation with the person operating the prescribed private pound;

“Prescribed” means prescribed by this Act or the regulations;

“Prescribed private pound” means a pound operated –

- (a) by the Royal Society for the Prevention of Cruelty to Animals;
- (b) the Tasmanian Animal Protection Society Inc.; or
- (c) by a prescribed person;

“Property” means land or premises;

“Public place” means:

- (a) any pathway, road, bridge, jetty, wharf, road-ferry, reserve, park, beach or garden, and
- (b) any other place, that the public are entitled to use;

“Register” means the Register of Cats provided for by this Act;

“Registered Breeder” means a person or body engaged in rearing of cats to improve their quality or merit in order to:

- (a) exhibit in competition, and
- (b) provide income as a commercial enterprise

“Registered cat” means a cat which is registered under this Act;

“Registered owner” means the person shown in the registration information entered on the Register as the registered owner of the animal (and in the case of joint registered owners means each of those joint registered owners);

“Registration information” means the information prescribed by the regulations as the registration information for a cat;

“Registration Microchip” means a microchip inserted by a veterinarian under section 23;

“Registrar” means a Registrar of Cats appointed, or acting as such, under Section 10;

“Regulations” means the regulations made and in force under this Act;

“Sell” includes transfer ownership of the property in an animal by any means, including by gift;

“The Board” means the Cat Advisory Board established under this Act.

“Unregistered cat” means a cat which is not registered under this Act.

“Veterinary Surgeon” means a person registered as a veterinary surgeon under the *Veterinary Surgeons Act 1987*.

“Wildlife protection areas” means public area as defined in section 29.

Meaning of “local authority”

5. (1) The *local authority* for a place is the council in the area of which the place is located.
- (2) The regulations may provide that the functions of the local authority for a place are to be exercised for the purposes of this Act or specified provisions of this Act by a specified person or the holder of a specified office (instead of by the council provided for by subsection (1)). That person or the holder of that office is then the local authority for that place for the purposes of this Act or the relevant provisions of this Act.

Meaning of “owner”

6. (1) Each of the following persons is the owner of a cat for the purposes of this Act:
- (a) the owner of the animal (in the sense of being the owner of the animal as personal property),
 - (b) the person by whom the animal is ordinarily kept (whether or not the animal is registered),
 - (c) the registered owner of the animal.
- (2) A reference in this Act to the owner of a cat is a reference to each and all owners of the animal.
- (3) For the purposes of any criminal or civil proceedings under this Act, a person who would otherwise be an owner of an animal as a result of being the occupier of property where the animal is for the time being ordinarily kept is taken not to be an owner of the animal if the person satisfies the court that the animal was at the relevant time ordinarily kept by some other person of or above the age of 18 years.
- (4) When a cat is ordinarily kept by an employee on behalf of his or her employer, the animal is for the purposes of this Act taken to be ordinarily kept by the employer and not the employee. This subsection does not prevent an employee being the registered owner of an animal and does not prevent the employee being an owner if the employee is the registered owner.

(5) In any prosecution of the owner of a cat for an offence against this Act it is a defence if the defendant establishes that:

(a) another owner of the animal has been convicted of an offence arising out of the same circumstances, or the commission by another owner of the animal of an offence arising out of the same circumstances has been proved; or

(b) another owner of the animal has paid the amount of the penalty prescribed under section 50 for an alleged offence arising out of the same circumstances.

Act binds Crown

7. This Act binds the Crown not only in right of this State but also, so far as the legislative power of Parliament permits, binds the Crown in all its other capacities.

PART 2 -ADMINISTRATION

Enforcement of Act

8. Each corporation shall, within its municipality, administer and enforce the provisions of this Act and be responsible for the control of cats.

Cat Control Officers

9. (1) Each corporation shall appoint one or more persons to be cat control officers in respect of its municipality.

(2) It shall be the duty of every cat control officer -

(a) to seize, impound, and if necessary cause to be destroyed, subject to the provisions of this Act, any cat found at large within the municipality;

(b) if he or she considers it to be necessary, to cause to be destroyed any cat which is behaving in such a manner and in such circumstances that it is likely to cause death or serious bodily injury to any person;

(c) if he or she considers it to be necessary, to cause to be destroyed any cat which is found abandoned or distressed or disabled to such an extent that its existence involves continued suffering; and

(d) generally to enforce, subject to the direction of the corporation, the provisions of this Act.

(3) Notwithstanding the provisions of subsection (1), any 2 or more corporations may enter into an arrangement under which each of those corporations appoints the same person to be a cat control officer in respect of 2 or more municipalities and shares the services of that cat control officer.

(4) A cat control officer appointed by a corporation may also be engaged in the performance of other duties for the corporation.

Registrar of Cats

10. (1) A corporation may appoint a person to be the Registrar of cats in respect of its municipality.

(2) If a corporation does not appoint a Registrar, its general manager is to be the Registrar until another person is appointed as Registrar.

(3) A Registrar may by an authority in writing authorise any other employee of the corporation to perform such of the functions, and exercise such of the powers, conferred on a Registrar under this Act as may be specified in the authority, and anything done in pursuance of such an authority has the like effect as if it were done by a Registrar.

Area limitations on powers of authorised persons

11. (1) A police officer may exercise the powers of an authorised person under this Act in any part of the State.
- (2) A cat control officer or a Registrar may exercise the powers of an authorised person under this Act -
- (a) within the municipality in respect of which he or she has been appointed; or
- (b) outside the municipality in respect of which he or she has been appointed for the purpose of seizing or destroying a cat under this Act that has been pursued from a place within that municipality.

Immunity of authorised persons from personal liability

12. No personal liability shall attach to an authorised person for any act or omission by him or her in good faith and in the exercise, or purported exercise, of the powers of an authorised person or in the discharge, or purported discharge, of the duties of an authorised person, under this Act.

Certificates of identification

13. (1) A corporation shall provide its cat control officers and its Registrar with a certificate of identification which shall contain the prescribed particulars.
- (2) A cat control officer or a Registrar shall produce his or her certificate of identification at the request of any person in relation to whom he or she is exercising a power under this Act.

Corporation resolutions in respect of certain fees under this Act

14. (1) Subject to subsection (2), a corporation may, by resolution, fix fees for the purposes of Parts 3, 4 and 5 of this Act.
- (2) The Minister can issue guidelines to corporations from time to time with respect to the fixing of fees and charges under this section and corporations are to comply with those guidelines.

Use of private pounds

15. A corporation may enter into an arrangement with a person operating a prescribed private pound under which the corporation makes use of that pound for the purposes of this Act.

PART 3 - COMPULSORY IDENTIFICATION AND REGISTRATION OF CATS

Identification required from 12 weeks of age and before sale

16. (1) A cat must be identified as required by the regulations from the time the animal is 12 weeks old.
- (2) A cat must not be sold unless it has been identified as required by the regulations (even if it is less than 12 weeks old when it is sold).
- (3) The owner of an animal is guilty of an offence if it is not identified in accordance with subsection (1).
- (4) For the purposes of identification as required in subsections (1), (2), and (3) the regulations must specify non – invasive methods for the age period of the animal between 12 weeks and 6 months of age.

Maximum penalty:

- (a) 5 penalty units.
- (5) A person who sells an animal in contravention of subsection (2) is guilty of an offence.

Maximum penalty:

- (a) 5 penalty units.
- (6) The regulations may change the age from which a cat is required to be identified under subsection (1) from 12 weeks to any other age (either generally for all cats or for a particular kind or class of cat).

Registration required from 6 months of age

17. (1) A cat must be registered under this Act from the time the animal is 6 months old. The owner of the animal is guilty of an offence if it is not registered.

Maximum penalty:

- (a) 10 penalty units.

Application for registration

18. (1) An application for registration of a cat shall be made by the owner of the cat, or agent of the owner, to the Registrar of the corporation of the municipality in which the cat is, or is to be, kept.
- (2) An application for registration of the cat shall -
- (a) be in the prescribed form and contain the prescribed particulars; and

- (b) be accompanied by the appropriate registration fee.
- (3) Upon application under this section and payment of the appropriate registration fee, the Registrar shall register the cat in the name of the person nominated in the application form.
- (4) Before a cat can be registered by the Registrar, evidence must be provided that Section 24 herein has been satisfied.

Registration

- 19. A cat is registered when the prescribed requirements have been met and the registration information for the animal is entered on the Register.

Certificate of registration

- 20. (1) The Registrar is to provide the registered owner of a cat with a certificate of registration for the animal, showing the registration information for the animal.
- (2) The certificate of registration is to be provided at the time of registration and is to be provided free of charge.
- (3) The certificate of registration is evidence that the animal has fulfilled prescribed requirements, is registered and that the registration information shown on the certificate is that entered on the Register. Information entered on the Register is presumed (in the absence of evidence to the contrary) to be correct.
- (4) The Director can issue a replacement certificate of registration when a certificate of registration is lost, stolen, damaged or destroyed, and can charge a fee for the issue of the replacement certificate.

Access to the Register

- 21. (1) An authorised person is entitled to access information contained in the Register, on a 24 hour basis. The Director is required to provide that access free of charge.
- (2) The regulations may provide for the ways in which access can or must be given, including telephone, computer and manual access.
- (3) The regulations may require the Director to keep specified records with respect to the access given to the Register under this section and may provide for the persons who are entitled to access to those records.
- (4) The regulations may make provision for privacy with respect to the information on the Register and the Director is required to comply with those provisions. The right of access provided for by this section is subject to any such provisions except the right of the Minister.

(5) The regulations may prohibit or restrict the disclosure of information obtained by a person who is given access to information contained in the Register.

(6) The Minister and any person acting with the Minister's authority is entitled to full and free access to information contained in the Register at all times.

(7) The following persons are *authorised persons* for the purposes of this section:

(a) authorised officers,

(b) the holder of any office prescribed by the regulations for the purposes of this section,

(c) a person who is a member of a class of persons prescribed by the regulations as authorised persons for the purposes of this section.

Owner required to notify certain changes and events

22. (1) The owner of a registered cat must notify the Registrar when any of the following happens:

(a) any change occurs in the registration information or identification information for the animal (notification must be given within 14 days after the change occurs),

(b) the animal dies (notification must be given within 28 days after the animal dies),

(c) the animal has been missing for more than 72 hours (notification must be given within 96 hours after the animal went missing) and the regulations are to provide that in this instance notification can be done by telephone,

(d) any other event prescribed as a notifiable event by the regulations.

Maximum penalty: 5 penalty units.

(2) The regulations may provide for the manner in which a notification under this section is to be given to the Registrar. Notification is not considered to have been given unless it is given in compliance with any such applicable provisions of the regulations.

(3) When the Registrar is notified of a change in registration information, the Registrar is to provide the registered owner of the animal with a certificate of registration free of charge showing the registration information as changed. If the change is a change of ownership, the certificate of registration is to be provided to the new owner.

(4) A person who in any notification given for the purposes of this section makes a statement or gives information that the person knows is false or misleading in a material particular is guilty of an offence.

Maximum penalty: 5 penalty units.

PART 4- RESPONSIBILITY OF OWNERS

Definition

23. To “mark” a cat means that the cat must have a microchip inserted by a veterinary surgeon.

All Cats to be De-sexed and marked

24. (1) A cat must be de-sexed before it is registered.

(2) A cat must be marked before it is registered.

Maximum penalty: 10 penalty units

(3) Registered breeders of cats may apply for an exemption to this Section in the form prescribed.

All Cats to wear a Registration Tag

25. (1) A cat must wear a registration tag that has upon it the following information to enable a corporation access:

(a) the address or telephone number of the owner of the cat,

(b) (once the cat is registered) the information contained on the current registration tag for the cat.

(2) The owner of the cat is guilty of an offence if this section is not complied with.

Maximum penalty: 10 penalty units.

(3) This section does not apply to a cat being exhibited for show purposes or proceeding immediately to or from a place at which it will be, or has been, exhibited for show purposes.

Unregistered Cat must not be marked or have a registration tag

26. If an unregistered cat is found with a mark or registration tag by an authorised officer the owner is guilty of an offence and liable upon conviction to a penalty of not more than 2 penalty units.

Offence to remove or interfere with identification of Cats

27. (1) A person must not remove, alter or otherwise interfere with any marking on or implant in a cat by means of which information about the compulsory identification of the animal is ascertained.

Maximum penalty: 10 penalty units.

- (2) This section does not apply to anything done in connection with the proper veterinary treatment of an animal by or under the immediate supervision of a veterinary surgeon.

Offence to remove or interfere with Registration Tag

28. A person must not alter the information on, damage, deface or otherwise improperly interfere with an animal's registration tag.

Maximum penalty: 10 penalty units.

Cats prohibited in some public places

29. (1) Cats are prohibited in the following places:

(a) Any **Food preparation/consumption areas** meaning any public place, or part of a public place, that is within 10 metres of any apparatus provided in that public place or part for the preparation of food for human consumption or for the consumption of food by humans.

(b) *Wildlife protection areas* (meaning any public place or any part of a public place set apart by the local authority for the protection of wildlife and in which the local authority ordered that cats are prohibited for the purposes of the protection of wildlife and in which, or near the boundaries of which, there are conspicuously exhibited by the local authority at reasonable intervals notices to the effect that cats are prohibited in or on that public place).

- (2) If a cat is found in a place in which cats are prohibited under this section, the owner of the cat is guilty of an offence.

Maximum penalty: 10 penalty units.

(3) Any person (including an authorised officer) who finds a cat that is in a place in which cats are prohibited under this section may seize the cat for the cat's own protection.

(4) If the owner of the cat is present, an authorised officer (but no other person) may seize the cat (whether or not for the cat's own protection), but only if the owner fails to remove the cat from the place when the officer directs the owner to do so.

(5) A cat is not prohibited under this section in a place that is a food preparation/consumption area if the place is a public thoroughfare (such as a road, footpath or pathway).

(6). A local authority is authorised to make the orders contemplated by this section.

(7). For the purposes of this section Parks and Wildlife officers are authorised to seize feral cats and then proceed in accordance with Sections (32) and (33)

Nuisance cats

30. (1) For the purposes of this section, a cat is a nuisance if the cat:
- (a) makes a noise that persistently occurs or continues to such a degree or extent that it unreasonably interferes with the peace, comfort or convenience of any person in any other premises, or
 - (b) repeatedly damages anything outside the property on which it is ordinarily kept.
- (2) If an authorised officer of a corporation is satisfied that a cat is a nuisance, the officer can issue an order to the owner of the cat requiring the owner to prevent the behaviour that is alleged to constitute the nuisance. The order is to be in a form approved from time to time by the Registrar.
- (3) The order must specify the behaviour of the cat that is required to be prevented. The order can specify more than one kind of behaviour.
- (4) An order remains in force for 6 months after it is issued.
- (5) The owner of a cat must comply with an order issued to the owner under this section and must continue to comply with it while it is in force.

Maximum penalty: 2 penalty units for a first offence or 5 penalty units for a second or subsequent offence.

Cats not to be abandoned

31. The owner of a cat must not abandon that animal.

Maximum penalty: 10 penalty units.

PART 5 - PROCEDURES FOR DEALING WITH SEIZED CATS

Division 1 - General

Seized cats to be returned to owner or taken to corporation pound

32. (1) An authorised person may seize and detain any cat at large.
- (2) Where a cat is seized under this Section and is not forthwith returned to its owner, it shall be detained in the corporation's pound or any other suitable premises, and while there it shall be kept safely with sufficient food, shelter, and water, until it is released to its owner, or the cat is otherwise disposed of pursuant to this Section.
- (3) Subject to subsection (5), where a registered cat is seized under this section the Registrar shall notify the owner of the cat by a notice in the prescribed form that the cat has been seized and detained.
- (4) If, within 5 working days after the giving of the notice to the owner under subsection (3), the cat has not been released to its owner, the cat may be disposed of either by destruction, sale, or other means.
- (5) Where an unregistered cat or a cat without the proper registration tag required under section 25(1) is seized under this section it becomes the property of the corporation, and the Registrar may, not less than 2 working days after its seizure, authorise the destruction of the cat or sell it to any person at the corporation's own price.
- (6) The owner of a cat seized under this section shall not be entitled to the return of the cat unless -
- (a) he or she pays -
- (i) any cat release fees which may be prescribed in relation to the seizure and detaining of the cat;
 - (ii) the reasonable cost of maintaining the cat during the period of detention; and
 - (iii) any other fees or charges relating to the cat which ought to have been paid, but had not been paid, under this Act; and
- (b) in the case of an unregistered cat, he or she registers the cat by paying the appropriate registration fee;
- (c) in the case of a cat that has not been de-sexed that should be de-sexed pursuant to this Act, the owner is to pay an appropriate fee, to be determined by the place conducting the procedure, for the cat to be de-sexed prior to its release;

(d) in the case of a cat that has no mark pursuant to Part 4, the owner is to pay an appropriate fee, to be determined by the place conducting the procedure, for the cat to be so marked prior to its release.

(7) A cat seized under this section shall, subject to this section, be delivered up to a person who produces satisfactory evidence that he or she is entitled to the possession of the cat.

Division 2 – Destruction of Cats

Unclaimed animals can be sold or destroyed

33. (1) A corporation can sell or destroy a seized animal if it has not been claimed within 21 days after the required notice of seizure is given or, when such a notice is not required to be given, within 14 days after the animal is delivered to the pound.

(2) An animal is claimed when section 32 is satisfied.

Owner not entitled to compensation for sale of animal

34. Where a cat has been sold pursuant to this Part, a person who claims to be the owner of an animal sold by a corporation under this Part is not entitled to any compensation for the sale.

Recovery of fees and charges when animal destroyed

35. (1) If a seized animal is destroyed by the corporation under this Part, the corporation is entitled to recover the following amounts from a person who was the owner of the animal at the time it was seized:

(a) the release fees and maintenance charges determined by the corporation under this Part,

(b) if the corporation so resolves, the whole or part of any expenses reasonably incurred by the corporation in destroying the animal.

Interference with, or removal of, cats from pounds

36. A person who -

(a) rescues or removes, or interferes with, or attempts to rescue or remove or interfere with, any cat seized under section 32; or

(b) destroys or damages, or attempts to destroy or damage, any structure, enclosure, or pound, or part of any structure, enclosure, or pound, in which cats seized under section 32 or section 33 are detained -

is guilty of an offence and is liable on summary conviction to a penalty not exceeding 4 penalty units.

Protection of corporation and corporation officers

37. (1) A person who destroys an animal under a power conferred by this Act is not liable in damages for any loss that the owner of the animal or any other person has sustained as a result of that action and nor is a corporation that authorised the person, unless it is established that the person or corporation did not act in good faith.
- (2) When an animal is sold under a power conferred by this Act:
- (a) the buyer obtains the ownership of the animal freed and discharged from any right, interest, trust or obligation to which it was subject immediately before sale, and
- (b) the person who was the owner of the animal immediately before its sale ceases to have any claim in respect of the animal or any right of action in respect of the sale except as specifically provided by this Act.
- (3) A person is not prevented from recovering damages from a corporation in respect of the sale of an animal if the person establishes that the corporation, or the person who effected the sale, did not act in good faith or acted without reasonable care.

Division 3 - Unlawful Seizure and Destruction of Cats

38. (1) It is an offence to unlawfully seize or destroy cats. A person who:-
- (a) seizes, sells, injures or destroys a cat; and
- (b) is not authorised to do so by the owner or under this Act or any other Act

Is guilty of an offence and is liable on summary conviction to a penalty not exceeding 40 penalty points.

- (2) A person who is guilty of an offence under sub-section (1) for the destruction of an animal is liable to pay the owner the full value of the animal.
- (3) It is unlawful for a person who is not a registered veterinarian to destroy a cat unless the person is an authorised officer under the provisions of this Act, and has reasonable belief that the animal is injured or incapacitated through illness and is beyond medical help

PART 6 - CATS ADVISORY BOARD

Constitution of the Board

39. There is constituted by this Act a Cats Advisory Board.

Membership of the Board

40. (1) The Board is to consist of no fewer than 5 and no more than 12 members, as follows:

- (a) a representative from local government,
 - (b) a person appointed by the Minister of the Minister's own choosing, being persons who have such qualifications or experience in the keeping or management of cats as the Minister considers necessary to enable them to contribute to the work of the Board;
 - (c) the RSPCA;
 - (d) the Tasmanian Animal Protection Society Inc.;
 - (e) 2 veterinary surgeons, one of which is to be an actively practicing veterinarian who is a member of the Australian Veterinarian Association.;
- (2)** In making appointments to the Board, the Minister is to have regard to the need to appoint persons who have knowledge or expertise in the breeding of cats, veterinary medicine, cat welfare, community, environment and consumer interests.
- (3)** The Minister must call for the nomination of persons for appointment to the Board.
- (4)** If, for the purposes of subsection (3), a sufficient number of nominations of persons for appointment as members is not duly made within the time and in the manner specified by the Minister in a notice published in the Gazette calling for nominations, the Minister may appoint, in addition to any persons nominated, as many persons (being persons referred to in subsection (1) (d)) as are necessary to cure the deficiency.
- (5)** Schedule 1 has effect with respect to the members of the Board.

Procedure of the Board

41. Schedule 2 has effect with respect to the procedure of the Board.

Functions of the Board

42. (1) The Board is to provide advice and recommendations to the Minister on the following matters:

- (a) the implementation and administration of this Act and the regulations,

- (b) the effective management of cats,
- (c) the establishment, keeping and administration of the Register,
- (d) the development of Statewide best practice guidelines and the provision of advice and support to corporations in respect of the management of cats,
- (e) the facilitation and provision of Statewide resources for community education in relation to cat care, responsible ownership and management,
- (f) the giving of assistance in the development of Statewide training programs for persons engaged in the care and management of cats,
- (g) the facilitation and provision of resources for research into cat care and management,
- (h) the facilitation between local councils, and Parks and Wildlife
- (i) ensuring microchipping will be regulated for a uniform system compatible with national registers is established, and is responsible for ensuring sufficient scanners are available throughout the State
- (j) any matter referred to the Board by the Minister.
- (k) The Board is to be funded by the Department of the Minister who has carriage of this Act.

Committees of the Board

- 43.** (1) The Board may establish committees to assist it in connection with the exercise of any of its functions.
- (2) It does not matter that any or all of the members of a committee are not members of the Board.
- (3) The procedure for the calling of meetings of a committee and for the conduct of business at those meetings is to be as determined by the Board or (subject to any determination of the Board) by the committee.

Personal liability

- 44.** A matter or thing done or omitted to be done by the Board, a member of the Board or any person acting under the direction of the Board does not, if the matter or thing was done or omitted in good faith for the purpose of executing this or any other Act, subject a member or a person so acting personally to any action, liability, claim or demand.

PART 7 - CAT FUND

Establishment of the Fund

- 45. (1)** There is established a Fund to be called the Cat Fund, to be kept at Treasury, into which is to be paid:
- (a) registration fees and all other fees or fines paid under or pursuant to this Act, and
 - (b) such money as may be appropriated by Parliament for payment into the Fund, and
 - (c) the proceeds of the investment of money in the Fund, and
 - (d) all money required to be paid into the Fund by or under this or any other Act.
- (2)** The Treasurer has the control and management of the Fund.

Payments from the Fund

- 46. (1)** There is payable from the Fund:
- (a) all payments directed by the regulations to be made to corporations or other persons out of amounts collected as registration fees and all fees relating to seizure of cats under this Act, and
 - (b) all money directed to be paid from the Fund by or under this or any other Act, and
 - (c) such other amounts as may be prescribed by the regulations for or in connection with any of the matters with respect to which the Board provides advice and recommendations to the Minister.
- (2)** All expenses of the Board are not to be paid from the Fund.
- (3)** The Treasurer is to seek the advice of the Board regarding priorities for the allocation of money from the Fund.
- (4)** In particular, the Treasurer is to seek the advice of the Board regarding priorities for the allocation of money from the Fund with regard to the following:
- (a) ongoing community education programs in relation to the benefits and impacts of owning cats,
 - (b) provision of programs , such as State -local government joint Spay days held on a regular basis around the state, to enable responsible ownership by all members of the community who own cats.

- (c) Resourcing Local Councils in order for them to fulfil their responsibilities and financial obligations as established under this Act
- (d) The establishment and ongoing resourcing of Satellite Regional Cat Centres around the State
- (5) The regulations may provide (for the purposes of subsection (1) (a)) for the payment of amounts to corporations and other persons out of amounts collected as registration fees under this Act.

PART 8 - MISCELLANEOUS

Requirement to state name and address

47. (1) An authorised officer who reasonably suspects a person of having committed an offence against this Act or the regulations may require the person to state his or her full name and residential address.
- (2) A person must not:
- (a) fail to comply with a requirement under this section, or
 - (b) in purported compliance with such a requirement, furnish a name that is not his or her name or an address that is not his or her residential address.

Maximum penalty: 10 penalty units.

- (3) A person is not guilty of an offence under this section unless it is established that the authorised officer warned the person that a failure to comply is an offence.

Obstructing an authorised officer

48. A person who wilfully obstructs an authorised officer in the exercise of any function under this Act is guilty of an offence.

Maximum penalty: 10 penalty units.

Proceedings for offences

49. Proceedings for an offence under this Act or the regulations may be heard in a Local Court constituted by a Magistrate sitting alone.

Fees and charges

50. (1) Any fee or charge payable under this Act:
- (a) may be paid by such instalments as may be allowed by the person levying the fee or charge, and
 - (b) may be reduced or waived in respect of persons in receipt of a pension, benefit or allowance under the *Social Security Act 1991* of the Commonwealth.

- (2) The regulations may make provision as to the following:
 - (a) the minimum number of instalments that may be allowed.
 - (b) the minimum intervals that may be allowed between each instalment.

Regulations

51. (1) The Governor may make regulations, not inconsistent with this Act, for or with respect to any matter that by this Act is required or permitted to be prescribed or that is necessary or convenient to be prescribed for carrying out or giving effect to this Act.
- (2) Without limiting subsection (1), the regulations may make provision for or with respect to any one or more of the following:
- (a) providing for exceptions to specified provisions of this Act (including exceptions for a particular class or description of owner or cat, or exceptions based on particular circumstances),
 - (b) exempting a specified class, kind or description of cats from all or specified provisions of this Act, either unconditionally or subject to conditions,
 - (c) imposing maximum fees that can be charged for the issue of replacement certificates of registration or replacement registration tags,
 - (d) provisions applying (with or without modification) any provision of this Act in respect of an animal prescribed by the regulations as a cat for the purposes of this Act,
 - (e) regulating the training of assistance animals and accrediting assistance animals for the purposes of this Act (including by requiring accreditation as a pre-condition for any exemption provided in respect of assistance animals by this Act or the regulations) and provisions of a savings or transitional nature consequent on an animal being prescribed as a cat for the purposes of this Act.
 - (f) release fees, being fees to be paid for the release of an animal detained under this Part, and
 - (g) maintenance charges, being charges to be paid for the maintenance of an animal while it is detained by the corporation under this Part.
- (3) The Minister can issue guidelines to corporations from time to time with respect to the fixing of fees and charges under this section and corporations are to comply with those guidelines.

Review of Act

52. (1) The Minister is to review this Act to determine whether the policy objectives of the Act continue to be met by the terms of the Act and whether the terms of the Act remain appropriate for securing those objectives.

- (2) The review is to be undertaken as soon as possible after the period of 5 years from the date of assent to this Act.
- (3) A report of the outcome of the review is to be tabled in each House of Parliament within 12 months after the end of the period of 5 years.

SCHEDULE 1 PROVISIONS RELATING TO MEMBERS OF THE BOARD

Definitions

1. In this Schedule:
 - (a) *appointed member* means a member of the Board appointed by the Minister.
 - (b) *ex-officio member* means a member of the Board other than an appointed member.

Chairperson and Deputy Chairperson

2.
 - (1) A Chairperson and a Deputy Chairperson of the Board are to be appointed by the Minister from among the appointed members.
 - (2) The Minister may at any time remove a member from the office of Chairperson or Deputy Chairperson.
 - (3) A person who holds the office of Chairperson or Deputy Chairperson vacates the office if the person:
 - (a) is removed from the office by the Minister, or
 - (b) resigns the office by instrument in writing addressed to the Minister, or
 - (c) ceases to be a member of the Board.

Deputies of members

3.
 - (1) The Minister may, from time to time, appoint a person to be the deputy of an appointed member, and the Minister may revoke any such appointment.
 - (2) An ex-officio member may, from time to time, appoint a person to be the deputy of the member, and the ex-officio member or the Minister may revoke any such appointment.
 - (3) In the absence of a member, the member's deputy:
 - (a) may, if available, act in the place of the member, and
 - (b) while so acting, has all the functions of the member and is to be taken to be a member.
 - (4) The deputy of a member who is Chairperson or Deputy Chairperson of the Board does not have the member's functions as Chairperson or Deputy Chairperson.

- (5) A person while acting in the place of a member is entitled to be paid such allowances as the Minister may from time to time determine in respect of the person.

Terms of office

4. Subject to this Schedule, an appointed member holds office for such period (not exceeding 3 years) as is specified in the member's instrument of appointment, but is eligible (if otherwise qualified) for re-appointment.

Allowances

5. An appointed member is entitled to be paid such allowances as the Minister from time to time determines in respect of the member.

Vacancy in office of appointed member

6. (1) The office of an appointed member becomes vacant if the member:
- (a) dies, or
 - (b) completes a term of office and is not re-appointed, or
 - (c) resigns the office by instrument in writing addressed to the Minister, or
 - (d) is removed from office by the Minister under this clause or by the Governor; or
 - (e) is absent from 4 consecutive meetings of the Board of which reasonable notice has been given to the member personally or in the ordinary course of post, except on leave granted by the Board or unless, before the expiration of 4 weeks after the last of those meetings, the member is excused by the Board for having been absent from those meetings, or
 - (f) becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with his or her creditors or makes an assignment of his or her remuneration for their benefit, or
 - (g) becomes a mentally incapacitated person, or
 - (h) is convicted of an offence that is punishable by penal servitude or imprisonment for 12 months or more.

Filling of vacancy in office of member

7. If the office of an appointed member becomes vacant, a person is, subject to this Act, to be appointed to fill the vacancy.

SCHEDULE 2 PROVISIONS RELATING TO PROCEDURE OF THE BOARD

General procedure

1. The procedure for the calling of meetings of the Board and for the conduct of business at those meetings is, subject to this Act and the regulations, to be as determined by the Board.

Quorum

2. The quorum for a meeting of the Board is the number of members sufficient from time to time to constitute a simple majority of the number of members at that time.

Presiding member

3.
 - (1) The Chairperson of the Board or, in the absence of the Chairperson, the Deputy Chairperson, is to preside at a meeting of the Board.
 - (2) In the absence of both the Chairperson or Deputy Chairperson, another member elected to chair the meeting by the members present is to preside at a meeting of the Board.
 - (3) The person presiding at a meeting of the Board has a deliberative vote and, in the event of an equality of votes, has a second or casting vote.

Voting

4. A decision supported by a majority of the votes cast at a meeting of the Board at which a quorum is present is the decision of the Board.

Attendance by non-members

5. A person authorised by the Board or the Chairperson of the Board may attend a meeting of the Board for the purpose of assisting the Board to exercise its functions.

Transaction of business outside meetings or by telephone etc

6.
 - (1) The Board may, if it thinks fit, transact any of its business by the circulation of papers among all the members for the time being, and a resolution in writing approved in writing by a majority of those members is taken to be a decision of the Board.
 - (2) The Board may, if it thinks fit, transact any of its business at a meeting at which members (or some members) participate by telephone, closed-circuit television or other means, but only if any member who speaks on a matter before the meeting can be heard by the other members.

(3) For the purposes of the approval of a resolution under subclause (1), or a meeting held in accordance with subclause (2), the Chairperson and each member have the same voting rights they have at an ordinary meeting of the Board.

(4) A resolution approved under subclause (1) is, subject to the regulations, to be recorded in the minutes of the meetings of the Board.

(5) Papers may be circulated among members for the purposes of subclause (1) by facsimile or other transmission of the information in the papers concerned.

First meeting

7. The Minister may call the first meeting of the Board in such manner as the Minister thinks fit.