



Policy 45 – Cat Management

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OBJECTIVE

To encourage responsible cat ownership and appropriate management of cats in accord with requirements of the *Cat Management Act 2009*.

DEFINITIONS

Authorised person under the *Cat Management Act 2009*, means –

- (a) a police officer; or
- (b) an officer within the meaning of the *Animal Welfare Act 1993*; or
- (c) an authorised person within the meaning of the *Dog Control Act 2000*; or
- (d) a person authorised under section 5 to perform the functions and exercise the powers of an authorised person; or
- (e) any other prescribed person or prescribed class of persons.

Cat management action means any one or more of the following actions –

- (a) humanely destroying a cat;
- (b) trapping a cat;
- (c) seizing a cat;
- (d) detaining a cat;
- (e) returning a cat once the cat has been desexed.

Cat management facility under the *Cat Management Act 2009*, means –

- (a) a Council facility that has facilities for handling and holding cats; or
- (b) a facility for handling and holding cats that is operated by –
 - I. the Royal Society for the Prevention of Cruelty to Animals, Tasmania; or
 - II. the Hobart Cat Centre Incorporated (ABN 78 883 186 467), trading as the Hobart Cat Centre; or
- (c) a prescribed facility; or
- (d) a facility operated by a person, or organisation, as prescribed.

Domestic cat means a cat that is owned by an individual, household or business and has its needs met by its owner and lives within the boundaries of the owner's property.

Feral cat under the *Cat Management Act 2009*, means a cat that –

- (a) was born, and lives, in the wild; or
- (b) lives in the wild and is not currently tame.

Nuisance under the *Local Government Act 1993*, includes anything that –

- (a) causes, or is likely to cause, danger or harm to the health, safety or welfare of the public;
or
- (b) causes, or is likely to cause, a risk to public health; or
- (c) gives rise to unreasonable or excessive levels of noise or pollution; or
- (d) is, or is likely to be, a fire risk; or
- (e) constitutes an unsightly article or rubbish.

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

Production premises under the *Cat Management Act 2009*, 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.

Prohibited area under the *Cat Management Act 2009*, means –

- (a) any area of land that is managed by a public authority, or Agency within the meaning of the *State Service Act 2000*, and is reserved land; or
- (b) any area of private land that is reserved land; or
- (c) any area of land declared to be prohibited area under section 19; or
- (d) any other area of land that is prescribed or is of a prescribed class; or
- (e) any part of an area of land referred to in paragraph (a), (b), (c) or (d).

Reserved land under the *Cat Management Act 2009*, means –

- (a) a public reserve within the meaning of the *Crown Lands Act 1976*; or
- (b) private timber reserve within the meaning of the *Forest Practices Act 1985*; or
- (c) permanent timber production zone land within the meaning of the *Forest Management Act 2013*; or
- (d) reserved land within the meaning of the *Nature Conservation Act 2002*; or
- (e) land that is subject to a conservation covenant within the meaning of Part 5 of the *Nature Conservation Act 2002*; or
- (f) prescribed or is of a prescribed class.

Stray cat under the *Cat Management Act 2009*, means a cat that has no identifiable owner or home, but lives in close proximity to humans and may be accustomed to their presence.

Trap under the *Cat Management Act 2009*, means a method of trapping an animal that complies with the *Animal Welfare Act 1993*.

POLICY

Responsible Cat Ownership

Council encourages responsible cat ownership. Amongst other matters, responsible cat owners will ensure:

- their cat is permanently identified so it can be recognised as a domestic cat;
- that their cat is microchipped and desexed in accordance with all relevant requirements of the *Cat Management Act 2009* (the Act);
- they do not breed from their cat unless they comply with all applicable legislated/regulatory cat breeding requirements;
- their cat is kept indoors, particularly at night.

An 'identified' cat means: (i) having a collar around the cat's neck and the collar, or a tag securely attached to the collar that is marked with the current address or telephone number of the owner of the cat; or (ii) a cat that has been microchipped in accordance with the requirements of the Act and the *Cat Management Regulations 2012*.

For further information regarding cat collars, microchipping and desexing – including approximate costs and location of facilities – contact Council's Animal Management Officer during office hours.

Support for Residents in Managing Identified or Stray Cats

Council will provide cat cages for hire (deposit required, subject to availability). Deposits will be refunded on return of the cages provided the cage is returned in the same condition it was hired. No refunds will be made for traps which are stolen, damaged, or lost. Fees and charges will be set out in Council's Fees and Charges Schedule. It will be a condition of hire of cat cages by a person that the cat cage will be placed:

1. upon land owned or leased by the person; or
2. where the land is not owned or leased by the person, provide to an authorised officer of the Council the written consent of the subject landholder or lessee upon which the cat cage will be placed.

Prior to setting a trap, arrangements should be made with a cat management facility in the event that a cat is captured. Under the Act, a person who sets a trap with the intention of trapping a cat must check the trap at least once within every 24-hour period after it first being set. If an animal other than a cat is found detained within the trap, the person must release the animal, subject to any statutory prohibition on otherwise releasing the animal.

Under the Act, a person must, within 24 hours after trapping, seizing or detaining a cat:

1. if the owner is known to the person, arrange for the return of the cat to the owner;
2. 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
3. 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.

Council will not be responsible for the collection or transporting of cats that have been trapped.

The nearest cat management facility for residents available for the surrender of cats (by appointment only) is located at the following address:

Just Cats Tasmania
20 Cavalry Road,
Mowbray 7248

Under the Act, any cat found on primary production land or at production premises, whether or not any part of the land or premises is used as a place of residence, may be humanely destroyed by the following persons:

- a person managing primary production on the land;
- a person who is the occupier of the premises;
- a person acting on behalf of either of the above-mentioned persons.

A cat may also be humanely destroyed by:

- an authorised person under the Act; or
- a person that finds a cat on their private premises, 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.

Such persons need to comply with other legislative requirements, such as the *Animal Welfare Act 1993* and the *Firearms Acts 1996*. It is illegal for any other person to destroy a cat. Strong penalties apply and legal action can be taken against any perpetrator/s.

Cats Causing a Nuisance

Management of nuisance cats by Council is generally only available where the subject cat/s owner can be identified. Authorised officers of the Council can serve an abatement notice under section 200 of the *Local Government Act 1993* against an owner or occupier of land or any person engaged in promoting or conducting an activity that creates a nuisance. An abatement notice issued under section 200 is to state:

- The nature of the nuisance;
- Any reasonably necessary action to be taken to abate the nuisance;
- The period within which such action is to be taken;
- Any persons or persons responsible for ensuring that such action is taken;

The owner or occupier of the land on or from which the nuisance arises may appeal within 30 days after the service of an abatement notice.

Cats and Prohibited Areas

The Act identifies areas in which cats are prohibited. Prohibited areas for cats include:

- All reserved lands under the *Nature Conservation Act 2002*, including national parks and conservation areas, as well as land subject to conservation covenants;
- Public reserves under the *Crown Lands Act 1976*; and
- Private timber reserves and permanent timber production zone land within the meaning of the *Forest Management Act 2013*.

The Council's Animal Management Officer will continue to undertake periodic, targeted cat management action within prohibited areas that expressly fall within the authority of the Council to manage. Where the Council's Animal Management Officer traps, seizes or detains in a prohibited area a cat that can be identified, the cat may be:

- returned to the owner for a fee (fees and charges will be set out in Council's Fees and Charges Schedule); or
- transported to a cat management facility.

If the cat is handed into a cat management facility, the cat must be desexed and microchipped before being reclaimed from the facility. These costs, plus any additional costs for care of the cat at the facility, are to be borne by the owner of the cat.