

## State and Territory regulatory frameworks for managing the impact of domestic cats populations and their impact on wildlife

Summary by the Invasive Species Council - February 2023

How do state and territory regulatory frameworks set the tone for managing domestic (pet, semi-owned and unowned) cat populations?								
Element	NSW	VIC	QLD	ACT	TAS	SA	WA	NT
Relevant legislation	<u>Companion Animals Act 1998</u>	<u>Domestic Animals Act 1994</u>	<u>Animal Management (Cats and Dogs) Act 2008</u>	<u>Domestic Animals Act 2000</u>	<u>Cat Management Act 2009</u>	<u>Dog and Cat Management Act 2005</u>	<u>Cat Act 2011</u>	No companion animal Act
Provision for cat curfews and containment	No	Yes – Councils can, by resolution, make an order that makes it illegal for cats to be roaming ‘at large’ during specific hours. Where orders have been made, and cats are found – owners are guilty of an offence (P3 D1 s 25 (1))	Yes – councils make their own local laws on cat/dog management – whether that be curfew/containment.	Yes (statewide) – as of July 1, must be kept on premises 24 hours a day. D4. s1 B gives the minister power to declare an area to be an area where cats must be confined for conservation or welfare purposes. Have an <u>online map</u> to assist people in understanding the zones.	Yes – s19-21 gives councils powers to declare an area of land within its jurisdiction as a cat management area within which measures may be taken in respect of cats and restrict activities and dictate management actions	Yes – s90 permits councils to create by-laws regarding control/confinement for dogs and cats	No	Yes – councils are empowered to make by-laws for governance of their area – including powers to make by-laws regarding animals at large (P12.1 275 power to make by-laws <i>Local Government Act 2019</i> and specifically – s277 by-laws for animal management.
Mandatory pre-pubertal desexing (<4 months)	No – however, ‘A permit is required to own a cat that is 4 months old or older, unless the cat is desexed’ (D1 11B 1). <u>NSW gov websites</u> express this as a “stronger incentive” for owners to get their animals desexed, but not as mandatory.	No – council-based decision. Gives councils power to refuse to register dogs and cats unless they are desexed, but have to make a council resolution and publish it first to give it effect (P2 D1 10A)	No – but councils can make their own local laws	Yes ‘A person must not keep a cat that has not been de-sexed if the person does not hold a permit for the cat’ (D3.2 73) – must be desexed by 3 months. Looks similar to NSW requirement, however <u>ACT gov websites</u> express desexing as a mandatory requirement (see NSW column). D3.2 74a – it is an offence to sell an un-desexed cat if it is older than 3 months	Yes – must be desexed by 4 months of age (s14) and be identified by a permanent mark inside ear	No – desexing is mandatory, but age limit is 6 months. This stipulation isn’t in the Act, but within the <u>Dog and Cat Management Regulations 2017</u>	No - desexing is mandatory, but age limit is by 6 months.	
Councils required to produced animal management plans	No	Yes – P5A s68A requires councils to prepare domestic animal management plans every 4 years	No	No	No	Yes – s26a requires each council to prepare a management plan for its area every 5 years	No	
Legislation recognises environmental impact of cats	No – purpose of act is ‘to provide for effective and responsible care and management of	Yes – P1 s1 purpose is to ‘promote animal welfare, the responsible ownership of dogs and cats and the protection	No - purposes include responsible ownership, effective management, responsible breeding etc. (s3)	No - ‘an act to provide for the identification and registration of certain animals and the	Yes - P1 s3 purpose of Act includes ‘reduce the negative effect of cats on the environment’	Potentially - P1 3 objects include ‘to reduce public and environmental nuisance	No – purpose is to provide for control and management of cats and to promote and encourage the	

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	companion animals' (s3A)	of the environment by providing for... a scheme to protect the community and environment from feral and nuisance fogs and cats...'		duties of owners, carers and keepers'		caused by dogs and cats'	responsible ownership of cats and for related matters.	
Limits on number of cats per household	No	No – but councils can make their own local laws limiting the number of animals to be kept on a premises	No – but councils can make their own local laws	Yes - Max 4 cats older than 12 weeks	Yes – no more than 4 that are more than 4 months of age (s17) but can apply for a permit	No – but councils can make by-laws limiting the number of cats kept on any premises	No – but councils can make by-laws limiting the number of cats kept on any premises	No - but councils can make by-laws doing to. Specified as an example in s285 'animals and activities involving animals' in regards to reducing hazards and nuisances
Mandatory identification	Yes but microchipping is not mandatory and the ID can be via a collar and tag – by 12 weeks old must have a collar with tags or microchip, or any other form that identifies the name or cat and address/telephone of owners (P4 29). ID not required when a cat is on the owner's property. Animals cannot be sold unless identified (P2 8 2)	Yes – is a requirement that all animals are registered with council, and must be implanted with a prescribe permanent identification device before registration accepted (P2 D1 10C).  Must be chipped before sold or given away.	Yes – by 12 weeks old, cats and dogs must be implanted with a 'Prescribed permanent identification device PPID' (exceptions for government entity and working dogs, or signed vet cert saying is a health risk to the animal)	Yes – must be microchipped and must wear identification	Yes – must be microchipped by 4 months old (s12) and it is the responsibility of the microchip implanter to put the prescribed details into an approved database	Yes – all cat must be microchipped and recorded in central database. Sets out in Dog and Cat Management Regulations 2017 that this must be done by 12 weeks of age	Yes – cats in public places must wear registration tags (s6) and must be microchipped by 6 months of age (s14). S15 requires implanter to provide details to a microchip database	
Registration required	Yes – by age of 6 months. NSW has a state registry.	Yes – must be registered with council, all animals over 3 months old (P2 D1 10)	No – registration is required for dogs by 12 weeks old, but only required for cats if the LGA has created a local law that requires it.	Yes – all cats over 8 weeks of age (P4 D4.1A 84AK) – once registered, get annual reminders to update any details (renewal date – no fee)	No – individuals don't have to register animals – but must microchip and the microchip-er has to enter into an approved database in one step (see above)	No - but is required for dogs, similar to Tas microchip and entry into a database is one step.  s90 gives councils powers to create a by-law regarding registration.	Yes – must be registered by 6 months with the local council. Councils must allot cat a registration numbers and provide a certificate and a registration tag with number (P2 D1 s5)	
Statewide register / central state database	Yes	No – council-based registration system	No – council-based registration system	Yes	No	Yes ( <u>Dogs and Cats online</u> )	No – local councils required under s12 to have a register	
Provisions for cat prohibition zones	Yes – automatically prohibited from within 10m of a food preparation/consumption area (except if a public thoroughfare e.g. footpath), and local	Yes – similar to above, councils can prohibit presence of cats in any public place of the municipal district by creating an order (P3 D1 s 26)	Yes – councils make their own local laws on cat/dog management	NA – all areas cat containment	Yes – s18, gives councils power to declare any area within their jurisdiction as an area where cats are prohibited	Yes? – s90 permits councils create by-laws generally, including prohibition of dogs (cats not specified – but s90 (2) mentions the list does not limit the	Yes – s79 councils can create local laws specifying where cats are prohibited absolutely. Restrictions apply – can't be a whole LGA.	

	government can create wildlife protection areas (WPA) by an order (P4 30)	D4 s42 can create local laws totally prohibiting keeping of cats in a specified area where native fauna are at risk of attack > s43 if animal is found at large in an area where that animal is prohibited, council can destroy that animal > s44 if council decides to create a prohibition zone, council can require pre-existing owners in that area to confine the animal indoors or in an enclosure				generality of the creation of by-laws for the control or management of dogs or cats within its area)		
Breeder registration	No – opt-in system, no mandatory registration. See AJP’s proposed <u>Companion Animals Amendment (Puppy Farms)</u> – includes cats	Yes/some – microbreeders (<2) and recreational breeders registered with an applicable organisation with up to 10 fertile female cats do not need to register with their local council. If have 3-10 fertile animals and aren’t registered with an org – need to apply/register with council and are classified as a domestic animal business (DAB).	No – but councils can make their own local laws	Yes – anyone who breeds a litter from a dog or cat must hold a breeding licence (P3 D3.1 72)	Yes – s29, can’t breed a cat unless a registered breeder or hold a cat breeding permit	Yes – s68-69 - can’t sell dogs or cats unless registered. Included in the definition of a breeder in the regulations is someone who fails to take reasonable steps to prevent impregnation of their animal, or their animal impregnating another	Yes – s35 says only approved cat breeders may breed cats	
Clear pathway for dealing with ‘nuisance’ / trespassing (straying) cats	Unclear – councils can issue orders to require owners to stop nuisance behaviours if the officer is satisfied that the ‘cat is a nuisance’. Unclear what is classified as damage or ‘unreasonable’ interference (P4 31)  P4 32 3 If a cat enters inclosed lands and approaches any animal being farmed the occupier can injure or	P3 D1 s23 Dogs and cats on private property without permission can be seized by the owner or occupier or an authorised officer  > seizer must notify council > if animal is able to be identified, that the owner must receive a notice of objection and if the trespassing reoccurs they are guilty of an offence	No – only if councils make their own local laws regarding seizing and impounding an animal	Yes (mostly) - cats can be seize by authorised personnel (D4.2 86 if not contained. The authorised person must take cat to an approved provider, make effort to find out who own the cat, and if found – notify the person.  Can euthanase within 7 days if the owners is not found (D4.2, 90)  Is also a separate process and penalties	Yes – see section above re provisions for seizing cats. People can trap cats trespassing on their property.	Yes – a person may seize and detain an unidentified cat for purpose of delivering it within 12 hours to a vet surgery, council facility, or other approved cat care facility  Doesn’t specify nuisance situations	No – though s27 allows authorised personnel cats to seize cats if suspect the cat is causing an offence against the act (e.g. not desexed, not wearing tag)	

	<p>destroy the cat if they reasonably believe the cat will attack/injure those animals – if owned, required to inform owner. Destruction must be humane.</p> <p>P4 32 4 Authorised officers can lawfully destroy cats found harassing animals within a WPA – if owned, required to inform owner in writing</p>	<p>s32 Cats making a nuisance (i.e. injuring or endangering health of any persons, or creating noises persistently) can be guilty of an offence</p>		<p>for nuisance animals (P6)</p> <p>However, only authorised officers can seize trespassing cats – this is a practical limitation.</p>				
<p>Council can act on pet abandonment</p>	<p>No - however, abandonment is made illegal in the Prevention of Cruelty to Animals Act (POCTA) 1979 P2 11. This Act only gives powers to police officers, RSPCA NSW and AWL.</p>	<p>Yes – s32 deems an owner must not abandon a dog or cat, s84c say a council authorised officer can seize an abandoned dog or cat</p>	<p>Yes - if councils make their own local laws regarding seizing and impounding abandoned animals</p> <p>Abandonment illegal under <u>Animal Care and Protection Act 2001 P2 19</u></p>	<p>Yes – covered in Animal Welfare Act 1992 as an offence (P2 6G)</p>	<p>Yes – s37 cats not to be abandoned</p>	<p>No/unclear – is an offence under the Animal Welfare Act 1995 P3 s12 (3) (iii)</p>	<p>Yes – animal abandonment illegal (<u>Animal Welfare Act 2002</u>), every local government required to appoint authorised persons from their staff (s64)</p>	
<p>Provision for seizing roaming cats</p>	<p>Some – any person can seize a cat in a prohibition area for the cat's own protection. If the owner is present – only an authorised officer can seize the cat if the owner fails to remove the cat from the place when directed (P4 30)</p> <p>P4 32 1 Anyone can seize a cat if reasonable for the protection of any person or animal from injury or death – are required to try reunite with owner. Required to report matter to an authorised officer and comply with directions given that would help it be</p>	<p>Yes – P3 D1 s23 Dogs and cats on private property without permission can be seized by the owner or occupier or an authorised officer</p> <p>84B council authorised officers can seize cats outside of the owner's premises if it contravenes local laws/orders made under sections 23, 24, 25 of the act (see above)</p> <p>D4 s84h details steps to be followed after seizure of a cat &gt; notice must be served to owner within 4 days</p>	<p>No – only if councils make their own local laws regarding seizing and impounding an animal</p>	<p>Yes (D4.2 86) – cats can be seized by authorised person if cat isn't registered, or doesn't have a microchip, isn't confined, cat is on premises occupied by another person.</p>	<p>Yes – s17 'protection of property from cats' permits any person who owns or leases a premises to trap, seize or detain a cat found on the premises (requirements are then to return to owner if known, or take to a management facility (whether or not owner is known), or person/business/organisation nominated by the cat management facility. Requirement to act within 24 hrs.</p>	<p>Yes (a bit unclear) – sections of the Act and Regulation look like they work together to give councils powers: s64 (1) gives power to seize animals for circumstances in the regulations, s16 of the regulation allows specified persons/bodies approved by the Board to seize cats, s90 allows councils to create by-laws for approval by the Board.</p>	<p>No – only if councils make their own local laws regarding removing and impounding</p>	<p>s277 By- laws for animal management Without limiting section 275, the power of a council to make by-laws extends to the making of by-laws providing for: (a) the seizure of an apparently diseased, injured, savage, destructive, stray or unregistered animal or an animal at large; and (b) the destruction of a diseased, injured, savage, destructive, unclaimed, unregistered or unwanted animal</p>



	reunited with owner or taken to a council pound  Gap: Doesn't specify cats can be seized in any area for their own protection (this is a gap that would affect welfare organisations and cat societies)	84n recovery procedures: must hold until recovered for 8 days (or 14 days for an abandoned animal). Council must destroy the animal if owner can not comply with recovery conditions/timeframes						
Definitions provided to distinguish between different groups of cats	No - all cats grouped together. ' <i>cat</i> means an animal of the species <i>Felis catus</i> , whether or not domesticated' (P1 5)	No	No – 'defines as an animal of the species <i>Felis catus</i> , or domestic cat'	No	Yes – purpose of act (3) identifies management of domestic cats separately to unidentified, stray and feral cats  4 interpretation (definitions): domestic cat is 'a cat that a person may, on reasonable grounds, believe to be currently owners', feral cat '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', stray cat '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'	No – only defines cat as 'an animal of the species <i>Felis catus</i> '	No – only defines cat as meaning an animal of the species <i>Felis catus</i> or a hybrid of that species	
OTHER: LGA Governance	Local law powers don't exist in NSW	Council have powers to create orders under the Act (containment falls in this category) and have additional powers to create local laws under D4 s42 of the act for specific things – like areas where cat ownership is entirely prohibited	Create local laws by passing a resolution. Councils enabled by the <u>Local Government Act 2009</u> .  Animal Management Act states (D2 6) that councils can create local laws for imposing	NA	Councils can make by-laws under the Local Government Act 1993 in relation to the management of cats	Councils can make by-laws generally for the control or management of dogs or cats within its area, and Local Government Act 1999 applies	Can create local laws	

			requirements in relation to cats or dogs generally				
OTHER: other relevant legislation	<u>Impounding Act 1993</u>			<u>Animal Welfare Act 1992</u>		<u>Dog and Cat Management Regulation 2017</u>	<u>Local Government Act 2019</u>
OTHER: legislation deals with animals found in areas outside of cities/towns		s30 Owner of livestock or any person authorised by the owner or an authorised officer can destroy a dog or cat found at large in a place where animal or birds are confined or if the animals or birds are tethered			s17 (2) gives permissions for people on primary production land to humanely destroy any cat found on the property  s17 (3) persons can destroy cat found on private premises if the location at which the cat is found is more than 1km from any structure or building used as a place of residence or in prescribed circumstances  s18 – 21b councils can declare different management interventions in area	S63 gives permission for a person to destroy/injure a cat if a cat is found in a place more than 1 kilometre from any place of residence	
OTHER: specifies rules around shelters and councils accepting surrenders		s33A A council MUST accept animals given to the council by an owner because the owner is no longer willing or able to care for that animal – on taking possession of the cat > ownership passes to council > council must deal with animal in accordance to regulation and codes of practice			S36 says cat management facility can choose to accept or refuse the surrender of a cat		
OTHER: requirements and minimum holding period for seized/detained cats					s25 if not microchipped, have to be held for a minimum of 3 days then can be rehomed, offered for sale or destroyed. If microchipped, waiting period is 5 days. If the	S32 for identified cats: minimum 7 working days after notice given to owner that cat has been detained – after that point, animal can	

					<p>animal is surrendered to the holding facility by the owner, there is no waiting period.</p> <p>s24 when reclaiming cats – cats must be chipped and desexed in accordance with Act before being reunited with owner. Facility has to ensure this has occurred.</p>		<p>be re-housed, offered for sale or destroyed</p> <p>s34 – councils can immediately transfer or euthanase animals surrendered by an owner</p>
OTHER: capacity to destroy unidentified animals		<p>Disposal: D6 s84O gives councils power to destroy animals as soon as possible after its seizure if the cat does not bear an identification marker or permanent identification device or If the cat is wild, uncontrollable or diseased.</p> <p>S84Y councils can give powers to person/bodies to seize, retain or dispose of cats</p> <p>84Za dictates is unlawful to seize or destroy a cat if not authorised under the act</p>			<p>s26 gives permissions to operators of cat management facility to humanely destroy a cat if (a) it's behaving in a manner that is likely to cause serious injury to a person, another animal, or itself , (b) is not microchipped and has been assessed by the operator as unfit to be placed or offered as a domestic pet, (c) is not microchipped and I unable to be accommodated within the cat management facility</p> <p>s27 clarifies can't destroy a cat unless in accordance with the Act. Authorised person can destroy a cat if they believe the cat to be feral.</p>		<p>s34 says that holding period is 3 days for unidentified animals</p> <p>s34 (2) says that facilities can humanely destroy animals if the cat is, on reasonable grounds, believed to be feral, diseased, dangerous, likely to cause or give injury/illness to a person, another animal or itself</p>