

TASMANIA

CAT MANAGEMENT REGULATIONS 2022
STATUTORY RULES 2022, No. 119

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SCHEDULE 1 – INFRINGEMENT NOTICE OFFENCES

CAT MANAGEMENT REGULATIONS 2022

I, the Governor in and over the State of Tasmania and its Dependencies in the Commonwealth of Australia, acting with the advice of the Executive Council, make the following regulations under the *Cat Management Act 2009*.

Dated 13 December 2022.

B. BAKER
Governor

By Her Excellency's Command,

JO PALMER
Minister for Primary Industries and Water

PART 1 – PRELIMINARY

1. Short title

These regulations may be cited as the *Cat Management Regulations 2022*.

2. Commencement

These regulations take effect on the day on which their making is notified in the *Gazette*.

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Part 1 – Preliminary

3. Interpretation

In these regulations –

Act means the *Cat Management Act 2009*;

AVA means The Australian Veterinary Association Ltd. (ABN 63 008 522 852), also known as the Australian Veterinary Association;

cat management facility approval, in relation to a cat management facility, means an approval in relation to the facility that is granted under regulation 5(4)(a) and that has not been surrendered or cancelled;

microchip database means the approved database where the prescribed details are entered in accordance with section 12(3) of the Act.

PART 2 – CAT MANAGEMENT FACILITIES

4. Prescribed cat management facilities

For paragraph (d) of the definition of ***cat management facility*** in section 4 of the Act, a facility, to which a cat management facility approval relates, that is operated by a person or organisation to which the approval relates is a cat management facility.

5. Approval to operate cat management facility

- (1) A person or organisation may apply to the Secretary for approval to operate a facility as a cat management facility.
- (2) An application under subregulation (1) is to –
 - (a) be in an approved form; and
 - (b) specify –
 - (i) the facility that is intended to be operated as a cat management facility; and
 - (ii) the size of the facility with reference to the building size and land size; and
 - (iii) the intended maximum number of cats to be housed at the facility; and
 - (c) provide full details in respect of –

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- (i) any offence, of which the applicant has been convicted, that involves or relates to an animal; and
 - (ii) all current approvals for the facility that are required under any Act for the facility to operate and that are held in relation to the facility.
- (3) The Secretary may –
 - (a) request further information from a person or organisation that has made an application under subregulation (1); and
 - (b) take the further information into account when considering the application.
- (4) The Secretary, on receiving an application under subregulation (1) from a person or organisation, may –
 - (a) grant to the person or organisation an approval (a ***cat management facility approval***) to operate, as a cat management facility, a facility specified in the approval, subject to any conditions that the Secretary thinks fit, if the Secretary is satisfied –
 - (i) that the person or organisation is fit and proper to operate such a facility; and

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- (ii) that it is appropriate to approve the person or organisation to operate such a facility; or
 - (b) refuse to grant to the person or organisation an approval to operate, as a cat management facility, a facility, if the Secretary is not satisfied –
 - (i) that the person or organisation is fit and proper to operate such a facility; and
 - (ii) that it is appropriate to approve the person or organisation to operate such a facility.
 - (5) If the Secretary grants to a person or organisation under subregulation (4)(a) a cat management facility approval in relation to a cat management facility, the Secretary –
 - (a) is to inform the person or organisation in writing of –
 - (i) the approval and any conditions of the approval; and
 - (ii) the specific facility which may be operated under the approval; and
 - (b) is to cause the name of the person or organisation to be published in the *Gazette* as a person or organisation approved to operate, as a cat management facility, the facility specified in the notice.

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- (6) If the Secretary refuses to grant an application under subregulation (4)(b), the Secretary is to provide to the applicant written reasons for the refusal.

6. Immediate suspension of approval to operate cat management facility

- (1) The Secretary may suspend the operation of a cat management facility, without complying with regulations 8 and 9, if the person or organisation operating the cat management facility has been charged with an offence under the *Animal Welfare Act 1993*, or any other Act, that the Secretary believes is so serious, due to the circumstances of the offence, that the operation of the cat management facility should be suspended immediately.
- (2) The Secretary must give written notice of the following to the person or organisation operating the cat management facility to which a suspension under subregulation (1) relates:
 - (a) the reason for the suspension;
 - (b) that the suspension takes effect on receipt of the written notice by the person or organisation or an employee of the person or organisation;
 - (c) the requirements, if any, in respect of the cat management facility (which may, but are not required to, relate to cats at the facility) that must be satisfied, by the person or organisation operating the cat

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management facility, and the period within which the requirements must be satisfied.

- (3) A person or organisation to which a written notice given under subregulation (2) relates must comply with the notice.

Penalty: Fine not exceeding 5 penalty units.

- (4) Regulations 8 and 9 apply to the cancellation of a cat management facility approval that has been suspended under this regulation.

7. Grounds to suspend operations or cancel approval of cat management facility

There are grounds for the Secretary to suspend under regulation 9(1)(a) the operation of a cat management facility, or to cancel under regulation 9(1)(b) a cat management facility approval in relation to a cat management facility, if the Secretary is satisfied that –

- (a) the person or organisation operating the cat management facility, or an employee, of the person or organisation, who is employed at the cat management facility, has contravened the Act or a condition of the cat management facility approval; or
- (b) an employee, of the person or organisation, who is employed at the cat management facility has been found guilty within the last 5 years of an offence in relation to an animal; or

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- (c) a person who, as a volunteer of the cat management facility, has –
 - (i) contravened the Act or a condition of the cat management facility approval; or
 - (ii) been found guilty within the last 5 years of an offence in relation to an animal; or
- (d) the operation of the cat management facility is creating a nuisance; or
- (e) it is in the public interest that the operation of the cat management facility be suspended or cancelled.

8. Notice of intention to suspend operations or cancel approval of cat management facility

- (1) The Secretary, before suspending under regulation 9(1)(a) the operation of a cat management facility, or cancelling under regulation 9(1)(b) a cat management facility approval in relation to a cat management facility, must give to the person or organisation operating the cat management facility a notice in writing in accordance with subregulation (2).
- (2) A notice under subregulation (1) to a person or organisation that operates a cat management facility is to –
 - (a) state that the Secretary is considering suspending the operation of the cat

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management facility or cancelling a cat management facility approval in relation to the cat management facility; and

- (b) state the reasons why the Secretary considers that there are grounds for the suspension or cancellation; and
- (c) if –
 - (i) the Secretary considers that the suspension or cancellation would not be required if steps were taken, to the satisfaction of the Secretary, by the person or organisation within a certain period or periods – specify those steps and the period or periods within which they may be taken; or
 - (ii) the Secretary considers that there are no steps that, if they were taken by the person or organisation, would have the effect that the suspension or cancellation would not be required – specify that there are no such steps; and
- (d) state that the person or organisation may make written submissions to the Secretary, within the period specified in the notice, as to why –

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- (i) the operation of the cat management facility should not be suspended; or
 - (ii) the cat management facility approval in relation to the cat management facility should not be cancelled.
- (3) A person or organisation to which a notice is given under subregulation (1) in relation to a cat management facility may, within the period specified, in accordance with subregulation (2)(d), in the notice, make submissions as to why –
 - (a) the operation of the cat management facility should not be suspended; or
 - (b) the cat management facility approval should not be cancelled.

9. Suspension of operation and cancellation of approval of cat management facility

- (1) The Secretary may –
 - (a) suspend the operation of a cat management facility; or
 - (b) cancel a cat management facility approval in relation to a cat management facility.
- (2) The Secretary must not suspend under subregulation (1)(a) the operation of a cat management facility, or cancel under

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subregulation (1)(b) a cat management facility approval in relation to a cat management facility, unless –

- (a) the Secretary has grounds to do so under regulation 7; and
- (b) a notice has been given under regulation 8(1) to the person or organisation operating the cat management facility; and
- (c) either –
 - (i) the Secretary has considered any submissions made under regulation 8(3) by the person or organisation; or
 - (ii) the period specified, in accordance with regulation 8(2)(d), in the notice given under regulation 8(1) to the person or organisation has expired and no submission has been made under regulation 8(3) by the person or organisation; and
- (d) if steps have been, in accordance with regulation 8(2)(c), specified in the notice, the Secretary has considered whether the steps have been taken to the satisfaction of the Secretary within the period or periods specified, in accordance with regulation 8(2)(c), in the notice.

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- (3) If the Secretary decides not to suspend the operation of a cat management facility, or not to cancel a cat management facility approval in relation to a cat management facility, the Secretary is to give the person or organisation operating the cat management facility written notice of that fact as soon as practicable after making the decision.
- (4) If the Secretary suspends under subregulation (1)(a) the operation of a cat management facility, or cancels under subregulation (1)(b) a cat management facility approval in relation to a cat management facility, the Secretary is to give the person or organisation operating the cat management facility written notice of the following:
 - (a) the suspension or cancellation;
 - (b) the reasons for the suspension or cancellation;
 - (c) if the operation of the cat management facility is suspended, the day, on or after which the notice is given, on which the suspension takes effect and the period of suspension;
 - (d) if the cat management facility approval is cancelled, the day, on or after which the notice is given, on which the cancellation takes effect;
 - (e) the requirements, if any, in respect of the cat management facility (which may, but are not required to, relate to cats at the

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facility), that must be satisfied, by the person or organisation, within the period specified in the notice as the period within which the requirements must be satisfied.

- (5) A person or organisation to which a written notice given under subregulation (4) relates must comply with the notice.

Penalty: Fine not exceeding 5 penalty units.

- (6) The Secretary may revoke a suspension under this regulation before the period of the suspension is due to expire if the Secretary reasonably believes that it is appropriate to do so.

10. Notification of cancellation of cat management facility approval

If a cat management facility approval is cancelled under regulation 9(1)(b), the Secretary is to publish in the *Gazette* a notice specifying –

- (a) the name of the person or organisation that held the approval; and
- (b) the name of the cat management facility that was operated under the approval; and
- (c) that the approval is cancelled; and
- (d) the date on which the cancellation took effect or is to take effect.

11. Surrender of cat management facility approval

- (1) A person or organisation to which a cat management facility approval relates may, by notice in writing to the Secretary at least 15 working days before the surrender is to take effect, surrender to the Secretary the cat management facility approval.
- (2) A person or organisation surrendering under subregulation (1) a cat management facility approval must ensure that arrangements are in place to rehome, sell or transfer any cats from the cat management facility before the approval is surrendered.

Penalty: Fine not exceeding 5 penalty units.

12. Transfer of approval to operate cat management facility

- (1) A person, or organisation, to which a cat management facility approval relates may apply in writing to the Secretary to transfer the approval to another person or organisation.
- (2) The Secretary may, on receiving an application under subregulation (1) in relation to a cat management facility approval –
 - (a) transfer the approval, if satisfied that –
 - (i) the person or organisation that is to operate the cat management facility under the transferred approval would be granted under

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regulation 5 a cat management facility approval in relation to the cat management facility if an application were made by the person or organisation under that regulation; and

(ii) it is appropriate to transfer the approval; or

(b) refuse to transfer the approval.

(3) If a cat management facility approval is transferred under this regulation to a person or organisation, the cat management facility approval is taken to be such an approval granted to the person or organisation and is taken to be subject to the same terms and conditions as such an approval.

13. Regulation of cat management facilities

(1) The Secretary may approve one or more codes of practice or standards in respect of cat management facilities.

(2) Before approving a code of practice or standards under subregulation (1), the Secretary –

(a) may seek submissions, to be submitted within such a period and in such a manner as the Secretary directs, in respect of the draft code of practice or standards, from any person, or group, that the Secretary thinks fit; and

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- (b) is to take into account any such submissions that are made in respect of the draft code of practice or standards.
- (3) The approval under subregulation (1) of a code of practice or standards, and the date on which the approval takes effect, are to be notified in the *Gazette*.
- (4) A person or organisation that operates a cat management facility, an employee of such a person or organisation who is employed at the facility and a person who is a volunteer of the facility, must comply with each code of practice, and any standards, approved under subregulation (1).

Penalty: Fine not exceeding 20 penalty units and, in the case of a continuing offence, a further fine not exceeding 5 penalty units for each day during which the offence continues.

14. Certificates

The Secretary may issue, to a person or organisation to which a cat management facility approval has been granted under regulation 5 or transferred under regulation 12, a certificate specifying that the person or organisation is approved to operate, as a cat management facility, the facility specified in the certificate.

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15. Review of decisions

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

PART 3 – MICROCHIPPING

16. Microchip implanters

For paragraph (a) in the definition of ***microchip implanter*** in section 4 of the Act, the following persons are prescribed persons:

- (a) a veterinary surgeon;
- (b) a person who is registered, or otherwise recognised, as a veterinary surgeon in another State or a Territory;
- (c) a person who has successfully completed an approved course in the implantation of microchips in cats, who is also currently implanting microchips in cats –
 - (i) for a cat management facility; or
 - (ii) under the direct on-site supervision of a veterinary surgeon;
- (d) a person who is implanting microchips in cats for the purposes of undertaking an approved course in the implantation of microchips in cats, provided that the person is implanting the microchips under the direct on-site supervision of a veterinary surgeon.

17. Prescribed manner of microchipping

- (1) For section 12(1) of the Act, a cat is implanted with a microchip in a prescribed manner if –
 - (a) the microchip is implanted –
 - (i) by a microchip implanter; and
 - (ii) in a manner consistent with the provisions of AVA Policy on Electronic Identification of Animals – Microchip, ratified by the AVA on 8 April 2016 and as amended or substituted from time to time, that relate to the implantation of a microchip in a cat; or
 - (b) the cat was implanted with a microchip before the commencement of the Act.
- (2) A person must not implant a microchip in a cat unless the person is a microchip implanter.

Penalty: Fine not exceeding 5 penalty units.

18. Details to be entered into microchip database

- (1) For section 12(3) of the Act, the prescribed details to be entered in the microchip database in respect of each cat that is implanted with a microchip under the Act are as follows:
 - (a) the name, residential address and contact number of the owner of the cat;

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- (b) an alternative contact and contact number for the owner of the cat, if available;
 - (c) the address and municipal area in which the cat resides, if the address is different from the residential address under paragraph (a);
 - (d) the name of the cat;
 - (e) the breed of the cat, if known;
 - (f) whether or not the cat has been desexed;
 - (g) the colouring of the cat;
 - (h) the date of birth of the cat or, if the date of birth is not known, the approximate age of the cat;
 - (i) the unique identification number of the microchip;
 - (j) the date of implantation of the microchip;
 - (k) the full name of the microchip implanter;
 - (l) the business address of the microchip implanter.
- (2) For the purposes of section 12(3) of the Act, a person is taken to have provided the prescribed details in relation to a microchip implanted before the commencement of the Act if the person complied with any request for information by the microchip implanter at the time at which the cat was microchipped.

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- (3) The owner of a cat that has been implanted with a microchip, whether before or after the commencement of the Act, is to ensure that the microchip database provider is notified of a change in any of the details specified in subregulation (1) within 30 days after the change has occurred.
- (4) A microchip implanter must keep a record of the details required to be entered under section 12(3) of the Act until the microchip implanter has confirmation that the information has been recorded by the microchip database provider.

Penalty: Fine not exceeding 10 penalty units.

- (5) A person must enter the prescribed details, specified in subregulation (1), in the microchip database within 7 days after a cat is microchipped.

Penalty: Fine not exceeding 10 penalty units.

19. Access to information in microchip database

- (1) The Secretary may determine guidelines in respect of any one or more of the following:
- (a) access to information in the microchip database;
 - (b) the reasons for permitting access to that information;
 - (c) how information received from the database may be used.

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- (2) A person must comply with any guidelines determined under this regulation.

Penalty: Fine not exceeding 5 penalty units.

PART 4 – DESEXING OF CATS

20. Identification of desexing

- (1) The Secretary may approve a mark to be used to identify that a cat is desexed.
- (2) For section 14(3) of the Act, the mark approved by the Secretary under subregulation (1) is the mark that is to be permanently marked by a veterinary surgeon, or by a person under the direct on-site supervision of a veterinary surgeon, inside the left ear of a cat to identify that the cat is desexed.

21. Cats not required to be desexed

For section 14(2)(c) of the Act, the following are members of a prescribed class of cats:

- (a) a cat that is registered with an approved organisation to be shown at an event that is organised or sanctioned by that organisation;
- (b) a cat that is purchased, by a member of an approved organisation, to be shown at an event that is organised or sanctioned by that organisation.

PART 5 – MISCELLANEOUS

22. Prescribed health checks

For section 15(1)(e) of the Act, the following health checks are prescribed:

- (a) a cat is to be vaccinated to a level of F3 (Feline 3), or with the core vaccinations, that are recommended by AVA Vaccination of Dogs and Cats ratified on 6 August 2018, as amended from time to time, as appropriate for the age of the cat to be vaccinated;
- (b) a cat is to be free from external parasites and to have received at least one treatment for internal worms.

23. Sale of cat that is not desexed to person in another State or a Territory

For section 15(2)(c) of the Act, section 15(1) of the Act does not apply to the sale of a cat that is not desexed to a person in another State or a Territory, if the person is permitted, in accordance with the law of that State or Territory, to have a cat that is not desexed.

24. Prescribed manner of notification of application to keep more than 4 cats

For section 16B(3)(b) of the Act, the prescribed manner in which an applicant must publish the

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required notice is by doing any one or more of the following:

- (a) placing the notice, for a period of not less than 14 days, at the main entry point to the individual property to which the application relates, in a way so that the notice is visible to, and able to be read by, people passing by the entry point;
- (b) causing the notice to be published in a daily newspaper circulating within the municipal area in which the individual property to which the application relates is situated.

25. Approval of code of practice or standards and obligations of registered breeders to comply with code of practice or standards

- (1) The Secretary may approve a code of practice that contains, or standards that contain, obligations in respect of registered breeders.
- (2) The approval of a code of practice or standards under subregulation (1), and the date on which the approval takes effect, is to be notified in the *Gazette*.
- (3) A registered breeder must comply with a code of practice, or standards, approved under subregulation (1).

Penalty: Fine not exceeding 20 penalty units and, in the case of a continuing offence, a further fine not exceeding 5

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penalty units for each day during which the offence continues.

26. Obligations of holders of multiple cat permits or cat breeding permits

- (1) The holder of a multiple cat permit must comply with any conditions to which the permit is subject.

Penalty: Fine not exceeding 20 penalty units and, in the case of a continuing offence, a further fine not exceeding 5 penalty units for each day during which the offence continues.

- (2) The holder of a cat breeding permit must comply with any conditions to which the permit is subject.

Penalty: Fine not exceeding 20 penalty units and, in the case of a continuing offence, a further fine not exceeding 5 penalty units for each day during which the offence continues.

27. Cats in prohibited areas

For section 18(2) and section 18(4) of the Act, the prescribed circumstances, in which cat management action may not be taken in respect of a cat in a prohibited area, are if the cat is –

- (a) being transported on a road through the prohibited area that does not terminate in the prohibited area; and

- (b) confined or restrained in a manner that prevents escape while being transported through the prohibited area.

28. Displaying of remains

- (1) In this regulation –

taxidermist means a person who –

- (a) is a member of an approved organisation relating to taxidermy; or
 - (b) holds an approved licence, or other approved authorisation, relating to taxidermy.
- (2) For section 28(3) of the Act, the remains of a cat may be displayed if –
 - (a) the remains have been prepared and preserved by a taxidermist; or
 - (b) the Secretary has approved the display containing the remains.

29. Infringement offences and penalties

For section 39 of the Act –

- (a) the offences specified in column 1 of Schedule 1 are prescribed to be infringement offences; and
- (b) the penalties specified in column 2 of Schedule 1 are the respective penalties

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applicable to those infringement
offences.

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	Column 1	Regulation 29 Column 2
	Offences	Penalty units
1.	Section 8A(8)	2.5
2.	Section 9	1
3.	Section 10	2.5
4.	Section 12(1)	1
5.	Section 12(4)	1
6.	Section 13	1
7.	Section 14(1)	1
8.	Section 14(4)	1
9.	Section 15(1)	2.5
10.	Section 16A(2)	1
11.	Section 16B(3)	1
12.	Section 17(5)	5
13.	Section 18(6)	5
14.	Section 21B(2)	5
15.	Section 24(2)	1
16.	Section 24(4)	1

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	Column 1 Offences	Column 2 Penalty units
17.	Section 27(1)	2
18.	Section 28(2)	5
19.	Section 28(3)	1
20.	Section 29(1)	2.5
21.	Section 30(2)	1
22.	Section 35	2
23.	Section 37(2)	2
24.	Section 38	1
25.	Section 38A(4)	5
26.	Regulation 6(3)	3
27.	Regulation 9(5)	1
28.	Regulation 11(2)	2
29.	Regulation 13(4)	
	(a) First offence	3
	(b) Second or subsequent offence	3
30.	Regulation 17(2)	1
31.	Regulation 18(4)	1
32.	Regulation 18(5)	1

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	Column 1 Offences	Column 2 Penalty units
33.	Regulation 19(2)	2
34.	Regulation 25(3)	
	(a) First offence	3
	(b) Second or subsequent offence	3
35.	Regulation 26(1)	
	(a) First offence	3
	(b) Second or subsequent offence	3
36.	Regulation 26(2)	
	(a) First offence	3
	(b) Second or subsequent offence	3

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Printed and numbered in accordance with the *Rules Publication Act 1953*.

Notified in the *Gazette* on 21 December 2022.

These regulations are administered in the Department of Natural Resources and Environment Tasmania.

EXPLANATORY NOTE

(This note is not part of the regulations)

These regulations prescribe, for the purposes of the *Cat Management Act 2009* –

- (a) procedures for the approval, or the suspension or cancellation of approval, of cat management facilities in certain circumstances and the transfer of such approvals; and
- (b) processes relating to the microchipping of cats; and
- (c) other miscellaneous matters, including offences for which an infringement notice may be served.