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Brett Noble
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29 September 2009

Dear Mr Noble,

Draft Cat Management Bill

Please find below the Tasmanian Conservation Trust's comments regarding particular sections of the Draft Cat Management Bill (version 4, 2 September 2009). Thank you for providing us with another opportunity to comment and we apologise for this submission being a day late. We would welcome any opportunity to clarify or discuss comments made in this submission.

2. Commencement

The cover letter does not explain clearly but we understand that it is the State Government's intention that certain elements of the proposed act be phased in after four years e.g. compulsory de-sexing and micro-chipping. Can you clarify which sections of the act will have an immediate commencement date and which will commence later and over what time period?

3. Interpretation - Reserved land

Part (e) refers very broadly to "an agreement to conserve" and we believe this should be clarified. Clearly a conservation covenant under the Nature Conservation Act 2002 should be included under the definition of 'reserved land' and should be referred to specifically. However, we would like to know what other agreements were likely to be included under this definition and believe that some clarification may assist community understanding of and compliance with this section of the act. There are some conservation agreements that are quite informal and fail to accurately define the geographic area they cover. Without defining this information it would be difficult to ensure land owners were complying with the act.

4. Micro-chipping of cats

We would prefer the requirement to micro-chip a cat to occur earlier than six months. Six months is a long period of time during which a young cat may stay and not be identifiable.

6. De-sexing of cats

We would prefer the requirement to de-sex a cat to occur earlier than six months. Six months is a long period of time during which a young cat may reproduce. The RSPCA in their brochure 'Before desexing your cat' state that "Most vets recommend desexing kittens at between 8 weeks and 5 months of age".

7. Sale, &c. of cats

Section 7(1) refers to "care agreements" but there does not appear to be an explanation of who is responsible for policing these agreements.

Section 7(3) refers to cats being "fostered" but this term is not defined or explained.

Section 7(5)(b) should refer to section 6(2) to clarify what the veterinary surgeon's requirements are. Note the grammatical error i.e. the act refers to "veterinarian surgeon's" but should refer to "veterinary surgeon's".

9. Seizure, &c. of cats to protect property

We strongly support section 9(1) that refers to "a business primarily relating to livestock on rural land" but the use of the word 'primarily' and the term 'rural land' is unnecessarily vague and open to challenge. We suggest deleting the word primarily and defining rural land.

10. Seizure, &c. of cats in prohibited areas

Section 10(2)(e) refers to a "prescribed area" but this does not appear to be defined.

11. Declaration of prohibited area

It is not clear what the purpose of a prohibited area is or if it can apply to private land not owned by councils or state government agencies? We assume the intent is to provide councils and state government agencies the power to prohibit cats from land they own, that is not reserved land, but this should be made explicit.

Declaration of prohibited areas without proper community consultation, particularly if it relates to private land not owned by councils or state government agencies, will have the potential to upset cat owners and cause community discontent. We suggest that a more thorough consultation process be adopted similar to that required under the Dog Control Act.

12. Declaration of cat control area

It is not clear what the purpose of a cat control area is or if it can apply to private land not owned by councils or state government agencies? We suggest that a more thorough consultation process be adopted similar to that required under the Dog Control Act.

13. Dealing with seized cats

Section 13(1)(a) refers to cats behaving “aggressively” but this is not defined. This section could be interpreted widely by some people so that they fail to scan any cats for micro-chips.

17. Humane destruction of cats

Section 17(a) states that a person who destroys a cat under the act must do so “quickly and without cause undue suffering”. The word cause needs to be changed to causing, but more importantly undue suffering should be defined. We assume that the Animal Welfare Act clarifies this issue.

Yours sincerely,

Peter McGlone
Director