

Cat & Dog Ownership: Information Sheet

Adding a cat or dog to your family is one way to enrich our lives. However, while there are benefits there are also burdens (legally speaking) to cat and dog ownership.

This fact sheet provides an overview of the main legal issues relating to owning a cat or dog as a pet in Tasmania. Please note, the relevant legislation is state based, meaning the law differs between states. Individual local councils can also have regulations specific to their local government area in place.

You need to ensure that you are complying with all relevant local laws and should seek legal advice in the event you are unsure as to your obligations in any particular scenario.

Ignorance or misunderstanding the law is not a good defence!

What are the State laws that apply to dog and cat ownership?

The main legislation at a State level that applies to dog and cat ownership in Tasmania is as follows:

- A. ***Dog Control Act 2000 (Tas) & Dog Control Regulations 2010 (Tas)***- regulates dog ownership and obligations in Tasmania (hereafter referred to as the “Dog Control Act” collectively);
- B. ***Cat Management Act 2009 (Tas) & Cat Management Regulations 2022 (Tas)***- that regulate cat ownership and obligations in Tasmania; and
- C. ***Animal Welfare Act 1993 (Tas) & Animal Welfare (Dogs) Regulations 2016 (Tas)***- that regulate welfare including health and safety issues relating to pets/animals generally.

The law relating to dog and cat management & control is ordinarily enforced by local councils, whereas the law relating to animal welfare is ordinarily enforced by the RSPCA on behalf of the State.

Most local councils and the RSPCA produce information pamphlets/sheets summarising the bulk of local obligations as they apply to your area. You may wish to consider your local council’s website or office as your first port of call for information relevant to your local area.

What are the main obligations I have in relation to my dog/cat?

Firstly, the rules are somewhat different between dog and cat ownership.

Dogs

When you take on ownership of a dog, the main obligations you need to think about under the *Dog Control Act* are:

1. That from 6 months of age onwards, your dog must:
 - a) be registered with your local council (section 8);
 - b) wear a collar with a registration tag attached when in public (section 11); and
 - c) be micro-chipped (section 15A)- but remember to update your microchip registration information if you or your pets' circumstances change.
2. That if you (and your dog) change address, council area or the dog changes owners, you must notify your existing council in which the dog is registered within 14 days as well as any new council that is applicable (sections 12-14).

Keeping your council and micro-chip up to date will help reunite you with your dog in the event it is lost and then found. In the event you do not comply with the above requirements, you may be fined by your local council.

Other matters you may wish to consider is whether you desex your dog to avoid surprise puppies being born and/or vaccinate your dog. While there is no legal requirement to desex or vaccinate your dog, councils often offer a discounted registration fee when desexed and it avoids the prospect of significant vet costs that may be required when raising puppies or otherwise dealing with avoidable illnesses.

Cats

The law in relation to cats is similar but not the same as dogs. When you take on ownership of a cat, the main obligations you need to think about under the *Cat Management Act 2009* are:-

1. That from 4 months of age onwards, your cat must:
 - a) Be microchipped (section 12)
 - b) Be desexed and have a permanent desexing mark inside their left ear (Section 14) unless:
 - i. it would in the opinion of a vet adversely affect the cats health;
 - ii. it is owned by a registered breeder; or
 - iii. it is a member of a prescribed class of cats (as defined within Regulation 21 of the *Cat Management Regulations 2022* (Tas)).
2. You must not sell a cat unless it is:
 - a) Older than 8 weeks of age;
 - b) Microchipped;
 - c) Desexed (subject to limited exceptions); and
 - d) Passes required health checks including being compliant with Regulation 22 of the *Cat Management Regulations 2022* (Tas)) that requires certain vaccinations, be wormed and be free from external parasites.

3. You must not keep at a specific property greater than 4 cats above 4 months of age (Section 16A) unless you are a registered breeder, hold a multiple cat permit or otherwise comply with the exceptions outlined in section 16A(3).

The main distinction between cats and dogs is that at the date of publication, there is no obligation to register a cat. However, it is appropriate to ensure that your microchip information is up to date in relation to your cat given their greater potential to roam and be found by others.

What are my obligations when my dog/cat is in public?

Some public places have rules excluding all dogs and cats. You should check with your local council about where those places are to avoid being fined.

Dogs

When outside the home your dog must always be under 'effective control' (section 4). Effective control means:

1. When in a public place:
 - a) on a lead that is not longer than 2 metres (section 4(1)); or
 - b) When tethered to a fixed object, on a lead not longer than 2 metres and for less than 30 minutes (section 4(1)).
2. When in a registered off-lead area - in close proximity and in sight of their owner while being responsive to recall commands (i.e., heel) (section 4(3)).

A dog is not under effective control in a public place if:

- your dog chases after a moving vehicle/bike or a person; or
- your dog bites or attacks another dog or person.

If your dog bites another person, you have an obligation to notify the council within 24 hours (section 19). You may also be demanded to meet the relevant costs of the person bitten and they may sue you for damages if you are negligent in your control of the dog.

It is an offence if your dog is "at large" and you can be fined at present up to 5 penalty units (approximately \$1000).

It is also an offence to:

1. Have at any one time in your charge more than 2 dogs on a lead on a footpath or 4 dogs in a public place (section 4(5)).
2. Not remove your dog's faeces in a public place or a place which you do not own or are leasing (Section 45).

3. Fail to keep a bitch on heat confined and away from any public place (section 16).

There are other offence provisions under the *Dog Control Act* beyond those mentioned above. The common thread amongst them relate to controlling your dog, avoiding it attacking others and exercising common sense in relation to being a sensible pet owner.

Cats

At the time of publication there are no specific rules relating to how you act with your cat in public. However, you need to keep in mind that for both dogs and cats, you are responsible if they injure or kill protected wildlife. You also need to keep in mind that if your dog or cat is in public, it is exposed to a greater potential to eat poisons and otherwise catch diseases.

What are my obligations when my dog/cat is at home?

The *Animal Welfare Act 1993* requires you to take “reasonable measures” to ensure the welfare of your animals. The *Animal Welfare (Dogs) Regulations 2016* talks about protecting your dog and checking its health on a regular basis.

You therefore have an obligation to ensure that your animal is:

- regularly fed and has access to fresh drinking water;
- has a safe and appropriate place to sleep;
- is protected from the weather – sun, rain and wind; and
- cannot escape from their home and so endanger themselves, other animals, people or cause a nuisance.

There are also laws about cruelty to animals generally which attract heavy penalties including being fined or jailed in extremely serious cases. Section 8 of the *Animal Welfare Act 1993* lists many offences of cruelty including, but not limited to:

- any act or omission which causes or is likely to cause pain, suffering, death, harm or injury;
- wounding, beating, abusing or terrifying an animal;
- confining an animal so it cannot provide for itself or be provided with food and drink; and
- failing to provide veterinary treatment to a sick or injured animal.

As an example, a person could be charged for cruelty to their animal in circumstances where they leave their pet in a car on a hot summer day or fail to have an unwell animal treated by a vet.

A barking dog can also be the subject of a nuisance action or complaint under the *Dog Control Act*. Your local council has the responsibility of investigating a complaint and if necessary, can serve on the owner an abatement notice – a notice to take steps to stop the dog from barking. The owner can appeal that notice but that requires an application to the Magistrates Court within 14 days of receiving the notice. You should seek advice if you find yourself in this situation.

What happens if my dog or cat escapes from its home?

Firstly, you should take appropriate measures to avoid your dog or cat escaping to begin with. This can be more difficult in circumstances where you are renting rather than own your own home.

Secondly, you may wish to consider if your dog or cat is prone to escaping/roaming to fit it with a personalised collar with your contact details attached and/or an electronic device such as an Apple Air tag, Tile or GPS device. The latter will enable you to track the device to the area of your pet which may assist you.

Dogs

An escaped dog can be seized by the relevant Council officer. The owner must be notified in writing and then has 5 days to collect the dog. If not collected, or if reasonable steps taken have not established who the owner is, then the dog can be sold or destroyed. Usually, councils charge fees to secure a dog's release, which can vary.

If the dog is not microchipped, the council have 3 days to find the owner, or it may then sell or destroy the dog. If the owner is identified and wants to collect the dog, the Council may microchip the dog and charge the owner for the work.

If your dog escapes onto a farmer's land who has livestock, then they can destroy the dog immediately. They are required however to notify the council and hand in the registration disc.

Cats

An escaped cat can be trapped by anyone who owns or leases the premises where a cat is found. If the cat is trapped, it must then be returned to the owner (assuming the owner can be determined) or taken to a cat management facility.

Councils can operate a cat management facility or private people can apply to the council to operate one. On arrival at the facility, the cat will be scanned for its microchip and the owner identified. Like a dog, if after 5 days, the owner does not collect their cat, or cannot be found, the cat can be rehoused, sold or destroyed. If the cat is claimed, but is not already desexed and microchipped, that will be done, and the owner possibly fined for any breaches of the law.

What is a dangerous dog or a restricted breed of dog?

This issue applies to dogs only. Under the *Dog Control Act*, any dog can be declared a dangerous dog if:

- (a) It causes serious injury to a person or another animal (section 29); or
- (b) there is reasonable cause to believe that the dog is likely to cause serious injury to a person or another animal (section 29).

If the Council has made the declaration, you should seek urgent advice about your avenues of appeal, if you disagree with the declaration. You have 14 days after service of the Notice declaring

the dog to be dangerous in which to appeal the declaration to the *Magistrates Court of Tasmania* (section 31).

A declaration that a dog is dangerous is serious for the owner and pet because it will affect the quality of the dog's life and home environment. It is important to note that if a dog attacks again after being declared a dangerous dog, it can be destroyed and there are also penalties for the owner.

The rules for having a dangerous or restricted breed dog in public include:

- the dog must be with an adult;
- on a lead no longer than 2 metres long;
- must wear an approved red and yellow diagonally striped durable collar; and
- must wear a muzzle.

The rules for having a dangerous dog or restricted breed dog at home include:

- the dog must be held within an enclosure which complies with the prescribed requirements in the *Dog Control Regulations 2010*; and
- there must be warning signs of the presence of the dog.

If the dog is not in an enclosure, then there are the following rules:

- The dog must be with an adult;
- The dog must wear a muzzle;
- The dog must be kept on a lead not longer than 2 metres; and
- The dog is wearing an approved red and yellow diagonally striped durable collar. Dangerous dogs need to be desexed and microchipped.

You should consider if you are able to comply with these onerous restrictions and whether it is in the best interests of your animal to live in what are restricted conditions for the balance of their life. You may wish to consult with your vet about your welfare choices in this situation.

Under the *Dog Control Act 2000*, there are five (5) breeds of dog which are classed as restricted in Tasmania because they are judged likely to be aggressive. They are restricted from importation into Australia. These are the following breeds:

- American Pitbull;
- Japanese Tosa;
- Dogo Argentino;
- Fila Brasileiro; and
- Perro de Presa Canario.

Of the above, Pitbulls are the only breed believed to be in Tasmania at present. You must seek council permission to own/purchase a restricted breed dog and there are conditions on your ownership of this type of dog.

Other Matters

As a final note, it is possible for a person to be charged with:

1. assaulting another person if they direct their dog or cat to attack/launch onto another person without their consent;
2. In relation to a dangerous dog, causing death or grievous bodily harm by dangerous dog or restricted breed dog which is a crime for which a person may be liable to serve up to 21 years jail; or
3. Threatening or assaulting a public official in circumstances where a council employee/dog controller has that behaviour enacted upon them.

The laws around dog and cat ownership can be complicated. However, applying common sense goes a long way to complying with the bulk of obligations placed upon you.

If you require legal advice in relation to your obligations, you may contact *North West Community Legal Centre* to make an appointment.

Helpful Resources

[View - Tasmanian Legislation Online Dog Control Act 2000](#)

[View - Tasmanian Legislation Online Cat Management Act 2009](#)

[Department of Premier and Cabinet - Dog control \(dpac.tas.gov.au\)](http://dpac.tas.gov.au)

[Department of Premier and Cabinet - Dangerous dogs FAQs \(dpac.tas.gov.au\)](http://dpac.tas.gov.au)

[Department of Premier and Cabinet - Restricted breed FAQs \(dpac.tas.gov.au\)](http://dpac.tas.gov.au)

[Your Dog And The Law ★ RSPCA Tasmania - Prevent Animal Cruelty | Educate & Advocate](#)

Further helpful information about micro-chipping is available here:

https://www.dpac.tas.gov.au/divisions/local_government/legislation/current_legislation/dog_control/micro-chipping_faqs.

[Responsible Cat Ownership in Tasmania | Department of Natural Resources and Environment Tasmania \(nre.tas.gov.au\)](http://nre.tas.gov.au)

[Catownershipplr.pdf \(nre.tas.gov.au\)](http://nre.tas.gov.au)

[TassieCat | Information for cat owners in Tasmania](#)

[Your Cat And The Law ★ RSPCA Tasmania - Prevent Animal Cruelty | Educate & Advocate](#)

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