



## Nuisance cats

### **WHAT CAN I DO IF A CAT IS TRESPASSING AND CAUSING A NUISANCE ON MY PROPERTY?**

Owned or unowned cats can trespass on private property and cause considerable nuisance by spraying or defecating in gardens, fighting, making noise through calling and crying, or attacking wildlife.

The *Domestic Animals Act 1994* provides landowners and occupiers with a means to address the nuisance caused by cats entering private property without permission.

### **DOES YOUR COUNCIL HAVE CAT CONFINEMENT REQUIREMENTS?**

Some Municipalities have an order under section 26 of the *Domestic Animals Act 1994*. A Section 26 Order requires cat owners to keep their pets confined to the property during specified hours (eg between dusk and dawn, or 24 hours a day). Mildura Rural City Council does NOT have a cat curfew, which means you must ensure that your cat is contained to your property.

Unidentified cats trapped and impounded will be held for eight (8) days (unless they are wild, uncontrollable or diseased, in which case they may be euthanased). If unclaimed, they may then be rehomed or euthanased.

Owners of identified cats trapped will be notified of the impoundment. The cat will be held for eight (8) days, during which time it can be reclaimed by the owner (impounding fees and offence provisions will apply). If unclaimed after eight (8) days, it may be rehomed or euthanased.

### **USING SECTION 23 TO ADDRESS CAT NUISANCE ON PRIVATE PROPERTY**

If your Municipality does not have a Section 26 Order requiring the confinement of cats to the property during specified times, you can use the procedure under Section 23 of the *Domestic Animals Act 1994* to address the problem.

Under Section 23, it is an offence for a cat to remain on private property without permission. Landowners or occupiers may trap cats (both owned and unowned) found trespassing on their property.

Where a cat has been trapped on a private property under Section 23, the owner/occupier must immediately notify the Council of the municipal district in which the property is situated (or organisation operating the Council's pound).

Unidentified cats trapped under Section 23 will be held by Council for eight (8) days (unless they are wild, uncontrollable or diseased, in which case they may be euthanased). If unclaimed, they may then be rehomed or euthanased.

If the trapped cat is identified, Council will record its registration and/or identification details, before the cat is released or returned to the owner.

The cat may be impounded, and the owner will be notified of impoundment. When the cat is returned to the owner, impounding fees will apply (and an infringement notice or court summons may be issued). If the cat is not reclaimed by the owner within eight (8) days, it will be rehomed or euthanased.

## **PREPARATION FOR TRAPPING CATS**

Some trespassing cats may be friendly and approachable, and you may simply be able to note their registration/identification details, or put them in a cat carrier and transport them to the pound. Other cats, particularly if they are unowned, will require trapping.

Your Council will tell you whether you can hire a trap, or whether you will need to make an appointment for a Council officer to conduct the trapping. If you obtain a trap, you will be responsible for the welfare of the cat involved and will need to follow a basic cat trapping protocol to ensure the cat's welfare (Council will provide you with more information on this when you pick up the trap).

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