Introduced by Ms Sue Higginson, MLC First print

New South Wales

Companion Animals Amendment (Control of Cats) Bill 2025

Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

Overview of Bill

The object of this Bill is to provide for measures to prevent cats from—

(a) escaping from the place where the cat is kept, or

(b) leaving the place without being under the control of a person.

Outline of provisions

Clause 1 sets out the name, also called the short title, of the proposed Act.

Clause 2 provides for the commencement of the proposed Act.

Schedule 1 Amendment of Companion Animals Act 1998 No 87

Schedule 1[1] makes it an offence for a cat owner—

(a) to not take all reasonable precautions to prevent their cat from escaping from the property on which the cat is kept, or

(b) to intentionally release their cat from the property, unless the cat is under the effective control of a competent person.

However, a defence applies if the owner is experiencing homelessness or subject to domestic abuse.

Schedule 1[2] provides for the maximum penalty for the offence in proposed section 29A(1) to be increased on the fifth anniversary of the date of assent to the proposed Act.

Schedule 1[3] and [4] expand the circumstances in which a cat may be a nuisance to include the following—

(a) if the cat is outside of the property on which the cat is ordinarily kept and is not under the effective control of a competent person,

(b) if the cat endangers the health of a person or other animal.

Schedule 1[5] expands the circumstances in which certain local council employees may take steps to ascertain the identification information of a companion animal.

Schedule 2 Amendment of Local Government Act 1993 No 30

Schedule 2[1] enables a local council to order a person to take action to prevent a cat from escaping from premises on which the cat is kept.

Schedule 2[2] makes it an offence for a person to fail to comply with the order. However, a defence applies if the person is experiencing homelessness or subject to domestic abuse.

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This PUBLIC BILL, originated in the LEGISLATIVE COUNCIL and, having this day passed, is now ready for presentation to the LEGISLATIVE ASSEMBLY for its concurrence.

Clerk of the Parliaments

Legislative Council

New South Wales

Companion Animals Amendment (Control of Cats) Bill 2025

No , 2025

A Bill for

An Act to amend the *Companion Animals Act 1998* and the *Local Government Act 1993* to prevent cats from escaping from places or from leaving places without being under the control of a person; and for related purposes.

The LEGISLATIVE ASSEMBLY has this day agreed to this Bill with/without amendment.

Clerk of the Legislative Assembly

Legislative Assembly

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The Legislature of New South Wales enacts—

1 Name of Act

This Act is the *Companion Animals Amendment (Control of Cats) Act 2025*.

2 Commencement

This Act commences as follows—

(a) for Schedule 1[2]—on the fifth anniversary of the date of assent to this Act,

(b) otherwise—on the first anniversary of the date of assent to this Act.

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Schedule 1 Amendment of Companion Animals Act 1998 No 87

[1] Section 29A

Insert after section 29—

29A Restrictions on cats leaving property

(1) The owner of a cat must take all reasonable precautions to prevent the cat from escaping from the property on which the cat is being kept.

Maximum penalty—

(a) for a first offence—0.1 penalty unit, or

(b) for a second offence—3 penalty units, or

(c) for a third or subsequent offence—8 penalty units.

(2) The regulations may specify what constitutes or does not constitute reasonable precautions to prevent a cat from escaping.

(3) The owner of a cat must not intentionally release the cat from the property on which the cat is being kept, unless the cat is under the effective control of a competent person when not on the property.

Maximum penalty—8 penalty units.

(4) It is a defence in proceedings for an offence under this section if the person, at the time of the alleged offence, was—

(a) experiencing homelessness, or

(b) subject to behaviour constituting domestic abuse under the *Crimes (Domestic and Personal Violence) Act 2007*.

(5) In this section—

owner of a cat includes the person who is for the time being in charge of the cat.

[2] Section 29A, as inserted by item [1]

Omit section 29A(1), penalty. Insert instead—

Maximum penalty—

(a) for a first offence—3 penalty units, or

(b) for a second or subsequent offence—8 penalty units.

[3] Section 31 Nuisance cats

Insert after section 31(1)(a)—

(a1) is outside of the property on which it is ordinarily kept and is not under the effective control of a competent person, or

[4] Section 31(1)(b)

Omit "kept.". Insert instead—

kept, or

(c) endangers the health of—

(i) a person, or

(ii) another animal, other than vermin.

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[5] Section 69E Power to ascertain identification information of companion animals

Omit section 69E(2)(b). Insert instead—

(b) for an authorised officer of a council—

(i) for the purposes of exercising the council's functions under Part 5, Division 6, or

(ii) if the officer reasonably suspects that an offence under the *Local Government Act 1993*, section 628(2A) has been committed.

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Schedule 2 Amendment of Local Government Act 1993 No 30

[1] Section 124 Orders

Insert after section 124, Table, item 12—

13	To take action as necessary to prevent a cat from escaping from premises on which the cat is kept	Cat that roams outside of the premises	Owner of cat

[2] Section 628 Failure to comply with order

Insert after section 628(2)—

(2A) A person who fails to comply with an order given to the person under Chapter 7, Part 2 that is an order in the terms of section 124, Table, order No 13 is guilty of an offence.

Maximum penalty—8 penalty units.

(2B) It is a defence in proceedings for an offence under subsection (2A) if the person, at the time of the alleged offence, was—

(a) experiencing homelessness, or

(b) subject to behaviour constituting domestic abuse under the *Crimes (Domestic and Personal Violence) Act 2007*.

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