

JOINT STANDING COMMITTEE ON DELEGATED LEGISLATION



Your ref: 0129804, RS.ANC.4
Our ref: A687522

16 May 2018

Cr David Wallace
President
256 Young Road

**Attention: Mr John Goward,
Shire Ranger**
By email:
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records@york.wa.gov.au

Shire of York
York WA 6302

Dear President

Shire of York

Cat Local Law 2017 (Local Law)

I refer to a letter dated 21 March 2018 from Mr Executive Officer, Shire of York, which enclosed a copy of the Local Law and explanatory material for the Local Law.

Paul Martin, Chief

I advise that the Joint Standing Committee on Delegated Legislation considered the Local Law at its meeting today and resolved to contact you about the following issues.

Indefinite abatement notices

Clause 3.1 allows an authorised person to issue an abatement notice when, in the opinion of that person, a cat is creating a nuisance. The notice may be given to the owner or *'any other person apparently in control of the cat'* and would require the person to abate the nuisance.

Clause 3,1(3) purports to enable the Shire to give an abatement notice which applies indefinitely:

When a nuisance has occurred and a notice to abate the nuisance is given, the notice remains in force for the period specified by the local government on the notice or until the local government withdraws the notice.

A failure to comply with an abatement notice within the specified period can leave the notice recipient liable to a maximum court-imposed penalty of \$2 500 or a modified penalty of \$200.¹

In many cases of cats creating a nuisance, the only means of abating the nuisance would be to confine a cat. In the Committee's opinion, indefinite abatement notices (and therefore, an apparent requirement to confine a cat indefinitely) are not within power of, and/or inconsistent with, the *Cat Act 2011 (Cat Act)*. The Cat Act contemplates that cats are permitted in public places unless they do not comply with the requirements of the Act.

In the Committee's view, clause 3.1(3) should be amended to read as follows:

Clauses 3.1(4) and 6.3 and Schedule 2, item 3.

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When a nuisance has occurred and a notice to abate the nuisance is given, the notice remains in force for the period specified by the local government on the notice ~~or until the local government withdraws the notice~~ which period shall not exceed 28 days.

The above amendment would strike an appropriate balance between:

- providing the Shire with a mechanism to stop a nuisance with immediate and ongoing effect and
- providing the notice recipient with a reasonable amount of time to rectify the nuisance behaviour of the cat.

Unauthorised/inconsistent objection and review rights

Clause 6.2 provides that the Shire's decision to approve, refuse to approve, renew, vary or cancel a permit can be the subject of an objection or review under Part 4, Division 5 of the Cat Act. However, the Cat Act is very specific about when that Division can apply. Section 68 in that Division provides that:

This Division applies when a local government makes a decision to —

- (a) *refuse to grant or renew the registration of a cat under section 9; or*
- (b) *cancel the registration of a cat under section 10; or*
- (c) *refuse to approve or renew the approval of a person to breed cats under section 37; or*
- (d) *cancel the approval of a person to breed cats under section 38.*

The Local Law does not deal with the above decisions because they are covered by the Cat Act. Instead, the Local Law deals with permits for the keeping of more than two cats on premises and permits for cat management facilities operated by persons other than the Shire or authorised persons.

The Cat Act has deliberately confined the objection and review procedures of Part 4, Division 5² to those four categories of decisions listed in section 68. The Committee is not aware of any provisions in the Cat Act which authorise local laws to extend the Part 4, Division 5 objection and review procedures to other decisions of local governments. In the Committee's view, clause 6.2 is not 'within power' of the Cat Act and breaches the Committee's Term of Reference 10.6(a).³ Further, clause 6.2 is inoperative to the extent that it is inconsistent with the Cat Act.⁴

However, the Committee notes that the *Local Government Act 1995 (LG Act)* also contains objection and review procedures for people affected by decisions made by local governments as to whether they will grant, renew, vary or cancel authorisations under a local law (Part 9, Division I).⁵ The objection and review procedures in both Acts are similar.

Part 4 is entitled '*Administration and enforcement*' and Division 5 is entitled '*Objections and review*'.
'In its consideration of an instrument, the Committee is to inquire whether the instrument... is within power' Standing Orders of the Legislative Council, Schedule 1, item 10.6(a).
Cat Act s 81.
Part 9 is entitled '*Miscellaneous provisions*' and Division 1 is entitled '*Objections and review*'.

The objection and review procedures in the LG Act are already available to all people affected by local government decisions about authorisations,⁶ without the need for the procedures to be applied by any local laws. That is, there is no need for clause 6.2. The LG Act objection and review procedures already apply to the types of decisions described in clause 6.2. The Committee is of the view that clause 6.2 should be deleted from the Local Law.

If the Shire wishes to keep clause 6.2 (despite the above advice of the Committee), there is authority in the LG Act for local laws to apply the LG Act procedures to any prescribed decisions made by the local government under a local law.⁷ If clause 6.2 is to be retained, the Committee is of the view that it should be amended by:

- moving the phrase *'the provisions of Division 5 of Part 4 of the Act apply to that decision'* to the next line
- deleting the words *'Division 5 of Part 4 of the Act'* and replacing them with *'Part 9, Division 1 of the Local Government Act 1995'*
- inserting the following words immediately after the phrase *'apply to that decision.'*:

The person specified in that decision is an affected person for the purposes of Part 9, Division 1 of the Local Government Act 1995.

Failure to prescribe modified penalties

Clause 6.3 attempts to prescribe all offences under the Local Law to be offences for which an infringement notice may be issued (and for which a modified penalty can be imposed). The attempt has been unsuccessful (see the discussion about the drafting error in clause 6.3(2) on page 4).

On the assumption that the Shire will be willing to correct the drafting error discussed below, I advise that the Local Law has prescribed modified penalties for only three of the offences which could be committed under the Local Law.⁶ There appear to be at least another four offences for which modified penalties could be prescribed. For example, there is no modified penalty prescribed in Schedule 2 of the Local Law for the offence of releasing or attempting to release a cat from a cat management facility, in breach of clause 4.3(l)(a).

The Shire may wish to amend the Local Law by prescribing additional modified penalties.

Drafting errors

Clause 1.4—definition of 'permit'

The definition of *'permit'* contains an error in cross-referencing. The cross-reference to *'clause 2.6'* should be a cross-reference to *'clause 2.4'*.

Clause 4.3(3)

This clause provides that:

Dealing with identified and unclaimed cats is dealt with in section 34 of the Act.

LG Act s 9.1(1).

LG Act s 9.1(3).

See clause 6.3(4) and Schedule 2.

However, section 34 of the Cat Act deals with unidentified and unclaimed cats. As the clause is merely alerting the reader to section 34, it is unnecessary and should be deleted. As per the previous Department of Local Government and Communities' *Cat Local Law Guideline Notes*,³ cat local laws should not replicate any provisions of the Cat Act or the *Cat Regulations 2012*, either within the content of the local law or within boxed notes:

*Repeating the text of sections of other legislation as part of a local law can lead to confusion in cases where the text is later amended in the original legislation.*¹⁰

This practice is also problematic when, such as in the Local Law, the replication of, or reference to, other legislation contains an error.

If the Shire wishes to keep clause 4.3(3), it should amend the clause by replacing 'identified' with 'unidentified'.

Clause 6.3(2)

This clause is attempting to prescribe any breach of a provision of the Local Law as an offence for which an infringement notice may be issued (and for which a modified penalty may be imposed). Section 62 of the Cat Act authorises these prescriptions in a cat local law. However, the clause refers to section 84 of the Cat Act, which deals with the prescription of offences which need to be prosecuted and proven in a court.

Based on the current wording of clause 6.3(2), no offences have been prescribed under the Local Law for the purposes of infringement notices. To correct this issue, and to be able to issue infringement notices with confidence, the Shire should amend clause 6.3(2) by deleting the words 'Section 84' and replacing them with 'section 62'.

Schedule 2—cross reference to clause 7.3 as the associated provision

At the beginning of Schedule 2 to the Local Law, there is a reference to '[Clause 7.3]'. The reference should be to clause 6.3, as the associated provision.

Schedule 2, item 2

This item prescribes a modified penalty for breaching the condition of a permit. The Schedule incorrectly refers to the relevant clause as clause 2.6(c). The correct reference is to clause 2.6(l)(e).

Request for undertaking

The Committee requests that the Shire's Council provide undertakings that:

1. within six months, the Shire will make an amendment local law to:

- (a) amend clause 3.1(3) of the Local Law by deleting the words 'or until the local government withdraws the notice' and replacing them with 'which period shall not exceed 28 days'

The Committee noted that the Shire referred to these notes when making the Local Laws: Shire of York, *Minutes of ordinary Council meeting*, 26 June 2017, p 69 and Appendix B. Department of Local Government and Communities, Circular 21-2014, *Cat Local Law Guideline Notes*, Government of Western Australia, Perth, July 2014, p 9.

- (b) delete clause 6.2 OR, if the Shire wishes to keep clause 6.2, amend clause 6.2 by:
 - i. moving the phrase *'the provisions of Division 5 of Part 4 of the Act apply to that decision'* to the next line
 - ii. deleting the words *'Division 5 of Part 4 of the Act'* and replacing them with *'Part 9, Division 1 of the Local Government Act 1995'*
 - iii. inserting the following words immediately after the phrase *'apply to that decision.'*:

The person specified in that decision is an affected person for the purposes of Part 9, Division 1 of the Local Government Act 1995.
 - (c) amend the definition of *'permit'* in clause 1.4 by deleting *'clause 2.6'* and replacing it with *'clause 2.4'*
 - (d) if the Shire wishes to keep clause 4.3(3), amend the clause by replacing *'identified'* with *'unidentified'*
 - (e) amend clause 6.3(2) by deleting the words *'Section 84'* and replacing them with *'section 62'*
 - (f) amend Schedule 2 by deleting *'[Clause 7.3]'* and replacing it with *'[clause 6.3]'*
 - (g) amend Schedule 2, item 2 by deleting *'2.6(c)'* and replacing it with *'2.6(l)(e)'*.
2. until the Local Law is amended in accordance with undertaking 1, the Shire will:
- (a) not enforce the Local Law in a manner contrary to undertaking 1
 - (b) where the Local Law is made publicly available, whether in hard copy or electronic form (including on the Shire's website), ensure that it is accompanied by a copy of these undertakings.

The undertakings should be given in the form of a letter signed by you as President, not the Chief Executive Officer or other officer of the Shire. This is because, pursuant to section 2.8(l)(d) of the LG Act, the *'Mayor or President speaks on behalf of the local government'* to the Parliament of Western Australia.

I note that your Council is next due to meet on 28 May 2018 and therefore request that the undertakings be provided to the Committee by **Friday 8 June 2018**.

To assist you, I **enclose** a suggested form of Council resolution to provide the undertakings.

Notice of motion to disallow

I advise that the Committee also resolved to give a notice of motion in the Legislative Council to disallow the Local Law. The Notice will be given on 17 May 2018.

The reasons for giving notice are to protect the Parliament's right to disallow the Local Law should the Committee recommend disallowance and to provide the Committee with additional time to scrutinise the Local Law and, if necessary, obtain further information. The giving of the notice should not be taken as indicating that the Committee has resolved to recommend disallowance at this stage.

Confidentiality

Notwithstanding the confidential status of this letter, the Committee authorises the Shire to discuss the contents of this letter with the Department of Local Government, Sport and Cultural Industries, WALGA and the Shire's legal advisers.

If you have any queries in relation to this matter, please contact one of the Committee's Advisory Officers, Ms Denise Wong, on 9222 7408 or at dwong@parliament.wa.gov.au.

Yours sincerely



Ms Emily Hamilton MLA

Chair

Enc: Suggested Council resolution

cc Hon David Templeman MLA

Minister for Local Government

By email: Minister.Templeman@dpc.wa.gov.au

cc Mr Duncan Ord OAM

Director General

Department of Local Government, Sport and Cultural Industries

Attention: Mr Steven Elliott, Senior Legislation Officer—Local Government

By email: info@dlgsc.wa.gov.au; steven.elliott@dlgsc.wa.gov.au

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Suggested form of Council resolution to provide the undertaking

The Council of the Shire of York resolves to undertake to the Joint Standing Committee on Delegated Legislation that:

1. within six months, the Shire will make an amendment local law to:
 - (a) amend clause 3.1(3) of the *Shire of York Cat Local Law 2017* by deleting the words '*or until the local government withdraws the notice*' and replacing them with 'which period shall not exceed 28 days'
 - (b) delete clause 6.2 OR, if the Shire wishes to keep clause 6.2, amend clause 6.2 by:
 - i. moving the phrase '*the provisions of Division 5 of Part 4 of the Act apply to that decision*' to the next line
 - ii. deleting the words '*Division 5 of Part 4 of the Act*' and replacing them with '*Part 9, Division 1 of the Local Government Act 1995*'
 - iii. inserting the following words immediately after the phrase '*apply to that decision.*':

The person specified in that decision is an affected person for the purposes of Part 9, Division 1 of the Local Government Act 1995.
 - (c) amend the definition of '*permit*' in clause 1.4 by deleting '*clause 2.6*' and replacing it with '*clause 2.4*'
 - (d) if the Shire wishes to keep clause 4.3(3), amend the clause by replacing '*identified*' with '*unidentified*'
 - (e) amend clause 6.3(2) by deleting the words '*Section 84*' and replacing them with '*section 62*'
 - (f) amend Schedule 2 by deleting '*[Clause 7.3]*' and replacing it with '*[clause 6.3]*'
 - (g) amend Schedule 2, item 2 by deleting '*2.6(c)*' and replacing it with '*2.6(l)(e)*'.
- 2, until the *Shire of York Cat Local Law 2017* is amended in accordance with undertaking 1, the Shire will:
 - (a) not enforce that local law in a manner contrary to undertaking 1
 - (b) where that local law is made publicly available, whether in hard copy or electronic form (including on the Shire's website), ensure that it is accompanied by a copy of these undertakings.

SHIRE OF YORK



CAT LOCAL LAW 2017

CAT ACT 2011
LOCAL GOVERNMENT ACT 1995
SHIRE OF YORK
CAT LOCAL LAW 2017

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PRESCRIBED OFFENCES

CAT ACT 2011
LOCAL GOVERNMENT ACT 1995
SHIRE OF YORK
CAT LOCAL LAW 2017

Under the powers conferred by the *Cat Act 2011*, the *Local Government Act 1995* and under all other powers enabling it, the Council of the Shire of York resolved on 26 February 2018 to make the following local law.

PART 1 —PRELIMINARY

1.1 Citation

This local law may be cited as the Shire of York Cat Local Law 2017.

1.2 Commencement

This local law comes into operation 14 days after the date of its publication in the *Government Gazette*.

1.3 Application

This local law applies throughout the district.

1.4 Definitions

In this local law unless the context otherwise requires—

Act means the Cat Act 2011;

authorised person has the meaning given to it in the Act; *cat* has the meaning given to it in the Act; *cat*

management facility means—

- (a) a facility operated by a local government that is, or may be, used for keeping cats; or
- (b) a facility for keeping cats that is operated by a person or body prescribed; or
- (c) a facility for keeping cats that is operated by a person or body approved in writing by a local government.

CEO means the Chief Executive Officer of the local government;

Council means the Council of the local government;

district means the district of the local government;

local government means the Shire of York;

multiple dwelling means any building or place designed for habitation by more than one domestic group and includes, but is not limited to, units, flats, town houses, duplexes or apartments;

notice to abate means a notice to abate a nuisance referred to in clause 3.1(2);

nuisance means—

- (a) an activity or condition which is harmful or annoying and which gives rise to legal liability in the tort of public or private nuisance at law;
- (b) an unreasonable interference with the use and enjoyment of a person's ownership or occupation of land; or
- (c) interference which causes material damage to land or other property on the land affected by the interference.

owner has the meaning given to it in the Act;

permit means a permit issued by the local government under clause 2.6;

permit holder means a person who holds a permit granted under this local law;

premises has the meaning given to it in the Act;

pound owner means the person or body that manages or has control of the pound;

RSPCA means the Royal Society for the Prevention of Cruelty to Animals (Inc.) of Western Australia.

PART 2—CATS FOR WHICH A PERMIT IS REQUIRED

2.1 Interpretation

In this Part, *cat* does not include a cat less than 6 months old.

2.2 Cats for which a permit is required

- (1) Subject to clause 2.2(2) an owner is required to have a permit—
 - (a) to keep 3 or more cats on any premises; or
 - (b) to use any premises as a cat management facility.
- (2) a permit is not required under subclause (1) if the premises concerned are—
 - (a) a refuge of the RSPCA or any other body prescribed in regulation 4 of the *Cat Regulations 2012*;
 - (b) *regulation 7 of the Cat (Uniform Local Provisions) Regulations 2013 states*: If a member of a cat organisation is ordinarily resident at prescribed premises, the number of cats that may be kept at the premises is 3 times the number of cats that could be kept at the premises under the local law that applies to the premises.
 - (a) (c) a cat management facility established under clause 4.1;
 - (b) (d) a veterinary surgery; or
 - (c) (e) a pet shop.

2.3 Application for permit

An application for a permit under clause 2.2 shall be made in accordance with regulation 8 of the *Cat (Uniform Local Provisions) Regulations 2013* and—

- (a) must be accompanied by the application fee for the permit determined by the local government from time to time;
- (b) is not deemed to have been made until the application fee has been paid; and
- (c) is to be accompanied by the plans to the specification and in the form determined by the local government from time to time.

2.4 Decision on application

The local government may—

- (a) approve an application for a permit subject to conditions; or
- (b) refuse to approve an application for a permit.

2.5 Factors relevant to determination of application

In determining an application for a permit the local government may have regard to—

- (a) the physical suitability of the premises for the proposed use;
- (b) the suitability of the zoning of the premises for the proposed use;
- (c) the environmental sensitivity and general nature of the location surrounding the premises for the proposed use;
- (d) the structural suitability of any enclosure in which any cat is to be kept;
- (e) the likelihood of a cat causing nuisance, inconvenience, or annoyance to the occupiers of adjoining land;
- (f) the likely effect on the amenity of the surrounding area of the proposed use;
- (g) the likely effect on the local environment including any pollution or other environmental damage, which may be caused by the proposed use;
- (h) the applicant's infringement history with the local government or any other local government, relevant to any cat or person to which a permit relates; and
- (i) such other factors which the local government may consider to be relevant in the circumstances of the particular case.

2.6 Conditions

(1) Every permit is issued subject to the following conditions—

- (a) the additional conditions contained in Schedule 1 for that particular type of permit;
- (b) any cat to which a permit relates must be registered under the Act;
- (c) a permit may be suspended or revoked by the local government if there is a breach of any condition of that permit or if the permit holder is convicted of a breach of any provision of this local law;
- (d) a permit relates to specific premises and to a specific permit holder, and is not transferable on—
 - (i) the sale or lease of the premises to which the permit relates; or
 - (ii) the sale or lease of a cat management facility;
- (e) a person shall not contravene a condition of a permit; and
- (f) unless otherwise specified on a permit, a permit commences on the date of issue and expires after three years.

2.7 Renewal of permit

(1) A permit is to be renewed if the fee referred to in clause 2.3(a) is paid to the local government prior to the expiry of the permit.

(2) On the renewal of a permit the conditions of the permit at the time of its renewal continue to have effect.

2.8 Variation or cancellation of permit

- (1) The local government may vary the conditions of a permit.
- (2) The local government may vary or cancel a permit on the request of the permit holder.
- (3) If a permit is cancelled the fee paid for that permit is not refundable for the term of the permit that has not yet expired.

PART 3—CONTROL OF CATS

3.1 Nuisances

(1) The owner of a cat, or any other person in control of a cat, shall not allow a cat to create a nuisance.

(2) Where, in the opinion of an authorised person, a cat is creating a nuisance, the local government may give written notice to the owner of the cat or any other person apparently in control of the cat, requiring that person to abate the nuisance.

(3) When a nuisance has occurred and a notice to abate the nuisance is given, the notice remains in force for the period specified by the local government on the notice or until the local government withdraws the notice.

(4) A person given a notice to abate the nuisance shall comply with the notice within the period specified in the notice.

PART 4—IMPOUNDING OF CATS

4.1 Cat management facility

(1) The local government may establish and maintain a cat management facility or facilities, and may approve a cat management facility maintained by any authorised person, for the impounding of cats under this local law.

(2) The local government may determine from time to time—

(a) the times when a cat management facility will be open for the reception and release of cats;

(b) times for the sale of cats from the facility; and

(c) a scale of impounding fees to be paid on the release of impounded cats.

4.2 Impounding Register

(1) The local government is to keep a proper record of impounded cats (the "Impounding Register").

(2) The Impounding Register is to contain the following information about each impounded cat—

(a) if known, the breed and sex of the cat;

(b) the colour, distinguishing markings and features of the cat;

(c) if known, the name and address of the owner;

(d) the date and time of seizure and impounding;

(e) the name and address of the authorised person who impounded the cat and, if applicable, the person who delivered a cat under clause 5.1(2) for impounding; the reason for the impounding;

(f) a note of any order made by an authorised person relating to the cat; and

(g) the date of the sale, release or destruction of the cat.

(3) The Impounding Register is to be available for inspection by the public.

4.3 Release from cat management facility

(1) A person shall not—

(a) unless the person is an owner of a cat management facility or an employee of the local government duly authorised in that regard, release or attempt to release a cat from a cat management facility;

(b) destroy, break into, damage or in any other way interfere with or render not cat proof a cat management facility;

or

(c) destroy, break into, damage, or in any other way interfere with any container used for the purpose of catching, holding or conveying cats, which have been seized.

(2) Where—

(a) an owner wishes to collect a cat within 7 days of a notice having been given under section 32 of the Act; and

(b) a permit is required for the keeping of the cat,

the cat shall not be released until the owner obtains a permit.

(3) Dealing with identified and unclaimed cats is dealt with in section 34 of the Act.

PART 5—DESTRUCTION OF CATS

5.1 Destruction at request of owner

(1) An owner of a cat may request the local government to destroy the cat under S.34(c) of the Act.

(2) Where an owner requests that a cat be destroyed, the owner must complete and sign a form of authorisation showing—

(a) the name and residential address of the owner making the request;

(b) a description of the cat including its breed, colour, sex and age;

(c) the reason for destruction;

(d) a signature authorising destruction; and

(e) produce reasonable evidence to the satisfaction of the local government that the person making the request is the owner of the cat.

(3) The local government may charge an owner a fee in respect of the destruction of a cat under clause 5.1(1) and the local government from time to time shall determine the fee.

PART 6 — MISCELLANEOUS

6.1 Serving of infringement notices

An infringement notice served under section 62 of the Act or this local law may be given to a person—

- (a) personally;
- (b) by registered mail addressed to the person; or
- (c) by leaving it for the person at her or his address.

6.2 Objections and Appeals

When the local government makes a decision to—

- (a) approve or refuse to approve an application for a permit under this local law; or
- (b) renew, vary or cancel a permit under this local law, the provisions of Division 5 of Part 4 of the Act apply to that decision.

6.3 General offence and penalty provisions

- (1) Any person failing to do any act required to be done, or doing any act forbidden to be done by any provision under this local law, or any notice or order given or made under any provision of this local law commits an offence.
- (2) An offence against any provision of this local law is a prescribed offence for the purposes of Section 84 of the Act.
- (3) The maximum penalty for an offence under this local law is \$2,500.
- (4) The amount appearing in the final column of Schedule 2 directly opposite an offence described in that Schedule, is the modified penalty for that offence.
- (5) Where an authorised person has reason to believe that a person has committed an offence under this local law in respect of which a modified penalty may be imposed, he or she may issue to that person a notice in the form of Form 6 of Schedule 1 of the *Cat Regulations 2012*.
- (6) Whether or not the modified penalty has been paid, an authorised person may withdraw an infringement notice by sending a notice in the form of Form 7 of Schedule 1 of the *Cat Regulations 2012* to the person named in the infringement notice.
- (7) A penalty for an offence against this local law may be recovered by the local government taking proceedings against the alleged offender in a Magistrate's Court.
- (8) The local government shall cause to be kept adequate records of all infringement notices given, and all modified penalties paid under this local law.

6.4 Defence

- (1) It is a defence to a charge of an offence of contravening clause 3.1(1), if the owner charged satisfies the court that at the material time some other person (whom he or she shall identify) over the age of 18 years was the owner of the cat(s).

SCHEDULE 1

ADDITIONAL CONDITIONS APPLICABLE TO PARTICULAR PERMITS

[Clause 2.6]

A Permit to keep three or more cats

Additional Conditions

- (1) The owner will have during the term of the permit adequate space for the exercise of the cats.
- (2) In the case of a multiple dwelling, where there is no suitable dividing fence, the written consent to the application for a permit of the occupier of the adjoining multiple dwellings has been obtained.
- (3) Without the consent of the local government, the permit holder will not substitute or replace any cat once that cat—
 - (a) dies; or
 - (b) is permanently removed from the premises.

B Permit to use premises as a cat management facility

Additional Conditions

- (1) All building enclosures must be structurally sound, have impervious flooring, be well lit and ventilated and otherwise comply with all legislative requirements.
- (2) There is to be a feed room, wash area, isolation cages and maternity section.
- (3) Materials used in structures are to be approved by the local government.
- (4) The internal surfaces of walls are, where possible, to be smooth, free from cracks, crevices and other defects.
- (5) All fixtures, fittings and appliances are to be capable of being easily cleaned, resistant to corrosion and constructed to prevent the harbourage of vermin.
- (6) Washing basins and running hot and cold water are to be available to the satisfaction of the local government.
- (7) The maximum number of cats to be kept on the premises stated on the permit is not to be exceeded.

- (8) An entry book is to be kept recording in respect of each cat the—
- (a) date of admission;
 - (b) date of departure;
 - (c) breed, age, colour and sex; and
 - (d) the name and residential address of the owner.
- (9) The entry book is to be made available for inspection on the request of an authorised person.
- (10) Enclosures are to be thoroughly cleaned each day and disinfected at least once a week to minimise disease.
- (11) No sick or ailing cat is to be kept on the premises.

SCHEDULE 2
PRESCRIBED OFFENCES

[Clause 7.3]
Cat Act 2011
Shire of York

CAT LOCAL LAW 2017

Item No.	Clause No.	Nature of Offence	Modified Penalty
1	2.2(1)(a) & (b)	Failure of an owner to hold a permit to keep three or more cats or to use premises as a cat management facility	\$200.00
2	2.6(c)	Breach of a condition of a permit	\$200.00
3	3.1(4)	Failure to comply with a notice to abate a nuisance	\$200.00

Dated this 9th day of March 2018.

The Common Seal of the Shire of York was affixed by authority of a resolution of the Council in the presence of—

_____ Date: _____

Cr DAVID WALLACE, Shire President.

_____ Date: _____

SUZIE HASLEHURST, Acting Chief Execut