

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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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 York resolved on 2017 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 Transitional

A permit issued in accordance with the Shire of York Health Local Law 2007 Section 5.2.4 is to be taken to be a permit granted under this local law;

- (a) is to be valid for the period specified in the permit; and
- (b) may be either cancelled or suspended under this local law.

1.4 Application

This local law applies throughout the district.

1.5 Definitions

In this local law unless the context otherwise requires—

abandon means to cease to look after;

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*;
 - (a) ordinarily occupied by a current member of a cat organisation as prescribed in regulation 23(c) of the *Cat Regulations 2012*;
 - (b) a cat management facility established under clause 4.1;
 - (c) a veterinary surgery; or
 - (d) 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 satisfaction of the local government of the premises to which the application relates.

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
- (1) 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.

3.2 Cats to be confined

(1) The premises or a portion of the premises on which a cat is kept must be enclosed in a manner capable of confining cats.

(2) The premises will be deemed not to be adequately enclosed if there is more than one escape of a cat from the premises.

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—ABANDONMENT OF CATS

6 Abandonment of cats

- (1) A person must not abandon a cat.
- (2) An owner who delivers a cat into the custody of an authorised person is not to be regarded as having abandoned the cat.

PART 7—MISCELLANEOUS

7.1 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.

7.2 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.

7.3 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.

7.4 Defence

- (1) It is a defence to a charge of an offence of contravening clause 2.6(f), 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
4	3.2(1)	Failure to enclose premises or a portion of premises in a manner capable of confining a cat	\$200.00
5	6.1	Abandonment of cat	\$200.00

Dated this th day of 2017.

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

Cr , Shire President. , Chief Executive Officer.



Government of **Western Australia** Department of
Local Government and Communities



Cat Local Law Guideline Notes



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Introduction

Each community has different needs and preferences when it comes to the regulation and control of cats. This guideline has been prepared as an alternative to a Model Cat Local Law, to assist local governments in developing a Cat Local Law that caters for their unique situation. This will allow local governments to address their specific requirements, taking into account their level of resources.

Overview

Section 79 of the *Cat Act 2011* (the Act), provides local governments with the power to make local laws on all matters that are required or permitted to be prescribed by a local law, or are necessary or convenient to be so prescribed, for it to perform any of its functions under the Act.

In particular, without limiting the above, section 79(3) of the Act provides that a Cat Local Law may be made as to one or more of the following —

- (a) the registration of cats;
- (b) removing and impounding cats;
- (c) keeping, transferring and disposing of cats kept at cat management facilities;
- (d) the humane destruction of cats;
- (e) cats creating a nuisance;
- (f) specifying places where cats are prohibited absolutely;
- (g) requiring that in specified areas a portion of the premises on which a cat is kept must be enclosed in a manner capable of confining cats;
- (h) limiting the number of cats that may be kept at premises, or premises of a particular type;
- (i) the establishment, maintenance, licensing, regulation, construction, use, record keeping and inspection of cat management facilities;
- (j) the regulation of approved cat breeders, including record keeping and inspection;
- (k) fees and charges payable in respect of any matter under this Act.

A Cat Local Law does not operate outside the district of the local government for which it is made and is inoperative to the extent it is inconsistent with the Act or any other written law.

It is important to note therefore, that any Cat Local Law currently in existence will also be inoperative to the extent that it is inconsistent with the Act or any other written law.

The need for local law

A local government needs to consider what elements of cat control they wish to regulate and only decide to make a local law if:

- the Act, *Cat Regulations 2012*, the *Cat (Uniform Local Provisions) Regulations 2013* or any other written law do not already cover that matter; and
- there appears a sufficient need for additional regulation in that area.

Through the integrated planning process, the community may advise that there is a need for particular areas of cat control. It is then a matter of deciding that if you need cat control, what exactly you do need.

For some local governments the Act and *Cat Regulations 2012* may provide sufficient powers for the control of cats without the need for a local law. Others may find targeted education campaigns and policies in particular areas may be all that is needed to supplement the legislation.

What does the legislation provide?

Specifically the Act and *Cat Regulations 2012* already provide the following key 'controls' in respect of cats. The following is a brief outline of some sections of the Act dealing with offences and enforcement. You should refer to the relevant section for a full understanding of the provision.

Registration

- S 5 - It is an offence not to register a cat over 6 months unless exempt.
- S 6 - It is an offence for a cat to be in a public place without a registration tag, unless exempt.
- S 7 - It is an offence for a person to remove or interfere with a registration tag worn by a cat.
- S 8 - Outlines the procedure for registering a cat.
- S 9 - Outlines the procedure a local government must follow once they have received an application for the registration of a cat.
- S 10 - Provides for a local government to cancel a registration.

Microchipping

- S 14 - It is an offence not to microchip a cat over 6 months unless exempt.
- S 15 - It is an offence for a microchip implanter to not give notice of the information prescribed to the microchip database company within 7 days of implanting the microchip.
- S 16 - It is an offence for a microchip database company to not keep the information prescribed under section 15.
- S 17 - It is an offence for a person to remove or interfere with a microchip implanted in a cat.

Sterilisation

- S 18 - It is an offence not to sterilise a cat over 6 months, unless exempt.
- S 19 - It is an offence to identify a cat as sterilised that is not.
- S 20 - It is an offence for a veterinarian to not give notice within 7 days of the

sterilisation of a cat to the microchip database company.

- S 21 - It is an offence for a veterinarian to not give a certificate of sterilisation to the owner of a cat.

Change of ownership

- S 23 - It is an offence to transfer a cat that is not microchipped or sterilised unless an exemption applies or a sterilisation voucher has been provided.
- S 24 - It is an offence for the seller of a cat to not, within 7 days, give notice to the local government and the microchip database company of the new owner's name and address and any other changes to recorded information.
- S 25 - It is an offence for an owner of a cat to not give notice within 7 days to the local government or the microchip database company of any changes to recorded information.

Management of cats

- S 26 - Provides local governments with the power to issue cat control notices to cat owners.
- S 27 - Provides local governments with the power to seize any cat with the consent of the owner or under a warrant.
- S 30 - It is an offence for the operator of a cat management facility to not make every reasonable attempt to identify the owner of a cat entering the facility.
- S 31 - A cat owner is liable to pay reasonable costs to a cat management facility.
- S 32 - It is an offence for the operator of a cat management facility to not take all reasonable steps to notify a known owner of a cat kept at the facility of the cat's location, that the cat may be rehoused, sold or destroyed, any costs incurred by the owner, and whether the cat is to be microchipped or sterilised.
- S 35 - It is an offence to breed a cat without being an approved cat breeder.
- S 36 - Outlines the procedure for applying for approval to breed cats.
- S 37 - Outlines the procedure a local government must follow once they have received an application for the approval to breed cats.
- S 38 - Provides for a local government to cancel an approval to breed cats.
- S 41 - It is an offence to offer a cat as a prize in a raffle or similar event.

Enforcement

- S 50 - It is an offence for a person who is committing an offence or is reasonably suspected of having committed an offence under the Act to refuse to give their name, address and date of birth to an authorised person.
- S 54 - It is an offence to obstruct or otherwise hinder an authorised person in their duties.
- S 62 - Provides local governments with the power to issue infringement notices.
- S 85 - It is an offence to give false or misleading information to an authorised officer or in relation to an application under the Act.

Schedule 2 of the *Cat Regulations 2012* contains a table listing 14 offences for which infringement notices can be issued and modified penalties imposed.

Current Cat Local Laws

If your local government already has a Cat Local Law in existence, there are some things to consider.

A local law should not reproduce any provision already covered in the Act or *Cat Regulations 2012* either within the content of the local law or within boxed notes.

In its 23rd Report, the Parliament's Joint Standing Committee on Delegated Legislation indicated its concerns in relation to reproducing legislation in boxed notes in local laws.

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. The report can be downloaded from Parliament's website: www.parliament.wa.gov.au

Once gazetted, a local government may choose to include this additional information as part of an administrative version of the local law to assist the public. The administrative version would be available from the local government but would not be the official gazetted version of the local law.

If your local government already has a Cat Local Law in effect, this law should be reviewed and if necessary amended to ensure there are no inconsistencies between it, the Act, the *Cat Regulations 2012* and the *Cat (Uniform Local Provisions) Regulations 2013*. If the local law includes any duplication in provisions already contained in the Act or any other written law or includes any boxed explanatory notes these should be removed via an amendment to the local law.

In order to amend your Cat Local Law you need to follow the process outlined in section 3.12 of the *Local Government Act 1995*.

Developing a new Cat Local Law

If it has been determined that there is a need for a Cat Local Law in your local government district, the following issues should be considered:

A Cat Local Law must be made in accordance with section 3.12 of the *Local Government Act 1995*

While section 79 of the Cat Act provides local governments with the power to make a local law in respect of cats, it is important to note that in making such a local law, local governments must follow the steps outlined in section 3.12 of the *Local Government Act 1995*. Any future amendments to existing or new Cat Local Laws will also need to be done in accordance with the process outlined in this section.

For further information about making a local law under section 3.12 of the *Local Government Act 1995*, please see the Department's Operational Guidelines Number 16 "Local Laws" available on the Department of Local Government and Communities website: www.dlgc.wa.gov.au

Formatting of Cat Local Laws

To help local governments draft local laws and ensure consistency and high quality in local laws throughout the State, it is recommended that local government legislation conform to Parliamentary Counsel's office drafting standards for State legislation. This is also consistent with the approach taken in other jurisdictions.

Queensland's document "Guidelines for drafting of local laws" (1 July 2010) is a good starting point:

www.legislation.qld.gov.au/Leg_Info/publications/Guidelines_Local_Laws.pdf

The Western Australian publication from the Parliamentary Counsel's Office "How to Read Legislation - for Beginners" also contains useful information about using plain English and structuring sections and defined terms: [www.department.dotag.wa.gov.au/files/How to read legislation.pdf](http://www.department.dotag.wa.gov.au/files/How_to_read_legislation.pdf)

A local law should not reproduce any provision already covered in the Act, *Cat Regulations 2012* or the *Cat (Uniform Local Provisions) Regulations 2013* either

within the content of the local law or within boxed notes

When creating a new local law it is important to ensure that the law does not unnecessarily duplicate provisions or requirements already covered in the principal Act or Regulations. Further information on the reasoning for this is covered under the section "Current Cat Local Laws" in this guideline.

The layout of Cat Local Laws and specific matters that Cat Local Laws may include

Below is a suggested example of how a local law could be divided into different Parts and the issues local governments could consider within each Part.

Part 1 - Preliminary matters

This Part usually sets out:

1.1 Citation clause

What is the title of your local law?

For example: This local law may be cited as the *Shire of ...Cat Local Law 2014*.

1.2 Commencement

The local law may come into effect on the day after gazettal or at some other time after this.

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

1.3 Repeal clause

Is the new local law replacing an older local law? If so, the local law being replaced should be repealed in this clause. If there is no previous local law being replaced then this clause is not required.

For example: The *Shire of ...Cat Local Law 2013* published in the *Government*

Gazette on [insert date] is repealed.

1.4 Definitions clause (this clause could also be titled 'Terms used')

What terms used within your local law need to be defined?

Note: If a term is already defined in the Act or the *Cat Regulations 2012*, it is not necessary to define the term here.

For example: In this local law unless the context otherwise requires - Act

means the *Cat Act 2011*

CEO means the Chief Executive Officer of [insert local government]

Council means the Council of the [insert local government]

Local Government means the [insert local government]

1.5 Application clause

Where do you want your local law to apply? In most cases this will be simply within the relevant local government district.

For example: This local law applies throughout the district.

Part 2 - Keeping of cats

Under this Part, you can include the specific local laws required in your local government area. This can include one or more of the local laws as provided for under section 79(3) of the Act or other matters necessary to perform functions under the Act (section 79(1)).

2.1 The registration of cats

The Act is comprehensive in its provisions for cat registration. There may not be any local laws you need to make, but if so, the Act provides for a registration of cat local law to be made.

2.2 Removing and impounding cats

- Will there be any fees imposed on the owner if an owned cat is removed

and/or impounded?

- Is a register required to be kept? If so, detail the information that should be kept.
- Consider if the public is able to access the Register.
- If you have procedures for the seizing of cats, they could be referred to here.

2.3 Keeping, transferring and disposing of cats kept at a Cat Management Facility (CMF)

- The Act requires that a CMF operator can do all things necessary to ensure that a cat is sterilised and microchipped prior to being released from impoundment. Are there any other areas that you wish to regulate?
- Minimum standards for the keeping of cats at a CMF can be included here, if necessary (storage of food, general requirements about noise and disturbance, cleaning etc.).
- Any general conditions about transferring or rehoming cats could be included here (this could include that a register recording details about the transfer or rehoming of cats is kept).

For example:

The CMF operator is not to release a cat seized and impounded to any person unless that person has produced, to the satisfaction of the operator, the following evidence:

- (a) ownership of the cat or, of her or his authority to take delivery of it; or
- (b) that he or she is the person identified as the owner on the microchip implanted in the cat.

2.4 The humane destruction of cats

- Are there any processes to be followed before the destruction of a cat, e.g. authorisation forms etc.?
- Are there guidelines to be followed for the humane destruction of cats?
- If it is likely the local government will use a local veterinary services exclusively for the humane destruction of cats, this may be reflected in the local law.

2.5 Cats creating a nuisance

- Do provisions about nuisance behaviour of cats need to be included?
- Are they the types of nuisance that should be addressed in a local law?
- Local law provisions should include a definition of 'nuisance' and procedures for dealing with cat related nuisance.

For example:

The owner or occupier of premises on which a cat is ordinarily kept shall prevent the cat from creating a nuisance on other premises, to another person or exposing another person to health and/or safety risks by:

- (a) the noise or odour generated by the presence of the cat/s;
- (b) the aggressive nature of the cat/s or
- (c) a cat that wanders outside the premises where it is ordinarily kept.

2.6 Specifying places where cats are prohibited absolutely.

- Are there any areas within your district where you consider cats should be prohibited absolutely? For example, this could include areas adjacent to nature reserves to protect wildlife.
- For easier understanding, you may wish to include a schedule to your local law. This can be in the form of a map of the district highlighting the area/s where cats are prohibited. Alternatively you can specify (and name) particular areas, such as reserves, foreshores, regional parks etc. You would need to refer to the schedule under this Part.
- What is the procedure for cats found in prohibited areas? Note, cats cannot be prohibited from the entire district and there should be protections for cats currently owned (and registered) to people who live in designated areas.

2.7 Cats to be confined

(Requiring that in specified areas, a portion of the premises on which a cat is kept must be enclosed in a manner capable of confining cats)

- The Act does not provide for the confinement of cats, however you may decide that there is a need to require cats to be confined to the owner's premises.
- If this is the case, consideration should be given to specifying:
 - Whether a portion of land on the premises must be enclosed in a manner capable of confining a cat.
 - The physical requirements of the premises where a cat must be confined.
 - Whether cats should be subject to a curfew, i.e. after dark.

2.8 Limiting the number of cats that may be kept at premises, or premises of a particular type

- The Act does not provide limits on the number of cats that can be kept on premises.
- Limits for the keeping of cats may therefore be determined by the local government and will need to be a compromise between what is seen to be acceptable to the public to prevent nuisance whilst still being feasible for cat fanciers and breeders. The local government should also consider what would be achieved by limiting cat numbers.
- If a local government wishes to limit the number of cats that can be kept on premises; the following issues should be considered:
 - What will be the maximum number of cats that can be kept on premises?
 - Will any exceptions apply to this limitation?
 - Will there be different limits for within or outside a town site?

Note: You should also refer to the *Cat (Uniform Local Provisions) Regulations 2013* regarding cat numbers and protections of existing cats.

For example:

The limit on the number of cats which may be kept on any premises is:

- (a) three cats over the age of six months and the young of those cats under that age if the premise is situated in a townsite; or
- (b) four cats over the age of six months and the young of those cats if the

premise is situated outside a townsite.

2.9 Cat Management Facilities

(The establishment, maintenance, licensing, regulation, construction, use, record keeping and inspection of cat management facilities (CMFs)).

In considering local laws for CMFs you may wish to consider:

Establishment, maintenance and use of CMFs

- Are there any conditions about the establishment, maintenance, use etc of CMFs that should be included?
- Consider the manner in which an enclosure is constructed and the area of land required.
- If you have any guidelines or codes of practice with regards the conditions and use of a CMF, you may require written acknowledgement that the applicant agrees to comply with them.
- You may wish to regulate the hours that a CMF can open for the reception and release of cats.
- You may want to specify the hours the operator should be in attendance at a CMF.

Record keeping

- You may require that a CMF operator:
 - (a) Keeps a register of all cats entering and leaving the facility;
 - (b) Keeps the register at a certain place (for example; the local government office). This may only be necessary if the CMF does not have a public office where the register can be viewed.

Inspection

- Will CMFs be subject to inspections? This will generally apply to facilities which are not operated by the local government.

For example:

With the consent of the operator, a local government can enter a CMF for inspection at any time.

2.10 The regulation of approved cat breeders, including record keeping and inspection

- Local governments can introduce conditions in a local law for cat breeders.
- This can include record keeping and inspection.
- Consider what type of records cat breeders need to keep and how often premises are inspected.

For example:

(a) Breeders are to keep records of purchases/transfer of kittens for two years (including buyer's name, address, cat's microchip number);
and

(a) premises may be inspected every six months.

2.11 Fees and charges payable in respect of any matter under this Act

Fees and charges payable in respect of any matter under the Cat Act could be included here

- You can consider fees and charges (if any) that will you charge for:
 - (a) Removing and impounding the cat;
 - (b) Keeping and caring for the cat;
 - (c) Implanting a microchip;
 - (d) Sterilising the cat;
 - (e) The destruction and disposal of the cat.

Part 3 - Enforcement

Refer to section 84 of the Act - Creating offences and prescribing penalties.

3.1 Penalties

- Will the local law include any additional infringement notices or modified penalties?

Include standard enforcement provisions, if required.

3.2 Objections

Local governments could consider the following:

- Will there be a form that may be used when lodging an objection to an infringement notice or penalty?
- If so, a time period for lodging the objection should be specified in the form.
- How will the objection be dealt with?
- How will the person lodging the objection be notified of the decision?

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Cat Local Law Guideline Notes are available for viewing and download from the Department of Local Government and Communities website: www.dlqc.wa.gov.au

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