



WESTERN
AUSTRALIAN
GOVERNMENT

Gazette

ISSN 1448-949X

PRINT POST APPROVED PP665002/00041

4879



PERTH, THURSDAY, 31 OCTOBER 2013 No. 195 SPECIAL

PUBLISHED BY AUTHORITY JOHN A. STRIJK, GOVERNMENT PRINTER AT 1.00 PM

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CAT ACT 2011

CAT (UNIFORM LOCAL PROVISIONS) REGULATIONS 2013

Western Australia

Cat (Uniform Local Provisions) Regulations 2013

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Cat Act 2011

Cat (Uniform Local Provisions) Regulations 2013

Made by the Governor in Executive Council.

1. Citation

These regulations are the *Cat (Uniform Local Provisions) Regulations 2013*.

2. Commencement

These regulations come into operation as follows —

- (a) regulations 1 and 2 — on the day on which these regulations are published in the *Gazette*;
- (b) the rest of the regulations — on the day after that day.

3. These regulations operate as local laws

Under section 77 of the Act, these regulations apply as if they were local laws made by each local government.

4. Terms used

- (1) In these regulations —

additional number of cats, in relation to prescribed premises, means a number of cats that is in addition to the standard number of cats for the premises;

approval means approval granted under regulation 9 to keep an additional number of cats;

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member of a cat organisation means a person referred to in the *Cat Regulations 2012* regulation 23(c);

prescribed premises means premises to which a local law applies that limits the number of cats that may be kept at those premises;

standard number of cats, in relation to prescribed premises, means —

- (a) if a member of a cat organisation is not ordinarily resident at the premises, the number of cats that may be kept at the premises under the local law that applies to the premises; or
 - (b) if a member of a cat organisation is ordinarily resident at the premises, the number of cats referred to in regulation 7.
- (2) The reference to a local law in the definition of ***prescribed premises*** includes a reference to a local law made under the *Local Government Act 1995* that has effect under regulation 12(2) as if it were a local law made under the Act.

5. Number of cats not to include cats under 6 months of age

For the purposes of these regulations a cat that is under 6 months of age is not to be included when calculating the number of cats ordinarily kept at prescribed premises.

6. Offence to keep more than standard number of cats

- (1) A person who is ordinarily resident at prescribed premises must ensure that the number of cats ordinarily kept at the premises is not more than the standard number of cats for the premises.
Penalty: a fine of \$5 000.
- (2) It is a defence to a charge under subregulation (1) to prove that —
 - (a) approval for an additional number of cats is in effect in respect of the premises; and

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r. 7

- (b) the total number of cats ordinarily kept at the premises is less than or equal to the sum of —
 - (i) the standard number of cats for the premises; and
 - (ii) the additional number of cats referred to in the approval.
- (3) Subregulation (1) does not apply to premises that are operated by an organisation referred to in the *Cat Regulations 2012* regulation 9.

7. Limits on number of cats kept at certain premises

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.

8. Application to keep additional number of cats

- (1) A person who is ordinarily resident at prescribed premises in a local government district may apply to the local government of that district for approval to keep an additional number of cats at the premises.
- (2) An application is to be made in the manner and form determined by the chief executive officer of the local government.
- (3) A local government to which an application is made may require the applicant to give the local government, within a specified time of not more than 21 days, any document or information that it requires to determine the application and may require the applicant to verify the information by statutory declaration.
- (4) The local government may refuse to consider an application if the applicant does not comply with a requirement under subregulation (3) within the specified time.

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9. Grant of approval to keep additional number of cats

- (1) On receiving an application under regulation 8, the local government must —
 - (a) grant or refuse approval for the additional number of cats specified in the application to be kept at the prescribed premises; or
 - (b) grant approval for an additional number of cats that is less than the number specified in the application to be kept at the prescribed premises.
- (2) A local government may not grant approval for an additional number of cats to be kept at prescribed premises unless the local government is satisfied that the premises are suitable for the additional number of cats.
- (3) An approval is subject to any condition that the local government —
 - (a) reasonably considers is necessary to ensure that the premises are suitable for the additional number of cats; and
 - (b) specifies in the approval.

10. Duration of approval

An approval has effect for the period specified in the approval.

11. Review by the State Administrative Tribunal

A person who applies for approval to keep an additional number of cats may apply to the State Administrative Tribunal for a review of a decision of the local government to —

- (a) refuse to grant approval; or
- (b) grant approval to keep an additional number of cats that is less than the number specified in the application; or
- (c) grant approval subject to conditions.

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r. 12**12. Transitional arrangements in certain circumstances**

- (1) In this regulation —
commencement day means the day on which these regulations come into operation.
- (2) A local law made by a local government under the *Local Government Act 1995* that —
 - (a) limits the number of cats that may be kept at premises; and
 - (b) is in effect immediately before commencement day,has effect, for the purposes of these regulations, as if it were a local law made under the Act.
- (3) For the purposes of subregulation (4), a triggering event occurs in relation to premises and an offence under regulation 6(1) if —
 - (a) the premises become prescribed premises; or
 - (b) the premises are prescribed premises and a person who is the owner of one or more cats takes up residence at the premises.
- (4) It is a defence to a charge under regulation 6(1) to prove that, for each cat kept at the premises at the time of the commission of the offence, at least one of the following apply —
 - (a) the cat was kept at the premises immediately before the triggering event occurred;
 - (b) the owner of the cat at the time of the commission of the offence was the owner of the cat immediately before the triggering event occurred.
- (5) If a local law that limits the number of cats that may be kept at premises applies to premises before commencement day then, for the purposes of subregulation (3)(a), the premises become prescribed premises on commencement day.

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13. Infringement notices

- (1) An offence against regulation 6(1) is a prescribed offence for the purposes of section 62(1) of the Act and the modified penalty for the offence is a fine of \$200.
- (2) The form of an infringement notice is Form 6 in the *Cat Regulations 2012* Schedule 1.
- (3) The form of withdrawal of an infringement notice is Form 7 in the *Cat Regulations 2012* Schedule 1.

14. Objection: prescribed form

The form of an objection is Form 8 in the *Cat Regulations 2012* Schedule 1.

R. KENNEDY, Clerk of the Executive Council.
