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CAT ACT 2011
LOCAL GOVERNMENT ACT 1995

CITY OF GOSNELLS

CAT LOCAL LAW 2014

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LOCAL GOVERNMENT ACT 1995**

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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 City of Gosnells resolved on 16 December 2014 to make the following local law.

PART 1—PRELIMINARY

1.1 Citation

This local law may be cited as the *City of Gosnells Cat Local Law 2014*.

1.2 Commencement

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

1.3 Interpretation

In this local law unless the context otherwise requires—

Act means the *Cat Act 2011*;

authorised person means a person appointed by the local government to perform all or any of the functions conferred on an authorised person under this local law;

Cat Management Facility has the meaning given to it in the Act;

CEO means the Chief Executive Officer of the local government;

district means the district of the local government;

local government means the City of Gosnells;

microchip has the meaning given to it in the Act;

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 of his or her ownership or occupation of land; or
- (c) interference which causes material damage to land or other property on the land affected by the interference;

Regulations means the *Cat Regulations 2012*;

sterilised has the meaning given to it in the Act;

Schedule means a Schedule to this local law;

Town Planning Scheme means a Town Planning Scheme of the local government made under the *Planning and Development Act 2005*, or a Town Planning Scheme which was made under the *Town Planning and Development Act 1928*.

1.4 Application

This local law applies throughout the district.

PART 2—DESIGNATED CAT MANAGEMENT FACILITIES

2.1 Interpretation

In this Part and in Schedule 2—

licence means a Cat Management Facility licence issued under this local law;

licensee means the holder of a licence;

premises, in addition to the meaning given to it Section 3 of the Act, means the premises described in the application to be licensed as a Cat Management Facility;

animal establishment has the meaning given to the term in the Town Planning Scheme;

transferee means a person who applies for the transfer of a licence to him or her under clause 2.13.

2.2 Operating a Cat Management Facility without a licence

Unless exempt as an organisation listed in the Regulations, a person who operates a premises as a Cat Management Facility within the district without a licence commits an offence.

Penalty: \$1,000 and a daily penalty of \$100.

2.3 Application for a licence to be designated as a Cat Management Facility

An application for a licence must be made in the form of that in Schedule 1, and must be lodged with the local government together with—

- (a) plans and specifications of the premises, including a site plan;
- (b) written evidence that either the applicant or another person who will have the charge of the cats, will reside on the premises or, in the opinion of the local government, sufficiently close to the premises so as to control the cats and ensure their health and welfare;
- (c) a written acknowledgement that the applicant has read and agrees to comply with any code of practice relating to the keeping of cats which may be nominated from time to time by the local government; and
- (d) the fee for the application for a licence referred to in clause 2.8(1).

2.4 Determination of application

In determining an application to be designated as a Cat Management Facility, the local government is to have regard to—

- (a) the matters referred to in clause 2.5;
- (b) any written submissions received on the proposed use of the premises;
- (c) the effect which the Cat Management Facility may have on the environment or amenity of the neighbourhood;
- (d) whether the Cat Management Facility will create a nuisance for the owners and occupiers of adjoining premises; and
- (e) whether or not the imposition of and compliance with appropriate conditions of a licence will mitigate any adverse effects of the Cat Management Facility identified in the preceding paragraphs.

2.5 Where application cannot be approved

The local government cannot approve an application for a licence where—

- (a) the facility is proposed to be located in an area where an animal establishment is an 'X' class use under the Town Planning Scheme; or
- (b) an applicant or another person who will have the charge of the cats will not reside on the premises, or, in the opinion of the local government, sufficiently close to the premises so as to control the cats and so as to ensure their health and welfare.

2.6 Conditions of approval

(1) The local government may approve an application for a licence subject to the conditions contained in Schedule 2 and to such other conditions as the local government considers appropriate.

(2) In respect of a particular application for a licence, the local government may vary any of the conditions contained in Schedule 2.

(3) Operators of Cat Management Facilities must comply with their obligations as specified in Part 3 of the Act.

2.7 Compliance with conditions of approval

A licensee who does not comply with the conditions of a licence commits an offence.

Penalty: \$1,000 and a daily penalty of \$100.

2.8 Fees

(1) On lodging an application for a licence, the applicant is to pay a fee to the local government.

(2) On renewal of a licence, the licensee is to pay a fee to the local government.

(3) On lodging an application for the transfer of a valid licence, the transferee is to pay a fee to the local government.

(4) The fees referred to in subclauses (1) to (3) are to be imposed and determined by the local government under sections 6.16 to 6.19 of the *Local Government Act 1995*.

2.9 Exemption from requirement to pay fees

(1) In this clause—

charitable organisation means—

- (a) an institution, association, club, society or body whether incorporated or not;
- (b) where its objectives are charitable, benevolent, educational, or other like nature concerned with the welfare of cats; and
- (c) from which any member does not receive any pecuniary profit.

(2) The local government may waive any fee required to be paid by the applicant for a licence, or the fee for the renewal of a licence by a charitable organisation.

2.10 Form of licence

The Licence is to be in the form determined by the local government and is to be issued to the licensee.

2.11 Period of licence

(1) The period of effect of a licence is 12 months from the date of issue.

(2) A licence is to be renewed if the fee referred to in clause 2.8(2) is paid to the local government prior to the expiry of the licence.

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

2.12 Variation or cancellation of licence

(1) The local government may vary the conditions of a licence.

(2) The local government may cancel a licence—

(a) on the request of the licensee;

(b) following a breach of the Act, the Regulations or this local law; or

(c) if, in the local government's opinion, the licensee is not a fit and proper person to hold a licence.

(3) The date a licence is cancelled is to be, in the case of—

(a) paragraph (a) of subclause (2), the date requested by the licensee; or

(b) paragraphs (b) and (c) of subclause (2), the date determined by an authorised person.

(4) If a licence is cancelled the fee paid for that licence is not refundable for the term of the licence that has not yet expired.

2.13 Transfer

(1) An application for the transfer of a valid licence from the licensee to another person must be—

(a) made in the form determined by the local government;

(b) made by the transferee;

(c) made with the written consent of the licensee; and

(d) lodged with the local government together with—

(i) written evidence that a person to whom the licence is proposed to be transferred will reside at or within reasonably close proximity to the premises the subject of the licence; and

(ii) the fee for the application for the transfer of a licence referred to in clause 2.8(3).

(2) The local government is not to determine an application for the transfer of a valid licence until the transferee has complied with subclause (1).

(3) The local government may approve, whether or not subject to such conditions as it considers appropriate, or refuse to approve an application for the transfer of a valid licence.

(4) Where the local government approves an application for the transfer of a valid licence, then on the date of approval, unless otherwise specified in the notice issued under clause 2.14(b), the transferee becomes the licensee of the licence for the purposes of this local law.

2.14 Notification

The local government is to give written notice to—

(a) an applicant for a licence of the local government's decision on her or his application;

(b) a transferee of the local government's decision on her or his application for the transfer of a valid licence;

(c) a licensee of any variation made under clause 2.12(1);

(d) a licensee when her or his licence is due for renewal and the manner in which it may be renewed;

(e) a licensee when her or his licence is renewed;

(f) a licensee of the cancellation of a licence under clause 2.12(2)(a); and

(g) a licensee of the cancellation of a licence under paragraphs (b) or (c) of clause 2.12(2).

2.15 Inspection of Cat Management Facility

Subject to the provisions of the power to enter premises within the Act, an authorised person may inspect an approved Cat Management Facility.

2.16 Record Keeping

All designated Cat Management Facilities are required to keep and maintain a register of all cats entering and leaving the facility, and where entry to the premises has been made under clause 2.15, an authorised officer may inspect the register.

PART 3—ENFORCEMENT**3.1 Interpretation**

In this Part—

infringement notice means the notice referred to in clause 3.3; and

notice of withdrawal means the notice referred to in clause 3.6(1).

3.2 Modified penalties

(1) The offences contained in Schedule 3 are offences in relation to which a modified penalty may be imposed.

(2) The amount appearing in the fourth column of Schedule 3 directly opposite an offence is the modified penalty payable in respect of that offence.

3.3 Issue of infringement notice

Where an authorised person has reason to believe that a person has committed an offence 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 Regulations.

3.4 Failure to pay modified penalty

Where a person who has received an infringement notice fails to pay the modified penalty within the time specified in the notice, or within such further time as may in any particular case be allowed by the CEO, he or she is deemed to have declined to have the offence dealt with by way of a modified penalty.

3.5 Payment of modified penalty

A person who has received an infringement notice may, within the time specified in that notice or within such further time as may in any particular case be allowed by the CEO, send or deliver to the local government the amount of the penalty, with or without a reply as to the circumstances giving rise to the offence, and the local government may appropriate that amount in satisfaction of the penalty and issue an acknowledgment.

3.6 Withdrawal of infringement notice

(1) 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 Regulations.

(2) A person authorised to issue an infringement notice under clause 3.3 cannot sign or send a notice of withdrawal.

3.7 Service

An infringement notice or a notice of withdrawal may be served on a person personally, or by leaving it at or posting it to her or his address as ascertained from him or her, or as ascertained from inquiries made by the local government.

Schedule 1

APPLICATION FOR A LICENCE FOR A DESIGNATED CAT MANAGEMENT FACILITY

[clause 2.3]

APPLICANT/S DETAILS

Name of Applicant/s (in full)							
Residential Address							
Suburb					Post Code		
Postal Address (if different from above)							
Telephone	(H)				(W)		
Fax				Email			

CAT MANAGEMENT FACILITY DETAILS

I / We apply for a licence for a designated cat management facility at:			
Address of premises			
Suburb		Post Code	
For number of cats			
Person will reside (tick appropriate box) *evidence to be provided		<input type="checkbox"/>	At the premises
		<input type="checkbox"/>	Sufficiently close to the premises so as to control the cats and so as to ensure their health and welfare
Name of person (if not applicant/s)			
Address of residence (if not residing at the premises)			

Prior to approval the following must be attached—

- (a) a site plan of the premises showing the location of the cages and runs and all other buildings and structures and fences;
- (b) plans and specifications of the Cat Management Facility;
- (c) evidence that a person will reside—
 - (i) at the premises; or
 - (ii) sufficiently close to the premises so as to control the cats and so as to ensure their health and welfare; and
- (d) if the person in item (c) is not the applicant, evidence that the person is a person in charge of the cats.

Signature of applicant Date

Note: A licence if issued will have effect for a period of 12 months effective from the date of issue unless and until it is revoked or; the conditions of 2.3(b) are no longer complied with.

APPLICATION FEE

Cat Management Facility Establishment Fee	\$200.00
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OFFICE USE ONLY

ID NUMBER	DATE	RECEIPT	AMOUNT PAID	CASHIERS ID

*Schedule 2***MINIMUM CONDITIONS OF A DESIGNATED CAT MANAGEMENT FACILITY**

[clause 2.6(1)]

An application for a licence within the District may be approved subject to the following conditions—

- (a) each Cat Management Facility must have a secure area where cats are housed and can exercise and must be at a distance of not less than 10m from the front boundary of the premises and 5m from any other boundary of the premises;
- (b) where floor washing is required, washings must pass through the drains and must be piped to an approved apparatus for the treatment of sewage (as specified by the *Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Regulations 1974*) and in accordance with the health requirements of the local government;
- (c) all external surfaces of each Cat Management Facility must be kept in good condition;
- (d) sufficient ventilation to keep animal housing areas free of dampness, noxious odours and draughts, and prevent accumulation of concentrations of gases;
- (e) supply of fresh air, or if animals are housed in a totally enclosed area where forced ventilation is the only form of air movement there should be adequate air change rate;
- (f) located away from sources of excessive noise or pollution, and draughts that could cause injury or stress to animals;
- (g) natural lighting or lighting that duplicates the characteristics of natural light including a simulated day/night period;
- (h) all cages and outdoor enclosures are to have adequate shelter in the form of a roof constructed of impervious material;

- (i) must have mix of cages to provide for individual housing where required and cages or modules constructed of impervious, washable materials;
- (j) all cages, outdoor enclosures and drinking vessels must be maintained in a clean condition and must be cleaned and disinfected when so ordered by an authorised person;
- (k) all refuse, faeces and food waste must be disposed of daily to the satisfaction of an authorised person;
- (l) noise, odours, fleas, flies and other vectors of disease must be effectively controlled;
- (m) suitable water both for cleaning and drinking must be available at the Cat Management Facility; and
- (n) the licensee or the person nominated in the application for a licence, must, in accordance with the application for the licence, continue to reside—
 - (i) at the premises; or
 - (ii) in the opinion of the local government, sufficiently close to the premises so as to control the cats, and to ensure their health and welfare.

Schedule 3

OFFENCES IN RESPECT OF WHICH A MODIFIED PENALTY APPLIES

[clause 3.2]

	Clause	Nature of Offence	Modified Penalty \$
1	2.2	Operating a Cat Management Facility without a licence	200
2	2.6	Failing to comply with the conditions of a licence	200

Dated this 18th day of December 2014.

The Common Seal of the City of Gosnells was affixed by authority of a resolution of the Council in the presence of—

DAVID GRIFFITHS, Mayor.
IAN COWIE, Chief Executive Officer.
