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LOCAL GOVERNMENT ACT 1995

CITY OF JOONDALUP

CATS LOCAL LAW 2008

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Under the powers conferred by the *Local Government Act 1995* and under all other powers enabling it, the Council of the City of Joondalup resolved on 17 February 2009 to make the “*City of Joondalup Cats Local Law 2008*”.

ARRANGEMENT

PART 1—PRELIMINARY	Clauses 1—5
PART 2—CATS	Clauses 6—32
PART 3—PENALTIES	Clauses 33—36

PART 1—PRELIMINARY

Title

1 This Local Law may be referred to as the *City of Joondalup Cats Local Law 2008*.

Commencement

2 This Local Law comes into operation on 1 October 2009.

Purpose

3 (1) The purpose of this Local Law is to provide for the registration, compulsory sterilisation, control and identification of cats within the City of Joondalup.

(2) The effect of this Local Law is that a system for the compulsory sterilisation, registration and control of cats will be operational within the City of Joondalup.

Application of Local Law

4 This Local Law applies throughout the district.

Definitions

5 In this Local Law unless the context otherwise requires—

“Act” means the *Local Government Act 1995*;

“animal welfare group” means any not-for-profit group that is incorporated under the *Associations Incorporation Act 1987* and whose aims predominantly relate to animal welfare;

“application” means the completed form lodged by an applicant as required by this Local Law;

“applicant” means a person who has lodged an application for a certificate of registration required by this Local Law;

“approved fees” means the fees and charges determined by the City of Joondalup from time to time in accordance with s 6.16-s 6.19 of the Act;

“authorised person” means a person authorised by the City of Joondalup under section 9.10 of the Act, to enforce the provisions of this Local Law;

“cattery” means any premises where 4 or more cats are boarded;

“City” means the local government of the City of Joondalup;

“district” means the district of the City;

“private premises” means any real property, parcel of land or lot that has a separate certificate of title, which is in private ownership or subject of a lease or agreement with a company or person enabling its use for private purposes and includes any building or structure thereon;

PART 2—CATS

Registration of cats

6 (1) All cats within the City shall be registered by 31 October each year except—

- (a) cats under the age of 3 months;
- (b) cats kept during the period when the owner is applying for registration;

- (c) cats in the custody of an animal welfare group;
- (d) cats held by a registered veterinary surgeon in the course of his or her professional practice;
- (e) cats kept in any cattery.

(2) Subject to clause 6(1), if a cat is not registered under this Local Law, the owner of the cat commits an offence.

Penalty: \$500

Sterilisation of cats

7 All registered cats within the City shall be sterilised except cats owned by residents in possession of written approval from the City to keep up to 6 adult breeding cats in accordance with clause 45(2) of the City's *Animals Local Law 1999*.

Identification of registered cats outside of premises where ordinarily kept

8 Owners of cats shall ensure that their cats may be identified by one of the following means when outside of the premises where the cat is ordinarily kept—

- (a) The cat has a collar around its neck and the collar, or a tag securely attached to the collar, is marked with the current address or telephone number of the owner of the cat; or
- (b) The cat has a microchip implanted in its body containing information that may be used to obtain the name of the owner of the cat and a current address or telephone number of the owner.

Register to be maintained

9 The City shall maintain a register showing—

- (a) the details of the name, breed, approximate age, colour, distinguishing marks and sex of each cat which is the subject of an application for registration;
- (b) the particulars of the owner or, if the application is not made by the owner, the agent of the owner, and the premises stated as the place at which the cat is intended to be ordinarily kept;
- (c) any notification of an alleged change of ownership; and
- (d) the period of any registration effected and the registration number relevant to each cat.

10 The register shall be kept by the City and shall, as far as is practicable, be so maintained as to include any alteration or addition since the preparation of the register for the preceding year.

11 A person who applies to the City is, on payment of the prescribed fee, entitled to inspect and take copies of any entry in the register or, as the case may be, to receive a copy of an entry in the register certified by a registration officer.

Registration periods and fees

12 (1) Subject to the provisions of this clause, the registration fee payable in relation to a cat shall be such amount as is prescribed by Schedule in this Local Law.

(2) The registration of a cat under this Local Law shall—

- (a) remain in force from the date specified in the certificate until 31 October either—
 - (i) next ensuing; or
 - (ii) where this Local Law permits an extended registration period and the owner has elected to register the cat for that extended period, ensuing in the last registration year of that period; and
- (b) may be renewed to take effect as from 1 November in any year, within the preceding period of 21 days.

13 Schedules to this Local Law may provide that concessional rates of registration be payable—

- (a) by pensioners as defined in the *Rates and Charges (Rebates and Deferments) Act 1992*, or other persons of a specified class or in specified circumstances;
- (b) by persons who elect to effect registration for such extended period as is prescribed by Schedule in this Local Law; and
- (c) in respect of registration for a period of less than one year.

Registration procedure

14 The form of application prescribed by Schedule in this Local Law for registration shall require the applicant to state in the application the premises at which the cat will ordinarily be kept.

15 Where a cat is ordinarily kept by a person under the age of 18 years, application for registration of that cat shall be made by his parent or guardian or some other person who is over the age of 18 years and any registration shall be in the name of the applicant.

Change of ownership

16 Where the ownership of a cat is transferred to another person, the registered owner shall within 28 days thereafter cause the City of Joondalup to be notified in the manner and form prescribed by Schedule in this Local Law of the transfer.

Penalty: \$200

17 (1) No change shall be made in the record of the ownership of a cat unless—

- (a) the registered owner has notified the change to the City of Joondalup; or
- (b) an application for registration is made by a person who alleges that he is the new owner.

(2) A person aggrieved by a decision of the City relating to the ownership of a cat as recorded in a register may apply to the City for a review of the decision.

Registration tags

18 (1) A registration tag must be worn by the registered cat when in a place that is outside of the premises where the cat is ordinarily kept, as declared on the certificate of registration, and shall—

- (a) be of a durable material;
- (b) be of a colour specified by Schedule in this Local Law in accordance with the relevant registration cycle; and
- (c) contain the registration number of the cat.

Offences relating to registration, etc.

19 A person who—

- (a) wilfully inserts or omits, or permits to be inserted or omitted, in any application for the grant or renewal of a registration any matter or thing whatsoever contrary to, or for the purpose of concealing, the truth;
- (b) whether on his own behalf or that of another person, for the purpose of obtaining any benefit or avoiding any penalty or obligation under this Local Law, wilfully makes or causes to be made any representation or statement which is false or misleading in any material particular or which he knows or ought reasonably to know is likely to deceive any person;
- (c) keeps any cat wearing a registration tag—
 - (i) issued in respect of another cat; or
 - (ii) in respect of a registration which is no longer current; or
- (d) wrongfully removes or defaces any registration tag issued under this Local Law, or makes, uses, purchases or has in his possession any counterfeit or false certificate of registration or registration tag or any thing apparently intended to resemble or pass for the same, commits an offence.

Control of cats

20 (1) A cat shall not be—

- (a) in any designated area specified in a Schedule to this Local Law; or
- (b) on private premises where a complaint by the owner or occupier of the premises has been made to the City in relation to the cat's unwanted presence on the property.

(2) If a cat is at any time in a place in contravention of—

- (a) Clause 20(1)(a), the owner of the cat commits an offence against that Clause unless he establishes a defence under Clause 21.

Penalty: \$1000

- (b) Clause 20(1)(b), the owner of the cat commits an offence against that Clause unless he establishes a defence under Clause 21.

Penalty: \$500

Defences applicable to Clause 20

21 It is a defence to a charge of contravening Clause 20(2) if the person charged satisfies the Court—

- (a) in the case of the owner of the cat, that he took all reasonable precautions and exercised all due diligence to avoid the contravention; or
- (b) that at the material time the cat was in the possession or control of some other person without his consent, express or implied.

Seizure and impounding of cats

22 If it appears to an authorised person that a cat is in a place in apparent contravention of Clause 20(1), the authorised person may seize and impound the cat.

23 Where a cat is seized pursuant to Clause 22 the authorised person may—

- (a) cause it to be returned to the owner; or
- (b) impound it, and the owner shall be liable to pay to the City, before the cat is returned to the owner, the reasonable cost of returning the cat or of maintaining it during the period of impoundment, or both where that is appropriate, together with any charges levied in relation to the seizure and impounding of the cat.

24 Where a cat is seized under this Local Law and is not forthwith returned to the owner it shall be detained in a pound maintained by the City or at premises maintained by another body, or in any suitable premises.

25 If a cat impounded under Clause 22 is wearing a registration tag or the owner is otherwise readily identifiable, the authorised person causing it to be detained shall also cause notice to be given to the owner in the prescribed manner and form as soon as is practicable.

26 Where an unidentified cat is impounded and is not reclaimed within 7 days of its impoundment, the City may—

- (a) Offer the cat for sale; or
- (b) Cause the cat to be destroyed; or
- (c) Cause the cat to be rehoused.

27 Where a registered and identified cat is impounded and it is not reclaimed within the period specified in a notice of impoundment, the City may—

- (a) Offer the cat for sale; or
- (b) Cause the cat to be destroyed; or
- (c) Cause the cat to be rehoused.

28 If an impounded cat is sold under Clause 26(a) or 27(a), the proceeds of sale become the property of the City and may be disposed of in such manner as the City thinks fit.

Register of impounded cats

29 The City of Joondalup shall maintain an Impounding Register showing—

- (a) the details of the breed, approximate age, colour, distinguishing marks and sex of the cat subject to the impoundment;
- (b) if known, the name and address of the owner of the cat;
- (c) the date and time of impoundment;
- (d) the name of the person who seized and impounded the cat;
- (e) the reason for the impounding;
- (f) a note of any order made by the authorised person relating to the cat;
- (g) the method of disposal of the cat, whether sold, released, rehoused or destroyed; and
- (h) the date of sale, release, rehousing or destruction of the cat.

30 The Impounding Register is to be available for inspection by the public.

Destruction of cats

31 An authorised person under this Local Law may cause a cat to be destroyed at the request of the owner of that cat, whether or not the cat has been seized or impounded.

32 Where a cat is destroyed under Clause 31, the owner is liable for the cost of both the destruction and the disposal of the cat.

PART 3—PENALTIES

Offences

33 (1) Any person who fails to do anything required or directed to be done under this local law, or who does anything which under this local law that person is prohibited from doing, commits an offence.

(2) An offence against a clause specified in the Fourth Schedule of this local law is a prescribed offence for the purposes of section 9.16(1) of the Act.

(3) Any person who commits an offence under this local law shall be liable, upon conviction, to a penalty not exceeding \$1,000, and if the offence is of a continuing nature, to an additional penalty not exceeding \$100 for each day or part of a day during which the offence has continued.

Offence Description and Modified Penalty

34 The amount appearing in the final column of the Fourth Schedule directly opposite an offence described in that Schedule is the modified penalty for that offence.

Prosecution for Offences

35 A penalty for an offence against this local law (not being a modified penalty) may be recovered by the City by taking proceedings against the alleged offender in a Court of Petty Sessions.

Records to be Kept

36 The City shall cause adequate records to be kept of all infringements notices served and modified penalties received.

First Schedule

City of Joondalup

CATS LOCAL LAW 2008

FEEES FOR REGISTRATION

1	Inspection of register	\$0.50
2	Certified copy of an entry in the register	\$1.00
3	Annual registration, unless a concessional rate applies	\$10.00
4	Concessional registration rates —	
	a. Cats owned by pensioners referred to in Clause 13(a)	50% of fee otherwise payable
	b. Registration after 31 May in any year, for that registration year	50% of fee otherwise payable
	c. Three year registration period	\$25.00

Second Schedule

City of Joondalup

CATS LOCAL LAW 2008

DESIGNATED PROHIBITED CAT AREAS

1. Any area listed under Schedule 5 of the City’s District Planning Scheme No. 2.

2. Location	Reserve Number(s)
Neil Hawkins Park	28544
Whitford Node, Hillarys	39497
Mawson Park, Hillarys	33401
McDonald Park, Padbury	33072
Heathridge Park, Heathridge	34330
Blue Lake Park, Joondalup	41893
Percy Doyle Reserve, Duncraig	33894
Hepburn Conservation Area, Padbury	42987
Central Park, Joondalup	48354 and 46710
Tom Simpson Park, Mullaloo	32074
Coastal Foreshore Reserve	47831

Third Schedule

Form 1

City of Joondalup

CATS LOCAL LAW 2008

Cat Registration Form

APPLICATION FOR A CERTIFICATE OF REGISTRATION

FOR THE OWNER OF THE CAT

I, (1) of (2)
 the owner of the cat, to which its particulars are listed in this application, declare that—

- (a) I am not under 18 years of age; and
- (b) The particulars shown in this application are true to the best of my knowledge and belief.

FOR APPLICANTS WHO ARE NOT THE OWNER OF THE CAT

I, (3) of (4)
 as the duly authorised agent of (1)
 of (2) the owner of the cat, to which its particulars
 are listed in this application, declare that—

- (a) I am not under 18 years of age; and
- (b) The particulars shown in this application are true to the best of my knowledge and belief.

Premises where cat will ordinarily be kept	Name of Cat	Sex	Colour and distinguishing marks(5)	Breed or kind of cat	Approx. age of cat	Sterilisation certificate sighted, or other means(6)	Concession claimed(7)

(Signature)

Dated this day of 20.....

- (1) Insert name of owner.
- (2) Insert address of owner.
- (3) Insert name of applicant, if not the owner.
- (4) Insert address of applicant, if not the owner.
- (5) Describe any markings, including any tattooed mark.
- (6) State yes or no, if no, describe means by which sterilisation was confirmed or that written approval to breed cats has been sighted.
- (7) Insert reason for claiming concession e.g. owned by pensioner, etc.

For office use only

Registration Number.....

This registration is valid until

Date of issue Signature of registration officer

Third Schedule
 Form 2
 City of Joondalup
 CATS LOCAL LAW 2008
TRANSFER OF CAT OWNERSHIP FORM

PARTICULARS OF THE PERSON TRANSFERRING OWNERSHIP

Name:.....
 Address:.....
 Cat's Registration Tag Number:.....
 Signature of the person transferring ownership:.....
 Date:

PARTICULARS OF THE NEW OWNER (if known)

Name:.....
 Address:.....
 Telephone Number:.....
 Signature of new owner:.....

Third Schedule
 Form 3
 City of Joondalup
 CATS LOCAL LAW 2008
CAT SEIZURE AND IMPOUNDMENT FORM

Date:.....
 Time:.....

I, (1).....
 as an authorised officer under this Local Law, seized and impounded the following cat—

Registration No. (if registered)	Name of Cat (if known)	Sex	Colour and distinguishing marks	Breed or kind of cat	Approx. age of cat

Owner Details (if known)

Name:.....
 Address:.....
 Phone:.....

The cat was seized and impounded under Clause.....of the Cats Local Law 2008
 for.....

I order that

Details of Disposal

The abovementioned cat was (please circle): released to owner/sold/rehoused/destroyed on
 (2).....at (3).....

.....
 (signature of authorised person)

- (1) Name of authorised officer
- (2) Date of cat's disposal
- (3) Time of cat's disposal

Third Schedule

Form 4

City of Joondalup

CATS LOCAL LAW 2008

NOTICE OF THE SEIZURE AND IMPOUNDMENT OF A CAT

Place found:.....

Date and time:.....

To (1).....

PLEASE TAKE NOTICE that a cat, of which you are the owner, has been seized and impounded pursuant to the powers conferred by the *Local Government Act 1995*, and is now at.....

If not claimed within 7 days from the date of the service of this notice, the cat will be disposed of pursuant to the *Cats Local Law 2008*. All fees and charges relating to offences committed and associated detainment costs will require full payment before the release of the cat is approved.

The registered number of the cat is

.....
(signature of authorised person)

(1) Insert name and address of owner.

Third Schedule

Form 5

City of Joondalup

CATS LOCAL LAW 2008

INFRINGEMENT NOTICE

No.

Date / /

To (1)

It is alleged that at (2)

on the day of 20.....

you committed an offence in that you (3)

.....
(to be signed by an authorised person).

You may dispose of this matter—

(a) by payment of a modified penalty of (4) \$..... within 28 days of the date of this Notice to (5); or

(b) by having it dealt with by a court.

If this modified penalty is not paid within the time specified, court proceedings may be taken against you.

(1) Insert name and address of alleged offender.

(2) Insert place of alleged offence.

(3) Insert short particulars of the offence alleged.

(4) Insert amount of modified penalty prescribed.

(5) Insert address of the office where payment may be made.

Third Schedule

Form 6

City of Joondalup

CATS LOCAL LAW 2008

WITHDRAWAL OF INFRINGEMENT NOTICE

No.

Date / /

To (1).....

Infringement Notice No. dated / /

for the alleged offence of (2)

.....is hereby withdrawn.

The modified penalty of \$.....

- has been paid and a refund is enclosed
- has not been paid and should not be paid

† No further action will be taken.

† It is proposed to institute court proceedings for the alleged offence.

.....
(to be signed by an authorised person).

(1) Insert name and address of alleged offender.

(2) Insert short particulars of offence alleged.

(3) Insert amount of modified penalty prescribed.

• Delete whichever does not apply

† Delete whichever does not apply

Fourth Schedule

City of Joondalup

CATS LOCAL LAW 2008

OFFENCES AND MODIFIED PENALTIES

Part 2—Cats

Item No	Clause No	Nature of Offence	Modified Penalty \$
1	6(2)	Failure to register cat	50
2	16	Failure to give notice of new owner	20
3	19(c)	Allowing cat to wear incorrect registration tag	50
4	19(d)	Wrongfully removing or defacing cat registration tag or producing counterfeit cat registration tag	50
5	20(1)(a)	Cat in a prohibited area under Second Schedule	100
6	20(1)(b)	Cat on private premises following complaint	50

Fifth Schedule

City of Joondalup

CATS LOCAL LAW 2008

REGISTRATION TAGS

1. Commencing in the year 2008, the following registration tag colours are to be utilised on a three-yearly rotational basis.

One Year Registrations

Year Number	Tag Colour
1*	Red
2	Blue
3	Yellow

Three Year Registrations

Year Number	Tag Colour
1*-3	Purple
4-6	Green
7-9	Orange

*Year 1 commences in the Year 2008.