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LOCAL GOVERNMENT ACT 1995

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CITY OF ALBANY

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**KEEPING AND WELFARE OF  
CATS LOCAL LAW 2008**



## LOCAL GOVERNMENT ACT 1995

## CITY OF ALBANY

## KEEPING AND WELFARE OF CATS LOCAL LAW 2008

Under the powers conferred by the *Local Government Act 1995* and under all other powers enabling it, the Council of the City of Albany resolved on 18 November 2008 to make the following local law.

**PART 1**  
PRELIMINARY

**1. CITATION**

1.1 This local law may be cited as the *Keeping and Welfare of Cats Local Law 2008*.

**2. OBJECTIVES**

2.1 The objectives of this local law are to—

- (a) promote responsible cat ownership
- (b) limit the damage to and the loss of wildlife caused by cats
- (c) promote the welfare and safety of domestic cats
- (d) reduce the number of unwanted kittens through compulsory cat sterilisation.

**3. INTERPRETATION**

3.1 In this local law unless the context otherwise requires—

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

“*Applicant*” means the occupier of the premises who makes an application for a Permit under this law;

“*Approved Cattery*” means a cattery, which is the subject of a valid planning approval, granted under a Scheme or which is a non-conforming use that may continue under the Scheme;

“*Authorised Person*” means a person authorised by the Chief Executive Officer of the City of Albany to perform the functions conferred on an Authorised Person under this local law;

“*Business Day*” means any day other than a Saturday, Sunday or a public holiday;

“*Cat*” means any member of species *Felis Catus* (domestic cat) of the family *Felidae*. This includes all domestic, feral and stray cats but does not include any other feline species, e.g. lions, tigers, etc;

“*CEO*” means the Chief Executive Officer of City of Albany;

“*Council*” means the Council of the City of Albany;

“*District*” means the District of the City of Albany;

“*Keeper*” means the owner of the Cat, occupier of the dwelling where the Cat is normally kept or the last person recorded as the registered owner;

“*Local Government*” means the City of Albany;

“*Microchip*” means a rice-sized device encoded with a unique and unalterable number, which is implanted just under the skin of the cat and is readable by a scanner;

“*Microchip Certificate*” A certificate of identification received from a licensed registry where information on the cat is kept, confirming the cat has been inserted with a microchip;

“*Permit*” means a Permit issued by City of Albany under Clause 5.6;

“*Permit Holder*” means a person who holds a Permit granted under this local law;

“*Premises*” means—

- (a) any land and any improvements used for any purpose; and,
- (b) any part of any building in separate ownership or separate occupation, or any unit, flat, town house, duplex or apartment;

“*Registered and Identified Cat*” means a Cat which is registered and identified under Clause 4;

“*RSPCA*” means the Royal Society for the Prevention of Cruelty to Animals (Inc) of Western Australia;

“*Sterilised*” means rendered sterile—

- (a) in the case of a female Cat, by ovariectomy or ovariohysterectomy; and
- (b) in the case of a male Cat, by castration;

And “*Sterilisation*” has the same meaning and “*unsterilised*” has the opposite meaning;

“*Veterinary Surgeon*” means a Veterinary Surgeon registered under the *Veterinary Surgeons Act 1960*;

“*Veterinary Surgery*” means any premises at which animals receive treatment, nursing care, and other services required for the reception, treatment and care of animals suffering from disease or injury or in need of surgical or medical treatment or assistance.

## PART 2—KEEPING OF CATS

### 4. CATS TO BE IDENTIFIED REGISTERED AND STERILISED

4.1 Subject to Clause 4.10, a Keeper of a Cat must register the Cat with the Local Government.

4.2 An application to register a Cat with the Local Government must include details of—

- (a) the current name, address and telephone number of the owner;
- (b) the location of the premises at which the Cat is kept;
- (c) the sex of the Cat;
- (d) the breed of the Cat;
- (e) the sterilisation of the Cat.
- (f) the inserted Microchip.

4.3 No Keeper of a Cat for registration purposes may be under 18 years of age.

4.4 The requirements of subclause 4.2(f) will be met if—

- (a) the Microchip contains information that can be used to obtain the name of a Keeper of the Cat and a current address or telephone number of the Keeper; and
- (b) the application for registration is accompanied by a copy of the Microchip Certificate and includes the registration number of the Microchip.

4.5 Unless a Permit has been obtained from the Local Government under Clause 5.1 to keep an unsterilised Cat, the Cat cannot be registered with the Local Government.

4.6 The Local Government may by resolution of its Council prescribe a fee to be paid by the Keeper of a Cat upon registration of a Cat.

4.7 The Local Government may by a resolution of its Council set the period of registration and date of renewal.

4.8 The Keeper of the Cat must notify the Local Government of any change in registration details as outlined in Clause 4.2.

4.9 A Cat will be taken to be identified if it has a microchip implanted in its body containing the name, current address and telephone number of the Keeper of the Cat.

4.10 The requirements of Clause 4 to be registered and identified do not apply to a Cat—

- (a) while at any refuge conducted by the RSPCA or any other approved animal welfare organisation;
- (b) while at an animal pound, which has been approved by the Local Government;
- (c) while at a pet shop;
- (d) while at a Veterinary Surgery;
- (e) which is less than 6 months of age;
- (f) until the Cat has been kept within the District for more than 28 days;
- (g) until the Keeper has been a resident of the District for more than 28 days; or
- (h) where an exemption has been granted by the Local Government in accordance with a policy published by the Local Government.

4.11 Except for a Veterinary Surgeon a person must not, without reasonable excuse, interfere with or remove the means by which a Cat is identified under this local law.

### 5. CATS FOR WHICH PERMIT IS REQUIRED.

5.1 Subject to Clause 5.2, a Keeper is required to have a Permit—

- (a) to use any premises as a Cattery;
- (b) to keep 3 or more Cats;
- (c) to keep an unsterilised Cat.

5.2 A Permit is not required under Clauses 5.1(a) and (b) where the Cat is less than 6 months old and is kept at—

- (a) a refuge of the RSPCA or of any other animal welfare organisation;
- (b) an animal pound, which has been approved by the Local Government;
- (c) a Veterinary Surgery;
- (d) a pet shop; or
- (e) an approved Cattery.

5.3 An application for a Permit under clause 5.1 is to be made by the Keeper in relation to those premises and—

- (a) must be in a form approved by the CEO, and accompanied by the application fee for the Permit determined by the Local Government from time to time;
- (b) must be deemed not to have been made until the application fee has been paid;
- (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;
- (d) must specify the number of Cats to be kept on premises;
- (e) must include a description of the Cats;
- (f) must be accompanied by consent in writing from the owner of the Premises if the Keeper is not the owner of the Premises;
- (g) must be accompanied by a covering letter justifying why the Local Government should grant the Permit.

5.4 Unless otherwise specified a Permit commences on the date of issue and is valid until it is revoked.

5.5 An application to keep an unsterilised Cat as per Clause 5.1(c) will only be considered where—

- (a) the Cat is contained within an Approved Cattery; or
- (b) a veterinary surgeon provides written advice that sterilisation should not be undertaken on medical grounds.

5.6 The Local Government may—

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

5.7 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 local environment including any pollution or other environmental damage, which may be caused by the proposed use;
- (g) 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
- (h) such other factors which the Local Government may consider to be relevant in the circumstances of the particular case.

5.8 Where a Permit issued under this Local Law relates to a Cat or Cats at a Cattery or to keep 3 or more Cats, the additional conditions contained in Schedule 1 must apply.

5.9 Any Cat to which a Permit relates must be a Registered and Identified Cat.

5.10 A Permit may be revoked by the Local Government where there is a breach of any condition of that Permit, or if the Permit Holder fails to observe any provision of this local law, or a condition of a Permit, or if he is convicted of a breach of any provision of this local law.

5.11 A Permit relates to specific Premises and to a specific Permit Holder and is not transferable on—

- (a) the sale or lease of the Premises to which the Permit relates; or
- (b) the sale or lease of a Approved Cattery.

5.12 A person shall not contravene a condition of a Permit.

5.13 Unless otherwise specified on a Permit, a Permit commences on the date of issue and expires on the 30th day of June next following.

## PART 6—MISCELLANEOUS

### 6. SERVING OF NOTICES

6.1 A notice given under this local law may be served—

- (a) in person to the Keeper;
- (b) by leaving it with any person at the Keeper's address or last known address;
- (c) by leaving it in the letterbox of the Premises in which the Cat is at that time ordinarily kept, or ordinarily permitted to live; or
- (d) by posting the notice to the Keeper at the Keeper's address, by prepaid post.

6.2 Where any notice is required to be given under this local law, the address of the Keeper of a Cat will be taken to be, in the case of a registered Cat, the address shown on the register kept by the Local Government as the Keepers address, unless the Local Government has been advised in writing by the Keeper of a change in address.

6.3 A notice served by post under Clause 6.1(d) shall be taken as having been served on the second Business Day after it is posted.

## 7. EVIDENCE

7.1 In proceedings for an offence against any provision of this local law a copy of an entry in a register certified by an Authorised Person will, without proof of the signature of the person appearing to have signed the copy or that he or she is an Authorised Person be evidence of the matters relevant to the proceedings set out in that certified copy.

## 8. OBJECTIONS AND APPEALS

8.1 When the Local Government makes a decision to—

- (a) grant or refuse to grant a person a Permit under this local law; or
- (b) renew, vary or cancel a Permit that a person has under this local law;

the provisions of Division 1 of Part 9 of the Act and Regulations 33 of the *Local Government (Functions and General) Regulations 1996* apply to that decision.

## 9. GENERAL OFFENCE AND PENALTY PROVISIONS

9.1 Any person failing to do any act required to be done, doing any act forbidden to be done by any provision under this local law, or failing to comply with any notice or order given or made, under any provision of this local law, commits an offence.

9.2 An offence against any provision of this local law is a prescribed offence for the purposes of Section 9.16(1) of the Act.

9.3 Any person who commits an offence under this local law shall be liable, upon conviction, to a penalty not exceeding \$2,000, and if the offence is of a continuing nature, to an additional penalty not exceeding \$200 for each day or part of a day during which the offence has continued.

9.4 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.

9.5 An infringement notice in respect of an offence against this local law may be given under Section 9.16 of the Act and is to be in the form of Schedule 3.

9.6 A notice sent under Section 9.20 of the Act withdrawing an infringement notice is to be in the form of Schedule 4.

9.7 A penalty for an offence against this local law may be recovered by the Local Government taking proceedings against the alleged offender in the Magistrates Court.

9.8 The Local Government shall cause to be kept adequate records of all infringement notices given, and all penalties received under this local law.

## 10. DEFENCE

10.1 It is a defence to a charge of an offence of contravening clause 5.12 if the keeper 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 keeper of the cat(s).

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### *Schedule 1*

#### ADDITIONAL CONDITIONS APPLICABLE TO PARTICULAR PERMITS

##### A PERMIT TO KEEP 3 OR MORE CATS

###### ADDITIONAL CONDITIONS

- (1) The premises will during the currency of the permit, remain adequately fenced (premises will be deemed not to be adequately fenced if there is more than one escape of a cat from the premises);
- (2) The keeper will have during the term of the permit adequate space for the exercise of the cats;
- (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 CATTERY

###### 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 Keeper;
- (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**

**KEEPING AND WELFARE OF CATS LOCAL LAW**

Item No.	Clause No.	Nature of Offence	Penalty
1	4.1	Failure of a Keeper to register a Cat	\$100.00
2	4.5	Keeping of an unsterilised Cat	\$200.00
3	4.10	Failure of a Keeper to identify a Cat	\$100.00
4	4.11	Interference with or removal of a Cats identification	\$100.00
5	5.1	Failure of an occupier to hold a Permit	\$150.00
6	5.12	Breach of a condition of a Permit	\$100.00

**Schedule 3**

Local Government Act 1995

**KEEPING AND WELFARE OF CATS LOCAL LAW  
INFRINGEMENT NOTICE**

Serial No. ....

Date ..... / ..... / .....

To: <sup>(1)</sup> .....

of: <sup>(2)</sup> .....

It is alleged that on ..... / ..... / ..... at <sup>(3)</sup> .....

at <sup>(4)</sup> .....

you committed the following offence—

contrary to Clause ..... of the Keeping and Welfare of Cats Local Law.

The modified penalty for the offence is \$ .....

If you do not wish to have a complaint of the alleged offence heard and determined by a court, the amount of the modified penalty must be paid within a period of 28 days after the giving of this notice. The modified penalty may be paid by either posting this form together with the amount of the modified penalty to the Chief Executive Officer of the City of Albany, 102 North Road, Albany or by paying the amount of the modified penalty to an Authorised Person at City of Albany (North Road Office) between the hours of 9.00am to 4.00pm Monday to Friday.

If you take no action this infringement notice may be registered with the Fines Enforcement Registry after which your driver's licence or any vehicle licence held by you may be suspended. If the matter is registered with the Registry additional costs will also be payable.

If the above address is not your current address, or if you change your address, it is important that you advise us immediately. Failure to do so may result in your driver's licence or any vehicle licence you hold being suspended without your knowledge.

Name and title of Authorised Person giving the notice .....

Signature: .....

Insert

<sup>(1)</sup> Name of alleged offender

<sup>(2)</sup> Address of alleged offender

<sup>(3)</sup> Time at which offence allegedly committed

<sup>(4)</sup> Place at which offence allegedly committed

**Schedule 4**

Local Government Act 1995

KEEPING AND WELFARE OF CATS LOCAL LAW

**NOTICE OF WITHDRAWAL OF INFRINGEMENT NOTICE**

Serial No.....

Date ...../...../.....

To: <sup>(1)</sup> .....

of: <sup>(2)</sup> .....

Infringement Notice No..... dated ...../...../..... for the alleged offence  
..... has been withdrawn.

The modified penalty of \$ .....

- \* Has been paid and a refund is enclosed.
- \* Has not been paid and should not be paid.
- \* Delete as appropriate

Name and title of Authorised Person giving the notice .....

signature: .....

Insert

<sup>(1)</sup> Name of alleged offender to whom infringement notice was given

<sup>(2)</sup> Address of alleged offender

\_\_\_\_\_

Dated 11th of March 2009.

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

PAUL RICHARDS, Chief Executive Officer.  
MILTON EVANS, Mayor.

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