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LOCAL GOVERNMENT ACT 1995

SHIRE OF
BRIDGETOWN-GREENBUSHES

KEEPING AND WELFARE OF CATS
LOCAL LAW 2010

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SHIRE OF BRIDGETOWN-GREENBUSHES

KEEPING AND WELFARE OF CATS LOCAL LAW 2010

Under the powers conferred by the *Local Government Act 1995* and under all other powers enabling it, the Council of the Shire of Bridgetown-Greenbushes resolved on 28 October 2010 to make the *Keeping and Welfare of Cats Local Law 2010*.

PART 1—PRELIMINARY

1. Citation

1.1 This local law may be cited as the *Keeping and Welfare of Cats Local Law 2010*.

2. Objects

2.1 The objects of the local law are to—

- (a) Promote responsible cat ownership;
- (b) Reduce the nuisance to the community caused by cats;
- (c) Limit the damage to and the loss of wildlife caused by cats; and
- (d) Promote the welfare and safety of domestic cats.

3. Interpretation

3.1 In this local law unless the context otherwise requires—

- “**Act**” means the *Local Government Act 1995*;
- “**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 local government to perform the functions conferred on an authorised person under this local law;
- “**Cat**” means any member of species *Felis Catus* (domestic cat) of the family *Felidae*. This includes all domestic, feral and stray cats;
- “**Cat Pound**” means a pound referred to in clause 8;
- “**Council**” means the Council of the local government;
- “**District**” means the district of the local government;
- “**Identified Cat**” means a cat identified in the manner referred to in clause 4;
- “**Keeper**” in relation to a cat means each of the following—
- (a) the owner of the cat;
 - (b) a person by whom the cat is ordinarily kept;
 - (c) a person who has or appears to have immediate custody or control of the cat;
 - (d) a person who keeps the cat, or has the cat in his or her possession for the time being; or
 - (e) a person who occupies any premises in which a cat is ordinarily kept or ordinarily permitted to live;
- “**Local Government**” means the Shire of Bridgetown-Greenbushes;
- “**Nuisance**” means if a cat—
- (a) is injurious or dangerous to the health of any person or domestic or Australian indigenous animal or is in the opinion of an authorised person likely to be injurious or dangerous to the health of any person or domestic or Australian indigenous animal;
 - (b) creates a noise which persistently occurs or continues to a degree or extent which in the opinion of an authorised

person, and has or could have a disturbing effect on the state of reasonable physical, mental, or social well-being of a person; or

- (c) behaves in a manner that is contrary to reasonable standard of behaviour expected of an animal in the locality of the premises where the cat is normally resident;

“Premises”

includes—

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

“Unidentified Cat”

means a cat that is not identified in the manner as referred in clause 4; and

“Veterinary Surgeon”

means a veterinary surgeon registered under the *Veterinary Surgeons Act 1960*.

PART 2—KEEPING OF CATS

4. Cats to be Identified and registered

4.1 No person shall keep a cat over the age of 3 months on any premises unless the cat is an identified and registered cat or unless they have the permission of 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 ordinarily kept;
 (c) The name, breed, approximate age, colour and distinguishing marks, and sex of each cat which is the subject of an application for registration;
 (d) Whether the cat is sterilised or unsterilized.
 (e) The microchip, if the cat has one implanted.

4.3 The registration fee payable in relation to a cat shall be an amount as determined by the local government from time to time. The fees set may be different for a sterilized and chipped cat as distinct from an entire and unchipped cat.

4.4 The annual registration period shall be from 1 November to 31 October of the following year. Concessional rates may apply as determined by the local government from time to time.

4.5 A cat will be taken to be identified if—

- (a) The cat has a microchip planted in its body that contains the name, current address and telephone number of the keeper of the cat; or
 (b) A collar around its neck and the collar, or a tag securely attached to the collar, is marked with the name, current address and telephone number of the keeper of the cat.

4.6 The requirements of clause 4 do not apply to a cat—

- (a) While at any refuge conducted by the Royal Society for the Prevention of Cruelty to Animals (Inc) of Western Australia (RSPCA) or any other animal welfare organisation approved by the local government;
 (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; or
 (e) Which is less than 3 months of age.

4.7 A cat owner may apply to the local government to have their details omitted from the register for their own protection or that of their family.

5. Limit of Cat Numbers

5.1 Subject to subclause 5.2 and 5.3, the limit on the number of cats kept on any premises shall be 3.

5.2 No keeper of a cat shall keep more than the limit referred to in subclause 5.1, without a current permit issued by the local government. When this local law becomes operational, a keep of more than 3 cats over 12 months of age will need to apply to the local government for a permit, in accordance with clause 6, to keep over the legislated limit of 3 cats. The keeper's application for a permit will be automatically approved. As these cats become deceased the keepers must then comply with subclause 5.1

5.3 No keeper of a cat shall develop and operate a cattery until it becomes an “approved cattery” by the local government.

6. Cats for which a Permit is Required

6.1 Subject to clause 6.2, a keeper is required to have a permit—

- (a) To keep more than 3 cats on any premises recognised by the Council or other legislation;
 (b) To use any premises as a cattery.

- 6.2 A permit is not required under clauses 6.1(a) or 6.1(b) if the premises concerned are—
- (a) A refuge of the RSPCA or any other animal welfare organisation;
 - (b) An animal pound, which has been approved by the local government;
 - (c) A veterinary surgery unless the veterinary surgery is operating a boarding service for cats; or
 - (d) The subject of an exemption granted by the local government.
- 6.3 An application for a permit under clause 6.1—
- (a) Must be in a form approved by the Chief Executive Officer, and 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;
 - (c) Is to be accompanied by the plans and specifications to the satisfaction of the local government of the premises to which the application relates.
- 6.4 The local government may—
- (a) Approve an application for a permit subject to conditions; or
 - (b) Refuse to approve an application for a permit.
- 6.5 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; and
 - (h) Such other factors which the local government may consider to be relevant in the circumstances of the particular case.
- 6.6 The additional conditions contained in Schedule 1 of this local law shall form part of the conditions of any permit issued under clause 6.
- 6.7 Any cat to which a permit relates must be an identified registered cat.
- 6.8 An authorised person may, during the term of the permit seize and impound any or all of the cats on the premises, if the authorised person suspects that a breach of the permit, or of any condition of the permit, has occurred.
- 6.9 A permit may be 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.
- 6.10 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 cattery.
- 6.11 A person shall not contravene a condition of a permit.
- 6.12 Unless otherwise specified on a permit, a permit commences on the date of issue and expires on the following 31st day of October.
- 6.13 The application fee payable in relation to more than 3 cats or a cattery shall be an amount as determined by the local government from time to time.

PART 3—CONTROL OF CATS

7. Cats not to be a Nuisance

7.1 No keeper of a cat shall keep or allow to remain on any premises of which he or she is the owner or occupier, any cat so as to be a nuisance by reason of—

- (a) The number of cats;
- (b) The noise or odour generated by the presence of the cats;
- (c) The aggressive nature of the cats;
- (d) The wandering of the cats.

7.2 Where, in the opinion of an authorised officer, a cat is creating a nuisance, the local government may give written notice to the keeper of the cat requiring that person to abate the nuisance.

7.3 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.

7.4 A person given a notice to abate the nuisance shall comply with the notice within the period specified in the notice.

PART 4—IMPOUNDING OF CATS**8. Cat Pound**

8.1 The local government may establish and maintain a pound or pounds, and may approve an animal pound maintained by any person, for the impounding of cats under this local law.

8.2 The local government may determine from time to time—

- (a) The times when a cat pound will be open for the reception and release of cats;
- (b) Times for the sale of cats from the pound; and
- (c) A scale of impounding fees to be paid on the release of impounded cats.

8.3 The local government is to keep a proper record of impounded cats (the “Impounding Register”).

8.4 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 keeper;
- (d) The date and time of seizure and impounding;
- (e) 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.

8.5 A person shall not—

- (a) Unless the person is a pound keeper, or an employee of a pound keeper, or an employee of the local government duly authorised in that regard, release or attempt to release a cat from a cat pound;
- (b) Destroy, break into, damage or in any other way interfere with a cat pound; 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.

8.6 If a registered and identified cat is impounded the authorised person must give the registered keeper of the cat notice of the impounding which states that the cat may be reclaimed within a specified period on the payment of specified fees.

8.7 The payment of any fees by any person in respect of the seizure, impounding and detention of a cat does not relieve that person of any liability to a penalty for an offence against any provision of this local law.

8.8 Where—

- (a) A person wishes to reclaim a cat within the period stated in a notice of impounding;
and
- (b) A permit is required for the keeping of the cat, but the person does not have the necessary permit and/or the cat is not registered;

The cat must not be given to the person until the person obtains the necessary permit and/or the cat is registered.

8.9 Where an unidentified cat is impounded and is not reclaimed within 7 days of the impounding, the local government may—

- (a) Offer the cat for sale through the cat pound;
- (b) Cause the cat to be destroyed in a humane manner; or
- (c) Cause the cat to be rehoused.

8.10(a) Subject to subclause (b), where an impounded cat is diseased, emaciated, injured, sick, or verminous, the local government may destroy the cat without the requirement to hold the cat, upon the written authority of a veterinary surgeon without being liable for compensation to any keeper or other person.

- (b) Unless the condition of the cat is such that it should in the opinion of an authorised officer be destroyed immediately, where an identified cat is diseased, emaciated or sick, the local government shall not destroy a cat under subclause (a) which is a registered and identified cat until reasonable steps have been taken to notify the registered keeper of the condition of the cat and the local governments intention to have it destroyed.

8.11 If an impounded cat is sold under clause 8.9 the proceeds of the sale become the property of the local government and may be disposed of in such a manner as the local government thinks fit.

PART 5—DESTRUCTION OF CATS**9. Destruction at Request of Keeper**

9.1 A keeper of a cat may request the local government to destroy the cat.

9.2 Where a keeper requests that a cat be destroyed, the keeper must complete and sign a form of authorisation showing—

- (a) The name and residential address of the keeper making the request;
- (b) A description of the cat including its breed, colour, sex and age;

- (c) The reason for destruction; and
- (d) A signature authorising destruction,

and produce reasonable evidence to the satisfaction of the local government that the person making the request is the keeper of that cat.

9.3 The local government may charge a keeper a fee in respect of the destruction of a cat under clause 9.1 and the local government from time to time shall determine the fee.

10. Abandonment of Cats

10.1 A person must not abandon a cat.

10.2 A person who delivers a cat into the custody of an authorised person or to a cat pound is not to be regarded as having abandoned the cat.

PART 6—MISCELLANEOUS

11. Evidence

11.1 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 shall, 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.

12. Objections and Appeals

12.1 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.

13. General Offence and Penalty Provisions

13.1(a) A 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.

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

- (c) Any person who commits an offence under this local law shall be liable, upon conviction, to a penalty not exceeding \$500 and if the offence is of a continuing nature, to an additional penalty not exceeding \$50 for each day or part of a day during which the offence has continued.

13.2 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.

13.3 An infringement notice in respect of an offence against this local law may be given under Section 9.13 of the Act and is to be in the form of Schedule 3.

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

13.5 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.

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

14. Defence

14.1 It is a defence to a charge of an offence if the keeper charged satisfies the court that at the time of the alleged offence some other person whom he or she can identify over the age of 18 years was the keeper of the cat(s).

First Schedule

LOCAL GOVERNMENT ACT 1995

Shire of Bridgetown-Greenbushes

Keeping and Welfare of Cats Local Law 2010

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) 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.

(4) 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 AN APPROVED 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.

Second Schedule

LOCAL GOVERNMENT ACT 1995

Shire of Bridgetown-Greenbushes

Keeping and Welfare of Cats Local Law 2010

OFFENCES FOR WHICH MODIFIED PENALTIES APPLY

Item No.	Clause No.	Nature of Offence	Penalty
1	4.1	Failure of a keeper to identify and register a cat	\$50.00
2	6.1	Failure of an occupier to hold a permit	\$50.00
3	6.11	Breach of a condition of a permit	\$50.00 revocation of permit and loss of cat/s
4	7.4	Failure to comply with a notice to abate a nuisance	\$50.00
5	10.1	Abandonment of cat	\$100.00

Third Schedule

LOCAL GOVERNMENT ACT 1995

Shire of Bridgetown-Greenbushes

Keeping and Welfare of Cats Local Law 2010

INFRINGEMENT NOTICE

Serial No.

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

To: ⁽¹⁾

of: ⁽²⁾

It is alleged that on/...../..... At ⁽³⁾

at ⁽⁴⁾

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 Shire of Bridgetown-Greenbushes, PO Box 271, Bridgetown 6255 or by paying the amount of the modified penalty to an authorised person at the Shire of Bridgetown-Greenbushes, 1—3 Steere Street, Bridgetown between the hours of 9.00am to 4.30pm 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—

- (1) Name of alleged offender
- (2) Address of alleged offender
- (3) Time at which offence allegedly committed
- (4) Place at which offence allegedly committed

Fourth Schedule

LOCAL GOVERNMENT ACT 1995

Shire of Bridgetown-Greenbushes

Keeping and Welfare of Cats Local Law 2010

NOTICE OF WITHDRAWAL OF INFRINGEMENT NOTICE

Serial No.

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

To: (1)

of: (2)

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—

- (1) Name of alleged offender to whom infringement notice was given
- (2) Address of alleged offender

Dated: 28 October 2010.

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

BRIAN MOORE, President.
TIMOTHY CLYNCH, Chief Executive Officer.