

PUBLISHED BY AUTHORITY JOHN A. STRIJK, GOVERNMENT PRINTER AT 11.00 AM

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CAT ACT 2011

CAT REGULATIONS 2012

Western Australia

Cat Regulations 2012

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Cat Act 2011

Cat Regulations 2012

Made by the Governor in Executive Council.

1. Citation

These regulations are the Cat Regulations 2012.

2. Commencement

- (a) regulations 1 and 2 on the day on which these regulations are published in the *Gazette*;
- (b) the remaining regulations, other than regulations 7, 9, 10, 19, 20 and 26 — on the day after that day;
- (c) regulation 7— on the day on which the *Veterinary* Surgeons Amendment Regulations (No. 3) 2012 regulation 4 comes into operation;
- (d) regulations 9, 10, 19, 20 and 26 on 1 November 2013.

3. Terms used

(1) In these regulations —

Form refers to a Form prescribed under these regulations and set out in Schedule 1;

registered training provider has the meaning given by the *Vocational Education and Training Act 1996* section 5(1).

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(2) When a certificate is described as being issued by a local government, that certificate may be issued over the counter, by mail or by electronic means.

4. Cat management facility operators (s. 3(1))

For the purposes of the definition of *cat management facility* paragraph (b) in section 3(1) of the Act, each of the following bodies are prescribed as operators of a facility for keeping cats —

- (a) Cat Welfare Society Inc., trading as "Cat Haven";
- (b) Royal Society for the Prevention of Cruelty to Animals (Inc) of Western Australia.

5. Microchip devices (s. 3(1))

- (1) For the purposes of the definition of *microchip* in section 3(1) of the Act, an identification device must be of a type that complies with both of the following Australian Standards
 - (a) AS 5018 2001 Electronic Animal Identification National coding scheme, published 29 June 2001;
 - (b) AS 5019 2001 Electronic Animal Identification Radiofrequency methods, published 7 June 2001.
- (2) A person must not sell, supply or provide a microchip for microchipping a cat, unless the microchip complies with subregulation (1).

Penalty: a fine of \$5 000.

(3) A microchip implanter must not implant a microchip in a cat, unless the microchip complies with subregulation (1).

Penalty: a fine of \$5 000.

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6. Microchip database companies (s. 3(1))

For the purposes of the definition of *microchip database company* paragraph (a)(ii) in section 3(1) of the Act, each of the following bodies is a microchip database company —

- (a) Central Animal Records (Aust) Pty Ltd;
- (b) HomeSafeID;
- (c) PetBase Pty Ltd, trading as "Petsafe";
- (d) Royal Agricultural Society of NSW (ABN 69 793 644 351), trading as "Australasian Animal Registry";
- (e) The Lost Dogs Home Inc., trading as "National Pet Register".

7. Microchip implanters (s. 3(1))

- (1) For the purposes of the definition of *microchip implanter* paragraph (a) in section 3(1) of the Act, each of the following persons is prescribed
 - (a) a veterinarian;
 - (b) a veterinary nurse, as defined in the *Veterinary Surgeons Act 1960* section 2.
- (2) For the purposes of the definition of *microchip implanter* paragraph (b) in section 3(1) of the Act, a unit of competency in microchip implantation of cats and dogs entitled "ACMMIC401A Implant microchip in cats and dogs" (provided by a registered training provider) together with one or more of the following courses (also provided by a registered training provider)
 - (a) Advanced Certificate in Veterinary Nursing;
 - (b) Certificate IV in Veterinary Nursing;
 - (c) Certificate III in Animal Technology;
 - (d) Certificate III in Companion Animal Services;

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- (e) Certificate III in Local Government (Animal Management);
- (f) Certificate IV in Animal Control and Regulation;
- (g) Certificate IV in Animal Welfare (Regulation);
- (h) Certificate IV in Captive Animals;
- (i) Certificate IV in Companion Animal Services,

is a prescribed qualification.

8. Microchipping a cat (s. 3(1))

For the purposes of the definition of *microchipped* in section 3(1) of the Act, a microchip is implanted in the prescribed manner if it is implanted by a microchip implanter.

9. Cats exempt from registration (s. 5(2)(c) and 9(2))

A cat that is in the custody of one of the following organisations is exempt from the registration requirements in section 5(1) of the Act and will be refused registration under section 9(2) of the Act —

- (a) Cat Welfare Society Inc., trading as "Cat Haven";
- (b) Royal Society for the Prevention of Cruelty to Animals (Inc) of Western Australia;
- (c) Australian Customs and Border Protection Service;
- (d) a cat management facility;
- (e) a veterinary clinic or veterinary hospital as defined in the *Veterinary Surgeons Act 1960* section 2.

10. Cats exempt from wearing a tag (s. 6(2))

The owner of a cat that is being exhibited is exempt from the requirement to ensure the cat wears its registration tag in a public place in section 6(1) of the Act, but only while that cat is being exhibited.

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11. Manner of application for registration (s. 8(2))

- (1) To apply to register a cat, the owner of the cat must supply the details required in Form 1 Parts A, B, D, F and G to the local government.
- (2) The details required may be supplied by completing the relevant provisions of Form 1 using a hard copy of an application provided by the local government or by using an electronic online system provided for that purpose by the local government.
- (3) If the relevant details are supplied by using an electronic online system provided for that purpose, the signature of the applicant is not required.

12. Period of registration (s. 9(7))

- (1) Registration of a cat may be for
 - (a) either one year or 3 years; or
 - (b) for the life of the cat.
- (2) Registration of a cat
 - (a) unless sooner cancelled, remains in force from the date specified in the certificate until 31 October either
 - (i) next ensuing; or
 - (ii) where an extended registration period has been elected by the owner, 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.

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13. Changes in registration

Where a cat is registered with a local government and the owner moves to another local government area, the owner may notify both the former and the new local government to continue that period of registration with the new local government.

14. Registration certificate (s. 11(1)(b))

A registration certificate issued by a local government is to be in the form of Form 2.

15. Registration tags (s. 76(2))

- (1) A registration tag is to be
 - (a) marked with a registration number issued by the relevant local government; and
 - (b) marked with the name of the local government and its contact number; and
 - (c) coloured in the colour representing the year of expiry of the registration to which it relates.
- (2) A lifetime registration tag is to be coloured orange.
- (3) The Minister may from time to time designate, by notice published in the *Gazette*, the colours that represent the years on which registration expires.

16. Information to be recorded in local government cat register (s. 12(3))

The information to be recorded by a local government, in its register, in respect of each cat registered by it is as follows —

- (a) the cat owner's full name;
- (b) the cat owner's residential address;
- (c) the cat owner's postal address (if different from the residential address);
- (d) the cat owner's date of birth;

17.

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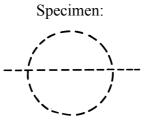
- (e) full contact details for the microchip implanter's company or organisation (*if applicable*);
- (f) the date the cat was microchipped;
- (g) the cat owner's full name;
- (h) the cat owner's residential address;
- (i) the cat owner's contact telephone numbers home, work and mobile;
- (j) the cat owner's email address;
- (k) the address at which the cat is normally kept;

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- (l) the cat's name;
- (m) the age, breed (*if known*), colour, gender and sterilisation status of the cat.

18. Manner in which a cat is identified as sterilised (s. 19)

- (1) A cat is identified as sterilised by a sterilisation certificate given in relation to that cat under section 21 of the Act or a sterilisation tattoo on the cat's ear.
- (2) A sterilisation tattoo is to consist of a broken circle with a bisecting broken line.



19. Transfer of exempt cats (s. 23(3))

The provisions of section 23(1) and (2) of the Act do not apply if a cat is being transferred to an organisation or person set out in regulation 9.

20. Cat control notice (s. 26(2)(a))

A cat control notice under section 26 of the Act is to be in the form of Form 3.

21. Manner and form of application to breed cats (s. 36(2))

An application for the grant or renewal of approval to breed cats under section 36 of the Act is to contain the details required in Form 1 Parts A, B, E, F and G.

r. 22

22. Other circumstances leading to refusal of approval to breed cats (s. 37(2)(f))

- (1) A local government may refuse an application for the grant or renewal of an approval to breed cats, if the local government is satisfied that an infringement notice under the Act has been issued to, and paid by, the applicant within the 12 months prior to the application.
- (2) Where a local government is satisfied that an infringement notice under the Act has been issued to the applicant within the 12 months prior to the application, but the matter has not been resolve by either payment or court proceedings, the local government may defer consideration of an application for the grant or renewal of an approval to breed cats until the matter is resolved.

23. Person who may not be refused approval to breed cats (s. 37(5))

A local government is not to refuse an application for the grant or renewal of an approval to breed cats, if the applicant —

- (a) has attained the age of 18 years; and
- (b) has not been convicted within the previous 3 years of an offence against
 - (i) the *Cat Act 2011*; or
 - (ii) the *Dog Act 1976*; or
 - (iii) the Animal Welfare Act 2002;

and

- (c) is a current member of one of the following organisations and associations
 - (i) the Cat Owners Association of Western Australia (COAWA);
 - (ii) the Feline Control Council of Western Australia (FCCWA);

r. 24			

(iii) the Australian National Cats (ANCATS).

24. Duration of approval to breed cats (s. 37(6))

An approval to breed cats, or a renewal of approval, granted under section 37 of the Act has effect for one year.

25. Certificate given to approved cat breeder (s. 39(1))

The certificate to be given by a local government to an approved cat breeder is to be in the form of Form 4.

26. Warrant (s. 58)

The form of a warrant is Form 5.

27. Infringement notice (s. 63(1))

The form of an infringement notice is Form 6.

28. Withdrawal of infringement notice (s. 65(1))

The form of withdrawal of an infringement notice is Form 7.

29. **Objection** (s. 69(2))

The form of an objection is Form 8.

30. Modified penalties (s. 63(2))

The penalties set out in Schedule 2 column 4 are the prescribed modified penalties for the offences in columns 2 and 3 to which the penalties correspond, for the purposes of section 63(2) of the Act.

Schedule 1 — Forms

Form 1 — Details to be provided under various provisions *Cat Act 2011* s. 8

[r. 11, 14, 21 and 25]

Part A — Owner details

Cat owner's full name
Residential address
Postal address (if different from above)
Age (dd/mm/yy) / / / / / / (Owner must be 18 years or older)
Contact telephone number
(home, work, mobile) (H)
(W)
(M)
Email address (<i>if available</i>)
Can your local government to use this email address to issue renewal notices and other relevant information? Yes/No (delete one)
Alternative contact details (optional)
Name of alternative
Residential address
Postal address (if different from above)

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	Age (dd/mm/yy) ////////_	/	
	Contact telephone number		
	(home, work, mobile)	(H)	
		(W)	
		(M)	
t B -	<u>— Cat details</u>		
	Address where cat is norma (if different from above)		
	Number of cats to be locate	ed at these premises	
	Cat details		
	Cat's name		
	Age (<i>dd/mm/yy</i>)/	/	
	Breed (if known)		
	Colour		
	Gender		
	Microchip number		
	Is the cat sterilised?	Yes/No (delete one)	
	If No : Is the exemption	granted by a veterinarian?	Yes/No (delete one)
	Please give details of the veterinarian	e exemption including deta	ils of issuing

Is the custodian a member of
a prescribed exempt organisation

Yes/No (delete one)

Please give details of the prescribed exempt organisation

Approved breeder?

Yes/No (delete one)

Any distinguishing features or marks?

Part C — Notification of new owner

New cat owner's name

New owner's address

New owner's contact numbers (home, work, mobile) (H)_____

(M)____

(W)			

Part D — Registration

Application or renewal for a period of 1 year (✓): □ a period of 3 years (✓): □
Application for lifetime registration (✓): □
Prescribed fee for a period of 1 year (✓): □

a period of 3 years (\checkmark): \Box

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(if known)

Prescribed lifetime fee (\checkmark): \Box

Previous local government where cat was registered

Registration number (to be issued by local government)

Part E — Application for approved breeder

Application to be an approved breeder (\checkmark): \Box

Breed of cats to be bred

Number of breeding cats to be kept at the property

Description of facilities

Membership of prescribed organisation

Part F — Previous convictions

Do you have any convictions for offences against this Act, Dog Act 1976 or Animal Welfare Act 2002 in past 3 years? Yes/No (delete one)

If yes, please give details, specifying the date of the conviction(s), nature of the offence and the legislation involved

Part G - Declaration

The local government may refuse an application if any or all of the required information is not provided within the time period specified in the legislation.

(pers	son's full name or organisation/company name)	
	(address)	
		(postco

declare that the information I have provided is true and correct.

I am aware that it is an offence to provide false and misleading information.

Signature

[A signature is not required to effect the form when the form is lodged through a local government internet site.]

[Local government details and logo here]

Payment options:

[Each local government is to detail their payment options here]

Cat Regulations 2012 Schedule 1 Forms

Further details required by local government

Part H — Local government use only

Registration approved (\checkmark): \Box

Assigned registration number •

Approved breeder (\checkmark): \Box

Conditions of approval ٠

Form 2 — Certificate of registration Cat Act 2011 s. 11(1)

	Cut Het	2011 5. 11(1)	[r. 14]
This is to certify the	at —		
Name of cat			
Description of cat	(gender, age, sterilisat	tion status, breed (if known), colour.)	
Has been registered	l by —		
Name	(person's full name or	organisation/company name)	
Street Address			
Suburb/Town		Postcode	
By (insert name of local)	government)		
Registration number	er of cat		
This registration ex	pires on/	_/	

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Form 3 — Cat control notice

Cat Act 2011 s. 26(2)

[r. 20]

THIS IS A NOTICE to advise and inform and is NOT an infringement notice. At this stage there are no associated penalties or fines. Any further, similar incidents may result in an infringement notice and other enforcement measures with associated penalties and fines.

То —

Name			
	(person's full name	e or organisation/company nam	ne)
Street Address			
Suburb/Town			Postcode
Date and time of	of incident	_//	a.m./p.m.
<i>Cat Act 2011</i> s. (state relevant provis	ion)	(description of offe	ence)
Cat Regulation. (state relevant provis	s 2012 r	(description of offe	ience)
Local law provis	ision	(description of offe	ence)
Location of cat/	/sighting of cat	t/premises where cat co	onfined —
Street Address			
Suburb/Town			Postcode

Description of cat — (distinguishing features, collar, tag, breed, gender)

ACTION TO BE TAKEN

Time to complete the action	(if more time is needed contact the local government)
Local government details	
Authorised person	
	(name)
	(signature)

[r. 25]

Cat Regulations2012Schedule 1Forms

Form 4 — Certificate of approved cat breeder

Cat.	Act	2011	s. 39	(1)

This is to certify that —	
Name	(person's full name or organisation/company name)
Street Address	
Suburb/Town	Postcode
Who is a member of	(insert name of any prescribed organisation(s))
has been granted an appr	oval to breed cats at the following location —
	oval to breed cats at the following location —
Street Address	roval to breed cats at the following location —Postcode
Street Address Suburb/Town	Postcode
Street Address Suburb/Town By (insert name of local governi	Postcode

Form 5 — Warrant to enter, search and seize

Cat Act 2011 s. 58

[r. 26]

THIS IS A WARRANT authorising an authorised person under the *Cat Act 2011* to enter and search —

Place

Date

(this can include a period of time)

Time

(specific hours or at any time)

and to seize —

□ any cats

 \Box any of the following types of cat —

□ any cats in the following circumstances —

□ any items that may afford evidence of the commission of an offence under the *Cat Act 2011*.

THIS WARRANT CEASES to have effect —
Date
Time

I, _____ Justice of the Peace of _____

_____ am satisfied,

by an application supported by evidence on oath, that —

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- □ there are reasonable grounds for suspecting that there is, at the place something that may afford evidence of the commission of an offence under the Cat Act 2011;
 - OR
- entry onto the place is reasonably required to investigate a suspected offence against the Cat Act 2011;

OR

□ there are reasonable grounds for suspecting that an offence under the *Cat* Act 2011 is likely to be committed in respect of the cat if it is not seized.

, an authorised person under Part 4 I authorise Division 3 of the Cat Act 2011, to exercise the entry, search and seizure powers set out in that Act in relation to the premises set out in this warrant, with such assistance, and using such force, as is reasonably necessary during the time referred to in this warrant.

Signed.______(Justice of the Peace)

Dated

Form 6 — Infringement notice

[r. 27]

Cat Act 2011					Infringement
Infringeme	<u>nt notic</u>	e			notice no.
Alleged	Name	Famil	y name		
offender		Given	names		
	or	Comp	any name	9	
					ACN
	Address				
					Postcode
Alleged offence	Descrip	tion of o	offence		
	Cat Act	2011 s.			
	or				
	Cat Regulations 2012 r.				
	or				
	Local Law provision				
	Date	/	/20	Time	a.m./p.m.
	Modifie	ed penal	ty \$		
Officer	Name				
issuing notice	Signature				
	Office				
Date	Date of	notice	/	/20	

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	1			
Notice to alleged offender	It is alleged that you have committed the above offence If you do not want to be prosecuted in court for the offence, pay the modified penalty within 28 days after the date of this notice.			
	How to pay			
	By post	Send a cheque or money order (payable to 'CEO [Relevant local government] — Cat Act 2011') to —		
		CEO [Relevant local government and address]		
	In person	Pay the cashier at —		
		[Relevant local government and address]		
	 If you do not pay the modified penalty within 28 days, you may be prosecuted or enforcement action may be taken under the <i>Fines, Penalties and Infringement Notices Enforcement Act 1994</i>. Under that Act your driver's licence and/or vehicle licence may be suspended. If you need more time to pay the modified penalty, you can apply for an extension of time by writing to the Approved Officer at the above postal address. If you want this matter to be dealt with by prosecution in court, sign here — 			
	government	s notice to the CEO [Relevant local] at the above postal address within 28 days of this notice.		

				[r. 28]	
Cat Act 2011				Withdrawal no.	
Withdrawa	l of infrin	igement n	otice		
Alleged	Name	Family nam	ne		
offender		Given name	es		
	or	Company name			
				ACN	
	Address				
				Postcode	
Infringement	Infringem	ent notice no.			
notice	Date of iss	sue /	/20		
Alleged offence	Descriptio	on of offence			
offence					
	Cat Act 20	011 s.			
	or				
	Cat Regul	<i>ations 2012</i> r.			
	or				
	Local Law	v provision			
	Date /	/20	Time	a.m./p.m.	
CEO	Name				
withdrawing notice	Signature				
	[Relevant local government]				
Date	Date of wi	ithdrawal	/	/20	

Form 7 — Withdrawal of infringement notice

Cat Regulations 2012Schedule 1Forms

Withdrawal of	The above infringement notice issued against you has been withdrawn.			
infringement notice	If you have already paid the modified penalty for the alleged offence you are entitled to a refund.			
[*delete	* Your refund is enclosed.			
whichever is not applicable]	or			
	* If you have paid the modified penalty but a refund is not enclosed, to claim your refund sign this notice and post it to —			
	CEO [Relevant local government] — Cat Act 2011			
	[Relevant local government and address]			
	Signature / /20			

Form 8 — Objection

<i>Cat Act 2011</i> s. 69	F., 2 01
	[r. 29]
To the CEO (Relevant local government):	
I,	
of	
object to the decision of	
The details of that decision are	
The grounds of my objection are (details of grounds)	
In support of my objection I attach the following information (<i>list attachments</i>) —	
Dated the day of	20
(signature of person objecting)	
Contact phone no.	
Note: Section 69(2) of the Act requires an objection to be ma 28 days after the right to object arose or such further t	

government may allow.

[r. 30]

Cat Regulations 2012 Schedule 2 Modified penalties

Schedule 2 — Modified penalties

Item Section Matter to which section relates Penalty 1. 5(1) Unregistered cat \$200 2. 6(1) Failure to ensure cat is wearing its registration tag in public \$200 Removing, or interfering with, a cat's 3. 7 \$200 registration tag 4. 14(1)Failure to ensure cat is microchipped \$200 5. 17 Removing, or interfering with, a cat's microchip \$200 6. 18(1) Failure to ensure cat is sterilised \$200 7. 19 Identifying a cat as sterilised that is not \$200 8. 23(1) Transfer of a cat that is not microchipped (and is not exempt) \$200 9. 23(2) Transfer of a cat that is not sterilised (and is not exempt) \$200 10. 24 Failure to notify local government or microchip database company of a new owner \$200 11. 25 Failure to notify local government or microchip database company of a change of details \$200 12. 35(1) Breeding cats, not being an approved cat breeder \$200

		Cat Re Modified penalties	gulations 2012 Schedule 2
Item	Section	Matter to which section relates	Penalty
13.	41	Cats not to be offered as prizes	\$200
14.	50(2)	Refusal by alleged offender to give information on request	\$200

By Command of the Governor,

R. KENNEDY, Clerk of the Executive Council.