



**CAT LOCAL LAW 2022**

***LOCAL GOVERNMENT ACT 1995***

***CAT ACT 2011***

**DRAFT**

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*LOCAL GOVERNMENT ACT 1995*

*CAT ACT 2011*

**SHIRE OF KOJONUP**

## **CAT LOCAL LAW 2024**

Under the powers conferred by the *Local Government Act 1995* and under all other powers enabling it, the Council of the Shire of Kojonup resolved on the \_\_\_\_\_ day of \_\_\_\_\_ to make the Shire of Kojonup Cat Local Law 2022 following local law.

### **PART 1 - PRELIMINARY**

#### **1.1 Citation**

This local law may be cited as the Shire of Kojonup Cat Local Law 2024.

#### **1.2 Commencement**

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

#### **1.3 Application**

This local law applies throughout the district.

#### **1.4 Definitions**

In this local law unless the context otherwise requires –

“**Act**” means the *Cat Act 2011*(Act);

“**applicant**” means the occupier of premises who makes application for a permit under this local law;

“**approved cat breeder**” has the meaning given to it by section 3(1) of the *Act*;

“**cat**” has the meaning given to it by section 3(1) of the *Act*; but does not include the young of a cat normally kept on the premises less than 6 months old;

“**cat management facility**” has the meaning given to it by section 3(1) of the *Act*, and includes a cattery;

“**cattery**” means any premises where more than two cats are boarded, housed or trained temporarily, usually for profit, and where the occupier of the premises is not the ordinary keeper of the cats;

“**central business zone**” mean a lot zoned as central business in a local planning scheme; commercial lot means a lot zoned under a local planning scheme as –

- (a) central business; or
- (b) service commercial,

“**CEO**” means the Chief Executive Officer of the local government;

**“Council”** means the Council of the local government;

**“district”** means the district of the local government;

**“effective control”** in relation to a cat means any of the following methods –

- (a) held by a person who is capable of controlling the cat;
- (b) securely tethered;
- (c) secured in a cage; or
- (d) any other means of preventing escape.

**“enclosed public space”** means a public place which is enclosed by walls, whether solid materials or glass, and includes attached or adjoining areas not permitted to the public, unless airflow between the areas is prevented, but does not include a cat management facility or veterinary clinic or hospital; industrial lot means a lot zoned under a local planning scheme as industry;

**“keeper”** in relation to a cat means any of the following persons –

- (a) the owner of the cat as defined in the *Act*;
- (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 her or his possession for the time being;
- (e) a person who occupies any premises in which a cat is ordinarily kept or ordinarily permitted to live;
- (f) a permit holder of a permit which relates to the cat;
- (g) the holder of an exemption issued in relation to the cat;

**“local government”** means the Shire of Kojonup;

**“local planning scheme”** means a planning scheme of the local government made under the *Planning and Development Act 2005*;

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**“local public notice”** has the meaning given to it by section 1.7 of the *Local Government Act 1995*;

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**“nuisance”** means behavior that includes where a cat –

- (a) excretes or urinates on premises being premises where the cat is not normally resident;
- (b) is, or is likely to be, injurious or dangerous to the health of any person or domestic or Australian indigenous animal;
- (c) 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
- (d) is shown to be allowed to behave consistently in a manner contrary to the general interest of the community.

**“permit”** means a permit issued by the local government under clause 3.5 of this local law;

**“permit holder”** means a person who holds a valid permit granted under this local law;

**“premises”** includes the following –

- (a) land, whether or not vacant;
- (b) the whole or part of a building or structure whether of a permanent or temporary nature; and
- (c) a vehicle.

**“public place”** has the meaning given to it by section 3(1) of the *Act*;

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

**“Schedule”** means a schedule to this local law;

**“set fee”** means a fee determined by the local government in accordance with sections 6.16 to 6.19 of the *Local Government Act 1995*.

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## PART 2 - IMPOUNDING OF CATS

### 2.1 Impounded cats

- (1) The local government may determine from time to time –
  - (a) the times when a cat management facility will be open for the reception and release of cats;
  - (b) times for the sale of cats from the cat management facility; and –
- (2) The local government is to keep a proper record of impounded cats.
- (3) The record 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 owner;
  - (d) the date and time of seizure and impounding;
  - (e) the name and address of the authorised person who impounded the cat and, if applicable, the person who delivered a cat for impounding;
  - (f) the reason for the impounding;
  - (g) a note of any order made by an authorised person relating to the cat; and
  - (h) the date of the sale, release or destruction of the cat.
- (4) The record is to be available for inspection by the public.
- (5) A person shall not –
  - (a) unless the person is the owner of the cat management facility, or an authorised person, release or attempt to release a cat from a cat management facility;
  - (b) destroy, break into, damage or in any other way interfere with or render not cat proof a cat management facility; 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.
- (6) A cat must not be released to a person until the person obtains the necessary permit or the cat is registered 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.

## PART 3 - KEEPING OF CATS

### 3.1 Keeping of cats in non-residential zones

The keeping of cats is not permitted on a commercial or industrial lot unless –

- (a) associated with an occupied attached residence or caretaker’s residence; or
- (b) is an approved cat management facility.

### 3.2 Limitation on the number of cats

(1) This clause does not apply to premises which have been –

- (a) Licensed under Part 4 of this local law as an approved cat breeder or cat management facility; or
- (b) granted an exemption under regulation 7 of the Cat (Uniform Local Provisions) Regulations 2013.

(2) The standard number of cats which may be kept on any premises is, for the purpose of regulation 6 of the Cat (Uniform Local Provisions) Regulations 2013 –

- (a) two cats over the age of six months and the young of those cats under that age if the premises are zoned other than for the purposes of general agriculture under a local planning scheme; or
- (b) four cats over the age of six months and the young of those cats under that age if the premises are zoned for the purposes of general agriculture under a local planning scheme.

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### **3.3 Cats for which a permit is required**

Subject to clause 3.4 an occupier is required to have a permit to –

- (a) keep more than two cats over the age of six months and the young of those cats under that age if the premises are zoned other than for the purposes of general agriculture under a local planning scheme;
- (b) keep more than four cats over the age of six months and the young of those cats under that age if the premises are zoned for the purposes of general agriculture under a local planning scheme
- .
- (c) use any premises as a cat management facility; or
- (d) be an approved cat breeder.

### **3.4 Permits not required**

(1) A permit is not required under clause 3.3 if the premises concerned are –

- (a) a refuge of the RSPCA or of any other animal welfare organisation;
- (b) a cat management facility which has been approved by the local government;
- (c) a veterinary surgery;
- (d) a pet shop;
- (e) premises with two or less cats; or
- (f) the subject of an exemption granted by the local government.

### **3.5 Application for permit**

An application for a permit under clause 3.3 shall be –

- (a) made by an occupier of the premises where the cats are to be kept;
- (b) if for a cat management facility, in the form of Schedule 1 and accompanied by the plans of the premises to which the application relates to the satisfaction of the local government;
- (c) if for a cat breeder, in the form of Schedule 1;
- (d) accompanied by the consent in writing of the owner of the premises, where the occupier is not the premises to which the application relates; and
- (e) accompanied by the set fee.

### **3.6 Decision on application**

(1) The local government may, upon payment of the set fee –

- (a) approve an application for a permit subject to the conditions outlined in clauses 4.1, 4.2, 4.3 or 4.4; or
- (b) refuse to approve an application for a permit.

(2) If the local government approves an application under subclause (1), then it shall issue to the applicant approval in writing.

(3) If the local government refuses to approve an application under subclause (1), then it is to advise the applicant accordingly in writing.

### **3.7 Factors relevant to determination of application**

(1) 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 local planning scheme 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;

- (h) any submissions received under subclause (2) within the time specified; and
- (i) such other factors which the local government may consider to be relevant in the circumstances of the particular case.

(2) The local government may require an applicant to –

- (a) consult with adjoining landowners;
- (b) advise the adjoining landowners that they may make submissions to the local government on the application for the permit within 14 days of receiving that advice, before determining the application for the permit; and
- (c) give local public notice of the proposal.

### **3.8 Cats in other than public places**

A cat shall not be in any place that is not a public place unless –

- (a) consent to its being there has been given by the occupier, or a person apparently authorised to consent on behalf of the occupier; and
- (b) it is under effective control.

### **3.9 Cats creating a nuisance**

(1) The keeper of a cat shall not allow a cat to create a nuisance.

(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.

(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 notice is withdrawn by the local government.

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

### **3.10 Abandonment of cats**

The keeper of a cat shall not in any instance –

- (a) abandon a cat; or
- (b) leave a cat on premises while the premises are temporarily vacant, without daily arrangements for the care and welfare of the cats.

## **PART 4 - PERMITS FOR KEEPING OF CATS**

### **4.1 Conditions applicable to all permits**

(1) Every permit is issued subject to the following conditions –

- (a) each cat kept on the premises to which the permit relates shall be registered under the *Act*;
- (b) each cat shall be contained on the premises unless under the effective control of a person;
- (c) the permit holder will provide adequate space for the exercise of the cats;
- (d) the premises shall be maintained in good order and in a clean and sanitary condition;
- (e) such other conditions, as the local government considers appropriate.

(2) In addition to the conditions subject to which a permit is to be issued under subclause (1), a permit may be issued subject to other conditions, as the local government considers appropriate.

### **4.2 Additional conditions for other than cat management facility**

Where an application to keep more than two cats is approved under clause 3.6 for other than a cat management facility, the following conditions apply –

- (a) compliance with clause 4.1;
- (b) 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.

- (c) Without the consent of the local government, the permit holder will not substitute or replace any cat once that cat –
- (i) dies; or
  - (ii) is permanently removed from the premises.

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#### **4.3 Additional conditions for cat management facility**

(1) The local government may approve an application under clause 3.6 for a cat management facility the following conditions apply –

- (a) compliance with clause 4.1; and
- (b) compliance with Schedule 2.

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

(3) A cat management facility may be inspected by an authorised officer to ensure compliance with the conditions of the permit.

#### **4.4 Additional conditions for approved cat breeders**

(1) Where a permit is approved under clause 3.6 as an approved cat breeder the following conditions apply –

- (a) compliance with clause 4.1;
- (b) compliance with clause 4.2;
- (c) compliance with Schedule 2(4)(c) to (g) both inclusive;

(2) The fee for an approved cat breeder is as specified in Schedule 3 to the Cat Regulations 2012.

#### **4.5 Duration of permit**

Unless otherwise specified in a condition on a permit, a permit for a cat management facility or as an approved cat breeder granted under clause 3.2(b) or (c), commences on the date of issue and is valid for a period of 12 months from the date of issue unless and until –

- (a) it is revoked; or
- (b) the permit holder ceases to reside at the premises to which the permit relates.

#### **4.6 Permit not transferable**

A permit is not transferable either in relation to the permit holder or the premises.

#### **4.7 Renewal of permit**

(1) The local government may renew approval for a cat management facility or as an approved cat breeder granted under clause 3.2(b) or (c) upon –

- (a) payment of the set fee; and
- (b) certification by the occupier that the circumstances of the original application are unchanged.

(2) Where circumstances of the original application have changed, the application for renewal is to be considered an initial application.

#### **4.8 Revocation of permits**

(1) 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.

(2) On revocation of a permit the permit holder is to be taken to have forfeited any set fees paid in respect of the permit.

## **PART 5 - CATS IN PUBLIC PLACES**

### **5.1 Cats in public places**

A cat shall not be in a public place unless the cat is, in the opinion of an authorised officer, under effective control.

### **5.2 Places where cats are prohibited absolutely**

A cat shall not be in the following places at any time, whether or not under effective control –

- (a) an enclosed public place; or
- (b) any nature reserve.

## **PART 6 - MISCELLANEOUS**

### **6.1 Fees and charges**

Set fees and charges are to be imposed and determined by the local government under sections 6.16 to 6.19 of the *Local Government Act 1995*.

### **6.2 Giving of a notice**

A notice given under this local law may be given to a person –

- (a) personally;
- (b) by registered mail addressed to the person; or
- (c) by leaving it for the person at her or his address.

### **6.3 Objection and appeal rights**

Any person who is aggrieved by the conditions imposed in relation to a permit, the revocation of a permit, or by the refusal of the local government to grant a permit may object to or appeal against the decision under Division 1 of Part 9 of the *Local Government Act 1995*.

## **PART 7 - ENFORCEMENT**

### **7.1 Offenses**

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.

### **7.2 General penalty**

Any person who commits an offence shall be liable, upon conviction, to a penalty not exceeding \$5,000, and if the offence is of a continuing nature, to an additional penalty not exceeding \$500 for each day or part of a day during which the offence has continued.

### **7.3 Modified penalties**

(1) An offence against a clause specified in Schedule 3 is a prescribed offence for the purposes of section 84 of the *Act*.

(2) The amount of the modified penalty for a prescribed offence is set out in the fourth column adjacent to the clause in Schedule 3.

### **7.4 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 substantially in the form of Form 6 of the Schedule 1 of the Cat Regulations 2012.

### **7.5 Withdrawal of infringement notice**

- (a) Whether or not the modified penalty has been paid, an authorised person may withdraw an infringement notice by sending a notice substantially in the form of Form 7 of the Schedule 1 of the Cat Regulations 2012.
- (b) A person authorised to issue an infringement notice under clause 7.4 cannot sign a notice of withdrawal.

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**Schedule 1 – Application for a licence for cat management facility or cat breeder**

[cl. 3.2]

**Shire of Kojonup**

I/We (full name/s) –		
Postal Address –		
Telephone Number –		
Mobile Number –		
Fax Number –		
Email address –		
<b>APPLY FOR A LICENCE</b>	Under clause 3.3(b) for cat management facility	
	Under clause 3.3(c) as cat breeder	
Address of proposed premises –		
<b>CAT MANAGEMENT FACILITY</b>		
For number of cats –		
Attached are –	a site plan of the premises showing the location of the cat management facility and all other buildings and structures and fences;	
	plans and specifications of the proposed cat management facility.	
<b>CAT BREEDER</b>		
For number of cats –		
Breed of cats –		
Attached are –	(a) copy of notice of proposed use to appear in newspaper; (if required)	
	(b) copy of notice of proposed use to be given to adjoining premises; (if required)	
Signature of applicant/s		
Date –		
<b>NOTE – a licence will have effect for a period of 12 months if issued</b>		
OFFICE USE ONLY	Application fee paid on – Receipt No –	

## **Schedule 2 – Conditions of a permit for an approved cat management facility**

[cl. 4.3]

### **Shire of Kojonup**

An application for a permit for an approved cat management facility may be approved subject to the following conditions –

(1) Compliance with the conditions of clause 4.1.

(2) Buildings and structures –

(a) All building enclosures must be structurally sound, have impervious flooring, be well lit and ventilated and otherwise comply with all legislative requirements.

(b) There is to be a feed room, wash area, isolation cages and maternity section.

(c) Materials used in structures are to be approved by the local government.

(d) The internal surfaces of walls are to be smooth, free from cracks, crevices and other defects, where possible.

(e) All fixtures, fittings and appliances are to be capable of being easily cleaned, resistant to corrosion and constructed to prevent the harbourage of vermin.

(f) Washing basins and running hot and cold water are to be available.

(g) The walls shall be rigid, impervious and structurally sound;

(h) The roof shall be constructed of approved impervious materials;

(i) All untreated external surfaces of cattery shall be well maintained and aesthetically suitable as not to detract from the local environment and amenity.

(j) Each module and every part thereof shall not be at any less distance than nine metres from the boundaries of the land in the occupation of the owner of the cat management facility;

(k) Each module and each yard and every part thereof shall be behind the house line.

(l) Any other matter which in the opinion of the local government is deemed necessary for wellbeing of any person, or adjoining premises or the amenity of the area (or any part thereof).

(3) Walk-in modules and enclosures –

(a) Cats shall be housed in walk-in modules that include a sleeping compartment and an exercise area or in colony pens.

(b) Walk-in modules must have a minimum floor area of 1.5 square metres and contain at least two levels including raised sleeping quarters.

(i) This size is for one cat only and an additional one square metre floor space is required for a second cat.

(ii) No more than two cats may be housed together in this type of accommodation.

(c) Cats may be multiple housed in colony pens.

(i) Each cat shall have a floor area of two square metres plus an individual sleeping area.

(ii) Only desexed compatible cats should be housed in this type of accommodation;

(d) The lowest internal height shall be at least 1.65 metres from the floor;

(e) Each yard shall be securely fenced and kept securely fenced with a fence not less than 1.65 metres in height constructed of galvanised iron, wood, galvanised link mesh or netting;

(f) All doors shall be provided with proper catches or means of fastening;

(g) The upper surface of the floor shall be set at least 75mm above the surface of the surrounding ground and shall be constructed of granolithic cement finished to a smooth surface, it shall have a fall of not less than 1 in 100.

(h) All modules and yards shall be surrounded by a drain which shall be properly laid, ventilated and trapped, and all floor washings shall be disposed of in accordance with the Health requirements of the local government; and

(i) The floor of any yard shall be established and maintained to ensure a safe and hygienic environment.

**(4) Management –**

(a) Cats must be housed singly except in the case of compatible cats from the same household with the written agreement of the keeper.

(b) Enclosures are to be thoroughly cleaned each day and disinfected at least once a week to minimise disease.

(c) No sick or ailing cat is to be kept on the premises.

(d) The maximum number of cats to be kept on the premises stated on the permit is not to be exceeded.

(e) An register is to be kept recording in respect of each cat or kitten, the –

(i) date of admission or birth if a kitten;

(ii) date of departure, sale or transfer;

(iii) breed, age, colour and sex;

(iv) the cat or kitten's microchip number; and

(v) the name and residential address of the keeper;

(f) The register is to be made available for inspection on the request of an authorised person.

(g) Any other matter which in the opinion of the local government is deemed necessary for the health and wellbeing of any cat, or person, or adjoining premises or the amenity of the area.

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**Schedule 3 – Modified penalties**

[cl.7.3]

<b>Item</b>	<b>Clause</b>	<b>Nature of offence</b>	<b>Modified penalty</b>
1	2.1(5)(a)	Unauthorised release or attempted release of a cat	500
2	2.1(5)(b)	Interference with a pound	500
3	2.1(5)(c)	Interference with cage or container for seized cats	500
10	3.1	Keeping a cat in a non-residential zone	200
4	3.3(a)	Keeping more than two cats without a permit	200
5	3.3(b)	Failure to hold permit as a cat management facility	500
6	3.3(c)	Failure to hold permit as approved cat breeder	500
7	3.8	Cat in other than a public place not under effective control or with the consent of the occupier	200
8	3.9(1)	Cat creating a nuisance	200
9	3.9(4)	Failure to comply with notice to abate a nuisance	200
1	2.1(5)(a)	Unauthorised release or attempted release of a cat	500
2	2.1(5)(b)	Interference with a pound	500
3	2.1(5)(c)	Interference with cage or container for seized cats	500
10	3.1	Keeping a cat in a non-residential zone	200
4	3.3(a)	Keeping more than two cats without a permit	200
5	3.3(b)	Failure to hold permit as a cat management facility	500
6	3.3(c)	Failure to hold permit as approved cat breeder	500
7	3.8	Cat in other than a public place not under effective control or with the consent of the occupier	200
8	3.9(1)	Cat creating a nuisance	200
9	3.9(4)	Failure to comply with notice to abate a nuisance	200
11	3.10(a)	Abandonment of a cat	500
12	3.10(b)	Failure to make adequate arrangement while temporarily absent	200
13	4.1	Failure to comply with conditions for all permits	200
13	4.1	Failure to comply with conditions for all permits	200
14	4.2	Failure to comply with conditions of permit for other than a cat management facility	200
15	4.3	Failure to comply with conditions of permit for cat management facility	500
16	4.4	Failure to comply with conditions of permit for approved cat breeder	500

17	5.1	Cat in a public place not under effective control	200
18	5.2	Cat in a place where prohibited	200
	7.1	All other offences not specified	200

Dated ..... of ..... 20\_\_.

The common Seal of the  
Shire of Kojonup  
was affixed by authority of a  
resolution of the Council in the  
presence of:

**PRESIDENT**

**CHIEF EXECUTIVE OFFICER**