



CATS LOCAL LAW

Adopted on 31 January 2019
Gazetted on 12 February 2019

CAT ACT 2011
LOCAL GOVERNMENT ACT 1995

SHIRE OF BRIDGETOWN-GREENBUSHES
CATS LOCAL LAW 2019

Under the powers conferred by the *Cat Act 2011*, the *Local Government Act 1995* and all other powers enabling it, the Council of the Shire of Bridgetown-Greenbushes resolved on 31 January 2019 to make the following local law.

PART 1—PRELIMINARY

1.1 Title

This is the *Shire of Bridgetown-Greenbushes Cats Local Law 2019*.

1.2 Commencement

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

1.3 Repeal

The *Shire of Bridgetown-Greenbushes Keeping and Welfare of Cats Local Law 2010* as published in the *Government Gazette* on 11 November 2010 and as amended in the *Government Gazette* on 5 August 2011 is repealed.

1.4 Terms used

(1) In this local law, unless the context otherwise requires—

Act means the *Cat Act 2011*;

applicant means a person who applies for an approval;

application means an application for an approval;

approval means approval under regulation 9 of the *Cat (Uniform Local Provisions) Regulations 2013* and Part 2 of this local law;

approved person means the person to whom an approval is granted;

authorised person means a person appointed by the local government to perform the functions conferred on an authorised person under this local law;

cat has the meaning given to it in the Act;

CEO means the Chief Executive Officer of the local government;

district means the district of the local government;

local government means the Shire of Bridgetown-Greenbushes;

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

nuisance means where the behaviour of a cat —

- (a) results in an activity or condition which is harmful or annoying and which gives rise to legal liability in the tort of public or private nuisance at law;
- (b) causes an unreasonable interference with the use and enjoyment of a person of his or her ownership or occupation of land; or
- (c) causes interference which results in material damage to land or other property on the land affected by the interference.

owner has the meaning given to it in the Act;

premises has the meaning given to it in the Act; and

veterinarian has the meaning given to it in the Act.

- (2) A term that is used in this local law and is not defined in subclause (1) has the same meaning given to it in the Act or, if not defined in the Act, the same meaning given to it in the *Cat Regulations 2012*, the *Cat (Uniform Local Provisions) Regulations 2013* or the *Local Government Act 1995*.

1.5 Application

This local law applies throughout the district.

PART 2—NUMBER OF CATS THAT MAY BE KEPT

2.1 Interpretation

For the purposes of applying this Part, a cat does not include a cat less than 6 months old.

2.2 Prescribed premises

For the purposes of the definition of **prescribed premises** in regulation 4(1) of the *Cat (Uniform Local Provisions) Regulations 2013*, this local law limits the number of cats that may be kept at any premises within the district except—

- (a) a cat management facility operated by a body prescribed as a cat management facility operator under the *Cat Regulations 2012*;
- (b) a cat management facility operated by the local government;
- (c) a veterinary clinic or veterinary hospital as defined under section 2 of the *Veterinary Surgeons Act 1960*, but only in relation to cats kept on those premises for treatment; or
- (d) a commercial cat boarding facility which is subject of a valid planning approval granted under a local planning scheme.

2.3 Standard number of cats

For the purposes of the definition of **standard number of cats** in regulation 4(1) of the *Cat (Uniform Local Provisions) Regulations 2013*, no more than 3 cats may be kept on premises at which a member of a cat organisation is not ordinarily resident.

2.4 Application for approval

- (1) An application for approval to keep an additional number of cats at prescribed premises is dealt with in regulation 8 of the *Cat (Uniform Local Provisions) Regulations 2013*.
- (2) An application for approval must be accompanied by the application fee determined by the local government in accordance with section 6.16 to 6.19 of the Act.

2.5 Determining an application

- (1) For the purpose of determining whether to grant approval for an application to keep an additional number of cats (more than the standard number of cats) at prescribed premises, the local government may have regard to—
 - (a) the zoning of the land under the local planning scheme;
 - (b) the physical suitability 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 a nuisance, inconvenience or annoyance to an occupier 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) any other factors which the local government considers to be relevant in the circumstances of the application.
- (2) An approval is to be in the form determined by the CEO and is to be issued to the approved person.

2.6 Conditions

- (1) For the purpose of ensuring that the premises to which an application relates are suitable for the additional number of cats, the local government may impose any condition that it considers to be reasonably necessary for that purpose, including—
 - (a) that the premises must be adequately fenced (and premises will be taken not to be adequately fenced if there is more than one escape of a cat from the premises);
 - (b) that there must be adequate space for the exercise of the cats;
 - (c) that, in the case of multiple dwellings where there is no suitable dividing fence, each current occupier of the adjoining multiple dwellings must give their written consent to the approval; and

- (d) that, without the consent of the local government, the approved person must not substitute or replace any cat that dies or is permanently removed from the premises.
- (2) An approved person who does not comply with a condition of the approval, commits an offence.
- Penalty: a fine of \$5,000.*

2.7 Renewal of an application

- (1) An application is to be renewed if—
- (a) the approved person has not breached the conditions of the approval;
 - (b) the approval would have been granted if a fresh application for approval had been made; and
 - (c) the renewal fee, imposed and determined by the local government under sections 6.16 to 6.19 of the *Local Government Act 1995*, is paid to the local government before the expiry of the approval.
- (2) On the renewal of an approval, the conditions of the approval that applied immediately before the renewal continue to have effect.

2.8 Transfer of an approval

- (1) An approval relates only to the premises specified in the approval, and only to the approved person specified in the approval, and is transferrable only in accordance with this clause.
- (2) An application for the transfer of an approval from the approved person to another person must be—
- (a) made in the form determined by the CEO;
 - (b) made by the proposed transferee;
 - (c) made with the consent of the approved person; and
 - (d) lodged with the local government together with the fee for the application for the transfer of an approval that is imposed and determined by the local government under sections 6.16 to 6.19 of the *Local Government Act 1995*.
- (3) The local government is not to determine an application for the transfer of an approval until the proposed transferee has complied with subclause (2).
- (4) The local government may grant, or refuse to grant an application for the transfer of an approval, and any approval will be subject to such conditions as the local government may impose under Regulation 9(3) of the *Cat (Uniform Local Provisions) Regulations 2013*.
- (5) Where the local government grants an application for the transfer of an approval—
- (a) it is to issue to the transferee an approval in the form determined by the CEO; and

- (b) on the date of approval, unless otherwise specified in the approval, the transferee becomes the approved person for the purposes of this local law.

2.9 Variation or cancellation of an approval

- (1) The local government may, at any time, vary the conditions of an approval by giving written notice to the permit holder and specifying the date on which the changes will become effective.
- (2) The local government may cancel an approval—
 - (a) on the request of the approved person;
 - (b) if the approved person breaches the Act, the *Cat Regulations 2012*, the *Cat (Uniform Local Provisions) Regulations 2013* or this local law; or
 - (c) if the approved person is not a fit and proper person to provide for the health and welfare of the cats.
- (3) If an approval is cancelled, the fee paid for the approval is not refundable for the term of the approval that has not yet expired.

2.10 Objection and review rights

A decision of the local government made under clauses 2.7, 2.8 or 2.9 is a decision to which Division 1, Part 9 of the *Local Government Act 1995* applies.

PART 3—ENFORCEMENT

3.1 Infringement notices

- (1) An offence against clause 2.6(2) is a prescribed offence for the purposes of section 62(1) of the Act and the modified penalty for the offence is a fine of \$200.
- (2) The form of an infringement notice is Form 6 in the *Cat Regulations 2012*, Schedule 1.
- (3) The form of withdrawal of the infringement notice is Form 7 in the *Cat Regulations 2012*, Schedule 1.

3.2 Objection: prescribed form

The form of an objection under clause 2.10 is Form 8 in the *Cat Regulations 2012*, Schedule 1.

Dated: 31 January 2019

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

Cr Antonino Pratico
Shire President

Tim Clynych
Chief Executive Officer