

**CAT ACT 2011
LOCAL GOVERNMENT ACT 1995**

SHIRE OF NORTHAM

CAT LOCAL LAW 2019

CONTENTS

PART 1—PRELIMINARY

- 1.1 Title
- 1.2 Commencement
- 1.3 Repeal
- 1.4 Application
- 1.5 Interpretation

PART 2—NUMBER OF CATS THAT MAY BE KEPT

- 2.1 Interpretation
- 2.2 Standard number of cats
- 2.3 Cats to which an approval is required
- 2.4 Application for approval
- 2.5 Determining an application
- 2.6 Conditions
- 2.7 Renewal of an application
- 2.8 Transfer of an approval
- 2.9 Variation or cancellation of an approval

PART 3—CONTROL OF CATS

- 3.1 Cat nuisance
- 3.2 Cats in other places
- 3.3 Cleanliness

PART 4—DESIGNATED CAT MANAGEMENT FACILITIES

- 4.1 Operating a Cat Management Facility without a licence
- 4.2 Application for a licence to be designated as a Cat Management Facility
- 4.3 Determination of an application
- 4.4 Where applications cannot be approved
- 4.5 Conditions of approval
- 4.6 Compliance with conditions of approval
- 4.7 Fees
- 4.8 Exemption from requirement to pay fees
- 4.9 Form of licence
- 4.10 Period of licence
- 4.11 Variation or cancellation of licence
- 4.12 Transfer
- 4.13 Notification
- 4.14 Inspection of Cat Management Facility
- 4.15 Record Keeping

PART 5—MISCELLANEOUS

Division 1—General

- 5.1 Pound
- 5.2 Pound Fees
- 5.3 Fees and Charges
- 5.4 False or Misleading Statement
- 5.5 Serving of Infringement Notices
- 5.6 Offence to fail to comply with notice
- 5.7 Local government may undertake requirements of notice

Division 2—Right of Appeal and Review

5.8 Appeal and review rights

PART 6—ENFORCEMENT

6.1 Offences and Penalties

6.2 Modified Penalties and Offence Description

6.3 Form of notices

**SCHEDULE 1—APPLICATION FOR A LICENCE FOR A DESIGNATED
CAT MANAGEMENT FACILITY****SCHEDULE 2—MINIMUM CONDITIONS OF A DESIGNATED
CAT MANAGEMENT FACILITY****SCHEDULE 3—OFFENCES AND MODIFIED PENALTIES**

**CAT ACT 2011
LOCAL GOVERNMENT ACT 1995**

SHIRE OF NORTHAM

CAT LOCAL LAW 2019

Under the powers conferred by the *Cat Act 2011* and *Local Government Act 1995* and under all other powers enabling it, the Council of the Shire of Northam resolved on 16 October 2019 to make the following local law.

PART 1—PRELIMINARY

1.1 Title

This local law may be cited as the *Shire of Northam Cat Local Law 2019*.

1.2 Commencement

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

1.3 Repeal

(1) The *Shire of Northam Keeping and Control of Cats Local Law 2008* published in the *Government Gazette* on 16 September 2008 and all amendments thereto are hereby repealed on the day this local law comes into operation.

(2) Where a policy was made or adopted by the local government under or in relation to a local law repealed by this local law, then the policy is to be taken to no longer have any effect on and from the commencement day.

(3) The local government may resolve that notwithstanding subclause (2), specified policies continue, or are to be taken to have continued, to have effect on and from the commencement day.

1.4 Application

This local law applies throughout the District.

1.5 Interpretation

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

Act means the *Cat Act 2011*;

animal establishment has the meaning given to the term in the Local Planning Scheme;

applicant means the owner or occupier of the premises who makes an application for a permit under this local law;

application means an application for approval granted under this local law;

approved person means the person to whom an approval is granted under this local law;

approved cattery means any premises which are the subject of a valid planning approval under a Scheme or which is a non-conforming use that may continue under a Scheme;

Authorised Person means a person authorised by the local government under section 9.10 of the *Local Government Act 1995* to perform any of the functions of an Authorised Person under this local law;

cat means an animal of the species *felis catus* or a hybrid of that species;

Cat Management Facility means running/operating a business for boarding cats for monetary gain as per the Act.

cattery means any premises where more than 4 cats are boarded, housed or trained temporarily, usually for profit, or the personal use of numerous cats,

CEO means the Chief Executive Officer of the Shire of Northam;

Council means the Council of the Shire of Northam;

district means the district of the local government;

infringement notice means the notice referred to in clause 6.3;

infringement withdrawal notice means the notice referred to in clause 6.3;

keeper in relation to a cat means each of the following—

- (a) the owner of the cat as defined in the Act;
- (b) a person who has or appears to have immediate custody or control of the cat;
- (c) a person who keeps the cat, or has the cat in her or his possession for the time being;
- (d) a person who occupies any premises in which a cat is ordinarily kept or permitted to live and who has care and control of the cat;
- (e) A permit holder of a permit which relates to the cat; or
- (f) the holder of an exemption issued in relation to the cat.

licence means a Cat Management Facility licence issued under this local law;

licensee means the holder of a licence issued under this local law;

LG Act means the *Local Government Act 1995*;

local government means the Shire of Northam;

local planning scheme means a local planning scheme of the local government under the *Planning and Development Act 2005*, or a local planning scheme which was made under the *Planning and Development (Local Planning Schemes) Regulations 2015*;

nuisance means—

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

premises, in addition to the meaning given to it in section 3 of the Act, means the premises described in the application to be licensed as a Cat Management Facility;

person means any person, company, public body, association or body of persons corporate or unincorporated and includes an owner, occupier, licensee and permit holder, but does not include the local government;

Regulations means the *Cat Regulations 2012*;

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

Schedule means a Schedule to this local law;

transferee means a person who applies for the transfer of a licence to him or her under clause 4.12;

vermin means rats, mice, flies, fleas, mites, cockroaches and any other animal, whether vertebrate or invertebrate, which is known to be a vector of disease or likely to cause damage to human food, habitation or possessions; and

written law has the same meaning given to it by section 5 of the *Interpretation Act 1984* and includes this local law.

(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*.

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 Standard number of cats

Subject to clause 2.3 and the *Cat (Uniform Local Provisions) Regulations 2013*, no more than two cats may be kept on premises at which a member of a cat organisation is not ordinarily resident.

2.3 Cats to which an approval is required

(1) Subject to subclause (2) and the *Cat (Uniform Local Provisions) Regulations 2013* a person is required to have an approval—

- (a) to keep more than two cats on any premises; or
- (b) to use any premises as a cattery.

(2) An approval is not required under subclause (1) if the premises concerned are—

- (a) a refuge of the RSPCA;
- (b) a cat management facility which has been approved by the local government;
- (c) a veterinary surgery.

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*; and

(2) An application for approval must be accompanied by the application fee determined by the local government from time to time.

2.5 Determining an application

(1) For the purposes of determining whether to grant approval for an application to keep an additional number of cats at prescribed premises, the local government must have regard to—

- (a) the suitability of the zoning of the premises under the local planning scheme which applies to the premises for the use;
 - (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;
 - (h) any other factors which the local government considers to be relevant in the circumstances of the application; and
 - (i) any submissions received under subclause (2) within the time specified in subclause (2).
- (2) The local government may—
- (a) consult with adjoining landowners; and
 - (b) advise the adjoining landowners that they may make submissions to the local government on the application for the approval within 14 days of receiving that advice, before determining the application for the permit.
- (3) The local government may—
- (a) approve an application for a permit in which case it shall approve it subject to the conditions in clause 2.6 and may approve it subject to any other conditions it considers fit; or
 - (b) refuse to approve the application for an approval.
- (4) If the local government approves an application under subclause (3), then it shall issue to the applicant an approval in the form determined by the CEO.
- (5) If the local government refuses to approve an application under subclause (3), then it is to advise the applicant accordingly in writing.

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 each cat on the premises to which the approval relates shall be registered under the Act;
 - (b) that the premises shall be maintained in good order and in a clean and sanitary condition;
 - (c) that the premises must have adequate enclosures;
 - (d) that there must be adequate space for the exercise of the cats;
 - (e) 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
 - (f) 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) A person who does not comply with a condition of the approval, commits an offence.

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 an approval had been made; and
 - (c) the renewal fee is paid in full, imposed and determined by the local government under sections 6.16 to 6.19 of the *Local Government Act 1995*.
- (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 clause 4.12.

(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*.

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 approved person and specifying the date on which the changes will become effective.
- (2) The local government may cancel an approval—
- on the request of the approved person;
 - if the approved person breaches the Act, the Regulations, the *Cat (Uniform Local Provisions) Regulations 2013* or this local law; or
 - 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.

PART 3—CONTROL OF CATS

3.1 Cat nuisance

The owner or occupier of premises on which a cat is ordinarily kept must take reasonable measures to prevent the cat from creating a nuisance on other premises, to another person or exposing another person to health and/or safety risk.

3.2 Cats in other places

- (1) A cat shall not be in a public place unless the cat is, in the opinion of an Authorised Person, under effective control.
- (2) If a cat is at any time in contravention of clause 3.2(1)—
- the keeper of the cat commits an offence; and
 - an Authorised Person may seize and impound the cat and deal with the cat pursuant to the Act.
- (3) A cat shall not be in a place that is not a public place unless—
- consent to its being there has been given by the occupier, or a person apparently authorised to consent on behalf of the occupier; and
 - it is under effective control.
- (4) If a cat is at any time, in a place in contravention of the *Shire of Northam Cat Local Law 2019*—
- The keeper of the cat commits an offence; and
 - In any premises lawfully entered by an Authorised Person, they may seize and impound the cat and deal with the cat pursuant to the Act.

3.3 Cleanliness

The owner or occupier of premises where a cat or cats are kept must take reasonable measures to—

- keep the premises free from excrement, filth, food waste and all other matter that is likely to become offensive or injurious to health or to attract vermin;
- when so directed by an Authorised Person, clean and disinfect the premises; and
- keep the premises, so far as possible, free of flies and when directed by an Authorised Person, spray the premises with a residual insecticide or use any other effective means to kill and repel flies.

PART 4—DESIGNATED CAT MANAGEMENT FACILITIES

4.1 Operating a Cat Management Facility without a licence

Unless exempt as an organisation listed in the Regulations, a person who operates a premises as a Cat Management Facility within the District without a licence commits an offence.

4.2 Application for a licence to be designated as a Cat Management Facility

An application for a licence must be made in the form of that in Schedule 1, and must be lodged with the local government together with—

- plans and specifications of the premises, including a site plan;
- proposed details of how the facility will be kept secure;
- written evidence that either the applicant or another person who will have the charge of the cats, will reside on the premises or, in the opinion of the local government, sufficiently close to the premises so as to control the cats and ensure their health and welfare;
- a written acknowledgement that the applicant has read and agrees to comply with any code of practice relating to the keeping of cats which may be nominated from time to time by the local government; and
- the fee for the application for a licence referred to in clause 4.7(1).

4.3 Determination of an application

In determining an application to be designated as a Cat Management Facility, the local government is to have regard to—

- (a) the matters referred to in clause 4.4;
- (b) any written submissions received on the proposed use of the premises;
- (c) the effect which the Cat Management Facility may have on the environment or amenity of the neighbourhood;
- (d) whether the Cat Management Facility will create a nuisance for the owners and occupiers of adjoining premises; and
- (e) whether or not the imposition of and compliance with appropriate conditions of a licence will mitigate any adverse effects of the Cat Management Facility identified in the preceding paragraphs.

4.4 Where applications cannot be approved

The local government cannot approve an application for a licence where—

- (a) the facility is proposed to be located in an area where an animal establishment is not a permitted use under the Local Planning Scheme; or
- (b) an applicant or another person who will have the charge of the cats will not reside on the premises, or, in the opinion of the local government, sufficiently close to the premises so as to control the cats and so as to ensure their health and welfare.

4.5 Conditions of approval

(1) The local government may approve an application for a licence subject to the conditions contained in Schedule 2 and to such other conditions as the local government considers appropriate.

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

(3) Operators of a Cat Management Facility must comply with their obligations as specified in Division 3 of Part 3 of the Act.

4.6 Compliance with conditions of approval

A licensee who does not comply with the conditions of a licence commits an offence.

4.7 Fees

(1) On lodging an application for a licence, the applicant is to pay a fee to the local government.

(2) On renewal of a licence, the licensee is to pay a fee to the local government.

(3) On lodging an application for the transfer of a valid licence, the transferee is to pay a fee to the local government.

(4) The fees referred to in subclause (1) to (3) are to be imposed and determined by the local government under sections 6.16 to 6.19 of the *Local Government Act 1995*.

4.8 Exemption from requirement to pay fees

(1) In this clause—

charitable organisation means—

An institution, association, club, society or body whether incorporated or not—

(i) where its objectives are charitable, benevolent, educational, or other like nature concerned with the welfare of cats; and

(ii) from which any members does not receive any pecuniary profit.

(2) The local government may waive any fee required to be paid by the applicant for a licence, or the fee for the renewal of a licence by a charitable organisation.

4.9 Form of licence

The licence is to be in the form determined by the local government and is to be issued to the licensee.

4.10 Period of licence

(1) The period of effect of a licence is 12 months from the date of issue.

(2) A licence is to be renewed if the fee referred to in clause 4.7(2) is paid to the local government prior to the expiry of the licence.

(3) On the renewal of a licence the conditions of the licence at the time of its renewal continue to have effect.

4.11 Variation or cancellation of licence

(1) The local government may vary the conditions of a licence and that variation will come into effect seven (7) days after the notice date.

(2) The local government may cancel a licence—

(a) on the request of the licensee;

(b) following a breach of the Act, the Regulations or this local law; or

(c) if, in the local government's opinion, the licensee is not a fit and proper person to hold a licence.

- (3) The date a licence is cancelled is to be, in the case of—
- (a) paragraph (a) of subclause (2), the date requested by the licensee; or
 - (b) paragraphs (b) and (c) of subclause (2), the date determined by an Authorised Person.
- (4) If a licence is cancelled the fee paid for that licence is not refundable for the term of the licence that has not yet expired.

4.12 Transfer

- (1) An application for the transfer of a valid licence from the licensee to another person must be—
- (a) made in the form determined by the local government;
 - (b) made by the transferee;
 - (c) made with the written consent of the licensee; and
 - (d) lodged with the local government together with—
 - (i) written evidence that a person to whom the licence is proposed to be transferred will reside at or within reasonably close to the proximity to the premises subject to the licence; and
 - (ii) the fee for the application for the transfer of a licence referred to in clause 4.7(3).
- (2) The local government is not to determine an application for the transfer of a valid licence until the transferee has complied with subclause (1).
- (3) The local government may approve, whether or not subject to such conditions as it considers appropriate, or refuse to approve an application for the transfer of a valid licence.
- (4) Where the local government approves an application for the transfer of a valid licence, then on the date of the approval, unless otherwise specified in the notice issued under subclause 4.13(b), the transferee becomes the licensee of the licence for the purposes of this local law.

4.13 Notification

The local government is to give written notice to—

- (a) an applicant for a licence of the local government's decision on her or his application;
- (b) a transferee of the local government's decision on her or his application for the transfer of a valid licence;
- (c) a licensee of any variation made under clause 4.11(1);
- (d) a licensee when her or his licence is due for renewal and the manner in which it may be renewed;
- (e) a licensee when her or his licence is renewed;
- (f) a licensee of the cancellation of a licence under clause 4.11(2)(a); and
- (g) a licensee of the cancellation of a licence under paragraphs (b) or (c) of clause 4.11(2).

4.14 Inspection of Cat Management Facility

Subject to the provisions of the power to enter premises within the Act, an authorised person may inspect an approved Cat Management Facility.

4.15 Record Keeping

All designated Cat Management Facilities are required to keep and maintain a register of all cats entering and leaving the facility, and where entry to the premises has been made under clause 4.14, an Authorised Person may inspect the register.

PART 5—MISCELLANEOUS

Division 1—General

5.1 Pound

The local government may establish and maintain a pound or pounds for the impounding of a cat seized pursuant to the provisions of the Act or this local law.

5.2 Pound Fees

The fees and charges in relation to the seizure, impounding and maintenance of a cat and the maintenance thereof in a pound payable under the Act, are those approved by the local government from time to time.

5.3 Fees and Charges

All fees and charges applicable under this local law must be as determined by the local government from time to time in accordance with sections 6.16 to 6.19 of the Act.

5.4 False or Misleading Statement

A person must not make a false or misleading statement in connection with any application, requirement or demand under this local law.

5.5 Serving of Infringement Notices

An infringement notice served under section 62 of the Act or 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 his or her address.

5.6 Offence to fail to comply with notice

Whenever the local government gives a notice under this local law requiring a person to do anything, if a person fails to comply with the notice, that person commits an offence.

5.7 Local government may undertake requirements of notice

(1) Where a person fails to comply with a notice referred to in clause 5.5, the local government may do the thing specified in the notice and recover from the person to whom the notice was given, as a debt, the costs incurred in so doing.

(2) Notwithstanding subclause (1) any entry into private property is subject to the Act.

*Division 2—Right of Appeal and Review***5.8 Appeal and review rights**

When the local government makes a decision as to whether it will—

- (a) grant a person a permit, or licence under this local law; or
- (b) renew, vary, transfer or cancel a permit or licence 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; or
- (c) give a person a notice,

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

PART 6—ENFORCEMENT**6.1 Offences and Penalties**

(1) 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.

(2) Any person who commits an offence under this local law is to be liable, upon conviction, to a penalty not less than \$1000 and 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.

6.2 Modified Penalties and Offence Description

(1) An offence against any provision of this local law is a prescribed offence for the purposes of section 62 of the Act.

(2) The amount of the modified penalty for a prescribed offence is the amount specified in the fourth column of Schedule 4.

6.3 Form of notices

For the purposes of this local law—

- (a) the form of the infringement notice referred to in section 9.13 of the Act is to be in the form of Form 1 of Schedule 1 of the *Local Government (Functions and General) Regulations 1996*;
- (b) the form of the notice referred to in section 9.17 of the Act is to be in the form of Form 2 in Schedule 1 of the *Local Government (Functions and General) Regulations 1996*;
- (c) the form of the infringement withdrawal notice referred to in section 9.20 of the Act is to be in the form of Form 3 in Schedule 1 of the *Local Government (Functions and General) Regulations 1996*;
- (d) the issue of infringement notices, their withdrawal and the payment of modified penalties are dealt with in Division 4 of Part 4 of the Act;
- (e) an infringement notice given under the Act is to be in the form of Form 6 of Schedule 1 of the Regulations; and
- (f) a notice sent under the Act withdrawing an infringement notice is to be in the form of Form 7 of Schedule 1 of the Regulations.

SCHEDULE 1—APPLICATION FOR A LICENCE FOR A DESIGNATED CAT MANAGEMENT FACILITY

[clause 4.2]

APPLICANT/S DETAILS

Name of Applicant/s (in full).....
Residential Address (Suburb) Post Code.....
Postal Address (if different from above)
Telephone (Home)..... (Work)..... (Mobile).....
Email
Fax

CAT MANAGEMENT FACILITY DETAILS

I/ We apply for a licence for a designated cat management facility at:
Address of premises (Suburb) Post Code.....
For number of cats
Person will reside (tick appropriate box) *evidence to be provided []—
• at the premises []
• sufficiently close to the premises so as to control the cats and so as to ensure their health and welfare []
Name of person (if not applicant/s)
Address of residence (if not residing at the premises)

Prior to approval the following must be attached—

- (a) a site plan of the premises showing the location of the cages and runs and all other building and structures and fences;
(b) plans and specifications of the Cat Management Facility;
(c) proposed details of how the facility will be kept secure;
(d) evidence that a person will reside—
(i) at the premises; or
(ii) sufficiently close to the premises so as to control the cats and so as to ensure their health and welfare; and
(iii) if the person in item (d) is not the applicant, evidence that the person is a person in charge of the cats.

Signature of applicant.....
Date.....

Note: A licence, if issued, will have effect for a period of 12 months, effective from the date of issue unless and until it is revoked or it is determined by the local government non-compliance with the conditions of the Shire of Northam Cat Local Law 2019 justifies this.

APPLICATION FEE

Cat Management Facility Establishment Fee \$200.00

OFFICE USE ONLY

Application No. Date...../...../.....
Receipt No.
Amount Paid.....
Cashier

SCHEDULE 2—MINIMUM CONDITIONS OF A DESIGNATED CAT MANAGEMENT FACILITY

[clause 4.5(1)]

An application for a licence within the District may be approved subject to the following conditions—

1. Cat Management Facility Building, Fixtures, Equipment and Appliances

1.1 All building enclosures must be structurally sound, have impervious flooring, be well lit and ventilated and otherwise comply with all legislative requirements;

- 1.2 The Cat Management Facility must have a feed room, wash area, isolation cages and maternity section;
- 1.3 Materials used in structures are to be approved by the local government. The internal surfaces of walls are, where possible, to be smooth, free from cracks, crevices and other defects;
- 1.4 All fixtures, fittings and appliances are to be capable of being easily cleaned, resistant to corrosion and constructed to prevent the harbourage of vermin;
- 1.5 A wash hand basin with the minimum of piped cold water is to be provided in the building;
- 1.6 A Cat Management Facility must have a secure area where cats are housed and can exercise and must be at a distance of not less than 10 metres from the front boundary of the premises and 5 metres from any other boundary of the premises;
- 1.7 A Cat Management Facility must have adequate measures in place to minimise the risk of unauthorised entry into the facility;
- 1.8 Where floor washing is required, washings must pass through the drains and must be piped to an approved apparatus for the treatment of sewage (as specified by the *Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Regulations 1974*) and in accordance with the health requirements of the local government;
- 1.9 All external surfaces of each Cat Management Facility must be impervious and kept in good condition;
- 1.10 A Cat Management Facility must have sufficient ventilation to keep animal housing areas free of dampness, noxious odours and draughts, and prevent accumulation or concentrations of gases;
- 1.11 A Cat Management Facility should supply fresh air, or if the animals are housed in a totally enclosed area where forced ventilation is the only form of air movement, there should be adequate air exchange rate;
- 1.12 The Cat Management Facility is to be located away from sources of excessive noise or pollution, and draughts that could cause injury or stress to animals;
- 1.13 Natural lighting or lighting that duplicates the characteristics of natural light including a simulated day/ night period;
- 1.14 All cages and outdoor enclosures are to have adequate shelter in the form of a roof constructed of impervious material;
- 1.15 Must have a mix of cages to provide for individual housing where required and cages or modules constructed of impervious, washable materials;
- 1.16 All cages, outdoor enclosures and drinking vessels must be maintained in a clean condition and must be cleaned and disinfected. If in the opinion of an Authorised Person, the cage or vessel requires cleaning, an order may be given by the Authorised Person.

2. Cat Management Facility Operations and Maintenance

- 2.1 Enclosures are to be thoroughly cleaned each day and disinfected at least once a week to minimise disease;
- 2.2 All refuse, faeces and food waste must be disposed of daily to the satisfaction of an Authorised Person;
- 2.3 Noise, odours, vermin, fleas, flies and other vectors of disease must be effectively controlled.
- 2.4 Suitable water both for cleaning and drinking must be available at the Cat Management Facility;
- 2.5 The maximum number of cats to be kept on the premises stated on the licence is not to be exceeded;
- 2.6 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;
- 2.7 The entry book is to be made available for inspection on the request of an Authorised Person; and
- 2.8 The licensee or the person nominated in the application for a licence, must, in accordance with the application for the licence, continue to reside—
- (a) at the premises; or
 - (b) in the opinion of the local government, sufficiently close to the premises so as to control the cats, and to ensure their health and welfare.

3. Cat Management Facility Additional conditions

- 3.1 Any other matter which in the opinion of the local government is deemed necessary for the health and well-being of any cat, or person, or adjoining premises or the amenity of the area (or any part thereof).

SCHEDULE 3—OFFENCES AND MODIFIED PENALTIES

[Clause 6.2]

Item No.	Clause No.	Nature of offence	Modified Penalty \$
1.	2.3(1)(a)	Keeping more than 2 cats over the age of 6 months on a premises without an approval	200
2.	2.3(1)(b)	Using a premises as a cattery without an approval	200
3.	2.6	Failing to comply with conditions of an application for additional cats	200
4.	3.1	Failing to take all reasonable measures to prevent a cat creating a nuisance	200
5.	3.2(2)	If a cat is at any time in a place in contravention of clause 3.2(1)	200
	3.2(3)(a) (b)	A cat shall not be in a 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.	200
	3.2(4)	If a cat is at any time in a place in contravention of any of the <i>Shire of Northam Cat Local law 2019</i>	200
6.	3.3(a)	Failing to keep premises free of excrement, filth, food waste and other matter likely to be offensive or injurious to health or attract vermin.	200
7.	3.3(b)	Failing to clean and disinfect premises when directed by an Authorised Person	200
8.	3.3(c)	Failing to keep premises free of flies or when directed by an Authorised Person spray premises with residual insecticide or other means to kill or repel flies	200
9.	4.1	Operating a Cat Management Facility without a licence	500
10.	4.6	Failing to comply with conditions imposed by the local government	200
11.	5.5	Failing to comply with a notice issued under this local law	500
12.	6.1	All other offences not specified	200

Dated this 22nd day of October 2019.

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

CHRISTOPHER ANTONIO, President.
JASON WHITEAKER, Chief Executive Officer.