

Local Government Act 1995 (WA)(CKI)

SHIRE OF COCOS (KEELING) ISLANDS

THE KEEPING AND CONTROL OF CATS LOCAL LAW 2006

Under the powers conferred by the Local Government Act 1995 (WA)(CKI) and by all other powers the Council of the Shire of Cocos (Keeling) Islands resolved to make the following Local Law on the 22nd day of November 2006.

PART 1 PRELIMINARY

Citation

1.1 This local law may be cited as the Shire of Cocos (Keeling) Islands Local Law for the Keeping and Control of Cats 2006.

Objectives

1.2 The objectives of this local law are to –

- a) control the number of cats kept on premises;
- b) promote responsible cat ownership;
- c) reduce the number of un-neutered cats on Cocos (Keeling) Islands;
- d) reduce the nuisance to the community caused by cats;
- e) aid in the protection of native fauna; and
- f) provide for the impounding and disposal of cats.

Definitions

1.3 In this local law unless the context otherwise requires –

“**Act**” means the Local Government Act 1995 (WA)(CKI);

“**Applicant**” means the occupier of premises who makes an application to for a permit keep a cat under this Local Law;

“**Authorised Person**” means a person authorised by the Local Government to perform the functions conferred on an authorised person under this Local Law;

“**Cat**” means a domestic cat of the species *Felis catus*;

“**CEO**” means the Chief Executive Officer of the Shire of Cocos (Keeling) Islands;

“**Council**” means the Council of the Local Government of the Shire of Cocos (Keeling) Islands;

“District” means the district of the Shire of Cocos (Keeling) Islands;

“Identified cat” means a cat, which is identified under clause 2.2;

“Keeper” in relation to a cat means each of the following persons -

- g) the owner of the cat;
- h) a person by whom the cat is ordinarily kept;
- i) a person who has or appears to have immediate custody or control of the cat;
- j) a person who keeps the cat, or has the cat in his possession for the time being;
- k) a person who occupies any premises in which a cat is ordinarily kept or ordinarily permitted to live;
- l) a permit holder or the holder of an exemption issued in relation to a cat;

“Local Government” means the Shire of Cocos (Keeling) Islands;

“Minister” means the Minister for Territories and Local Government;

“Permit” means a permit issued by the Local Government in relation to a cat;

“Permit Holder” means a person who holds a valid permit under clause 3.8;

“Premises” includes -

- m) any land and any improvements; and
- n) any part of any building in separate ownership or separate occupation, or any unit, flat, house, duplex or apartment;

“Public Place” means any place to which the public has access, and includes a place that is on private property, which the public is allowed to use;

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

“Unidentified Cat” means a cat, which is not identified under clause 2.2;

“Universal Mark of Sterilisation” means the standard symbol, represented in Schedule 4, recognised

throughout Australia as the indicator that a cat has been neutered.

“Veterinary Surgeon” means a Veterinary Surgeon registered under the “Veterinary Surgeons Act 1960 (WA)(CI)”.

Application

1.4 This Local Law applies throughout the District of the Shire of Cocos (Keeling) Islands

PART 2 - IDENTIFYING CATS

PART 2 -

Keeper of a cat may identify it

2.1 A keeper of a cat may identify the cat under clause 2.2.

When a cat is identified

2.2 A cat is identified if the cat has –

- o) a collar around its neck and the collar, or a tag securely attached to the collar, that is marked with information that may be used to obtain the current address or telephone number of a keeper of the cat.

2.3 Clause 2.2 does not apply to a cat –

- p) kept at any refuge conducted by the RSPCA or any other animal welfare organisation;
- q) kept at an animal pound which has been approved by the Local Government;
- r) kept at a veterinary surgery;

No interference with identification

2.4 A person, other than the keeper of a cat or a person acting with the keeper’s authority, shall not without reasonable cause interfere with or remove the means by which a cat is identified under clause 2.2.

Address of keeper

2.5 For the purpose of giving a notice to a keeper of an identified cat, the keeper’s address is to be taken to be that ascertained from the cat’s collar or tag.

PART 3 - PERMITS FOR KEEPING CATS

PART 3 -

Interpretation

3.1 In this Part, “**cat**” does not include a cat less than three (3) months old.

3.2 A cat is sterilised for the purposes of this Part if;

- s) it has been tattooed with a universal mark of sterilisation; or
- t) the keeper holds a certificate signed by a veterinary surgeon stating that the cat is or is considered to be sterilised.

Cats for which permit is required

3.3 (1) A person shall not, unless the provisions of sub-clause (2) apply, keep a cat on any premises except in accordance with a valid permit issued in relation to those premises.

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

- u) a refuge of the RSPCA or any other animal welfare organisation;
- v) an animal pound which has been approved by the Local Government;
- w) a veterinary surgery; or
- x) the subject of an exemption granted by the Local Government.

Limitation on the number of cats

3.4 No person shall be permitted to keep more than two cats on any premises unless an application is made to the local government and the local government gives approval in writing to keep more than two cats on the premises. Approval to keep more than two cats can be withdrawn at any time if Council determines that the number of cats is likely to be a nuisance or dangerous to health.

Application for permit

3.5 An application for a permit shall be –

- y) made by an occupier of premises in relation to those premises;
- z) in a form approved by the Local Government; and
- aa) accompanied by any fee imposed and determined by the Local Government, in accordance with Section 6.16 to 6.19 of the Act.

Refusal to determine application

3.6 The Local Government may refuse to determine an application for a permit if it is not made in accordance with the provisions of clause 3.5.

Factors relevant to determination of application

3.7 In determining an application for a permit the Local Government may have regard to –

- bb) the physical suitability of the premises for the proposed use;
- cc) the likely effect on the amenity of the surrounding area of the proposed use;
- dd) the likely effect on the local environment including any pollution or

other environmental damage which may be caused by the proposed use; and

ee) such other factors which the Local Government may consider to be relevant in the circumstances of the particular application.

Decision on application

3.8 (1) The Local Government may –

ff) approve an application for a permit subject to the conditions referred to in clause 3.9;

gg) approve the application for a permit subject to the conditions referred to in clause 3.10;

or

hh) refuse to approve an application for a permit.

(2) If the Local Government approves an application under sub-clause (1)(a) a permit shall be issued to the applicant in the form as prescribed by the Local Government.

(3) If the Local Government refuses to approve an application then it is to advise the applicant accordingly in writing.

Conditions

3.9 Every permit, unless otherwise specified, is issued subject to the following conditions –

ii) each cat kept on the premises to which the permit relates shall be an identified cat;

jj) each cat, unless already so, shall be neutered within twelve (12) months of the date of issue of the permit;

kk) the premises shall be maintained in good order and in a clean and sanitary condition;

ll) adequate space shall be provided on the premises for the exercise of the cats; and

mm) the permit holder shall not substitute or replace any cat once that cat –

(i) dies; or

(ii) is permanently removed from the premises,

without first obtaining the consent of the Local Government.

No marking of universal mark of sterilisation unless neutered

3.10 A person shall not tattoo, or cause to be tattooed, the universal mark of sterilisation on the inside of a cat's ear unless the cat has been neutered.

Duration of Permit

3.11 Unless otherwise specified: -
nn) a permit commences on the date of issue and is valid for a period not exceeding three (3) years;

Revocation

3.12 The Local Government may revoke a permit if the permit holder fails to observe any of the provisions of this Local Law or conditions of the permit.

Permit not transferable

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

PART 4 - REMOVAL AND IMPOUNDING OF CATS

PART 4 - Cat Pounds

4.1 The Local Government may establish and maintain a pound or pounds, and may approve an animal pound maintained by any person, for the impounding of cats under this Local Law.

4.2 The Local Government may determine from time to time -
oo) the times when a cat pound will be open for the reception and release of cats;
pp) times for sale of cats from the pound; and
qq) a scale of impounding fees to be paid on the release of impounded cats.

Register

4.3 (1) The Local Government is to keep a record of impounded cats (the "Register").

(2) The register is to contain the following information about each impounded cat

- rr) the breed and sex of the cat;
- ss) the colour, distinguishing markings and features of the cat;
- tt) if known, the name and address of its keeper;
- uu) the date and time of its impoundment;
- vv) the name of the person who impounded the cat;
- ww) the reason for the impoundment;
- xx) the place from where it was impounded; and
- yy) the date of release or disposal.

4.4 A person must not: -

- zz) unless the person is a pound keeper, or a person authorised by the Local Government to perform the functions conferred under this Local Law, release or attempt to release a cat from a pound.
- aaa) destroy, break into, damage or in any other way interfere or render not cat proof a pound: or
- bbb) destroy, break into, damage or in any other way interfere with any container used for the purpose of catching, holding or conveying cats.

Dealing with impounded cats

- 4.5 Where a cat is impounded and the keeper of the cat can be readily identified, the authorised person shall cause written notice to be given to the keeper of the cat, advising that the cat may be claimed within a specified time and upon the payment of a specified fee.
- 4.6 The payment of any fees by a keeper in the respect of the impounding and keeping of a cat does not relieve the keeper of any liability to a penalty for an offence against any provisions of this Local Law.
- 4.7 Where -
- ccc) a keeper wishes to reclaim a cat within the period stated in the notice of impounding; and
 - ddd) a permit is required for the keeping of the cat, the cat shall not be released until such permit is obtained.
- 4.8 (1) Subject to sub-clause (2) where an impounded cat is diseased, emaciated, injured or sick, the Local Government may destroy the cat, upon written authority of the CEO.
- (2) Where an identified cat is diseased, emaciated or sick, the Local Government shall take all reasonable steps to notify the keeper of the cat of its condition, prior to destruction under sub-clause (1), unless the condition of the cat is such that it should be destroyed immediately.

- 4.9 Where either an unidentified cat; or an identified cat is impounded and it is not claimed within seven (7) days of it being impounded, the Local Government may -
- eee) offer the cat for sale;
 - fff) cause the cat to be destroyed; or
 - ggg) cause the cat to be re-housed
- 4.10 If an impounded cat is sold under clause 4.9, the proceeds of the sale become the property of the Local Government, and may be disposed of in such manner as the Local Government thinks fit.

PART 6 - ABANDONMENT OF CATS

PART 5 - No abandonment

5.1 A person shall not abandon a cat.

Delivery to an authorised person not abandonment

5.2 A person who delivers a cat into the custody of an authorised person is to be taken not to have abandoned the cat.

PART 7 MISCELLANEOUS

PART 6 -

6.1 A notice given under this Local Law may be given -

- hhh) personally to the keeper of the cat;
- iii) by registered mail addressed to the keeper;
- jjj) by leaving it for the keeper at his address; or
- kkk) by attaching it on some conspicuous part of the premises on or in which the cat is ordinarily kept or permitted to live.

PART 8 - EVIDENCE

PART 7 -

Averment that a person is a keeper

7.1 In proceedings for any offence against any provision of this Local Law an averment in the complaint that at a specified time a person was a keeper of the cat is evidence of the fact in the absence of proof to the contrary.

PART 9 - OBJECTIONS AND APPEALS

PART 8 -

Objection and appeal rights

8.1 Any person who is aggrieved –

lll) 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 lodge an objection to the decision with the Council of the Local Government.

mmm) 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, they may in the prescribed manner and in the prescribed time appeal against the decision to the Local Court or the Minister, as the appellant elects.

PART 10 - OFFENCES AND PENALTIES

ii.1 Division 1 - General

PART 9 -

Offences

9.1 Any person who contravenes or fails to comply with a provision of this Local Law commits an offence and shall upon conviction be liable to a penalty not exceeding \$500, and if the offence is of a continuing nature, an additional penalty not exceeding \$50.00 for each day or part of the day during which the offence continues. *ii.2*

ii.3 Division 2 - Infringement notices and modified penalties

Prescribed offences

9.2 The offences prescribed in Schedule 1 are in relation to which a modified penalty applies, and the amount appearing directly opposite each such offence is the modified penalty payable in relation to that offence.

Forms

9.3 (1) Where an authorised person has reason to believe that a person has committed an offence against this Local Law he may serve upon that person an Infringement Notice and the Infringement Notice issued under this Local Law shall be in the form of Form 1 of Schedule 2.

(2) An Infringement Notice may be served on an alleged offender personally or by posting it to their last known address as ascertained at the time or immediately following the occurrence giving rise to the allegation of the offence.

(3) Where a person who has received an Infringement Notice fails to pay the prescribed penalty within the time specified in the notice, or within such time as may in any particular case be allowed, they are deemed to have declined to have the alleged offence dealt with by way of a modified penalty.

(4) An Infringement Notice may, whether or not the prescribed penalty has been paid, be withdrawn by sending a notice in the prescribed form to the alleged offender at the address specified in the notice or his last known place of residence or business.

(5) The Notice of Withdrawal of Infringement Notice issued under this Local Law shall be in the form of Form 2 of Schedule 3.

SCHEDULE 1

Modified Penalties

Item No.	Clause No.	Nature of Offence	Modified Penalty
1.	2.4	Interference with identification	\$25.00
2.	3.3 (1)	Failure of an occupier to hold a Permit	\$25.00
3.	3.4	Keeping more than 2 cats	\$25.00
4.	3.9	Breach of a condition of permit	\$25.00
5.	6.1	Abandonment of cat	\$25.00

SCHEDULE 2

Form 1

Local Government Act 1995 (WA)(CKI)

Shire of Cocos (Keeling) Islands

Local Law for the Keeping and Control of Cats

INFRINGEMENT NOTICE

No..... Date...../...../.....

To (Name of alleged offender)..... It is alleged that at (place of alleged offence)..... on the.....day of..... 20..... you committed an offence in that you (particulars of alleged offence).....

.....

.....

.....

(to be signed by an authorised person).....

You may dispose of this matter –

by payment of a penalty of \$.....(insert amount of penalty) within 28 days of the date of this Notice to (insert address of office where payment may be made).....; or

by having it dealt with by a court.

If this modified penalty is not paid within the time specified, court proceedings may be taken against you.

SCHEDULE 3

Form 2

Local Government Act 1995

Shire of Cocos (Keeling) Islands

Local Law for the Keeping and Control of Cats

NOTICE OF WITHDRAWAL OF INFRINGEMENT NOTICE

No..... Date...../...../.....

To (Name of alleged offender).....

Infringement Notice No.....dated...../...../.....

for the alleged offence of (particulars of alleged offence).....

.....

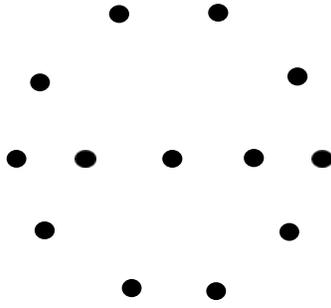
.....

...Pen alty (amount of penalty prescribed) \$.....is hereby withdrawn.

- No further action will be taken
- It is proposed to institute court proceedings for the alleged offence.

.....
(to be signed by an authorised person)

SCHEDULE 4



Universal Mark of Sterilisation