

LOCAL GOVERNMENT ACT 1995

Shire of Bridgetown-Greenbushes

KEEPING AND WELFARE OF CATS AMENDMENT LOCAL LAW 2011

Under the powers conferred by the *Local Government Act 1995* and under all other powers enabling it, the Council of the Shire of Bridgetown-Greenbushes resolved on 28 July 2011 to make the following Local Law.

1. Citation

This Local Law may be cited as the *Keeping and Welfare of Cats Amendment Local Law 2011*.

2. Commencement

This Local Law comes into operation 14 days after the date of public in the *Government Gazette*.

3. Principal Local Law Amended

In this Local Law the *Shire of Bridgetown-Greenbushes Keeping and Welfare of Cats Local Law*, published in the *Government Gazette* on 11 November 2010 is referred to as the principal local law. The principal local law is amended.

4. Clause 3.1 amended

Part 3 is amended by deleting clause 3.1 and inserting instead—

“3.1 In this local law unless the context otherwise requires—

<i>Act</i>	means the <i>Local Government Act 1995</i> ;
<i>Approved Cattery</i>	means a cattery, which is the subject of a valid planning approval, granted under a scheme or which is a non-conforming use that may continue under the scheme;
<i>Authorised Person</i>	means a person authorised by the Chief Executive Officer of the local government to perform the functions conferred on an authorised person under this local law;
<i>Cat</i>	means any member of species <i>Felis Catus</i> (domestic cat) of the family <i>Felidae</i> . This includes all domestic, feral and stray cats;
<i>Cat Pound</i>	means a pound referred to in clause 8;
<i>Council</i>	means the Council of the local government;
<i>District</i>	means the district of the local government;
<i>Identified Cat</i>	means a cat identified in the manner referred to in clause 4;
<i>Keeper</i>	in relation to a cat means each of the following— <ul style="list-style-type: none">(a) the owner of the cat;(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 his or her possession for the time being; or(e) a person who occupies any premises in which a cat is ordinarily kept or ordinarily permitted to live who has care and control of the cat;
<i>Local Government</i>	means the Shire of Bridgetown-Greenbushes;
<i>Nuisance</i>	means if a cat— <ul style="list-style-type: none">(a) is injurious or dangerous to the health of any person or domestic or Australian indigenous animal or is in the opinion of an authorised person likely to be injurious or dangerous to the health of any person or domestic

or Australian indigenous animal;

- (b) 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
- (c) behaves in a manner that is contrary to reasonable standard of behaviour expected of an animal in the locality of the premises where the cat is normally resident;

Premises

includes—

- (a) any land and any improvements; and
- (b) any part of any building in separate ownership or separate occupation, or any unit, flat, town house, duplex or apartment;

Unidentified Cat

means a cat that is not identified in the manner as referred in clause 4; and

Veterinary Surgeon

means a veterinary surgeon registered under the *Veterinary Surgeons Act 1960*.”

5. Clause 5.2 amended

Part 5 is amended by deleting clause 5.2 and inserting instead—

“5.2 No keeper of a cat shall keep more than the limit referred to in subclause 5.1, without a current permit issued by the local government. When this local law becomes operational, a keeper of more than three (3) cats over 12 months of age will need to apply to the local government for a permit, in accordance with clause 6, to keep over the legislated limit of three (3) cats. The keeper’s application for a permit will be automatically approved. As these cats become deceased the keepers must then comply with subclause 5.1.”

6. Clause 14.1 amended

Part 6 is amended by deleting clause 14.1 and inserting instead—

“14.1 It is a defence to a charge of an offence if the keeper charged satisfies the court that at the time of the alleged offence some other person whom he or she can identify was the keeper of the cat(s).”

Dated: 28 July 2011.

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

**BRIAN MOORE, President.
TIMOTHY CLYNCH, Chief Executive Officer.**
