

CITY OF ARMADALE

AGENDA

OF COMMUNITY SERVICES COMMITTEE TO BE HELD IN THE FUNCTION ROOM, ADMINISTRATION CENTRE, 7 ORCHARD AVENUE, ARMADALE ON TUESDAY, 7 FEBRUARY 2023 AT 7:00PM.

A meal will be served at 6:15 p.m.

PRESENT:

APOLOGIES:

Cr J Keogh (Leave of Absence)
Cr S J Mosey (Leave of Absence)

OBSERVERS:

IN ATTENDANCE:

PUBLIC:

“For details of Councillor Membership on this Committee, please refer to the City’s website – [www.armadale.wa.gov.au/your council/councillors](http://www.armadale.wa.gov.au/your_council/councillors).”

DISCLAIMER

The Disclaimer for protecting Councillors and staff from liability of information and advice given at Committee meetings to be read.

DECLARATION OF MEMBERS' INTERESTS

QUESTION TIME

Public Question Time is allocated for the asking of and responding to questions raised by members of the public.

Minimum time to be provided – 15 minutes (unless not required)

Policy and Management Practice EM 6 – Public Question Time has been adopted by Council to ensure the orderly conduct of Public Question time and a copy of this procedure can be found at <http://www.armadale.wa.gov.au/PolicyManual>

It is also available in the public gallery.

The public's cooperation in this regard will be appreciated.

DEPUTATION

CONFIRMATION OF MINUTES

RECOMMEND

Minutes of the Community Services Committee Meeting held on 6 December 2022 be confirmed.

ITEMS REFERRED FROM INFORMATION BULLETIN

Report on Outstanding Matters – Community Services Committee

Items referred from the Information Bulletin – Issue 20 – December 2022

If any of the items listed above require clarification or a report for a decision of Council, this item to be raised for discussion at this juncture.

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COMMUNITY SERVICES COMMITTEE

7 FEBRUARY 2023

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***1.1 - NEW DRAFT POLICY: ENGAGEMENT AND CONSULTATION WITH THE
ABORIGINAL ELDERS AND COMMUNITY MEMBERS***

WARD : ALL
FILE No. : M/2/23
DATE : 4 January 2023
REF : RM
RESPONSIBLE : Executive Director
MANAGER : Community Services

In Brief:

- This report presents the new draft Policy: *Engagement and Consultation with the Aboriginal Elders and Community Members*.
- Recommend that Council:
Endorse the new draft Policy: *Engagement and Consultation with the Aboriginal Elders and Community Members*

Tabled Items

Nil

Decision Type

- ☒ **Legislative** The decision relates to general local government legislative functions such as adopting/changing local laws, town planning schemes, rates exemptions, City policies and delegations etc.
- ☐ **Executive** The decision relates to the direction setting and oversight role of Council.
- ☐ **Quasi-judicial** The decision directly affects a person's rights or interests and requires Councillors at the time of making the decision to adhere to the principles of natural justice.

Officer Interest Declaration

Nil

Strategic Implications

Strategic Community Plan

Community

1.4 An Inclusive and Engaged Community

1.4.3 Ensure the provision of culturally appropriate services and programs in the City

1.4.4 Facilitate the provision of facilities, services and programs to meet the needs of the City's current and future demographics

4.1 Strategic Leadership and Effective Management

4.1.5 Establish comprehensive governance policies and processes

Legal Implications

Local Government Act 1995:

s2.7 – The role of the Council – “(2) (b) determine the local government’s policies”

Council Policy/Local Law Implications

This Policy: *Engagement and Consultation with the Aboriginal Elders and Community Members* will be added to the City’s Policy Manual as a new policy.

Budget/Financial Implications

A key element of the new draft Policy: *Engagement and Consultation with the Aboriginal Elders and Community Members* comprises the specific remuneration amount to Aboriginal Elders and community members of \$75 per hour for complex consultations. This amount is based on the Noongar Standard Heritage Agreement cited on the Department of Planning, Lands and Heritage website, which as of August 2022, is \$589 per day.

Consultation

1. Standing Order House Advisory Group (SOHAG)
2. Executive Leadership Team (ELT)
3. Community Services Directorate
4. Governance and Administration

BACKGROUND

Council policies are an essential part of Council’s governance framework. They guide Council and Officers in the context of Council’s decision making. Policies can be developed to respond to legislative requirements, discretionary legislated powers and/or non-legislated functions/activities of Council.

The objective of the new draft Policy: *Engagement and Consultation with the Aboriginal Elders and Community Members* is ‘to define how the City of Armadale engages with local Aboriginal Elders and other community members for the purpose of seeking their advice and expertise on a range of issues and topics.’

On 22 June 2020, Council adopted a schedule (CS26/6/20) of SOHAG meetings as part of the process of a comprehensive review of Council’s policies and delegations. The new draft Policy: *Engagement and Consultation with the Aboriginal Elders and Community Members* has been considered by SOHAG as a prerequisite to its presentation to Council.

DETAILS OF PROPOSAL

It is proposed that Council adopt the new draft Policy: *Engagement and Consultation with the Aboriginal Elders and Community Members*. This draft policy has a focus on how the City engages with and provides appropriate remuneration to Aboriginal Elders and community members for cultural knowledge and expertise.

The policy provides definitions and terms relating to the Aboriginal community, the context of the City’s connection with the local Aboriginal community and a brief history of the Noongar people.

It explains the terms of engagement and specifically defines these in relation to Aboriginal people and provides guidance to both City Officers and external organisations as to how to engage with the local Aboriginal community. This includes the process of consulting with the Elders Reference Group and remuneration for formal consultation processes.

ANALYSIS

The adoption of the draft new Policy: *Engagement and Consultation with the Aboriginal Elders and Community Members* formalises the City's commitment to continue to authentically engage with the local Aboriginal community.

This is particularly pertinent given that the City will be seeking guidance from the Aboriginal Elders and community members on proposed actions during the development of the City's first Reconciliation Action Plan.

OPTIONS

Council has the following options:

1. Endorse the draft new Policy: *Engagement and Consultation with the Aboriginal Elders and Community Members*
2. Do not endorse the draft new Policy: *Engagement and Consultation with the Aboriginal Elders and Community Members*

Option 1 is recommended.

CONCLUSION

The draft new Policy: *Engagement and Consultation with the Aboriginal Elders and Community Members* formalises the City's existing engagement approach with the local Aboriginal community, including the Aboriginal Elders. Having a policy in place to guide Officers is particularly pertinent in the context of the City developing its first Reconciliation Action Plan.

RECOMMEND

That Council endorse the draft new Policy: *Engagement and Consultation with the Aboriginal Elders and Community Members*.

ATTACHMENTS

1. [ⓓ](#) Draft Policy - Engagement with Aboriginal Elders

**2.1 - CONFERENCE ATTENDANCE - NATIONAL SPORTS AND PHYSICAL
ACTIVITY CONVENTION IN JULY 2023**

WARD : ALL
FILE No. : M/9/23
DATE : 13 January 2023
REF : JC/CH
RESPONSIBLE : Executive Director
MANAGER : Community Services

In Brief:

- The National Sports and Physical Activity Convention is to be held in Melbourne on 27-28 July 2023.
- A link to the full program for the conference is included in this report.
- This report seeks nominations for Councillor attendance as a delegate to the National Sports and Physical Activity Convention 2023.

Tabled Items

Nil

Decision Type

- ☐ **Legislative** The decision relates to general local government legislative functions such as adopting/changing local laws, town planning schemes, rates exemptions, City policies and delegations etc.
- ☒ **Executive** The decision relates to the direction setting and oversight role of Council.
- ☐ **Quasi-judicial** The decision directly affects a person's rights or interests and requires Councillors at the time of making the decision to adhere to the principles of natural justice.

Officer Interest Declaration

Nil

Strategic Implications

- 4.1 Visionary Civic leadership and sound governance
- 4.1.3 Support the role of the elected body
- 4.1.3.2 Facilitate appropriate training and development opportunities for Councillors

Legal Implications

General assessment of relevant legislation (e.g. Local Government Act) has not revealed any restrictions.

Council Policy/Local Law Implications

- Council Policy ADM3 – Conferences and Training
- Council Policy EM1 – Reimbursement of Councillor's Expenses

Budget/Financial Implications

Allowances for Councillor and Officer attendance at conferences have been made within the 2022/23 Budget and Long Term Financial Plan estimates.

Consultation

- Intra Directorate

BACKGROUND

The National Sports and Physical Activity Convention is the peak conference for the Sport and Recreation industry in Australia and will be held in Melbourne in July 2023. The conference is attended by Local Government Managers, State and National Sporting executives and other industry related professionals. The conference seeks to provide a program designed to stimulate and challenge industry professionals.

Nominations for Councillor attendance are requested at this Community Services Committee Meeting, to be presented to the February 13 2023 Ordinary Council Meeting, in order to facilitate timely registrations.

DETAILS OF PROPOSAL

The theme of the 2023 conference is Connecting Innovation and Sustainability for Future Generations. Sport and Recreation facilities across all sectors continue to face a range of funding uncertainties, changing participation patterns, non-traditional community expectations and fundamental changes in usage patterns. The theme reflects key topics which underpin the increased need for sporting bodies, Government at all levels and design experts to continue to evolve and meet the changing demands and demographics of leisure. The conference program can be found here <https://nationalsportsconvention.com.au/program/>

COMMENT

The conference theme resonates strongly with the City's Recreation department as it seeks to maximise utilisation across the various facilities and suburbs with the City of Armadale. This includes minimising barriers to facility use, partnering with under-represented user groups to ensure sport/leisure meet the needs of existing and emerging users, and ensuring that the City's leisure facilities and their services are accessible and inclusive, reflecting the communities they serve.

The conference streams include:

- Community Sport and Leisure Facilities
- Growing Participation – From Exercise to Recreation to Community Sport
- Active Cities – Planning for more Active Environments and Communities
- Nurturing Curious and Confident Children in Local Environments
- Sustainable and Innovative Sports Grounds
- The Future of Sport

Each of these topics is an area being actively explored by the City's Recreation department. In addition to the formal program, the conference also provides the opportunity to interact with colleagues from various sectors across the country and discuss cross-sector solutions to the challenges facing the profession.

Attendance costs including travel and accommodation amount to approximately \$3,600.

The Manager Recreation Services will be attending as a delegate to the 2023 National Sports and Physical Activity Convention.

CONCLUSION

The National Sports and Physical Activity Convention 2023 offers a program of interest to the recreation sector, including Local Government. The conference brings together recreation professionals from across Australia to share best practice, innovation, and discuss industry trends.

Attendance at the conference is considered beneficial as the City of Armadale faces new challenges of increased and diversified demand, challenges in planning new facilities, and ensuring our leisure facilities are both sustainable and utilized within the community.

RECOMMEND

That Council:

- 1. Nominate Councillor as a delegate to the 2023 National Sports and Physical Activity Convention.**

OR

Should no nomination be received, then the recommendation is as follows:

Make no nomination for Councilor attendance at the 2023 National Sports and Physical Activity Convention.

ATTACHMENTS

There are no attachments for this report.

3.1 - PROPOSED CAT LOCAL LAW

WARD : ALL

FILE No. : M/266/22

DATE : 20 May 2022

REF : DB/RP

RESPONSIBLE : Executive Director
MANAGER : Community Services

In Brief:

- A draft Cat Local Law has been prepared.
- The local law will encourage responsible cat ownership and an efficient regulatory scheme to deal with nuisance cats and cats in environmentally sensitive areas.
- Recommend that Council endorse a draft Cat Local Law and approve its advertising in accordance with the *Local Government Act 1995*.

Tabled Items

Draft Cat Local Law 2022

Decision Type

- ☒ **Legislative** The decision relates to general local government legislative functions such as adopting/changing local laws, town planning schemes, rates exemptions, City policies and delegations etc.
- ☐ **Executive** The decision relates to the direction setting and oversight role of Council.
- ☐ **Quasi-judicial** The decision directly affects a person's rights or interests and requires Councillors at the time of making the decision to adhere to the principles of natural justice.

Officer Interest Declaration

Nil

Strategic Implications

Nil

Legal Implications

- *Cat Act 2011*, s. 79 – local laws
- *Local Government Act 1995*, s. 3.12 – procedure for making local laws.

Council Policy/Local Law Implications

Nil

Budget/Financial Implications

Development, advertising and Gazettal of a new local law will consume resources from the City's Governance budget.

There is potential that, in the event the draft Cat Local Law is made, additional resources may be required by Ranger Services to adequately enforce the local law.

Consultation

1. City Governance (internal)
2. Environmental Services (internal)
3. Referencing of other cat local laws
4. Standing Orders and House Advisory Group (SOHAG) (internal)
5. Department of Local Government, Sport and Cultural Industries

BACKGROUND

The City had previously attempted to make a local law relating to cat control in 2015. Following public consultation and consideration of the issues raised in submissions from the public, Council resolved on 16 November 2015 to not adopt the local law, instead preferring to re-instate a prohibited cat area in the Churchman's Brook locality in the Environment, Animals and Nuisance Local Law.

Ultimately, Council resolved at a later date (23 January 2017) to not amend the Environment, Animals and Nuisance Local Law to include the prohibited cat area.

The prospect of revisiting a local law for cat control was raised by the Armadale Bushcare Environment Working Group in November 2020. Following this, the City's Ranger and Emergency Services department and the Governance department conducted research of contemporary local laws relating to cat control at other local governments, together with recent reviews conducted by the Joint Standing Committee for Delegated Legislation. This research has taken shape in the form of the draft local law that is presented.

DETAILS OF PROPOSAL

A draft Cat Local Law for the City has been prepared.

The draft Local Law is framed around the principle of nuisance as an enforcement tool. That is, where there is a cat causing a nuisance, there is an enforcement mechanism to require the owner or custodian of the nuisance cat to take appropriate measures to abate the nuisance. The Joint Standing Committee for Delegated Legislation (JSC) has provided direction to local governments that the common law definition of nuisance is to be used in any cat local law where nuisance is the primary enforcement mechanism:

“nuisance means —

- (a) 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) *an unreasonable interference with the use and enjoyment of a person of his or her ownership or occupation of land;*
- (c) *interference which causes material damage to land or other property on the land affected by the interference;”*

The draft Local Law also introduces cat prohibited areas. These cat prohibited areas are detailed in Schedule 3 of the draft local law and were included following consultation with the City’s Environmental Services department and SOHAG.

Officers also proposed in the draft Local Law presented to SOHAG that the City places a limit on the numbers of cats that may be ordinarily kept at a property (Attachment 3 – original version). This would require a person who wishes to keep three or more cats to obtain a permit from the City in accordance with the provisions of the draft Local Law. SOHAG strongly opposed the inclusion of a restriction on the number of cats or a permit system. These provisions have been removed from the draft in Attachment 2 – SOHAG version. Attachment 5 shows the original version with the sections removed in the SOHAG version highlighted in yellow.

The Cat Act 2011

Section 79(3) of the *Cat Act 2011* (Cat Act) allows a local government to make a local law for the control of cats that can deal with the following matters:

- “3) *Without limiting subsection (1), a local law may be made as to one or more of the following —*
- (a) *the registration of cats;*
 - (b) *removing and impounding cats;*
 - (c) *keeping, transferring and disposing of cats kept at cat management facilities;*
 - (d) *the humane destruction of cats;*
 - (e) *cats creating a nuisance;*
 - (f) *specifying places where cats are prohibited absolutely;*
 - (g) *requiring that in specified areas a portion of the premises on which a cat is kept must be enclosed in a manner capable of confining cats;*
 - (h) *limiting the number of cats that may be kept at premises, or premises of a particular type;*
 - (i) *the establishment, maintenance, licensing, regulation, construction, use, record keeping and inspection of cat management facilities;*
 - (j) *the regulation of approved cat breeders, including record keeping and inspection;*
 - (k) *fees and charges payable in respect of any matter under this Act.”*

The JSC has examined a number of cat local laws over the preceding 2-3 years and have identified a range of issues with those where local governments have sought to create their own definitions outside of the common law definition (e.g. nuisance), or prescribe matters that are not provided for in the Cat Act (such as confinement).

A number of local governments (specifically, the City of Fremantle, the City of Gosnells, the Shire of Denmark) have expressed concern that the Cat Act limits the ability of local governments to make a local law that will effectively address issues that pertain to local circumstances. It would appear that this is a view that has been partially driven by some local governments desire to implement cat confinement provisions.

Recent examples that have attracted media interest, such as the City of Fremantle's, have sought to introduce provisions that ban cats from wandering on all public places and local government property, including roads, verges, footpaths and car parks.

Based upon previous reviews conducted by the JSC, it is expected that cat local laws with these types of provisions will be disallowed (e.g. Town of Bassendean Cats Local Law 2021, City of Gosnells Cat Amendment Local Law 2022).

It is expected that, because the Cat Act is silent on the subject of cat containment, the JSC has formed the view that it is not appropriate for a local government to make a local law with such a provision, particularly against the backdrop of those matters for which a cat control local law **can** be made in accordance with s. 79(3) of the Cat Act.

ANALYSIS OF ISSUES

Current Arrangement

The City's *status quo* is that with no cat local law, the City has limited means to deal with cat control matters outside what is prescribed by the Cat Act and the *Cat (Uniform Local Provisions) Regulations 2013*. This is problematic for the City when dealing with resident complaints, particularly those concerning nuisance cats. It also means that the City cannot create cat prohibited areas, such as reserves and other areas rich in native fauna.

The following table shows the number of Customer Service Requests (CRM's) that have been received by the City's Ranger and Emergency Services department since the introduction of the Cat Act in 2013.

| Category Type | Requests Received |
|---------------------------|-------------------|
| Dead Cats | 383 |
| General Enquires | 328 |
| Found Cat | 270 |
| Keeping of Cats | 879 |
| Lost Cat | 314 |
| Cat Pickup | 1922 |
| Cat Trap Pick up/Drop off | 470 |
| Microchip follow up | 86 |
| Total: 4,652 | |

From the table above, aside from cat pickups (41%), the next most significant volume of CRM requests (19%) received relate to the keeping of cats, in particular issues relating to cat nuisance and excessive number of cats being kept on a property.

Numbers of Cats

One of the dominant issues raised in public submissions for the previous draft cat local law in 2015, and then raised by SOHAG from its review of the current draft local law, is the concept of placing a limitation on numbers of cats that may be kept.

The schedule of public submissions received during the 2015 consultation process (without personal information) is provided at Attachment 1 so that Council may understand the sentiment at the time in respect of the ‘for and against’ arguments for restricting cat numbers.

The concern articulated by SOHAG, and in the historical submissions, was that a limit on the numbers of cats that may be kept as proposed in the original draft Cat Local Law presented by Officers to SOHAG, would unfairly penalise responsible cat owners who own multiple cats and contain their cats within a cat run or inside a dwelling.

Officers had attempted to address this concern through recommending a permit system be included in the draft local law which would allow a degree of discretion in how a limitation on numbers of cats is applied.

Nevertheless, the overall tone of the historical submissions (those that opposed the local law) and SOHAG’s recommended changes to the draft local law, question the level of community support for a local law that contains a limit on numbers of cats that may be kept.

It must be noted that approval to breed cats would still be a requirement under Part 3, Division 4, Subdivision 2 of the Cat Act.

When considering any provisions about limiting numbers of cats to be kept without a permit, SOHAG expressed the view that the draft local law, without the provisions that relate to permits and limiting ownership numbers, was still able to be utilised as an enforcement tool as the primary enforcement mechanism is focused on nuisance and the restriction of cats in environmentally sensitive areas.

Notably, the Cat Act does not prescribe a default limit on the number of cats that may be kept on a property. However, advice received from the Department of Local Government, Sport and Cultural Industries is that “...*Imposing cat limits in local laws is strongly advisable, as these limits help to manage cat numbers in the district and may reduce the number of cats likely to become nuisances, stray or feral. However, it is ultimately up to individual councils to determine whether their cat local law will include a limit or not.*”

The absence of a limitation on numbers of cats would mean that enforcement options would be limited to proving nuisance was being created. Nuisance is more difficult to prove than a mandated limitation on the maximum number of cats and would be entirely reliant on the willingness of an aggrieved resident providing evidence in support of it.

Previous complaints investigated by Ranger Services and/or Health Services reveal that there is a strong correlation between excessive cat numbers and the prevalence of nuisance activities.

It is important to note that, in general, a restriction on the number of cats cannot be applied retrospectively. If an owner can prove that the cat was kept at the premises, or they were the owner of the cat, before the local law came in to effect, then they would have a defence to a charge for keeping more than the standard number of cats.

Cat Prohibited Areas

A prominent trend in the sector with newer cat local laws is the inclusion of cat prohibited areas. The draft cat local law contains, in Schedule 3, a list of reserves that are proposed to be cat prohibited areas.

The reserves listed are all under the care and control of the City, either by a vesting Order from the Crown or owned outright by the City. The areas chosen, in consultation with the City's Environmental Services team, are those that are considered to be of significance from a biodiversity perspective.

A balanced approach was taken when selecting areas where cats are to be prohibited to ensure that enforcement remains workable whilst also acting as a potential deterrent to domestic cats being permitted to roam in these areas. Nevertheless, enforcement on public land introduces new risks not previously experienced by Ranger Services, including the potential for;

- community negativity towards the City when trapping cats,
- inadvertent trapping of non-target species, particularly wildlife,
- traps, cameras and other associated equipment being damaged or stolen.

COMMENT

The industry appears to be moving towards more modern cat local laws based around nuisance. The JSC has done a lot of work in this space and as noted previously in this report, there are a number of local governments that made cat local laws with unsuitable nuisance provisions, and were disallowed by the JSC.

The JSC's instructions to local governments have been consistent and clear. The common law nuisance definition is the only definition that is to be used. The same applies for local governments that attempt to make a cat local law based on confinement of cats to the owner's property.

Similarly, newer cat local laws around the sector contain restrictions on the numbers of cats that can be kept, whilst older ones do not. It is a similar situation for cat prohibited areas. The following table shows a range of metropolitan local governments that possess cat local laws and the varied provisions within them:

| Local Government | Year | Prohibited Areas | Nuisance | Maximum Numbers |
|----------------------------------|------|------------------|----------|--|
| Bassendean | 2021 | Yes | Yes | Yes (2) |
| Bayswater (Proposed) | 2022 | Yes | Yes | Yes (up to 6 depending on dwelling type) |
| Belmont – Consolidated Local Law | 2020 | No | Yes | Yes (2) |
| Cambridge – Animals Local Law | 2016 | No | No | Yes (3) |
| Canning | 2021 | Yes | Yes | Yes (2) |
| Fremantle | 2020 | Yes | No | Yes (3) |
| Gosnells* | 2014 | Yes | No | No |
| Joondalup – Animals | 1999 | No | No | Yes (3) |

| Local Government | Year | Prohibited Areas | Nuisance | Maximum Numbers |
|---|------|-------------------------------|----------|--|
| Local Law | | | | |
| Kalamunda – Keeping & Control of Animals & Nuisance Local Law | 2011 | No | Yes | Yes (3) |
| Kwinana | 2022 | No | Yes | Yes (2) |
| Mundaring | 2005 | Yes (however none prescribed) | No | Yes (2) however only 1 allowed in a Fauna Protection Buffer Zone |
| Mandurah | 2019 | Yes | Yes | Yes (2) |
| Rockingham | 2018 | No | Yes | Yes (2) |
| Stirling | 1999 | Yes | No | Yes (2) however only 1 allowed in a Fauna Protection Buffer Zone |
| Swan – Consolidated Local Laws | 2005 | Yes | No | Yes (2) |
| Wanneroo | 2016 | No | Yes | Yes (3) |

* There is a prevailing local law in place.

The *City of Gosnells Cat Amendment Local Law 2022* sought to strengthen the current local law by prohibiting cats from being in a public place unless under effective control, making it an offence for a cat to be on private property without the consent of the owner and limiting the number of cats a person may keep to two.

However, in July 2022, Council voted to discontinue with the amendment local law after feedback from the DLGSC indicated that it would be almost certainly be disallowed by the JSC.

The City of Gosnells is currently redrafting the local law based upon extensive community consultation and the advice from the DLGSC in the hope that a revised local law will be accepted.

Whilst the Shire of Serpentine Jarrahdale presently doesn't have a cat local law, discussions with Officers indicate that they are finalising a draft local law for consideration by Council.

Cat Act – DLGSC Review

In May 2019 the DLGSC completed a statutory review into the operation of the Cat Act and the *Dog Amendment Act 2013*, which was tabled in Parliament by the Minister for Local Government on 27 November 2019. In respect of the Cat Act, the DLGSC findings were, verbatim:

1. Registration of cats is strongly supported. The current three options for periods of registration should remain.
2. Registration periods for cats and dogs should be the same.
3. A central registration database for cats should be explored.
4. Feedback indicated that the wearing of collars and tags achieves the purpose of enabling a cat to be identified by rangers — including making it obvious that it is a domestic cat that has an owner.

5. There is strong support for this to continue with no change.
6. Strong support from the public, local governments and industry exists for the practice of microchipping cats to continue.
7. Improvements could be made to the way microchip details are stored — this could be in either a national or State-based database.
8. Feedback indicated that education on the current requirements of microchipping, focusing on obligations of owners/breeders/rescues when a cat is transferred to a new owner and the need to keep information up-to-date, is necessary to achieve the desired outcomes of reuniting pets with their owners and the obligations of being a responsible cat owner.
9. There is strong support for cat numbers and confinement/curfews of cats to be implemented State-wide (in legislation) rather than through individual local laws — to provide consistency among local governments.
10. As a means of controlling cat numbers, there were multiple requests in the feedback received for the Cat Act to be brought into alignment with the Dog Act by placing greater restrictions on cat owners in relation to the number of cats that people can own.
11. The provisions in the Cat Act for cats to be sterilised should remain.
12. Feedback indicated that the age of cat sterilisation should be lowered, although further expert consultation on this will be needed.

The full review report is attached. Whilst no timeframe has been provided by the DLGSC in respect of amending the Cat Act, Officer opinion is that once the DLGSC has dealt with the Minister's reforms to the *Local Government Act 1995* and associated legislation, the DLGSC is likely to turn its focus toward other legislation it administers.

This could become a priority focus area for the DLGSC on the back of a number of contentious and problematic local government cat local laws made in the past 1-2 years that have been disallowed in part (or in the case of the Shire of Manjimup, in full) by the JSC for reasons that have been well documented and subject of repeated instruction from the JSC in the past. The DLGSC provides greater scrutiny to draft cat local laws than other local laws for this very reason.

In the event the Cat Act is amended to account for the findings of the aforementioned review report, and the City has already made a cat local law that subsequently becomes inconsistent with the Cat Act because of the amendments, a mechanism exists in the *Local Government Act 1995* to correct local laws [Act, s. 3.17].

Such a circumstance would likely effect most if not all local government cat local laws, leading to the DLGSC (via the Governor's powers under s. 3.17) to make a uniform local law to amend those local laws, much in the same manner as the DLGSC did in 2020 for parking local laws when the *Fines, Penalties and Infringement Notices Enforcement Amendment Act 2020* was proclaimed.

The City would not need to go through the local law amendment, advertising and gazettal process prescribed by the *Local Government Act 1995* as it will be a function undertaken by the DLGSC pursuant to s. 3.17. However, the upshot of such an action, if it transpires, is that it is likely the City will have little control over the changes to the content of its local law.

OPTIONS

There are a number of options available to Council.

Option 1 is to not proceed with the draft local law, and the City's current enforcement mechanism for dealing with cat control remains the status quo.

Option 2 is to adopt the draft Local Law preferred by SOHAG which excludes the provisions relating to the maximum number of cats that can be kept, by removing Part 4, Schedule 1 and the associated provisions from the local law.

Option 3 is to adopt the original draft local law as prepared by Officers, which contains provisions in respect of limiting the numbers of cats that may be kept, and requiring a cat owner to obtain a permit to keep more than the prescribed number of cats.

Consultation Process

Given the City's experience with its previous attempt to produce a cat local law, it is accepted that any new proposed cat local law will be contentious, regardless of whether Council opts to proceed with Option 2 or Option 3.

For this reason, it is proposed to utilise an enhanced approach for the public consultation phase of this proposed local law. Whilst the statutory requirements set out below are not for negotiation, the City can provide a longer public notice period (e.g. 8 weeks instead of the minimum of 6). In addition to the required methods of advertising by local public notice and local newspaper, it is further proposed to utilise the Engage Armadale portal that can be accessed by a QR code (published in the local newspaper or in another printed form) so that a person can use their smartphone and be taken directly to Engage Armadale to provide their feedback on the proposed local law.

The City's Communications team will work closely with Officers to identify additional areas for community engagement. These initiatives will make it a lot easier for the community to engage with the City in respect of the proposed local law, and potentially mean that the City can obtain a greater number of responses that will better demonstrate the broad cross section of views within the community.

If Option 2 or Option 3 is chosen, the City must carefully comply with s. 3.12 of the *Local Government Act 1995* in order to make the local law. Whilst the Act provides that a failure to follow the procedure does not immediately invalidate a local law, there must be substantial compliance [Act, s. 3.12(2A)].

Once Council has resolved to give local public notice (not less than 6 weeks for submissions), it must also provide a copy of the proposed local law to the Minister, as well as to any person requesting it [Act, s. 3.12(3)]. This process allows the DLGSC to provide feedback to the City, and any requested amendments can be incorporated into the local law. This process will also allow the DLGSC to check the draft local law for compliance with JSC instructions.

After the last day for submissions, Council is to consider any submissions, and may make the local law as proposed, provided it is not significantly different from what was proposed [Act, s. 3.12(4)]. This means if the DLGSC has requested any simple grammatical amendments or the like, this would not be substantially different. Council could also make substantial amendments following consideration of any submissions. In the event there are any substantial amendments, the process must be commenced again [Act, s. 3.13].

After submissions, Council must resolve by absolute majority to make the local law [Act, s. 3.12(4)]. Once made, the City will be required to publish the local law in the *Gazette* and give a copy of it to the Minister. Local public notice is again required [Act, s. 3.12(5), (6)].

The City will provide the local law and relevant explanatory memorandum, with supporting documents to the JSC. At this stage the JSC could request amendments, an undertaking by the City or disallow the local law should it not be supported or the City has not followed the prescribed process for making a local law.

If the local law is endorsed by Council for public notice and provision to the Minister, it is possible the local law could come into effect by the end of the second quarter of 2023.

CONCLUSION

A Cat Local Law will provide the City with sensible control measures relating to the keeping of cats beyond those that are specified in the Cat Act.

It will promote and encourage responsible cat ownership, provides a framework for the control of nuisance cats and cat management facilities, and prescribes environmentally sensitive areas in which cats are prohibited.

It is not recommended that Option 1, i.e. the 'status quo' is chosen, as it will not provide any semblance of a cat control mechanism outside that provided for by the Cat Act, and hence deprive the City of an enforcement mechanism for dealing with an issue that is in greater demand as time passes.

RECOMMEND

That Council:

- 1. Endorses Option _____ as its preferred model of a proposed cat local law;**
- 2. In accordance with section 3.12(3)(a) of the *Local Government Act 1995*, give local public notice of the proposed draft cat local law with the purpose and effect of the proposed local law to be summarised in the notice;**
- 3. Note that any public and Ministerial responses will be reported to Council for consideration prior to making of the local law and publication in the *Government Gazette*; and**
- 4. Authorise the CEO to undertake necessary administrative actions in order to give effect to (1) above.**

ATTACHMENTS

1. [↓](#) Schedule of Submissions - Proposed Cat Local Law (2015 Proposal)
2. [↓](#) Draft City of Armadale Cat Local Law 2022 - SOHAG Version
3. [↓](#) Draft City of Armadale Cat Local Law 2022 - Original as Presented
4. [↓](#) DLGSC - Statutory Review of the Cat Act and Dog Act (May 2019)
5. [↓](#) DRAFT City of Armadale Cat Local Law 2022 - Original as Presented Showing Sections Removed in SOHAG Version

COUNCILLORS' ITEMS

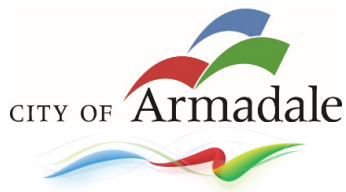
Nil

EXECUTIVE DIRECTOR COMMUNITY SERVICES REPORT

Nil

MEETING DECLARED CLOSED AT _____

| <p style="text-align: center;">COMMUNITY SERVICES COMMITTEE</p> <p style="text-align: center;">SUMMARY OF ATTACHMENTS</p> <p style="text-align: center;">7 FEBRUARY 2023</p> | | |
|--|---|-------------|
| ATT NO. | SUBJECT | PAGE |
| 1.1 | NEW DRAFT POLICY: ENGAGEMENT AND CONSULTATION WITH THE ABORIGINAL ELDERS AND COMMUNITY MEMBERS | |
| 1.1.1 | Draft Policy - Engagement with Aboriginal Elders | 22 |
| 3.1 | PROPOSED CAT LOCAL LAW | |
| 3.1.1 | Schedule of Submissions - Proposed Cat Local Law (2015 Proposal) | 28 |
| 3.1.2 | Draft City of Armadale Cat Local Law 2022 - SOHAG Version | 50 |
| 3.1.3 | Draft City of Armadale Cat Local Law 2022 - Original as Presented | 59 |
| 3.1.4 | DLGSC - Statutory Review of the Cat Act and Dog Act (May 2019) | 74 |
| 3.1.5 | DRAFT City of Armadale Cat Local Law 2022 - Original as Presented Showing Sections Removed in SOHAG Version | 102 |



Policy

Engagement and Consultation with the Aboriginal Elders and community members

Objective

This policy is to define how the City of Armadale engages with local Aboriginal Elders and other community members for the purpose of seeking their advice and expertise on a range of issues and topics.

Scope

This policy applies to City staff and external organisations requiring the advice and expertise of the local Aboriginal community, in particular the Aboriginal Elders, for a range of matters. These will be diverse in nature; for example officers may seek guidance on the naming of localities or how to feature Noongar language and history on signage.

Policy Definitions and Terms

The Terms 'Aboriginal', 'Torres Strait Islander' and 'Indigenous'

In Australia, there are two identified cultural groups who are Australia's first peoples to the land; Aboriginal and Torres Strait Islander people.

This document uses the term 'Aboriginal' instead of 'indigenous' or 'Aboriginal and Torres Strait Islander' in recognition that Aboriginal people are the original inhabitants of the City of Armadale (Aboriginal cultures vary place to place).

Traditional Owners/Custodians

The original Aboriginal and Torres Strait Islander people who inhabited an area are identified as Traditional Owners and Custodians. Traditional Custodians today are descendants of original inhabitants. They have continuing cultural, spiritual and physical connection with particular land where their ancestors lived. The traditional owners and Custodians of the City of Armadale are the Noongar people.

Aboriginal Elders:

Elders are in traditional Aboriginal and Torres Strait Islander cultures, custodians of traditional knowledge and customs. Elders are also responsible for providing guidance to the community on cultural matters and cultural protocols. Governing the community, knowing the culture and holding the history are also duties for the Elders. The term 'Elder' is not necessarily older people but must have the respect, trust of the local community and be recognised as cultural knowledge keepers.

Aboriginal Elders Reference Group

This is a group of 10 Elders who meet fortnightly to discuss a range of community issues and to provide advice to the City on matters when appropriate. The City supports this group with a space at the Champion Centre and the undertaking of administrative tasks.

Aboriginal Development Team

The Aboriginal Development team comprise the Aboriginal Development Coordinator leading four officers to provide a range of services and programs. This includes supporting the Aboriginal Elders with a weekly meeting at the Centre, hence there is a robust connection between the Aboriginal Development team and the Elders (in addition to the other Aboriginal community members).

The Champion Centre:

A community centre owned by the City and staffed by the Aboriginal Development team. Based on a service hub, one-stop-shop model, the Champion Centre was established in 2008 in Seville Grove and continues to be regarded by the community as an accessible, welcoming and neutral space for Aboriginal people and the wider community.

POLICY

Introduction

Local Aboriginal History

The area now known as the City of Armadale was originally occupied by the Noongar people many thousands of years before European settlement. The territory of the Noongar people was the triangle of Western Australia's southwest extending from the Geraldton district south to Cape Leeuwin, continuing southeast almost to Esperance and then in a line northwest to re-join the coast at Geraldton.

The Noongar people were very connected to the land. Their survival depended on a thorough understanding of the environment and the plants and creatures in it. This knowledge came from the mythical Dreaming, a period when:

- All things began
- The laws of Aboriginal society were established
- The people learned the foods they could eat and the things that must not be touched
- The people discovered an interdependence with their surroundings - an invisible chain that linked people and the environment.

This form of religion and philosophy made the Noongar inseparable from the land. Any change in the environment meant a change in the lifestyle of the people.

The Noongar Way of Life

In the southwest corner, the climate was generous to the Noongar people. They lived on the coastline in the drier months, eating the food supplied by the lakes, which were filled during the rains. Just before the onset of winter, the people would move to drier inland areas following the kangaroos and emus, setting up shelters wherever food was plentiful. There is little information about the area now known as the City of Armadale, but we know that Noongar tribal elders were responsible for specific areas.

Elders' Territory

The map below identifies place names and territories described by Yagan (an Aboriginal Elder) to Robert Lyon in 1832.

As shown by the map, the area to the north and east of the Canning River was part of Beeloo, Munday's territory. The area to the south and west of the Canning River was Beeliar, Midgegooroo's territory.



Place names and territories recorded by Robert Lyon in 1832 (map by Neville Green, 1979)

Principles of Engagement

- Integrity – Engagement based on demonstrated mutual respect and trust
- Transparency – Engagement based on clear and agreed information and feedback processes
- Inclusiveness – Engagement that involves and includes the community early and throughout the process
- Communication – Engagement based on listening, learning, and talking
- Respect – Engagement based on cultural security and a commitment to respecting the cultural rights, values, and expectations of Aboriginal and Torres Strait Islander communities
- Accountability – Engagement based on an individual or organisation to account for its activities, accept responsibility for them, and to disclose the results in a transparent manner

A Commitment to Engage

This includes clarity and openness about how, when, and why Aboriginal and Torres Strait Islander communities will be consulted and how much influence there will be in the decision-making process. These may include (ACT Aboriginal and Torres Strait Islander Elected Body, 2015):

- Providing information and seeking community participation and input on an existing policy, strategy, service, or program
- Seeking input and advice on the development and design of new services, programs or measures
- Consulting about the need in a community for a proposed policy or program
- Establishing an ongoing communication mechanism, such as an advisory group, to contribute to a policy, program, or service
- Monitoring the implementation of an existing service, program, or policy
- Inviting participation in a proposed initiative

A commitment to engage also means being honest and realistic about the purpose of engagement. This requires organisations to be (ACT Aboriginal and Torres Strait Islander Elected Body, 2015):

- Clear about the objectives and outcomes sought from the engagement
- Prepared to explain the purpose and reach of the policy, service, or program including both its inclusions and exclusions
- Open about your agency's capacity to meet community expectations as a result of the engagement
- Prepared to follow through with agreements made with communities at the time of engagement, for example with an outcomes report

These practices are an important part of culturally appropriate public policy, research, and service/program development and implementation.

When planning to seek advice, participation, and views of Aboriginal and Torres Strait Islander peoples, decisions must be made on the level of engagement with Aboriginal and Torres Strait Islander communities.

Table 1

Levels of engagement with Aboriginal and Torres Strait Islander People (ACT Aboriginal and Torres Strait Islander Elected Body, 2015)

| Level of Engagement | Definition | Technique Examples |
|----------------------|--|--|
| Information Sharing | A one-way relationship where information is shared with the community | Websites, brochures, education advertisements, research specific reports |
| Consultation | A two-way relationship for communities to provide feedback on issues | Focus groups, workshops, individual interviews |
| Active participation | Collaboration where community shapes policy, service, or program development or implementation | Reference and Advisory Groups |

Understanding the Community and Region

Adequate research and collection of background information about Aboriginal and Torres Strait Islander communities should be carried out prior to the engagement process. This informs agency/organisation understanding of the local environment and facilitates identification of options for addressing strengths and weaknesses. Information to gather includes:

- Demographics of Aboriginal and Torres Strait Islander communities
- Local community groups
- Traditional custodian groups
- Local Aboriginal and Torres Strait Islander community organisations
- History of the community and past engagement
- Current or emerging issues of sensitivity that may affect the engagement process
- Current or emerging issues of sensitivity that may affect the engagement process
- Government, Commonwealth, and non-government agencies already delivering programs or services to the community

Approach

The City of Armadale will take the approach of respecting the Aboriginal Elders as experts in their field and make the appropriate arrangements to seek their advice. This comprises the following:

- For simple queries requiring an answer of a short duration, the Elders Group may respond to this whilst they are meeting each fortnight at the Champion Centre. The query may be forwarded to the Aboriginal Development team for inclusion on the Agenda to be discussed at the Group meeting.
- For more complex consultation of a longer duration (including those matters requiring consultation with the Aboriginal community as a statutory obligation), this matter may be forwarded to the Aboriginal Development team for inclusion on the Agenda with the intention that the matter is discussed generally and that the Elders best placed to respond in more detail are nominated by the Group for a separate meeting with the staff seeking the advice on the specific matter.
- For external organisations requiring advice from the Elders Reference Group specifically, the organisation may contact the Aboriginal Development team and arrange to forward their matter via email.

The City will:

Provide Support:

- Provide ongoing support to the Aboriginal Elders Reference Group include the following:
 - Allocating space at the Champion Centre for regular meetings
 - The Aboriginal Development team will monitor a central email address for the Group
 - The Aboriginal Development team will collate the fortnightly Agenda for the Group
 - The Aboriginal Development team will take the Minutes for each meeting

Compensate Aboriginal Elders for Formal Consultation Processes

- Similarly to the City paying Aboriginal groups for other cultural expertise including traditional dance performances or art work, the City recognises that the Elders are providing their knowledge and insight during consultation and will remunerate the Elders accordingly
- In terms of remuneration for complex consultations of a long duration, the City will reimburse the Elders \$75 per hour. This amount is based on the survey costs set out by the Noongar Standard Heritage Agreement cited on the Department of Planning, Lands and Heritage website, which as of August 2022, is \$589 per day.
- Please note that if an external organisation seeks to consult with the Elders, the external organisation is responsible for the remuneration of the Elders and will be payable directly to the Elders by the external organisation. The City's role is to provide the pre-approved contact details of the Elders.
- With matters pertaining to planning and heritage sites, liaise with the Department of Planning, Lands and Heritage for the appropriate 'knowledge holders'. This can be done by requesting a list of knowledge holders or, providing the Department with a list of Elders to ensure they are the correct individuals for the particular location of focus.

Respect the Intellectual Property and Cultural Copyright of Local Aboriginal Elders

A key issue when working with Aboriginal and Torres Strait Islander people is cultural copy right and the protection of intellectual property. Aboriginal and Torres Strait Islander people are the Custodians of their culture and have the right to own and control their own heritage. Aboriginal and Torres Strait Islander intellectual copyright covers all forms of traditional cultural expression, such as traditional stories, music, dance, song and artistic works and designs. If an employee wishes to access and make use of Aboriginal and Torres Strait Islanders cultural materials or knowledge, it is critical to gain permission from relevant individuals or organisations.

Applicable Legislation

| | |
|------------|--|
| Act | |
| Regulation | |
| Local law | |
| Policy | |

Delegation of Power

- NA

Link to Influencing Strategies or Plans

- Community Development Strategy 2021 – 2026
- Community Health and Wellbeing Plan 2021- 2024

Link to Procedure

- NA

Other Implications

Financial/Budget Implications

- Fees for consultation with the Aboriginal Elders to be part of the budget allocation of the City department seeking advice
- Fees for consultation with the Aboriginal Elders are to be the responsibility of any external organisation seeking advice

Administrative Information

| | |
|------------------------|-----------------------|
| Adopted on | |
| Reviewed or amended | |
| Responsible department | Community Development |

| NO | SUMMARY OF SUBMISSION | OFFICER COMMENTS |
|----------|--|---|
| 1 | Support 1.1 I fully support the proposal that further backs the requirement for cats to be registered & microchipped. The local flora & fauna needs to be protected from feral inhabitants, too many domestic cats roam free risking wildlife. 1.2 Questioning the enforcement of the current restricted area as cats are already registered there. | 1.1 Noted 1.2 Noted. Due to an administrative oversight there are a small number of cats currently registered in the Prohibited Area, however this matter will be addressed with individual property owners as part of the proposed education programme. |
| 2 | Objection 2.1 By enacting these amendments the City will be creating an administrative nightmare and increase neighbourhood disputes. 2.2 Query surrounding existing situation where people have more than two cats. Will they be required to get rid of them? 2.3 In regards to enclosing property it is unrealistic to adopt a one size fits all as there is a diverse range from cottage blocks to larger rural blocks. 2.4 No evidence to support cats are primarily responsible for the destruction of wildlife. 2.5 Questioning the success or otherwise of the existing restricted area in Churchman's Brook. | 2.1 Not supported. The City already has a system in place for permits to keep more than 2 dogs. This will only be an extension of that established system. There is no evidence to support an increase in neighbourhood disputes. 2.2 Noted. Provided they meet all the requirements of the existing legislation (Registration, microchipping, sterilisation) then no. If the LGA introduces a local law limiting cat numbers, it will not apply to cats currently owned. However an owner will not be able to replace a cat if it is sold, given away or dies, until they are down to the required number. 2.3 Not supported. The local law does not propose that the entire property be enclosed, merely contained within the premises. 2.4 Noted. There is an obvious concern in the community that cats, both domesticated and feral, are contributing to the decline of fauna in our natural bushland areas 2.5 Noted. Unfortunately there are no statistics available that can assist however it is noted that there are several properties that have inadvertently had their cats registered in this area. |
| 3 | Conditional Support 3.1 Amend clause 2.2 – Cats for which permit is required - to include members of listed cat | 3.1 Supported. Refer to officer comments in submission 18. 3.2 Supported. Suggest removal of words "Securely tethered" 3.3 Depending on age, breed, and personality of the cat, you can have a |

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| | <p>organisations who have 6 or less cats under clause 7 of the <i>Cat (Uniform Local Provisions) Regulations 2013</i>.</p> <p>3.2 Request to remove the words “securely tethered” from the definition of “effective control”.</p> <p>3.3 Seeking clarification on what is considered adequate space to exercise cats.</p> <p>3.4 One of the conditions for keeping cats in a cat management facility says that no sick or ailing cat is to be kept. They believe that this condition is unnecessary, unenforceable, ambiguous, open to abuse and should be removed.</p> <p>3.5 One of the conditions imposed on an application to keep more than 2 cats requires that written consent from adjoining owners shall be obtained. It is requested that this be amended to may be required as it is excessively intrusive.</p> <p>3.6 Another condition imposed on an application for a cat management facility is that there is to be a feed room, wash area, isolation cages and maternity section. It is requested that allowance be made for instances where owners keep their cats inside as part of the household therefore making separate areas unnecessary as many of their breeders share their homes with their cats.</p> | <p>cat in a small apartment and the cat will be perfectly content, however accommodation must provide freedom of movement, the quality of the space provided is as important as the quantity. Cats are very agile; therefore, provision of shelving at different heights adds to the space available and provides opportunities for physical exercise. It should be acknowledged that cats rest and sleep for most of the time, and shelves provide an adequate environment for exercise, and natural behaviour. Good cat welfare depends on owner and handler competency. Owners need to understand and provide appropriate care, handling and management requirements of their cat. Expert advice is readily available from veterinarians, and cat organisations.</p> <p>3.4 Supported. Suggest that this clause be removed.</p> <p>3.5 Supported. Suggest that this clause be removed.</p> <p>3.6 Not supported. The condition is considered appropriate for the operation of a cat management facility.</p> |
| 4 | <p>Objection</p> <p>4.1 Unjust restriction of cat free areas as there is an assumption that cats are responsible for much of the killing of native wildlife. In the City funded study in 2010 by Murdoch University Lecturer, Maggie Lillith, it was concluded that cats have very little impact on native wildlife in the Armadale area. Cat</p> | <p>4.1 Not supported. This area has been incorporated into the Environment, Animals and Nuisance Local Law since July 2012 on the basis that it was a development area and was included in the covenants of each property. Owners were aware of the restriction prior to purchasing and developing the property. The restriction is not solely for the purpose of preventing the killing of wildlife but it is also for the prevention of nuisance to other residents</p> |

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| | free areas apparently already in place, have shown no advantage to native wildlife whatsoever. The big problems to native wildlife rather found being through loss of habitat and vegetation due to clearing large areas for development. The number of cats is found to be decreasing rather than increasing within the Armadale Shire. | |
| 4.2 | It would appear you are basing these severe new laws on a very small amount of owners within the shire of Armadale who reportedly had a lot of cats. | 4.2 Not supported. It is agreed that these instances have highlighted the shortcomings of existing legislation however the 'gap' needs to be plugged to prevent increases of these situations arising in the future. |
| 4.3 | I believe these strict new laws will only impact on the very people who are already doing the right thing. The majority of residents with more than 2 cats already will be forced to apply for a permit that will cost more money on top of the yearly cat registrations they have already paid. That or they will look at giving up their extra cats to already overburdened animal rescue centres. | 4.3 Supported. Increasing the number of cats before requiring a permit would resolve this issue. Increasing the limit on the number of cats is unlikely to effect the operations of the local law, accordingly it is suggest that Clause 2.2 (a) be amended to read "keep 7 or more cats on any premises". |
| 4.4 | Animal hoarding has been found to be a mental illness and this problem is not going to be solved by fines. | 4.4 Supported however all the issues are not confined to hoarders. It also applies to "responsible" cat owners who allow their cats to stray and cause a nuisance to other residents. |
| 4.5 | There are many Carers in the Armadale area who rescue abandoned cats and kittens, feed and care for them in their own homes - at their own expense and strive to find responsible, caring owners for rehoming. Your proposed laws will make these people, who are trying to help the situation by removing unwanted cats and kittens from the streets, undergo further penalty by charging more fees for the privilege of doing the community a very helpful service. | 4.5 Supported. Increasing the number of cats before requiring a permit would resolve this issue. Refer to comments at 4.3. |
| 4.6 | What is needed here is not more restrictions, but | 4.6 Noted. It is agreed that education is an important aspect of this issue and is intended to be introduced however there still needs to be a fall back position should the message not get through to residents. The measures suggested all have a budgetary implication and need to be investigated further. In preparing the draft local law officers have been mindful of the need to provide a local law which will be to the benefit of all within the community. It is proposed to provide the local law within budgetary constraints whilst increasing the service levels. |

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| | <p>education and assistance.</p> <ul style="list-style-type: none"> - once a month sterilization day for low income earners and pensioners to get their cats sterilized for a small fee - \$20.00. - The veterinary section at Murdoch University may be able to assist with either newly qualified vets or those studying veterinary science who would be overseen by a fully qualified veterinary teacher from Murdoch University to perform the sterilizations at no charge. - The money needed for things like anaesthetic and sutures could be covered by perhaps a small increase in animal registrations along with the \$20.00 fee for the service. - If this was trialed for perhaps even for twelve months, I believe we would notice a great decrease in further unwanted kittens and a much more successful way instead of further burdening owners with more large costs that can only result in more abandoned cats and kittens | |
| 5 | <p>Objection</p> <p>5.1 Objection to restricting number of cats on the basis that dumped cats will no longer be able to be cared for or rehoused.</p> | <p>5.1 Noted. Increasing the number of cats before requiring a permit would resolve this issue.</p> |
| 6 | <p>Objection</p> <p>6.1 Hoarding is not confined to the collection of cats, and this problem in society needs to be redressed in a more positive manner other than fines and Council harassment. Community tolerance should not be compromised by the rigid possessiveness of property before the needs of residents.</p> <p>6.2 Permits for three or more cats:</p> | <p>6.1 The hoarding of animals is of particular concern as it can cause extreme suffering to those involved. A definition of an animal hoarder is: "Someone who accumulates a large number of animals; fails to provide minimal standards of nutrition, sanitation and veterinary care; and fails to act on the deteriorating condition of the animals, including disease, starvation and even death. Proposed education programme and the limitation of the number of cats imposed by this local law may address this issue.</p> |

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| | <ul style="list-style-type: none"> - Infers that a 3 plus sterilized cat household is less responsible than a 2 cat household. - Due to size and noise 6 sterilised cats equal 2 dogs in respect to the nuisance factor. - Cats are not normally purchased but are mostly given a home after being abandoned due to the original home being unsuitable. Having to apply for a permit will deter caring people from taking the 3rd cat. - When a relative dies and there is a need to take in their cats the added stress of applying for a permit lacks compassion and offers little flexibility. - In relation to a permit, a number of cats are not dangerous to people as are dogs. - Unlike dogs cats do not bark all day when the owners are away. - Positive welfare means giving animals a life worth living. Cats cannot have a quality of life by going for a walk in a public place. - Cats confined to a prison (house) give little quality of life and it is almost impossible if the owners have young children or the owner is disabled or elderly. - Dogs and cats can kill wildlife equally if there is wildlife on their property. Eg; bandicoots, bobtail lizards, ducks, bronze wings pigeons, snakes. <p>6.3 There are hundreds of households, many who are seniors, who have between 4-6 cats and they indicate to us they will be afraid to declare the numbers and to apply for a permit. Several have lived in their homes for over 25 years and the</p> | <p>6.2 Not supported/not supported. Increasing the number of cats before requiring a permit would resolve some of these issues. In relation to the comparison between cats and dogs, although cats are generally not dangerous to people when cornered they can inflict serious injury. It is agreed that cats do not bark when their owners are away however during mating season the male cats can be just as irritating. There are many instances of cats fighting at night time which cause just as much annoyance as dogs barking. It is agreed that cats and dogs can kill wildlife equally on their property but dogs are confined to the property whereas cats are not. Refer to comments at 4.3.</p> <p>6.3 Supported. Increasing the number of cats before requiring a permit would resolve this issue.</p> <p>6.4 Not supported. If a cat is caught in a cat trap then it would be in contravention of the local law.</p> <p>6.5 Not supported. It is agreed that these individuals should be treated on a one on basis however all the issues are not confined to these certain individuals. It also applies to "responsible" cat owners who allow their cats to stray and cause a nuisance to other residents.</p> <p>6.6 Noted.</p> |
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| | <p>neighbourhood has changed so much they already feel intimidated. The cost of a week's pension for a permit or registration when they have already sterilised and micro chipped the cats has no fairness.</p> <p>6.4 The fear of neighbours is a real and legitimate concern when they are given power to use the Council cat traps without any redress or forewarning to neighbours. Cat traps are indiscriminate and use baits that purposely attract the cat.</p> <p>6.5 Cat Sterilisation has reported to the RSPCA WA and various Councils households who due to the excessive numbers of cats have become an animal welfare disaster. We believe management of these households on an individual basis is less intrusive on the residents of the City of Armadale and will decrease the animal suffering and potential cruelty.</p> <p>6.6 We urge Council to defer this by law, analyse the complaints to see how they can be solved under existing Council regulations. A Council by-law offers no compassion, flexibility and is very heavy handed without any logical outcome in the present or the future.</p> | |
| 7 | <p>Objection</p> <p>7.1 By adding a by-law to the State Cat Act this punishes residents who have been at their own expense and time responding to calls of abandoned cats and ended up with more than two, as traumatised cats are hard to re-home. It also means if a relative dies a cat owner with two</p> | <p>7.1 Supported. Increasing the number of cats before requiring a permit would resolve this issue.</p> |

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| | <p>cannot take in the relative's cats without applying for a permit. The cost of registering multiple cats is often an entire week's pension.</p> <p>I urge Council to abandon this proposed cat by-law, two cat's means many cats will be left to roam the streets instead of being taken in by a responsible new owner. To achieve a positive outcome, act in a logical pro- active manner on a one to one basis.</p> | |
| 8 | <p>Objection</p> <p>8.1 Objects to adding a by-law of 2 cats per household to the State Cat Act by requiring a permit. My family has rescued many cats over the years and sometimes this has reached 3-4 cats. Cats live to 14-16 years and if we were not able to have 3 cats my youngest children would never have a kitten compared to my older children.</p> | <p>8.1 Supported. Increasing the number of cats before requiring a permit would resolve this issue.</p> |
| 9 | <p>Conditional Support</p> <p>9.1 Support areas within the district being classified as a cat prohibited area, or for a restriction placed at the time of development on the number of cats per household for high density areas. Council may require specific legislation which focuses on the peculiarities of those premises with a higher than normal number of cats to enable successful outcomes however we believe the proposed law is punishing all cat owners because of a few.</p> <p>9.2 It seems that although the Local Law 2015 has been drafted with the intention of appeasing complainants and providing a way for Council to ensure easy removal of the animals a person may have, the Local Law 2015 does not address the</p> | <p>9.1 Noted.</p> <p>9.2 Not supported/Supported. Increasing the number of cats before requiring a permit may resolve this issue however this comment does not take into account that the complainants have a right as well to have something done about nuisance cats.</p> <p>9.3 Supported. Increasing the number of cats before requiring a permit would resolve this issue. Subsidised sterilisation has a budgetary implication and would need to be investigated further however it would not form part of the local law.</p> <p>9.4 Noted.</p> <p>9.5 Noted. Animal welfare groups have provided their submissions to this proposal. An education program is intended to be implemented as an initial stage of the local laws implementation.</p> <p>9.6 Noted.</p> |

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| | <p>fundamental problem of uncontrolled breeding and imposes an unreasonable impost on already responsible cat owning ratepayers.</p> <p>9.3 We are deeply saddened and disappointed that the City of Armadale has opted to propose Local Law 2015 that will not support and assist with the sterilisation of cats, but in effect obstructs adoption of kittens and cats by the community members.</p> <p>9.4 Request the Council delay the progress of the proposed legislation so that a thorough collation of facts can be undertaken and a full analysis of those facts can be prepared upon which an informed assessment can be made. The analysis of facts should include an accurate evaluation of the severity of impact upon residents and whether the proposed requirements actually address the issues of the core problems.</p> <p>9.5 Further we urge Council to consult with animal welfare groups and consider an education program that would modify resident's behaviours before resolving to approve a legislation that will see residents unfairly penalized.</p> <p>9.6 If Council will not defer their decision, we ask the Council to revisit the arbitrary number of 2 and agree to increase it from 2 to a reasonable 6 because as stated in the points we have listed previously, the number decided upon as the limit before a permit is required is unreasonable.</p> | |
| 10 | <p>Comment</p> <p>10.1 Law is not to be retrospective.</p> <p>10.2 Due consideration should be given in regard to the care provided (both medical and general) and the</p> | <p>10.1 Noted. The local law cannot be retrospective.</p> <p>10.2 Supported. An education program is intended to be implemented as part of the local law implementation which may assist in this regard.</p> <p>10.3 Noted. Subsidised sterilisation has a budgetary impact and needs to</p> |

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| | <p>general wellbeing of the cat(s).</p> <p>10.3 Due consideration should be given to the past and ongoing medical treatments provided to the cat(s).</p> <p>10.4 Numbers should not be the issue it should be how well the cats are cared for by the owners, responsibility in regards to their welfare is most important.</p> | <p>be considered further however any such subsidy would not form part of the local law.</p> <p>10.4 Supported. An education program is intended to be implemented as part of the local law implementation which may assist in this regard.</p> |
| 11 | <p>Objection</p> <p>11.1 Objects to the imposition of a limit of 2 cats per household or having to apply for a permit.</p> | <p>11.1 Supported. Increasing the number of cats before requiring a permit would resolve this issue.</p> |
| 12 | <p>Objection</p> <p>12.1 Punishing responsible cat owners like myself is not the answer to the problem of irresponsible people, who don't sterilize, vaccinate and control the number they have. Why should I have to ask permission for a permit when I know that those people will still not do the right thing. I cannot afford to build an enclosure and I know of others that are in the same situation.</p> | <p>12.1 Supported. An education program is intended to be implemented as part of the local law implementation which may assist in this regard. Increasing the number of cats before requiring a permit may also resolve some of this issue.</p> |
| 13 | <p>Support</p> <p>13.1 I would like to give you my unequivocal support for the Proposed Keeping and Control of Cats in our area.</p> <p>As a cat owner I allowed my cats to be out during the day and kept indoors at night. In spite of this I saw, first hand, the terrible toll it took on the local wildlife, especially the baby bandicoots that they brought into me.</p> <p>Soon after, we built a cat enclosure that my cats can access from the house. Life has changed for my cats, no doubt, but they are also safe, not annoying my neighbours, soiling the earth and</p> | <p>13.1 Noted.</p> |

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| | <p>terrorising wildlife. It is also more work for me. Litter trays have to be used however, every time I clean them out I remind myself their mess is not in the garden where it could harm native animals (Toxoplasmosis).</p> <p>All was going so well and we became interested in nocturnal wildlife activity on our property so purchased a night vision camera. We were dismayed to see our property is a major attraction to neighbourhood cats that are not kept indoors at night.</p> <p>Most people who object to these proposals are cat owners who do not want to control their cats. They have blinkers on when it comes to the harm their cats cause. They say their cats live in "harmony" with the wildlife. How would they know? They do not know where their cats are most of the time! It does not cost "thousands" to build a cat enclosure. Do these people think how much it costs wildlife hospitals to treat and care for the victims of cat attacks? There is a big picture that these people, who object to these proposals, are just not seeing.</p> | |
| 14 | <p>Support</p> <p>14.1 I wish to add my support to bringing the proposed cat law above into action.</p> <p>I have lived on a 3000 sqm block in Roleystone since 1978 and have seen first-hand the devastation and decline of many of our native birds and animals due in large part to increasing numbers of cats. No deterrent put in place can stop these animals from entering your property, stalking wildlife and depositing foul smelling urine</p> | 14.1 Noted. |

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| | and faecal matter. In addition the noisy cat fights at night are a real annoyance and disturbing to sleep. I have no issue with cats when kept under control on their owner's property but unfortunately most cat owners seem to believe their animals have a right to roam at will. | |
| 15 | Objection 15.1 I don't agree with a need for the stricter laws. A survey funded study in 2010 by Murdoch University Lecturer, Maggie Lillith conducted on the council's behalf showed there is an ongoing decrease of cat ownership within the Armadale Shire and that cats had little impact on wildlife in the area. By far the biggest threat being from loss of habitat and food due to land clearing for development. | 15.1 Not supported. This local law has broader implications than just the killing of wildlife as there is still the issue of nuisance being caused to other residents. Reduction in cat numbers doesn't prevent a nuisance from occurring. There is an obvious concern that cats both domestic and feral are contributing to the decline of fauna in our natural bushland. This is accompanied by the number of cats in the community, specifically by the number of cats being kept by individuals. |
| 16 | Objection 16.1 This law will impact on the people who take action in the community by homing abandoned cats off the street. More needs to be done about the people who are killing cats and the renters who leave cats behind, unsterilized to cause problems for others A permit would mean I will never be able to give my young grand-children their big wish, a kitten, as the parents already have two sterilised cats and they could never afford a permit. | 16.1 Supported. Increasing the number of cats before requiring a permit would resolve some of these issues. An education program is intended to be implemented as part of the local law implementation which may assist in this regard as well. |
| 17 | Objection 17.1 Rather than introduce new legislation make owners more accountable. The proposed local law will only deter and punish those who have opened their homes to save homeless, abused and | 17.1 Supported/Not supported. Increasing the number of cats before requiring a permit would resolve some of these issues. An education program is intended to be implemented as part of the local law implementation which may assist in this regard. How do you make owners more accountable? An education program |

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| | abandoned cats which would otherwise be killed. | is a good method however there are still elements within the district where this will still have no effect so there still has to be a fall-back position. |
| 18 | <p>Conditional Support</p> <p>18.1 I think that it is important that the draft local law be amended to address the requirements of Animal Rescue groups and their foster carers. There are a number of incorporated animal rescue organisations within Perth. If foster caring of cats is not allowed under the Local Law then animal rescue groups will not be able to take in many stray or impounded cats. As a result we will see significantly increased numbers of dumped cats, lower sterilization rates and an increase in feral cat problems. Council's will also not have anywhere for impounded cats to go and the number of cats needing to be euthanized by Council will increase significantly.</p> <p>18.2 I recommend that the following modifications be made to the City of Armadale's Proposed Keeping and Control of Cats Local Law 2015:</p> <p>Adding to Part 1 Section 1.3 Definitions:</p> <p><i>"Animal Welfare Organisation" a not for profit animal welfare organization (eg SAFE, Animal Protection Society, Perth Rescue Angels etc) that is incorporated in accordance with the Western Australian Associations Incorporation Act 1987.</i></p> <p>Adding a part (f) to 2.2 (2) in regard to foster carers registered under an Animal Welfare</p> | <p>18.1 Support/Not support. It is agreed that as it stands the local law may impact on the number of cats dumped, lower sterilisation rates and increase in feral cats however increasing the number of cats before requiring a permit may resolve some of the issues. The City has a cat management facility so the comment regarding Council having nowhere for impounded cats to go is not relevant. The possible increase in cats that need to be euthanased is not seen as a significant issue as we currently undertake this process anyway.</p> <p>18.2 Supported. Suggest including the following in 1.3 Definitions</p> <p><i>"Animal Welfare Organization" means a not for profit animal welfare organization incorporated in accordance with the Western Australian Associations Incorporation Act 1987.</i></p> |

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| | <p>Organisation not being required to obtain a permit for the keeping cats above the maximum exempted number allowed for under the draft Local Law as follows:</p> <p>“(f) Premises used for the fostering of Cats that are under the care of an Animal Welfare Organisation where:</p> <ul style="list-style-type: none"> i) the occupier of the premise is formally registered and approved as a foster carer by that Animal Welfare Organisation; ii) when not under the control of a person, the Cats are at all times contained within a building or within a secure outdoor cat enclosure; and iii) the Cats are microchipped and sterilised (except a cat that is pregnant or feeding kittens)”. | |
| 19 | <p>Objection</p> <p>19.1 This by law appears to be targeting people who own more than 2 cats rather than trying to prevent the dumping of cats along Albany Highway and industrial sites. Very cheap sterilisation and free micro chipping would be more pro-active and have a better outcome than permits punishing the rescuers.</p> | <p>19.1 Supported. Increasing the number of cats before requiring a permit would resolve some of these issues. An education program is intended to be implemented as part of the local law implementation which may assist in this regard as well.</p> |
| 20 | <p>Support</p> <p>20.1 Thank you so much for your proposal to change the law regarding the ownership of cats. If nothing is done certain Wildlife will be extinct in the foreseeable future.</p> | <p>20.1 Noted.</p> |

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| | <p>As a Wildlife carer, volunteering at a Wildlife hospital in the Perth Hills and home carer for Bandicoots/ Quendas, I read your proposal with great interest.</p> <p>I see first hand, every day, the damage domestic cats can cause. The injuries sustained can be horrific and are often deadly. Not to mention feral cats, who were domestic cats earlier in their life. There is NO such thing as a cat that will not attack small native animals, contrary to their owners beliefs.</p> | |
| 21 | <p>Support</p> <p>21.1 I applaud and support the council for taking some action on the control of cats and giving me the opportunity to share some thoughts on this matter.</p> <p>As a wildlife carer of some 15 years I have seen the damage caused to our wildlife at first hand. A substantial amount of admissions to the hospital where I work are cat attack victims – mainly small birds and baby bandicoots. However these admissions would only be a fraction of the destruction that goes on every day as the patients that I see were lucky enough to be rescued or found by a member of the public. Living in the hills I have seen quite a decrease in some species of birds on my block in the last few years due to various environmental factors but cats don't help the situation.</p> | 21.1 Noted. |
| 22 | <p>Objection</p> <p>22.1 The laws are unnecessarily restrictive and arbitrary, when cats generally pose no significant</p> | 22.1 Supported/Not supported. Increasing the number of cats before requiring a permit may resolve this issue. There is nothing to suggest that cats do not impact on the quality of life of people. Cat fights and |

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| | <p>threat to people's quality of life or safety. Cats confer a great benefit to their owners, a significant number of whom are elderly or disabled and find cats a relatively low maintenance pet. Unnecessarily restrictive laws such as those being proposed here cause a great deal of stress for such people and this is often overlooked by law makers.</p> | |
| 22.2 | <p>The other issue is that Council's limited resources are drained by imposing and policing these unnecessary laws. In my experience those resources are already inadequate to police other laws (eg dog laws) relating to matters that have FAR more impact on people's quality of life in the City of Armadale.</p> | <p>defecation on other people's property do impact.</p> |
| 22.3 | <p>It is unreasonable to assume that cats will have a negative impact on surrounding property owners just because 3 cats are kept on 'any premises' (including rural and industrial zones!). The potential impact is not going to be the same from a 400m2 block in a built up area as from a one hectare of greater block in a rural area. Cats do not generally roam far from their home so would be unlikely to even cross the property boundary even if allowed outdoors unrestricted on larger lots. I note that the First Schedule of the Local Laws pertaining to dogs allows for 4 dogs on land of 1 hectare of greater.</p> | <p>22.2 Supported. However residents expect that such issues will be dealt with. Essentially the local law has been drafted to address two primary issues it is agreed that to extend cat control beyond these items would impose a considerable number of administrative and operational issues, and cost to the ratepayers. It is crucial in the introduction of a local law for the control of cats that the importance of the cat as a valuable companion animal must be recognised, the responsibilities of a cat owner must be clearly defined and control measures must be cat friendly.</p> |
| 22.4 | <p>Clause 2.3 - why are the plans of the premises required? There seems to be no rationale behind this and it makes things even harder for the person required to make an application. There</p> | <p>22.3 Not supported. Cats do wander from their property and do cause issues for surrounding property owners as highlighted in some of the submissions. Increasing the number of cats before requiring a permit may resolve this issue.</p> |
| | | <p>22.4 Not supported. All structures need to be constructed in such a manner as to enable officers to determine whether it is capable of confining cats. There is no requirement for an applicant to provide any such plans to neighbours as part of the application process.</p> |
| | | <p>22.5 Not supported. This clause is in place to ensure applicants know exactly what they are required to do to obtain a permit. It is not refusing a permit merely refusing to deal with an application until all the information has been provided.</p> |
| | | <p>22.6 Not supported. All those matters listed do impact on whether a permit should be granted or not. It is not saying that every one of these must be complied with but merely that these may be taken into consideration. Every application has their own circumstances and each is to be considered individually.</p> |
| | | <p>22.7 Supported.</p> |
| | | <p>22.8 Supported. Increasing the number of cats before requiring a permit may resolve this this issue.</p> |
| | | <p>22.9 Supported. Increasing the number of cats before requiring a permit</p> |

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| | <p>could also be privacy concerns if the application has to be approved by neighbours.</p> <p>22.5 Clause 2.4 -The application should NOT be refused if it is not quite in the right form! The person must be advised what they need to do until all relevant information is obtained.</p> <p>22.6 Clause 2.5 (the list of grounds on which Council may REFUSE an application for keeping more than two cats) is so extensive that it means in reality any application can be refused. The list are matters that are more properly considered in a change of land use under the Planning Scheme, say opening a corner shop in a residential zone. Keeping 3 cats is hardly of such magnitude that it presents a change in the use of land from keeping 2 cats, and would not be considered as such by any reasonable person.</p> <p>22.7 In Clause 2.5 "the physical suitability of the premises for the proposed use;" is one example of the vague things to be considered. What would be an unsuitable premises? This gives no guidance to the applicant as to what is required, and it is effectively left open to Council to refuse any application as they could cite anything as physically 'unsuitable'.</p> <p>22.8 Clause 2.7, one of the REQUIRED conditions in all cases is "each cat shall be contained on the premises unless under the effective control of a person;" is again an unnecessary imposition as a mandatory requirement in all cases. In particular, on larger properties cats would not roam as far as neighbouring properties (typically no more</p> | <p>may resolve this this issue.</p> <p>22.10 Not supported. The legislation cannot be retrospective. For those who have complied with existing legislation information is available to determine whether they have complied prior to the introduction of the local law or after.</p> <p>22.11 Not supported. This prohibition has been incorporated into the Environment, Animals and Nuisance Local Law since July 2012 so is nothing new.</p> <p>22.12 Not supported. If you look in the context of considering if a cat is a threat to a natural area then the question is asked "Is the area protected for flora and fauna" (read: is it a conservation area for flora and in turn therefor a conservation area for fauna?). In this context it is appropriate to use the terms together. If an area has flora values it would, by assumption, have fauna values too – of which a cat can threaten.</p> <p>22.13 Noted.</p> |
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| | <p>than 100 metres from the house) and in all cases they spend most of their time at home*. On smaller properties, just because a person owns 3 cats does NOT automatically mean they are causing problems for neighbours and must be permanently confined. There is a substantial cost involved in constructing cat proof enclosures, even for small ones which are in any case too small to provide sufficient exercise for the cat.</p> <p>22.9 Again, you are automatically penalising people who in many cases are doing the RIGHT thing by eg taking in older cats and ensuring they are desexed and well cared for, and keeping them indoors as much as possible.</p> <p>22.10 There does not APPEAR to be any formal mechanism where people ALREADY having 3 or more cats are exempted from making an application for special permission? Again, this would punish those who have complied with the law and obtained registration for their cats! (as they would be easily identified as having more than 2 cats in contrast to people who haven't registered their cats). It is implied on the website that people who already have more than 2 cats won't be impacted, but in reality that is a piece of text that could be removed at any time, it is not law, and doesn't provide any assurances.</p> <p>22.11 In regard to Part 3 Cat Prohibited Areas it appears that this proposes to go further than the current prohibition on KEEPING a cat in the Waterwheel Road subdivision to making it an offence for any other person's cat to go into that</p> | |
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| | <p>or any other future specified area. This is unnecessary and imposes an unreasonable restriction on owners in the adjoining area, who may not even be aware of the prohibition.</p> <p>22.12 It is completely inappropriate to include consideration of 'flora' in the things to be considered in Clause 3.1, and the other broad catch-all environmental references. The ONLY possible relevant matters on conservation grounds would be the presence of threatened species that are KNOWN to be preyed on by cats. The current wording allows for ridiculous decisions to be made. How would cats impact on flora of significance, except to assist by preying on rabbits?</p> <p>22.13 I do NOT support cat prohibited areas as it cannot be assumed that cats are having a negative impact on native species.</p> | |
| 23 | <p>Objection</p> <p>23.1 I would like to object to Council's proposed act. The State's 2011 legislation imposed an unfair burden on cat owners who had already sterilised their pets, forcing them to pay a further fee for microchipping (usually plus a consultation fee for the vet) and also registration. This is a substantial amount for most pensioners and low income families and many who complied will have done so at the cost of some hardship. Now Council is preparing a further imposition. Armadale has a fair proportion of low income and single parent families.</p> <p>23.2 Any family with children cannot guarantee to</p> | <p>23.1 Supported. Increasing the number of cats before requiring a permit may resolve this this issue.</p> <p>23.2 Supported. Increasing the number of cats before requiring a permit may resolve this this issue.</p> <p>23.3 Not supported. It is agreed that legislation may not resolve certain cases however not all issues relate to irresponsible owners as there are other instances where responsible owners cats have been the cause of angst to residents. An education program is intended to be implemented as part of the local law implementation which will assist in this regard. There still needs to be some mechanism for redress.</p> |

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| | <p>keep an animal constantly indoors, so basically you are denying these people the opportunity to own a cat at all. It is going to result in even more dumped cats (as did the State legislation).</p> <p>23.3 Without a doubt there are a small number of irresponsible cat owners, but legislation will not change this, they will simply ignore any laws that do not suit them, as they do everything else in life.</p> <p>The people who will suffer under these laws will as usual be the decent law-abiding folk.</p> | |
| 24 | <p>Conditional Support</p> <p>24.1 Surely it's not about the amount of cats you have but the health and welfare of the animals. I do agree on limitations but it depends on the circumstances. For instance the dumping of cats and people have been big hearted and taken them in instead of taking them in to be put down. If these people have been responsible, got them chipped/sterilised at their expense (doing the righty) then I can't see any problem. Again it's about the animal's wellbeing at the end of the day.</p> | <p>24.1 Supported. Increasing the number of cats before requiring a permit may resolve this this issue.</p> |
| 25 | <p>Conditional Support</p> <p>25.1 Seeking assurance that officers will not be barging onto the property and taking any cats if they are not enclosed, because the problem I believe is that it's always the easy target, i.e. the responsible owner that gets pinged. It is not right to make some people so worried. Owners should be assured that cats can be outside free in their own garden with their owners without fear of</p> | <p>25.1 Not supported. Provided the cats are confined to the premises there is no issue. Increasing the number of cats before requiring a permit may resolve this this issue.</p> <p>25.2 Noted.</p> <p>25.3 Noted.</p> <p>25.4 Noted.</p> <p>25.5 Noted.</p> |

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| | <p>prosecution.</p> <p>25.2 Responsible owners, as well as providing food and care, sterilise and microchip their animals and when they are not around should keep them in an enclosed environment.</p> <p>25.3 Perhaps there could be some proposals, ideas, made available on how to construct simple and inexpensive enclosures for cats: there may be local groups willing to help construct them. There must be some way to assure and assist such owners.</p> <p>25.4 Not having domestic animals of my own, I appreciate the existing cat laws in that they afford some protection for the local wildlife and as in many areas less caterwauling is heard at night I think they are having effect.</p> <p>25.5 However, I do agree that there are now many other greater dangers, such as loss of animal habitat and other more important issues, such as street safety, and we should be careful not to over legislate on a matter which has been dealt with and has rules which are already difficult to administrate.</p> | |
| 26 | <p>Objection</p> <p>26.1 The permit infers that a 3 plus sterilized cat household are less responsible than a 2 cats per household. The facts don't support this.</p> <p>26.2 Cats are frequently given a home after being abandoned. Having to apply for a permit will deter caring people from taking the 3rd cat. This 3rd cat with the cost of sterilisation and at least \$25 per week in food etc for 17 years adds to the</p> | <p>26.1 Supported.</p> <p>26.2 Supported. Increasing the number of cats before requiring a permit may resolve this this issue.</p> <p>26.3 Supported although one thinks that these circumstances are minimal.</p> <p>26.4 Not supported. This may be true however it is rare that packs of dogs are found roaming as there are more stringent requirements on their confinement.</p> <p>26.5 Not supported. There are many instances of noise created by cat</p> |

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| | economy of local businesses compared to a once only \$25 cost for Council to remove and euthanise the cat. | | fighting and during mating season. |
| 26.3 | When a relative dies and there is a need to take in their cats the added stress of applying for a permit lacks compassion and offers little flexibility. The human factor is missing. | 26.6 | Noted. This will require amendments to the Fencing Local Law. |
| 26.4 | A large number of cats are not dangerous to people as are a pack of dogs. | 26.7 | Supported. However it is not just the wildlife on their own property that is the issue. Cats do roam from their property and as such there is a greater possibility to kill wildlife in other areas. |
| 26.5 | Unlike dogs they do not bark all day when the owners are away. | 26.8 | Noted. |
| 26.6 | Cats cannot be confined under the current fencing laws that are financed between adjoining properties. To give residents equality, 1 metre wire fencing on top of the standard fencing should be allowed at shared cost between residents. | 26.9 | Supported. Increasing the number of cats before requiring a permit may resolve this this issue. |
| 26.7 | Dogs and cats can kill wildlife equally if there is wildlife on their property. Eg; bandicoots, bobtail lizards, ducks, bronze wings pigeons, snakes. | 26.10 | Not supported. Upon a complaint, further investigations will be undertaken and if found vexatious or there is no proof no further action will be taken. If a cat is caught in a cat trap then it would be in contravention of the local law. |
| 26.8 | The biggest predator of all is of course the human being, as recent news report of ten wombats being run over 'for fun' indicates. | 26.11 | Supported. It would be hoped that an education program run in conjunction with the implementation of the local law may address this issue. |
| 26.9 | Many pensioners have more than the two prescribed cats and have lived in their homes for over 25 years and the neighbourhood has changed so much they already feel intimidated. The cost of a week's pension for a permit or registration when they have already sterilised and micro chipped the cats has no fairness. | 26.12 | Supported. Introducing subsidised sterilisation fees would have a budgetary impact and would need to be considered further. Increasing the number of cats before requiring a permit may resolve this this issue. Sterilisation need not be included in this process as Council has the ability to do this without local laws. |
| 26.10 | The fear of neighbours is a real and legitimate concern when they are given power to use the | 26.13 | Supported. Increasing the number of cats before requiring a permit may resolve this this issue. |
| | | 26.14 | Noted. |

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| | <p>Council cat traps without any redress or forewarning to neighbour. Now additionally they have the power to report so called 'nuisance' cats without any requirement for proof. How easy to use this provision for their own ends, such as retaliating against a disliked neighbour.</p> <p>26.11 The 10% of cat owners who do not automatically sterilise their cat before the breeding cycle are hard to reach as many are dysfunctional in society or have severe financial issues. They cannot be reached by local or state legislation.</p> <p>26.12 Cat Sterilization society have said that offer of \$50 off the RRP is doomed to fail as this section of the community cannot afford the \$250 sterilisation/micro chipping fee up front and then wait to claim the subsidy. As someone who has been a volunteer for the society I agree. These are people who live hand to mouth and do not have the intellectual capacity to seek out solutions.</p> <p>26.13 Further enacting local regulations will increase this problem of cat abandonment as the scope to re home cats will decrease even further.</p> <p>26.14 I urge Council to defer this by law, analyse the complaints to see how they can be solved under existing Council regulations. A Council by-law offers no compassion, flexibility and is very heavy handed without any logical outcome in the present or the future.</p> | |
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Local Government Act 1995

Cat Act 2011

City of Armadale

Cat Local Law 2022

Under the powers conferred by the *Local Government Act 1995*, the *Cat Act 2011* and under all other powers enabling it, the Council of the City of Armadale resolved on XX to make the following local law.

PART 1 – PRELIMINARY

1.1 Citation

This local law may be cited as the *City of Armadale Cat Local Law 2022*.

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 Terms Used

In this local law unless the context otherwise requires —

Act means the *Cat Act 2011*;

authorised person means a person appointed by the local government to perform all or any of the functions conferred on 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 has the meaning given to it in the Act;

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;

local government means the City of Armadale;

nuisance means —

- (a) 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) an unreasonable interference with the use and enjoyment of a person of his or her ownership or occupation of land;
- (c) interference which causes material damage to land or other property on the land affected by the interference;

Notice means a Cat Control Notice issued under section 26 of the Act;

owner has the meaning given to it in the Act;

public place has the meaning given to it in the Act;

Schedule means a Schedule to this local law;

PART 2—CAT CONTROL

2.1 Cats in Public Places

- (1) A cat shall not be permitted in a public place, if in the opinion of an authorised person, the cat is causing a nuisance.
- (2) If a cat is at any time in a public place in contravention of subclause (1)—
 - (a) the owner of the cat commits an offence; and
 - (b) an authorised person may seize and impound the cat and deal with the cat pursuant to the Act.

2.2 Cats in Other Places

- (1) A cat shall not be in any place that is not a public place if—
 - (a) consent to it being there has not been given by the occupier, or a person authorised to consent on behalf of the occupier; and/or
 - (b) the cat, in the opinion of an authorised person, is causing a nuisance.
- (2) If a cat is at any time in a place in contravention of subclause (1)—
 - (a) the owner of the cat commits an offence; and
 - (b) an authorised person may seize and impound the cat and deal with the cat pursuant to the Act.

2.3 Cat in Prohibited Areas

- (1) A cat shall not be in any Cat Prohibited Area as identified in Schedule 3.
- (2) If a cat is at any time in a place in contravention of subclause (1)—
 - (a) the owner of the cat commits an offence; and
 - (b) an authorised person may seize and impound the cat and deal with the cat pursuant to the Act.

2.4 Cat Nuisance

- (1) The owner of a cat, or any other person responsible for a cat, shall not allow the cat to create a nuisance.
- (2) Where, in the opinion of an authorised person, a cat is creating a nuisance, the local government may give a Notice to the owner of the cat or any other person in control of the cat, requiring that person to abate the nuisance.
- (3) When a nuisance has occurred and a Notice is given, the Notice remains in force for the period specified by the local government on the Notice which shall not exceed 6 months from the date of the Notice.
- (4) A person given a Notice shall comply with the Notice within the period specified in the notice.
- (5) If the owner fails to comply with a Notice, then —
 - (a) the owner of the cat commits an offence; and
 - (b) an authorised person may seize and impound the cat and deal with the cat pursuant to the Act.

PART 3—CAT PROHIBITED AREAS

3.1 Designation of Cat Prohibited Areas

- (1) The local government may designate land as a Cat Prohibited Area by stating a description of the land in Schedule 3.
- (2) In determining land as a Cat Prohibited Area for the purposes of subclause (1), the local government may have regard to—
 - (a) the nature of the flora and fauna on the land;
 - (b) whether the land has been recognised by any authority as having flora or fauna of local, regional or state significance;

- (c) whether it is land to which section 5 of the *Conservation and Land Management Act 1984* applies;
 - (d) whether the land is declared as an 'Environmentally Sensitive Area' under the *Environmental Protection Act 1986*; or
 - (e) whether the land is near another area considered to be environmentally significant.
- (3) In designating land for the purpose of section 3.1 the Local Government shall have regard to clause 2.1.

PART 4—IMPOUNDING OF CATS

4.1 Cat Management Facility

- (1) The local government may establish and maintain a cat management facility or facilities, managed by an authorised person for the impounding of cats and the subsequent management of those cats under this local law.
- (2) 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; and
 - (b) times for the sale of cats from the facility.
- (3) An authorised person, referred to in subclause (1), is to be in attendance at the facility for the release of impounded cats at the times and on the days of the week that the facility is open to the public.

4.2 Impounding Register

- (1) The local government is to keep a register that records the impoundment of each cat.
- (2) The register 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, time and location of seizure and impounding;
 - (e) the particulars 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 direction made by an authorised person under clause 2.4(2) relating to the cat; and
 - (h) the date of the sale, release or destruction of the cat.
- (3) The register is to be available for inspection by the public.

4.3 Charges and Costs

The following are to be imposed and determined by the local government under sections 6.16 to 6.19 of the *Local Government Act 1995*—

- (a) the charges to be levied under section 31 of the Act relating to the seizure, impounding, caring, microchipping, sterilisation or destruction/disposal of a cat; and
- (b) the additional fee payable under section 31 of the Act where a cat is released or sold at a time or on a day other than those determined under clause 4.1(2).

4.4 Release of Impounded Cats

- (1) A claim for the release of a cat seized and impounded is to be made to the authorised person referred to in clause 4.1(1).
- (2) The authorised person referred to in clause 4.1(1) is not to release a cat seized and impounded to any person unless that person has produced, to their satisfaction, evidence—
 - (a) of his or her ownership of the cat or of his or her authority to take delivery of it; or
 - (b) that he or she is the person identified as the owner on a microchip implanted in the cat; or
 - (c) of proof of registration of the cat in accordance with the Act.
- (3) A cat may not be released from a cat management facility operated by the local government until all applicable fees have been paid and the cat is registered and microchipped in accordance with the Act.
- (4) The CEO may waive fees required to be paid under subclause (3).
- (5) Subclause (3) does not apply to an authorised person acting in the course of their duties.

PART 5—MISCELLANEOUS

5.1 Giving of a Notice

A Notice given under this local law may be given to a person—

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

5.2 Content of a Notice

The contents of a Notice given under clause 5.1 can be—

- (a) ascertained from the person directly;
- (b) recorded by the local government under the Act; or
- (c) ascertained from enquiries made by the local government.

PART 6 — OFFENCES AND PENALTIES

6.1 Offences

- (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 liable, on conviction, to a penalty not exceeding \$5000, 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 Prescribed Offences

- (1) An offence against a clause specified in Schedule 2 is a prescribed offence for the purposes of section 84 of the Act.
- (2) The amount appearing directly opposite each such offence is the modified penalty in relation to that offence.

6.3 Forms

- (1) 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.

- (2) An infringement notice given under section 62 of the Act is to be in the form of Form 6 of Schedule 1 of the *Cat Regulations 2012*.
- (3) A notice sent under section 65 of the Act withdrawing an infringement notice is to be in the form of Form 7 of Schedule 1 of the *Cat Regulations 2012*.

Schedule 1
PRESCRIBED OFFENCES

[Clause 6.2]

| Item | Clause | Description | Modified Penalty |
|------|-----------|--|------------------|
| 1 | 2.1(2)(a) | Cat causing a nuisance in a public place | \$200 |
| 2 | 2.2(2)(a) | Cat in a place that is not a public place without consent and/or is causing a nuisance | \$200 |
| 3 | 2.3(2)(a) | Cat in prohibited area | \$200 |
| 4 | 2.4(5)(a) | Failure to comply with a Notice | \$200 |

Schedule 2
CAT PROHIBITED AREAS

[Clause 3.1]

| Property Description | Reserve No. | Suburb |
|---|--|-------------|
| Armadale Settlers Common (including ecological corridors) | R4127, R51797, R48887, R47394, R47977, R45929, R46515. | Bedforddale |
| Bungendore Park | R4561 | Bedforddale |
| Fletcher Park | R14217 | Armadale |
| Lloyd Hughes Park | R6468 | Kelmscott |
| Roley Pools | R28353 | Roleystone |

Dated the _____ day of _____ 2023.

The Common Seal of the City of Armadale was affixed by authority of a resolution of the Council in the presence of:

Ruth Butterfield
MAYOR

Joanne Abbiss
CHIEF EXECUTIVE OFFICER

Local Government Act 1995

Cat Act 2011

City of Armadale

Cat Local Law 2022

Under the powers conferred by the *Local Government Act 1995*, the *Cat Act 2011* and under all other powers enabling it, the Council of the City of Armadale resolved on XX to make the following local law.

PART 1 – PRELIMINARY

1.1 Citation

This local law may be cited as the *City of Armadale Cat Local Law 2022*.

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 Terms Used

In this local law unless the context otherwise requires —

Act means the *Cat Act 2011*;

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

approved cat breeder has the meaning given to it in the Act;

authorised person means a person appointed by the local government to perform all or any of the functions conferred on 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 has the meaning given to it in the Act;

cattery means any premises where 3 or more cats are boarded, housed or trained temporarily, usually for profit, and where the occupier of the premises is not the ordinary owner of the cats;

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

group dwelling (commonly referred to as a duplex, villa or townhouse) means a dwelling that is one of a group of two or more dwellings on the same lot such that no dwelling is placed wholly or partly vertically above or below the other, except where special conditions of landscape or topography dictate otherwise, and includes a dwelling on a survey strata with common property;

local government means the City of Armadale;

multiple dwelling (often called a flat, apartment or unit) meaning a dwelling in a group of more than 1 dwelling on a lot where any part of a dwelling is vertically above part of any other but—

- (a) does not include a group dwelling; and
- (b) includes any dwellings above the ground floor in a mixed use development;

nuisance means —

- (a) 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) an unreasonable interference with the use and enjoyment of a person of his or her ownership or occupation of land;
- (c) interference which causes material damage to land or other property on the land affected by the interference;

Notice means a Cat Control Notice issued under section 26 of the Act;

owner has the meaning given to it in the Act;

permit means a permit issued by the local government under Part 4;

permit holder means a person who holds a valid permit issued under Part 4;

pet shop means a shop or place used for the conduct of a business, in the course of which an animal is kept for the purposes of sale;

premises has the meaning given to it in the Act;

public place has the meaning given to it in the Act;

Schedule means a Schedule to this local law;

Scheme means a town planning scheme of the local government made by it under the *Planning and Development Act 2005* and its antecedents;

single dwelling means a house that stands alone on its own parcel of land.

PART 2—CAT CONTROL

2.1 Cats in Public Places

- (1) A cat shall not be permitted in a public place, if in the opinion of an authorised person, the cat is causing a nuisance.
- (2) If a cat is at any time in a public place in contravention of subclause (1)—
 - (a) the owner of the cat commits an offence; and
 - (b) an authorised person may seize and impound the cat and deal with the cat pursuant to the Act.

2.2 Cats in Other Places

- (1) A cat shall not be in any place that is not a public place if—
 - (a) consent to it being there has not been given by the occupier, or a person authorised to consent on behalf of the occupier; and/or
 - (b) the cat, in the opinion of an authorised person, is causing a nuisance.
- (2) If a cat is at any time in a place in contravention of subclause (1)—
 - (a) the owner of the cat commits an offence; and
 - (b) an authorised person may seize and impound the cat and deal with the cat pursuant to the Act.

2.3 Cat in Prohibited Areas

- (1) A cat shall not be in any Cat Prohibited Area as identified in Schedule 3.

- (2) If a cat is at any time in a place in contravention of subclause (1)—
 - (a) the owner of the cat commits an offence; and
 - (b) an authorised person may seize and impound the cat and deal with the cat pursuant to the Act.

2.4 Cat Nuisance

- (1) The owner of a cat, or any other person responsible for a cat, shall not allow the cat to create a nuisance.
- (2) Where, in the opinion of an authorised person, a cat is creating a nuisance, the local government may give a Notice to the owner of the cat or any other person in control of the cat, requiring that person to abate the nuisance.
- (3) When a nuisance has occurred and a Notice is given, the Notice remains in force for the period specified by the local government on the Notice which shall not exceed 6 months from the date of the Notice.
- (4) A person given a Notice shall comply with the Notice within the period specified in the notice.
- (5) If the owner fails to comply with a Notice, then —
 - (a) the owner of the cat commits an offence; and
 - (b) an authorised person may seize and impound the cat and deal with the cat pursuant to the Act.

PART 3—CAT PROHIBITED AREAS

3.1 Designation of Cat Prohibited Areas

- (1) The local government may designate land as a Cat Prohibited Area by stating a description of the land in Schedule 3.
- (2) In determining land as a Cat Prohibited Area for the purposes of subclause (1), the local government may have regard to—
 - (a) the nature of the flora and fauna on the land;
 - (b) whether the land has been recognised by any authority as having flora or fauna of local, regional or state significance;
 - (c) whether it is land to which section 5 of the *Conservation and Land Management Act 1984* applies;

- (d) whether the land is declared as an 'Environmentally Sensitive Area' under the *Environmental Protection Act 1986*; or
 - (e) whether the land is near another area considered to be environmentally significant.
- (3) In designating land for the purpose of section 3.1 the Local Government shall have regard to clause 2.1.

PART 4—PERMITS FOR KEEPING CATS

4.1 Interpretation

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

4.2 Cats for Which a Permit is Required

- (1) Subject to subclause (2) a person is required to have a permit to—
 - (a) keep 3 cats or more on any premises;
 - (b) be an approved cat breeder; or
 - (c) use any premises as a cattery.
- (2) A permit is not required under subclause (1) if the premises concerned are—
 - (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 pet shop.
- (3) If the owner fails to obtain a permit under clause 4.2(1), then —
 - (a) the owner of the cat commits an offence; and
 - (b) an authorised person may seize and impound the cat and deal with the cat pursuant to the Act.

4.3 Transitional Provisions

Where an owner has 3 or more cats on their premises, registered in accordance with the Act, prior to this local law coming into operation they are not required to have a permit; however they will not substitute or replace any cat (in excess of 2 cats) once that cat—

- (a) dies: or
- (b) is permanently removed from the premises.

4.4 Application for Permit

An application for a permit under clause 4.2 shall include but may not be limited to the following —

- (a) made in writing by an occupier of either a single or multiple dwelling or premises in relation to that single or multiple dwelling or premises;
- (b) in a form approved by the local government, describing and specifying the number of cats to be kept at the single or multiple dwelling or on the premises;
- (c) accompanied by justification for the request;
- (d) accompanied by the plans of the single or multiple dwelling or premises to which the application relates, to the specification and satisfaction of the local government;
- (e) accompanied by the consent in writing of the owner of the single or multiple dwelling or premises, where the occupier is not the owner of the single or multiple dwelling or premises to which the application relates;
- (f) accompanied by the application fee for the permit determined by the local government from time to time; and
- (g) accompanied by written evidence that either the applicant or another person who will have charge of the cats, will reside at the single or multiple dwelling or on the premises or, in the opinion of the local government, sufficiently close to the single or multiple dwelling or premises so as to maintain effective control of the cats and ensure their health and welfare.

4.5 Refusal to Determine Application

The local government may not determine an application for a permit if it is not made in accordance with clause 4.4.

4.6 Factors Relevant to Determination of Application

- (1) In determining an application for a permit the local government may have regard to—
 - (a) the reasons and justification provided for the request;
 - (b) the physical suitability of the premises for the proposed use;
 - (c) the suitability of the zoning of the premises under any Scheme which applies to the premises for the use;
 - (d) the environmental sensitivity and general nature of the location surrounding the premises for the proposed use;

- (e) the structural suitability of any enclosure in which any cat is to be kept;
 - (f) the likelihood of a cat causing a nuisance, inconvenience or annoyance to the occupiers of adjoining land;
 - (g) the likely effect on the amenity of the surrounding area of the proposed use;
 - (h) the likely effect on the local environment, including any pollution or other environmental damage which may be caused by the use;
 - (i) any submissions received under subclause (2) within the time specified in subclause (2); and
 - (j) such other factors which the local government may consider to be relevant in the circumstances of the particular case.
- (2) Where an application is received pursuant to clause 4.4 the local government shall—
- (a) consult with adjacent occupiers and landowners; and
 - (b) notify adjacent occupiers and 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.

4.7 Decision on Application

- (1) The local government may—
- (a) approve an application for a permit, in which case it shall approve it subject to the conditions in clause 4.8, and may approve it subject to any other conditions it considers fit;
 - (b) approve an application but specify an alternative number of cats permitted to be housed at the address; or
 - (c) 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 a permit in the form determined by the CEO.
- (3) If the local government refuses to approve an application under subclause (1), then it is to advise the applicant accordingly in writing.

4.8 Conditions

- (1) Every permit is issued subject to the following conditions—
- (a) each cat kept on the premises to which the permit relates shall remain under the effective control of a person;
 - (b) 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);

- (c) the single, group or multiple dwelling or premises shall be maintained in good order and in a clean and sanitary condition;
 - (d) the written consent to the application for a permit of the adjoining group or multiple dwellings has been obtained;
 - (e) the written consent to the application from the owner of the premises, if not the applicant, has been obtained;
 - (f) 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.
 - (g) those conditions contained in Schedule 1.
- (2) A permit holder who fails to comply with a condition of a permit commits an offence.

4.9 Duration of Permit

Unless otherwise specified, in a condition on a permit, a permit commences on the date of issue and is valid until any cat either—

- (a) dies; or
- (b) is permanently removed from the premises; or
- (c) the permit holder ceases to reside at the dwelling or premises to which the permit relates.

4.10 Revocation

The local government may revoke a permit if the permit holder fails to observe any provision of this local law or a condition of a permit.

4.11 Permit not transferable

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

PART 5—IMPOUNDING OF CATS

5.1 Cat Management Facility

- (1) The local government may establish and maintain a cat management facility or facilities, managed by an authorised person for the impounding of cats and the subsequent management of those cats under this local law.
- (2) 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; and
 - (b) times for the sale of cats from the facility.
- (3) An authorised person, referred to in subclause (1), is to be in attendance at the facility for the release of impounded cats at the times and on the days of the week that the facility is open to the public.

5.2 Impounding Register

- (1) The local government is to keep a register that records the impoundment of each cat.
- (2) The register 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, time and location of seizure and impounding;
 - (e) the particulars 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 direction made by an authorised person under clause 2.4(2) relating to the cat; and
 - (h) the date of the sale, release or destruction of the cat.
- (3) The register is to be available for inspection by the public.

5.3 Charges and Costs

The following are to be imposed and determined by the local government under sections 6.16 to 6.19 of the *Local Government Act 1995*—

- (a) the charges to be levied under section 31 of the Act relating to the seizure, impounding, caring, microchipping, sterilisation or destruction/disposal of a cat; and
- (b) the additional fee payable under section 31 of the Act where a cat is released or sold at a time or on a day other than those determined under clause 5.1(2).

5.4 Release of Impounded Cats

- (1) A claim for the release of a cat seized and impounded is to be made to the authorised person referred to in clause 5.1(1).

- (2) The authorised person referred to in clause 5.1(1) is not to release a cat seized and impounded to any person unless that person has produced, to their satisfaction, evidence—
 - (a) of his or her ownership of the cat or of his or her authority to take delivery of it; or
 - (b) that he or she is the person identified as the owner on a microchip implanted in the cat; or
 - (c) of proof of registration of the cat in accordance with the Act; or
 - (d) if a permit under Part 4 is required, proof of obtaining the permit.
- (3) A cat may not be released from a cat management facility operated by the local government until all applicable fees have been paid and the cat is registered and microchipped in accordance with the Act.
- (4) The CEO may waive fees required to be paid under subclause (3).
- (5) Subclause (3) does not apply to an authorised person acting in the course of their duties.

PART 6—MISCELLANEOUS

6.1 Giving of a Notice

A Notice given under this local law may be given to a person—

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

6.2 Content of a Notice

The contents of a Notice given under clause 6.1 can be—

- (a) ascertained from the person directly;
- (b) recorded by the local government under the Act; or
- (c) ascertained from enquiries made by the local government.

PART 7—OBJECTIONS AND REVIEW

7.1 Objections and Review

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 the decision under Division 1 of Part 9 of the *Local Government Act 1995*.

PART 8—OFFENCES AND PENALTIES

8.1 Offences

- (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 liable, on conviction, to a penalty not exceeding \$5000, 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.

8.2 Prescribed Offences

- (1) An offence against a clause specified in Schedule 2 is a prescribed offence for the purposes of section 84 of the Act.
- (2) The amount appearing directly opposite each such offence is the modified penalty in relation to that offence.

8.3 Forms

- (1) 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.
- (2) An infringement notice given under section 62 of the Act is to be in the form of Form 6 of Schedule 1 of the *Cat Regulations 2012*.
- (3) A notice sent under section 65 of the Act withdrawing an infringement notice is to be in the form of Form 7 of Schedule 1 of the *Cat Regulations 2012*.

Schedule 1

ADDITIONAL CONDITIONS APPLICABLE TO PARTICULAR PERMITS

[Clause 4.8]

A. Permit to Keep 3 Cats or More

Additional conditions—

- (1) In the case of a grouped dwelling where there is no suitable dividing fence or multiple dwellings on the same level, the written consent to the application for a permit of the occupier of the adjoining dwellings has been obtained.
- (2) Without the consent of the local government, the permit holder will not substitute or replace any cat that is the subject of a permit once that cat—
 - (a) dies; or
 - (b) is permanently removed from the premises.

B. Permit for Approved Cat Breeder

Additional conditions—

- (1) Required to keep records of all purchases and or transfers of cat/s for a period of 2 years, including but not limited to the purchasers' name and address, and the cat/s microchip number; and
- (2) Premises may be inspected annually.

C. Permit to Use Premises as a Cattery

Additional conditions—

- (1) All building enclosures must be structurally sound, have impervious flooring, be well lit and ventilated and otherwise comply with all legislative requirements;
- (2) There is to be a feed room, wash area, isolation cages and maternity section;
- (3) Materials used in structures are to be approved by the local government;
- (4) An approved apparatus for the treatment and disposal of sewerage is to be installed to the satisfaction of the local government and where installed it is to be maintained to the manufacturer's specifications.
- (5) The internal surfaces of walls are, where possible, to be smooth, free from cracks, crevices and other defects;
- (6) All fixtures, fittings and appliances are to be capable of being easily cleaned, resistant to corrosion and constructed to prevent the harbourage of vermin;
- (7) Wash basin with the minimum of cold water to be available to the satisfaction of the Local Government;
- (8) The maximum number of cats to be kept on the premises stated on the permit is not to be exceeded;
- (9) An register 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 owner;

- (10) The register is to be made available for inspection on the request of an authorised person;
- (11) Enclosures are to be thoroughly cleaned each day and disinfected at least once a week to minimise disease;
- (12) Any sick or ailing cat is to be removed from the premises or transferred to an isolation cage separated from other cats on the premises; and
- (13) 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 (or any part thereof).

Schedule 2
PRESCRIBED OFFENCES

[Clause 8.2]

| Item | Clause | Description | Modified Penalty |
|-------------|---------------|--|-------------------------|
| 1 | 2.1(2)(a) | Cat causing a nuisance in a public place | \$200 |
| 2 | 2.2(2)(a) | Cat in a place that is not a public place without consent and/or is causing a nuisance | \$200 |
| 3 | 2.3(2)(a) | Cat in prohibited area | \$200 |
| 4 | 2.4(5)(a) | Failure to comply with a Notice | \$200 |
| 5 | 4.2(3)(a) | Failure to obtain a Permit | \$200 |
| 6 | 4.8(2) | Failure to comply with a condition of a permit | \$200 |

Schedule 3
CAT PROHIBITED AREAS

[Clause 3.1]

| Property Description | Reserve No. | Suburb |
|---|--|-------------|
| Armadale Settlers Common (including ecological corridors) | R4127, R51797, R48887, R47394, R47977, R45929, R46515. | Bedforddale |
| Bungendore Park | R4561 | Bedforddale |
| Fletcher Park | R14217 | Armadale |
| Lloyd Hughes Park | R6468 | Kelmscott |
| Roley Pools | R28353 | Roleystone |

Dated the _____ day of _____ 2023.

The Common Seal of the City of Armadale was affixed by authority of a resolution of the Council in the presence of:

Ruth Butterfield
MAYOR

Joanne Abbiss
CHIEF EXECUTIVE OFFICER



Department of
**Local Government, Sport
and Cultural Industries**

Statutory review of the *Cat Act 2011* and *Dog Amendment Act 2013* Report



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About DLGSC

The DLGSC works with partners across government and within its diverse sectors to enliven the Western Australian community and economy through support for and provision of sporting, recreational, cultural and artistic policy, programs and activities for locals and visitors to the State.

The department provides regulation and support to local governments and the racing, gaming and liquor industries to maintain quality and compliance with relevant legislation, for the benefit of all Western Australians. This publication is current at September 2019.

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Executive Summary

The Department of Local Government, Sport and Cultural Industries (the department) has completed a statutory review of the *Cat Act 2011* (Cat Act) and the *Dog Amendment Act 2013* (Dog Amendment Act).

The Cat Act fully commenced in 2013 and was introduced to provide for the control and management of cats and to promote the responsible ownership of cats. The Dog Amendment Act was introduced in 2013 and includes provisions for the compulsory microchipping of all dogs and new dangerous dog requirements to improve community safety through stricter control of dangerous dogs.

The review commenced on 12 May 2019 for a 12-week period with the release of the consultation paper: *Pause for Paws, Feedback on Dog and Cat Laws in WA*. The department received over 1,250 written submissions (of which 1,192 related only to greyhounds) and 5,822 online survey responses. Workshops were held in the metropolitan area and in regional centres to gather feedback from rangers and other local government staff. The department also met with stakeholders including the Cat Haven and Dogs Refuge Home.

The purpose of the review was to gather feedback and information about how effective the Cat Act and the Dog Amendment Act have been, whether they should continue and whether there is the need for a full review of both Acts. Following analysis of the issues raised during the consultation period, a number of findings have been made as outlined in this report.

It should be noted that while the review focused on the entire Cat Act, it only focused on the amendments made to the Dog Act in 2013.

While submissions received during the review indicated that many of the provisions of the Cat Act and Dog Amendment Act have been (or may be) effective overall, feedback also showed that an important component to improving the operation and effectiveness of both Acts is providing suitable education campaigns to the public to promote responsible pet ownership and greater understanding of the laws that currently exist, and for more effective and consistent enforcement of laws.

Cats

The review found that the Cat Act has generally been well accepted by the community and most local governments, particularly with regards to microchipping and sterilising of cats (although the age of sterilisation continues to be an issue).

The aim of cat sterilisation through the Cat Act was to provide for the control and management of cats and to support the responsible ownership of cats. This is a long-term aim of the legislation and it is acknowledged there are continuing problems in WA with cat overbreeding. The Cat Haven reported that the numbers of kittens surrendered to them have slightly improved overall since the Cat Act commenced in 2013. However, as they are now receiving cats from local governments and from regional areas, there has been an increase in the total number of cats being surrendered to them.

Consistency in the number of cats allowed per household and nuisance/wandering cats are areas where the Cat Act could be more effective. It has been suggested that the Cat Act should contain provisions about confining cats to premises and the number of cats allowed so that the same rules apply across the State and local governments do not have to make their own local laws about these matters.

Dogs

The review found that the changes introduced by the Dog Amendment Act in 2013 were generally viewed positively, with some improvements needed around the management of nuisance barking dogs and other enforcement provisions to allow rangers to be able to more effectively undertake their duties.

The review highlighted support for replacing the breed specific provisions, namely “dangerous dog (restricted breeds)” with a model that promotes responsible dog ownership and management for improving public and pet safety. A significant number of submissions advocated for pet greyhounds not to be muzzled.





Feedback

Feedback to the review indicated that the **Cat Act 2011** and provisions introduced by the **Dog Amendment Act 2013** have been generally effective. While there is a need for the continuation of both Acts, there are improvements that could be made. A summary of the findings highlighted in the report is at Appendix 1.

The feedback and information gathered from this review could be used to inform a full review of both Acts, with a focus on the following key themes:

- Greyhounds not to be muzzled when in public places
- Confining cats to premises
- Limiting the numbers of cats kept at premises
- Consistency of the laws across the State (noting that this is also being considered as part of the review of the **Local Government Act 1995**)
- Review of penalties, enforcement and the powers of rangers to enter premises, seize animals etc
- Combine the cat and dog Acts into one Act.

Mandatory sterilisation of dogs and a central registration database were key themes raised in the feedback received. It should be noted that these matters are being examined separately under the Stop Puppy Farming initiative.

Introduction

The **Cat Act 2011** was introduced to reduce the impact of unwanted cats on the community and the environment through mandatory sterilisation. It aims to lower the number of cats being euthanised over the longer term as the numbers of unwanted cats in the community gradually decline.

The **Dog Amendment Act 2013** introduced a range of new measures including new dangerous dog requirements to improve community safety through stricter control of dangerous dogs.

Both Acts require that cats and dogs are registered with the local government where they are ordinarily kept and that they are microchipped.

The main purposes of the Acts are to:

- Encourage responsible pet ownership
- Safely return lost animals to their homes
- Keep the community and other animals safe
- Reduce the number of animals admitted to pounds and shelters and
- Reduce the proportion of animals that are euthanised.

Statutory requirements

The Cat Act requires the Minister for Local Government to carry out a review of the operations and effectiveness of the Act and the need for the continuation of the Act. A report based on the review is to be tabled in Parliament by 1 November 2019.

The Dog Amendment Act requires the minister to carry out a review of the operation and effectiveness of the Act as soon as practicable after 1 January 2019. The report based on the review is to be tabled in Parliament as soon as practicable after the report is prepared.

Review procedure – how we consulted

Surveys

The Pause for Paws – Feedback on dog and cat laws in WA paper was released on 12 May 2019 for a 12-week period. An online general survey was available to the community with a separate local government survey available to rangers and local governments.



Workshops

The department met with the WA Local Government Association, Local Government Professionals WA and the WA Rangers Association and conducted workshops for rangers and local government staff at:

- City of South Perth
- City of Busselton
- City of Greater Geraldton
- City of Kalgoorlie Boulder.

The workshops gave rangers and staff the opportunity to raise concerns about the operations of the current Acts and to discuss ideas for improvements.

Workshop attendance

| Workshop location | Attendance |
|-------------------|------------|
| South Perth | 31 |
| Busselton | 14 |
| Kalgoorlie | 10 |
| Geraldton | 11 |
| Total | 66 |

Key themes raised in the workshops included:

1. A centralised registration database – to include microchip details and if a dog has been declared dangerous.
2. The need for rangers to have the power to enter premises, seize animals and obtain owners details in some situations. It was noted that this would be particularly useful in circumstances of repeated non-compliance of pet owners.
3. Sterilisation
 - a. Mandatory sterilisation should be introduced for dogs (unless an approval to breed or other exemption is approved)
 - b. Sterilisation age for cats should be reduced as they reach sexual maturity before six months (the current sterilisation age)
4. Penalties should be incurred when cats wander/trespass on property without consent. A cat curfew should be introduced, or cats should be confined to their property.

There was also significant support for combining the two Acts into one.

Written and survey submissions

The department received over 1,250 written submissions. Of these, 1,192 advocated for the removal of the requirement for greyhounds to be muzzled when in public places.

About half of respondents to the general survey had read the consultation paper prior to responding to the survey. Most survey respondents live in large metropolitan local governments with nearly 14 per cent coming from the City of Rockingham, 11 per cent from the City of Joondalup, six per cent from the City of Wanneroo and nearly five per cent from the Cities of Mandurah and Stirling.

As can be seen from the Table below, dog owners made up a large majority of respondents followed by owners of both a cat and dog and then cat owners.

| What best describes your relationship to dogs and cats | Total Number | As a percentage |
|---|--------------|-----------------|
| I have a dog(s) | 2,041 | 40% |
| I have a dog(s) and cat(s) | 907 | 18% |
| I have a cat(s) | 707 | 14% |
| Other (please specify) | 609 | 12% |
| I have no specific relationship with dogs or cats | 577 | 11% |
| I am involved in animal welfare, including re-homing of dogs and cats | 133 | 3% |
| I am employed in role that works with dogs and/or cats | 117 | 2% |
| I am a breeder of dogs | 21 | 0% |
| I am a breeder of cats | 14 | 0% |
| I am involved in the greyhound racing industry | 7 | 0% |
| I am a breeder of dogs and cats | 6 | 0% |
| Grand Total | 5,139 | 100% |

The department recognises and is grateful for the time and contributions of the community and stakeholders who provided feedback, comment and assistance in undertaking the review.

Organisation of this report

This report is set out in two main parts:

Part 1 deals with the current legislation and the feedback received during the consultation period on a range of topics about the Cat Act. These topics include registration, collars and tags, microchipping, nuisance and wandering cats and cat sterilisation.

Part 2 examines the operations and effectiveness of the Dog Amendment Act and the feedback received during the consultation period. The topics include registration, collars and tags, microchipping, nuisance dogs, dog attacks, dangerous dogs, restricted breeds, greyhounds and assistance dogs.

The report also explores the possibility of combining the two Acts into one.

Part 1 – Cats

1.1 Registration

Current legislation

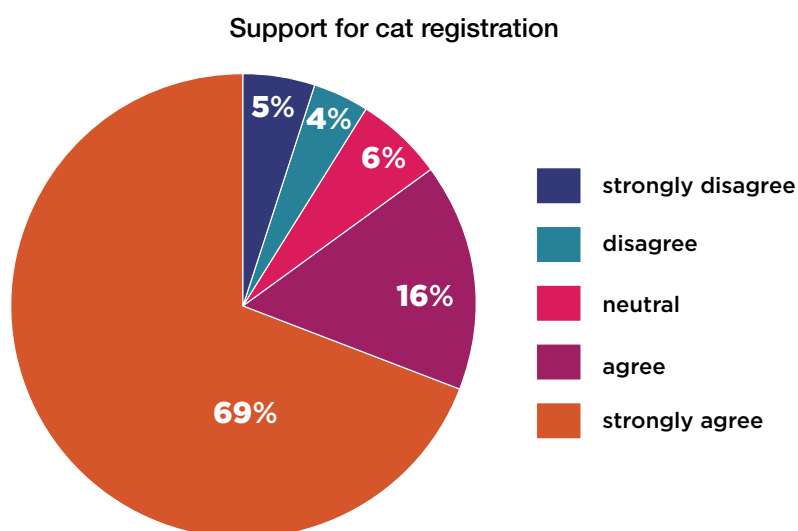
The Cat Act states that cats that have reached the age of six months are required to be registered with the local government in the district they are ordinarily kept. One of the main benefits of registration is that it provides an important way for local governments to check if owners are microchipping and sterilising their cat/s. Local governments ask for confirmation about whether cats are microchipped and sterilised when they are being registered.

Cats can be registered with their local government for a period of one year, three years or for their lifetime. A benefit of lifetime registration is a reduction of the administrative burden on local governments because renewal notices only need to be issued once and the details of the cat only need to be entered on their systems once. It also reduces the costs for owners who only pay for registration once.

There are also disadvantages with lifetime registration because there is no reminder sent to owners to re-register their cat. As a result of this, owners may not advise local governments if they no longer have a pet or if they move.

Feedback summary

Overall, 85 per cent of respondents to the survey agreed that cats should be registered as can be seen in the table below:



The most popular registration period for cats was for a lifetime registration with 80 per cent of respondents supporting this option. A further 47 per cent of respondents supported an option to register animals for three years and 38 per cent for one year.

Around 85 per cent of respondents believe that the registration periods for cats and dogs should be the same.

Feedback from local governments indicated that problems associated with lifetime registrations were mainly keeping pet registration details up to date, but these could (in part) be alleviated with a central registration database.

The Australian Veterinary Association (AVA) submitted that they support compulsory registration and permanent identification of dogs and cats. The AVA noted that while annual or three yearly registration provides an easy mechanism for maintaining accurate records that identify the owners of the animals, the registration period (whether annual, three yearly, or lifetime) is secondary to the need to have up-to-date identification details.

These are essential for reuniting lost animals with their owners and enforcing legislation around animal ownership and animal behaviour.

Findings

1. Registration of cats is strongly supported. The current three options for periods of registration should remain.
2. Registration periods for cats and dogs should be the same.
3. A central registration database for cats should be explored.

1.2 Collars and tags

Current legislation

The use of tags as a method of identification for cats was introduced through the Cat Act. Cats must wear a registration tag whenever the cat is in a public place. Cats will generally wear a collar, so the tag can be attached to it.

Feedback summary

Survey results (general survey – 65 per cent; local government survey – 63 per cent) showed support for cats to wear a registration tag. There was also majority support for cats to wear a registration tag even if it is microchipped.

There were some comments to the review that plastic identification tags were recognised as an environmental concern as well as being easily damaged or lost.

Consultation conducted prior to the commencement of the Cat Act had very strong support for cats to wear an identifying tag (95 per cent of respondents) and there does not seem to be sufficient support to change that view.

Findings

4. Feedback indicated that the wearing of collars and tags achieves the purpose of enabling a cat to be identified by rangers – including making it obvious that it is a domestic cat that has an owner.
5. There is strong support for this to continue with no change.

1.3 Microchipping cats

Current legislation

The Cat Act requires cats to be microchipped by six months of age. Cats must be microchipped when they are transferred to a new owner (no matter what age).

Feedback summary

Over 60 per cent of survey respondents (general and local governments) agree that microchips are an effective way to identify cats.

During the workshops, rangers and local government staff reported that one of the main issues with microchips is that they are not being registered with the relevant microchip database company or details are not being updated when the cat has been transferred to a new owner or the owner moves to a different local government area. Evidently, it is common for the microchip not to be registered, or to be registered to a breeder or rescue organisation rather than the owner. This can make finding the owner difficult and can lead to cats being held in pounds longer than necessary.

Furthermore, local governments and some stakeholders have reported that some microchip database companies will not provide details of owners, citing privacy concerns. Once again, this means that local governments and rescues/shelters have a difficult (sometimes impossible) task in reuniting cats and their owners.

Findings

6. Strong support from the public, local governments and industry exists for the practice of microchipping cats to continue.
7. Improvements could be made to the way microchip details are stored – this could be in either a national or State-based database.
8. Feedback indicated that education on the current requirements of microchipping, focusing on obligations of owners/breeders/rescues when a cat is transferred to a new owner and the need to keep information up-to-date, is necessary to achieve the desired outcomes of reuniting pets with their owners and the obligations of being a responsible cat owner.

1.4 Cat numbers and nuisance/wandering cats

Current legislation

As with most Australian States, Western Australia has a large unwanted cat problem. While the introduction of the Cat Act was not expected to resolve this and the associated issues straight away, it did provide some ways that the number of unwanted/feral cats could be reduced, particularly through the requirement for all cats to be sterilised.

The Cat Act gives local governments the ability to create their own local laws to manage cats that are creating a nuisance, such as killing wildlife. Local laws can specify places where cats are absolutely prohibited, but at the moment they cannot introduce restrictions across the whole district.

Feedback summary

Wandering cats

Local governments, cat refuges and the community report that wandering cats creating a nuisance are an ongoing problem. Possible solutions raised during consultation include cat curfews and restricting cats to premises.

Fifty-six per cent of survey respondents agreed that cats are a nuisance in their neighbourhood. This was highest amongst those who had no relationship with cats and dogs with 67 per cent of dog owners agreeing. Among cat owners, 25 per cent of respondents believed wandering cats were a nuisance.

Confinement

Seventy-three per cent of respondents supported the confinement of cats to the owner's property. It should be noted that among cat owners, there was only 49 per cent support, with 39 per cent of cat owners opposing cat confinement.

Curfews

Eighty-eight percent of respondents agreed that cats should be kept inside at night. The strongest level of resistance came from cat owners, with 16 per cent opposed to this idea.

Numbers

The maximum number of cats permitted at a single residence which received the most support was two (40 per cent), followed by three cats (19 per cent) and four (14 per cent) among survey respondents.

A consistent theme in the feedback to the review was that there should be State-wide laws about cat confinement and numbers of cats allowed rather than the current position of local governments making their own local laws about some of these matters.

Feedback from cat breeders is that there should be consistency across local governments with regards to numbers of cats. Cat breeders have long contended that it is not the registered breeders who are the problem with regards to wandering cats or cat numbers as they follow their organisations' codes of ethics, register with their local governments and generally confine their cats to premises/cat runs.

Control and enforcement

Fifty-five per cent of all respondents disagreed that there are sufficient controls used by local governments to manage cats. The greatest level of disagreement came from people with no relationship to cats or dogs (76 per cent) with 60 per cent of dog owners of the same belief. Generally, survey results indicated that there are not sufficient controls over cats.

Fifty-five percent of people believed local governments were not enforcing controls to manage cats adequately. From feedback to the review, this is mainly around wandering cats (cats being on the property of someone other than their owners and in some cases, damaging property or injuring/killing wildlife).

Wildlife

Fifty-one percent of people surveyed have the view that cat attacks on animals, wildlife, other cats and people are an issue. This compares to cat owners of which only 23 per cent believed there is an issue.

The following comment was indicative of feedback in a number of submissions received regarding the impact of cats on wildlife:

"Regulations to restrict pet cats to their owners' property will, undoubtedly, improve conservation benefits for a diverse range of species utilising urban, suburban and peri-urban environments. Targeted education programs that highlight the welfare benefits that arise from restricting pet cat movement and encourage wildlife-friendly cat husbandry, implemented at community- and State-levels, could be used to drive change in attitude and behaviour among cat owners."



Findings

9. There is strong support for cat numbers and confinement/curfews of cats to be implemented State-wide (in legislation) rather than through individual local laws – to provide consistency among local governments.
10. As a means of controlling cat numbers, there were multiple requests in the feedback received for the Cat Act to be brought into alignment with the Dog Act by placing greater restrictions on cat owners in relation to the number of cats that people can own.

1.5 Cat sterilisation

Current legislation

Under the Cat Act, cats are to be sterilised by the time they are six months of age unless they are exempt. A cat can be deemed exempted from sterilisation if it is approved for breeding purposes by the local government or if a veterinarian has given it a certificate exempting it from sterilisation.

Sterilising cats is important to help reduce the number of unwanted cats in the community. If a cat is being sold, traded or given away, it must be sterilised. If a cat is too young to be sterilised when it is transferred to someone else, a prepaid de-sexing voucher is to be provided to the new owner.

Feedback summary

In the survey, 1,130 respondents indicated they had obtained a cat in the last five years. Of those, 1,006 indicated the cat had been de-sexed.

Twenty-one per cent of respondents indicated they had received a de-sexing voucher when they took ownership of the cat (from the breeder, pet shop etc.). Of these, 63 per cent said it encouraged them to have the cat sterilised.

Overall, sixteen per cent of people who completed the survey believe the current age for cat sterilisation is not appropriate. It should be noted that 37 per cent of respondents said that it is appropriate, with 46 per cent being unsure (as less than half of survey respondents had read the consultation paper, this high number may indicate that people are not aware of the sterilisation age).

| Agreement with Cat Sterilisation Age | No | Unsure | Yes |
|---|-----|--------|-----|
| I am a breeder of cats | 36% | 0% | 64% |
| I have a dog(s) and cat(s) | 12% | 26% | 62% |
| I am a breeder of dogs and cats | 20% | 20% | 60% |
| I have a cat(s) | 14% | 27% | 59% |
| I am employed in role that works with dogs and/or cats | 29% | 19% | 52% |
| I am involved in animal welfare, including re-homing of dogs and cats | 23% | 31% | 46% |
| Other (please specify) | 21% | 45% | 35% |
| I have a dog(s) | 14% | 63% | 23% |
| I have no specific relationship with dogs or cats | 23% | 57% | 20% |
| I am a breeder of dogs | 40% | 40% | 20% |
| I am involved in the greyhound racing industry | 20% | 60% | 20% |

While consultation indicated that sterilisation of cats is an effective way of reducing cat numbers in the longer term, the age a cat is sterilised needs further investigation. The Cat Haven and the RSPCA advocate for cats to be sterilised at less than six months because cats can reach sexual maturity from as young as three months. This view is generally supported by rangers. By contrast, the Australian Veterinary Association's position is that the timing of the procedure is best determined by the veterinarian in consultation with the owner. The AVA provided the following comment:

"While the AVA strongly supports the sterilisation of cats, the decision whether to sterilise, the timing of the procedure, and the nature of that procedure is best determined by the veterinarian in consultation with the owner. These decisions should not be determined by government legislation. The veterinarian is best placed to understand the specific health and management circumstances of individual animals in their care."

Consultation conducted prior to the commencement of the Cat Act had very strong support for cats to be sterilised (92 per cent of respondents) and there does not seem to be sufficient support to change that view.

Several submitters suggested that government (and/or local government) funding programs should be made available to assist cat and dog owners to meet the costs of de-sexing and microchipping their pet. This could be similar to funding programs available when the Cat Act was introduced in 2013.

Based on submissions received to this review, there is strong support for continuing the provisions for cats to be sterilised to improve cat health, decrease environmental issues, reduce overbreeding and the (often) consequential issues of neglect and abandonment.

Findings

11. The provisions in the Cat Act for cats to be sterilised should remain.
12. Feedback indicated that the age of cat sterilisation should be lowered, although further expert consultation on this will be needed.



Part 2 – Dogs

2.1 Registration

Current legislation

The *Dog Act 1976* requires all dogs must be registered in the local government of the district in which they are ordinarily kept. The Dog Amendment Act introduced registration periods of one year, three years or lifetime.

The benefits of lifetime registration are a reduction of the administrative burden on local governments because renewal notices only need to be issued once and the details of the dog only need to be entered on their systems once. It also reduces the costs for owners who only pay for registration once.

There are also disadvantages with lifetime registration because there is no reminder sent to owners to re-register their dog. As a result, owners may not advise local governments if they no longer have a pet or if they move. Local governments have said that since 2013 when owners have been able to register dogs for their lifetime, there has been a decline in annual revenue from registrations and on the accuracy of the content of registration systems.

Feedback summary

Of the survey responses, the most popular registration period for dogs was for lifetime registration with 81 per cent of respondents supporting this option. Forty-eight per cent of respondents supported an option to register animals for three years and 37 per cent for one year.

Some local governments have indicated that revenue received from dog registrations has decreased in the years since lifetime registration commenced, which has (and will continue to) impact the financial situation of local governments in the long term.

A common sentiment expressed by local governments concerned keeping pet registration details up to date when they are registered for lifetime. In addition, local governments find it difficult to keep track of changes in ownership, address details and other relevant information. A central database is regarded as a partial solution to this problem, in combination with awareness campaigns.

Around 85 per cent of respondents believe that the registration periods for dogs and cats should be the same.

Findings

13. The three options for periods of registration for dogs should remain.

14. Registration periods for dogs and cats should be the same.

15. A central registration database for dogs is needed.

2.2 Collars and tags

Current legislation

The Dog Act prescribes that dogs must wear a registration tag of a certain colour to indicate that they are registered. Dogs are not permitted to be in a public place unless they are wearing a collar and tag that complies with the standards in the Act.

Feedback summary

Seventy-eight per cent of respondents supported the continuation of dogs wearing registration tags, with almost 63 per cent of this group strongly supporting the concept.

Concerns regarding the environmental impact of plastic tags have been raised with the department. Some local governments consider the need to wear plastic registration tags is unnecessary (except for dangerous dogs) since dogs should be microchipped.

If a form of identification is required to be worn by dogs, local governments suggested that a way to address some of the concerns associated with plastic tags is for metallic registration tags to be used. These could be engraved and used by pet owners as name tags and will assist in cases where microchips are unable to be scanned.

Findings

16. Registration tags should continue to be worn by dogs.

17. Consideration could be given to metallic identifiers to be worn instead of plastic tags (this could also apply to cats).

2.3 Microchipping dogs

Current legislation

The Dog Amendment Act introduced provisions for dogs to be microchipped. This applies to dogs that have reached three months of age and to dogs that are transferred to a new owner (no matter what age).

Feedback summary

Over 60 per cent of survey respondents (general and local governments) agree that microchips are an effective way to identify dogs.

Local governments have said that one of the main issues with microchips is that they are not being registered with the relevant microchip database company or details updated when the dog has been transferred to new owners. They report that this happens mainly where the microchip is either not registered or is registered to a breeder or rescue organisation rather than the owner. This can make finding the owner difficult and can lead to dogs being held in pounds longer than necessary.

There was strong support in submissions for one centralised national database to manage microchip data. There has been a shift in some States towards a State-based approach to data management. There is strong continued support by industry and the public for the practice of microchipping dogs. Keeping owner details up to date as part of an approach to the management of microchip data is a continuing challenge for local governments.

As with cats, local governments and stakeholders have reported that some microchip database companies will not provide details of owners, citing privacy concerns. Once again, this means that local governments and rescues/shelters have a difficult (sometimes impossible) task in reuniting dogs and their owners.

Findings

18. Strong support from the public, local governments and industry exists for the practice of microchipping dogs to continue.
19. Improvements should be made to the way microchip details are stored – this should be in either a national or State-based database.
20. Feedback indicated that education on the current requirements of microchipping, focusing on obligations of owners/breeders/rescues when a dog is transferred to a new owner and the need to keep information up to date is necessary to achieve the desired outcomes of reuniting pets with their owners and the obligations of being a responsible dog owner.

2.4 Nuisance dogs

Current legislation

The Dog Amendment Act changed the way that local governments can manage nuisance dogs. A more structured approach was introduced, including that local governments can act on one complaint about a nuisance (barking) dog; and owners can be issued with abatement notices and fines if the problem continues.

Feedback summary

Complaints about nuisance/barking dogs are an ongoing issue for local governments and the public. Survey responses were split on the issue of barking dogs, with 38 per cent of survey respondents agreeing that barking dogs are a problem in their neighbourhood, 39 per cent believe that barking dogs are not a problem and 24 per cent being neutral on the issue. Interestingly, respondents who identified as owning a dog, a cat, or both a dog and a cat were less likely to consider dog barking a problem compared to respondents who own no pets.

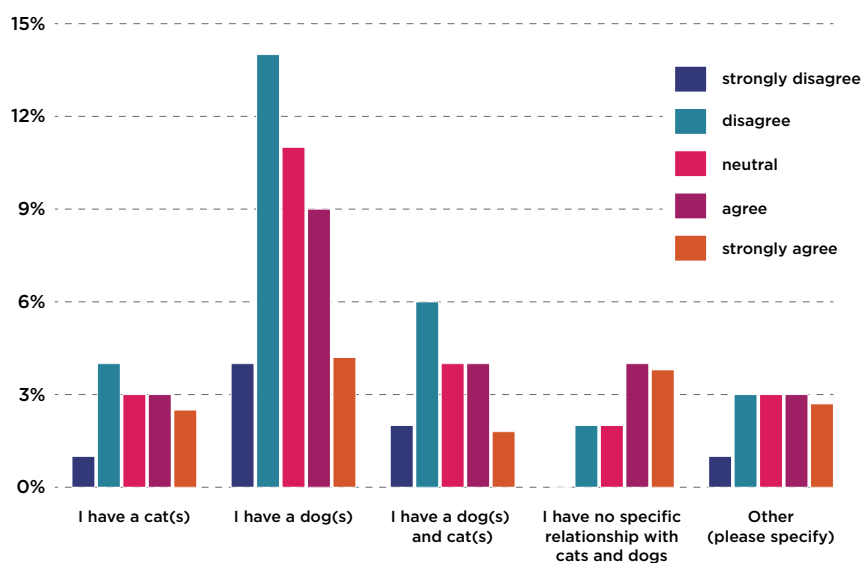


Figure 1: "Barking dogs are a problem in my neighbourhood."

It was evident from the written submissions that barking dogs have a significant impact on their neighbours. Those who are affected by nuisance barking feel very strongly on the issue and call for stronger enforcement and harsher penalties.

Comments from the surveys and written submissions indicate that the process for dealing with nuisance barking dogs is long and ambiguous, often without a clear or satisfactory solution being reached.

Feedback was received that many local governments require a diary recording events of barking to be completed but then local governments do not take appropriate action. On the other hand, some local governments noted that the changes made in 2013 where only one nuisance/barking dog complaint needs to be received before it can be investigated has led to an increase of complaints resulting in rangers being involved in many hours of investigation, which (in some cases) have not ended in successful resolutions.

The following is indicative of comments made by a number of local governments about this matter:

“Barking dog issues take up a significant amount of Ranger time and it would be good to have greater powers to force dog owners to implement bark control strategies without having to take the matter to court. A formalised standard on what constitutes ‘nuisance barking’ would also be useful with a scale to categorise the level of barking issues after diary assessment and potentially have additional modified penalties that can be issued to reflect the level of the breach.”

The WA Rangers Association has reported: “Rangers and Local Government Officers should have greater enforcement powers to enter a property where a dog is ordinarily kept when an officer has received a complaint and have reasonable grounds for believing that a nuisance has been created to inspect the conditions under which the dog is kept.”

Findings

- 21. Feedback indicated support for greater clarification of what constitutes nuisance barking and how these complaints are best dealt with by local governments.**
- 22. There was support for an increase in penalties and for rangers to have more powers to enter/inspect/seize when it has been established a nuisance dog resides at a property.**
- 23. Feedback suggests that guidance materials to assist local governments (and owners) to employ effective, humane, evidence-based strategies to address nuisance barking for the benefit of owners, dogs and the community would be an effective method of dealing with this problem.**

2.5 Dog attacks

Current legislation

Dog owners and every person responsible for control of a dog can be prosecuted if their dog chases or attacks any person or animal, regardless of whether physical injury is caused or not to the person or animal. Owners can be fined even if they are not present at the time of the attack. A person who has been attacked by a dog can take private legal action for any injury or damage they have suffered, including medical costs, veterinarian bills and damage to property. Additional penalties can apply for setting or urging a dog to chase or attack, if the attack results in a fatality, or if the dog is a dangerous dog.

Feedback summary

Seventeen per cent of survey respondents believe that dog attacks are a problem in their neighbourhood.

Many comments in surveys and written submissions called for more training and education for owners and dogs to prevent attacks rather than having a strong focus on penalties, with the following comment from a local government ranger being indicative of feedback on this matter:

“Increasing penalties is not going to decrease the number of serious dog attacks that occur. Educating people, especially children, about basic dog behavior and recognising warning signs in dogs is a more effective way of reducing the impact of dog bite incidents in the future.”

Feedback indicated widespread support for increased education and community awareness campaigns aimed at owners, breeders, children and the public to reduce the incidences of dog bites. An approach to dog ownership based on the Calgary model¹ was favoured among industry submissions and in a submission received from Lisa Baker MLA. Research from this study indicates that this approach has proven to be effective in dealing with issues related to animal control.

The Australian Veterinary Association advocates for a national reporting system to track incidences of dog bites along with mandatory reporting of dog bite incidents to a national database.

Feedback suggested that penalties (fines) may not be high enough to make some people comply with their responsibilities of owning a dog, particularly one that has (or has threatened to) attack. Thirty-eight per cent of survey respondents feel that the penalties for dog attacks are not appropriate.

Additionally, some submissions suggested creating tiers for attack penalties with the severity of the attack dictating the penalty imposed. This concept was also raised at ranger workshops the department conducted.

Feedback on the issue of dog attacks also included improving the definition of ‘attack’ for the purposes of prosecutions.

Findings

24. This is a broad topic where there are strong views, particularly on the penalties available and the powers that rangers have for seizing and holding dogs that have (or threatened to) attacked.

25. There is support for increases to penalties for the owners of dogs that attack.

26. Feedback was strong for education and community awareness campaigns aimed at owners, breeders, children and the public to reduce the incidences of dog bites/attacks.

¹ <https://www.calgary.ca/CSPS/ABS/Pages/Animal-Services/Responsible-pet-ownership-and-licenses.aspx>

2.6 Dangerous dogs and restricted breeds

Current legislation

The Dog Act allows for any dog to be declared dangerous by a local government if:

- The dog has caused injury or damage by an attack on, or chasing, a person, animal or vehicle or
- The dog has repeatedly shown a tendency
 - to attack, or chase, a person, animal or vehicle even though no injury has been caused by that behaviour or
 - to threaten to attack
- Or if the behaviour of the dog meets other criteria prescribed.

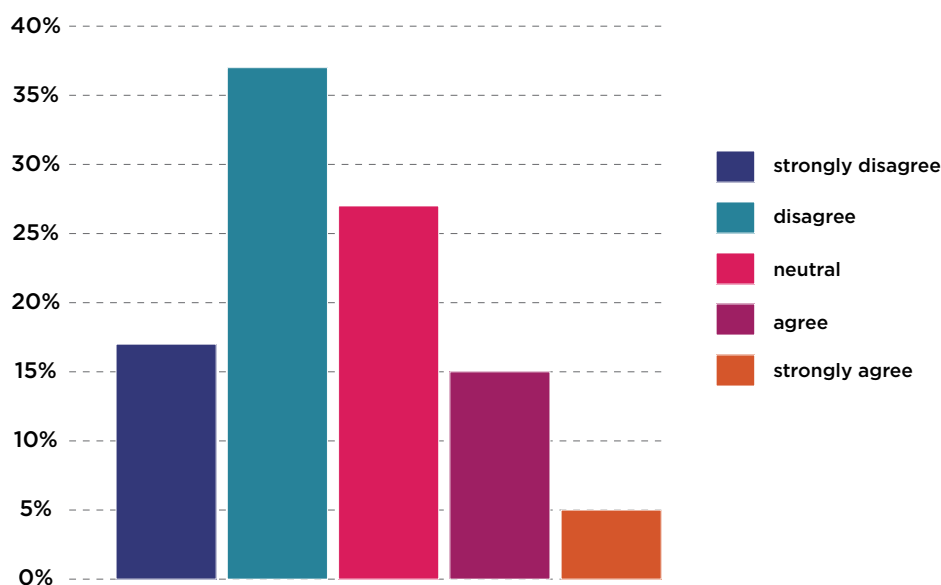
The fines in relation to dangerous dogs were increased in 2013 and a criminal offence was introduced if a dangerous dog kills a person or puts a person's life at risk. Courts can impose a requirement for dog owners to attend and complete a dog training course instead of (or in addition to) a fine.

The Dog Amendment Act strengthened the provisions on restricted breed dogs by banning the advertising for sale of all the restricted breeds.

Feedback summary

Survey results show that many respondents do not believe dangerous dogs are a problem in their neighbourhood while 20 per cent do believe they are an issue.

Figure 2: "Dangerous dogs are a problem in my neighbourhood."



While 20 per cent of respondents also feel that dangerous dogs are not being managed effectively in their neighbourhood, almost half (44 per cent) of respondents were neutral on this matter which may indicate they have not had any first-hand experience with the issue.

Rangers and the WA Rangers Association have commented that, at times, dogs that are held in pounds or placed with rescue organisations may not have their history properly checked to make sure the dog has not previously been declared dangerous (or is a restricted breed dog) before being re-homed or placed in foster care. This may be assisted with by a national (or State-based) database so that local governments and rescue organisations can check on a dog's history before re-homing it.

The WA Rangers Association also noted that the restricted breed provisions should be reviewed as it is a subjective decision for rangers to identify a dog as a restricted breed.

This can lead to difficulties in prosecutions as an 'expert' opinion along with possible DNA testing may be needed to verify the breed of a dog.

A common theme in written submissions regarding dangerous dogs was calls for clearer provisions for dangerous dog enclosures. In the workshops held with rangers, it was suggested that a definition of an enclosure for a dog declared dangerous is provided in the legislation. In a number of other jurisdictions, such as Queensland and New South Wales, the dangerous dog enclosure provisions are explicit and detailed. It should be noted that standards and guidelines for the housing of dogs is included in the 'Health and Welfare of Dogs Standards and Guidelines' currently being finalised by the Department for Primary Industry and Regional Development.

A number of submissions called for legislation regarding restricted breeds to be removed, stating that the behaviour of dogs is dictated by the owners, not their breed. Restricted breed dogs are those which are prohibited under Commonwealth legislation.

These themes can be summarised in the following comment from the Australian Veterinary Association:

"Any dog of any size, breed or mix of breeds has the potential to be aggressive and to be declared dangerous so dogs should not be declared dangerous on the basis of breed or appearance. Each individual dog should be assessed based on its behaviour. The role of the dog owner is a critical factor with respect to the animal's behaviour."

Findings

27. Feedback indicated a need for increased education and awareness campaigns to identify and appropriately manage dangerous and aggressive dogs.

28. While provisions introduced in 2013 such as increased penalties, courts being able to impose training requirements for dog owners, and stricter controls around dangerous dogs appear to be accepted, feedback suggests that there is a need for further improvements around dangerous dog enclosures, reviewing penalties and reviewing the declaration of dogs restricted or dangerous based on their breed.

2.7 Greyhounds

Current legislation

The Dog Act provides that retired racing greyhounds can return to the community as household pets, however, they must always be on a lead when they are in a public place. They are also required to wear a muzzle unless the dog has completed an approved training program as stipulated in the Act.

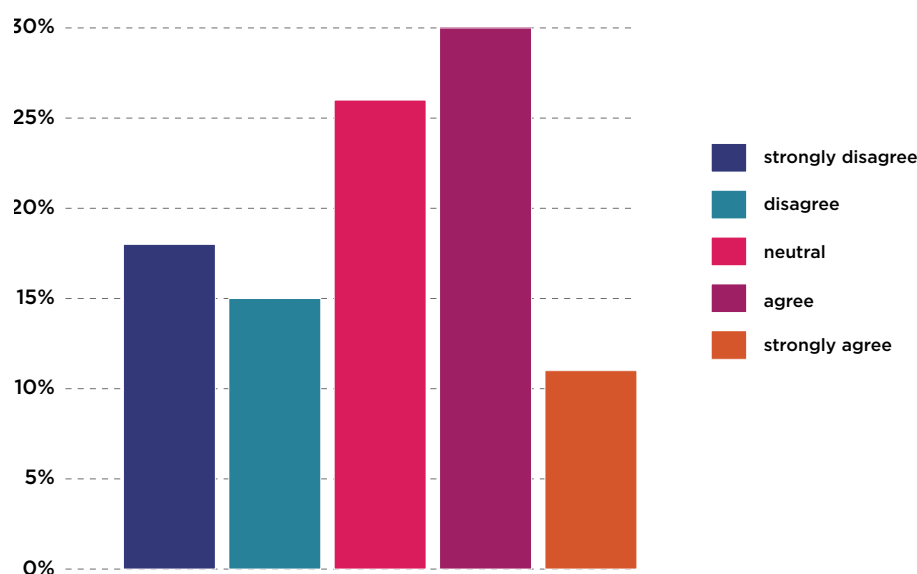
Feedback summary

Fifty-three per cent of survey respondents were in favour of removing the requirement for greyhounds to be muzzled when in public places. 18 per cent believe the requirement should remain, while 29 per cent were neutral.

Respondents to the surveys were asked if greyhounds should be required to complete an approved training program before they may be permitted to be in a public place without a muzzle.

As can be seen by the table below, 41 per cent of respondents supported the concept while 33 per cent disagreed and 26 per cent were neutral on the matter.

Figure 3: Greyhounds should be required to complete an approved training program to be unmuzzled in public places.



A large number (1,192) of written submissions advocated for pet greyhounds to not have to be muzzled when in public places, whether the dog has completed training or not. Many of these submissions suggested that the breed-specific muzzling requirement was ill-informed and archaic and that greyhounds are no more likely to attack than any other breed of dog. Submissions of this nature were received from members of the public, some local governments, peak bodies, animal welfare groups and other organisations in the industry.

In its submission to the review, the WA Rangers Association stated that it did not agree with the recommendation (from greyhound associations and some sections of the community) for greyhounds to be allowed to be off lead and/or unmuzzled in dog exercise areas or other public areas as it has been noted that greyhounds do attack.

Submissions from Racing and Wagering WA and Lisa Baker MLA supported the removal of compulsory muzzling but the provision requiring greyhounds to be on a leash while in public places to remain. The RSPCA (WA) also does not support the requirement for muzzling greyhounds.

Findings

29. Strong support exists for removing the compulsory requirement for greyhounds to be muzzled in public places.

30. There was also support for the muzzling requirement to be removed, but greyhounds to be kept on a leash in public places.

2.8 Assistance dogs

Current legislation

Assistance animals are used for a variety of reasons to help people with their daily lives. In Australia, the most commonly used assistance animal is a dog. An assistance dog is defined as any dog trained or being trained by an approved organisation or is approved by the Director General of the department, to alleviate or manage an effect of a person's disability or medical condition.



If a dog is approved as an assistance dog, it has full public access rights, including being allowed into shopping centres and on public transport.

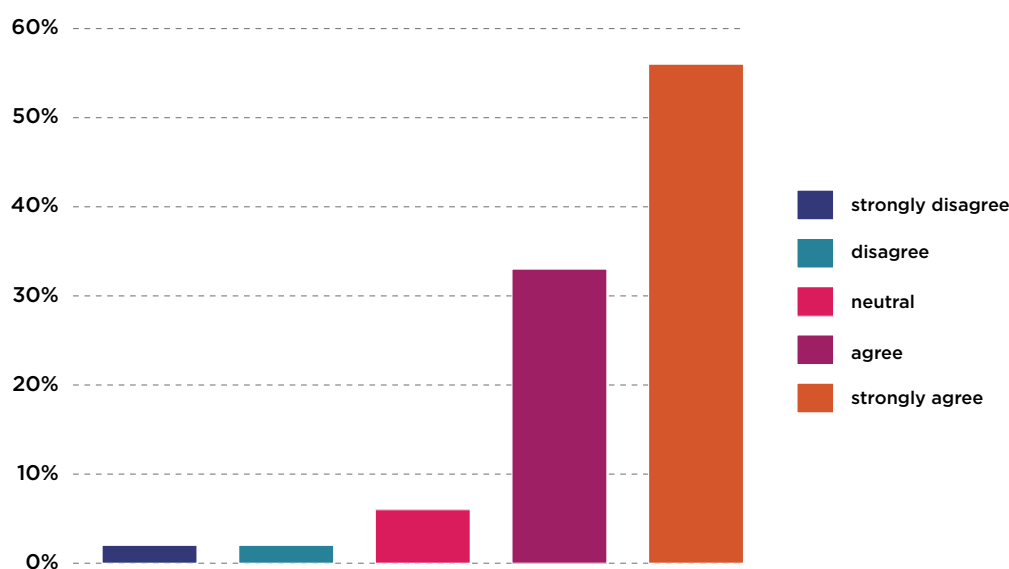
Feedback summary

Feedback has been received suggesting that there should be the ability to approve public access rights for other types of support dogs, such as dogs used in schools or for therapy. Rather than supporting a specific person with a disability or medical condition, a handler could be approved to take education or therapy dogs into public places for helping multiple people, such as children with behavioural issues or mental health conditions.

There was significant support for education and therapy dogs having public access rights, with 90 per cent of survey respondents in favour. Only four per cent were opposed.

Feedback was received from assistance dog advocates for the (2013) provisions to be amended to give people who are refused access to facilities with assistance dogs greater scope for recourse. Currently, only the *Disability Discrimination Act 1992* (Cth) accommodates for assistance animal complaints via the Australian Human Rights Commission. The Sussex Street Community Law Service Inc submitted that its service has acted in many cases where a person with a disability (accompanied by an assistance dog) has been denied access to premises, vehicles and facilities.

Figure 4: "Education and therapy dogs should have public access rights."



Findings

31. While the changes made in 2013 allowing for public access right for assistance dogs have been effective, there was strong support for public access rights to be extended for other types of support dogs.

32. Education about assistance dogs may assist to increase awareness about these trained and approved dogs being allowed in public places and areas like shopping centres etc.

Combining the Cat Act and the Dog Act

Current legislation

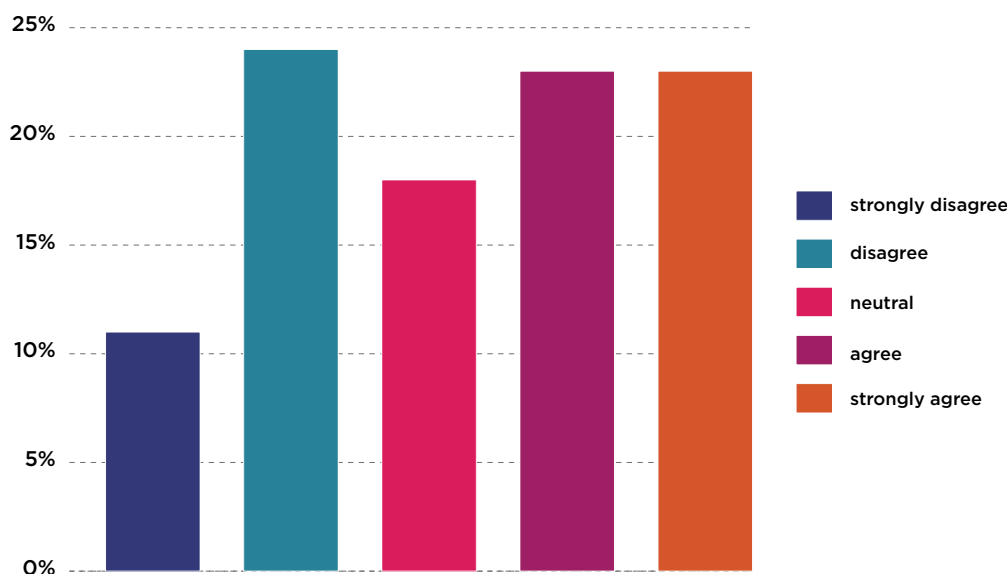
Most States and Territories around Australia have one Act for both cats and dogs. Many requirements apply equally to cats and dogs including registration, microchipping and some enforcement provisions. While there are some areas that are more relevant to dogs than cats and vice versa (for example dog attacks), generally cats and dogs are kept in similar circumstances and can impact negatively on the community when not managed effectively.

A combined Act would still allow for provisions specific to dangerous dogs, dog attacks and management of cats, but it would provide for consistent registration and microchipping provisions for cats and dogs. While not all provisions would apply equally, it would ensure that administrative and enforcement provisions were the same.

Feedback summary

As can be seen from the table below, opinions provided in the survey were split on this topic, with 46 per cent of respondents agreeing that there should be one Act for both cats and dogs.

Figure 4: "There should be one Act for both cats and dogs"



Among written submissions received, there was support for combining the *Dog Act 1976* and the *Cat Act 2011*. The WA Rangers Association supported combining the Acts as it would provide a consistent approach to many issues and is in line with most other Australian States and Territories. A combined Act may also enable the negative impacts of cats and dogs on the environment to be dealt with more effectively.

Findings

33. Feedback indicated support for combining the *Cat Act 2011* and the *Dog Act 1976* into one Act. This view was most evident among rangers and industry organisations who provided written submissions. The common theme is that they believe combining the Acts would be effective in allowing consistency in compliance, enforcement and more generally, laws among local governments.

Other matters

The department also received feedback that was not covered in detail in the consultation paper or was not within the scope of this review. These matters could be considered in any further review of the Acts to continue improving the effectiveness and operation of the legislation:

- Specific regulations to cover cat and dog foster carers, rescues and shelters – including whether animals should be registered, numbers of animals allowed to be kept and penalties when a (declared) dangerous dog is re-homed without the new owners/rehoming agency/local government being informed
- Cat breeders – standardise prescribed breeder applications across local governments
- The definitions relating to dog attacks and provocation should be reviewed – particularly to allow for enforcement following a dog attack and potential proceedings in court.
- The WA Rangers Association (WARA) submitted that the Cat Act and Dog Amendment Act have been effective but note that there are some issues that need to be addressed to continue to improve the operation of the Acts. WARA also commented that the introduction/changes to the Acts has led to additional resource obligations (workload and costs) on local governments to enforce the Acts and maintain compliance.

Conclusion

The analysis of the submissions to the statutory review of the *Cat Act 2011* and *Dog Amendment Act 2013* have provided insights into the effectiveness of both Acts, in addition to highlighting issues that may require further attention and potentially, improvement.

Feedback has indicated that, generally, both Acts are effective at providing for the control and management of cats and dogs and are meeting the objectives of promoting and encouraging responsible ownership of pets.

While the review has found that both Acts should continue, some key themes have been identified as areas for improvement:

- Not muzzling greyhounds when in public places
- Confining cats to premises
- Limiting the numbers of cats kept at premises
- Applying consistency of the laws across the State (noting that this is also being considered as part of the review of the *Local Government Act 1995*)
- Reviewing penalties, enforcement and the powers of rangers to enter premises, seize animals etc
- Combining the cat and dog Acts into one Act.

The feedback and information gathered as part of this review can be used to inform any future review or amendments of the Acts.

Appendix 1 - Summary of findings

Part 1 – cats

Registration

1. Registration of cats is strongly supported. The current three options for periods of registration should remain.
2. Registration periods for cats and dogs should be the same.
3. A central registration database for cats should be explored.

Collars and tags

4. Feedback indicated that the wearing of collars and tags achieves the purpose of enabling a cat to be identified by rangers – including making it obvious that it is a domestic cat that has an owner.
5. There is strong support for this to continue with no change.

Microchipping cats

6. Strong support from the public, local governments and industry exists for the practice of microchipping cats to continue.
7. Improvements could be made to the way microchip details are stored – this could be in either a national or State-based database.
8. Feedback indicated that education on the current requirements of microchipping, focusing on obligations of owners/breeders/rescues when a cat is transferred to a new owner and the need to keep information up to date, is necessary to achieve the desired outcomes of reuniting pets with their owners and the obligations of being a responsible cat owner.

Cat numbers and nuisance/wandering cats

9. There is strong support for cat numbers and confinement/curfews of cats to be implemented State-wide (in legislation) rather than through individual local laws – to provide consistency among local governments.
10. As a means of controlling cat numbers, there were multiple requests in the feedback received for the Cat Act to be brought into alignment with the Dog Act by placing greater restrictions on cat owners in relation to the number of cats that people can own.

Cat sterilisation

11. The provisions in the Cat Act for cats to be sterilised should remain.
12. Feedback indicated that the age of cat sterilisation should be lowered, although further expert consultation on this will be needed.

Part 2 – dogs

Registration

13. The three options for periods of registration for dogs should remain.
14. Registration periods for dogs and cats should be the same.
15. A central registration database for dogs is needed.

Collars and tags

16. Registration tags should continue to be worn by dogs.
17. Consideration could be given to metallic identifiers to be worn instead of plastic tags (this could also apply to cats).



Microchipping dogs

18. Strong support from the public, local governments and industry exists for the practice of microchipping dogs to continue.
19. Improvements should be made to the way microchip details are stored – this should be in either a national or State-based database.
20. Feedback indicated that education on the current requirements of microchipping, focusing on obligations of owners/breeders/rescues when a dog is transferred to a new owner and the need to keep information up to date is necessary to achieve the desired outcomes of reuniting pets with their owners and the obligations of being a responsible dog owner.

Nuisance dogs

21. Feedback indicated support for greater clarification of what constitutes nuisance barking and how these complaints are best dealt with by local governments.
22. There was support for an increase in penalties and for rangers to have more powers to enter/inspect/seize when it has been established a nuisance dog resides at a property.
23. Feedback suggests that guidance materials to assist local governments (and owners) to employ effective, humane, evidence-based strategies to address nuisance barking for the benefit of owners, dogs and the community would be an effective method of dealing with this problem.

Dog attacks

24. This is a broad topic where there are strong views, particularly on the penalties available and the powers that rangers have for seizing and holding dogs that have (or threatened to) attacked.
25. There is support for increased penalties for the owners of dogs that attack.
26. Feedback was strong for education and community awareness campaigns aimed at owners, breeders, children and the public to reduce the incidences of dog bites/attacks.

Dangerous dogs and restricted breeds

27. Feedback indicated a need for increased education and awareness campaigns to identify and appropriately manage dangerous and aggressive dogs.
28. While provisions introduced in 2013 such as the increase to penalties, courts being able to impose training requirements for dog owners, and stricter controls around dangerous dogs appear to be accepted, feedback suggests that there is a need for further improvements around dangerous dog enclosures, reviewing penalties and reviewing the declaration of dogs restricted or dangerous based on their breed.

Greyhounds

29. Strong support exists for removing the compulsory requirement for greyhounds to be muzzled in public places.
30. There was also support for the muzzling requirement to be removed, but greyhounds to be kept on a leash in public places.

Assistance dogs

31. While the changes made in 2013 allowing for public access right for assistance dogs have been effective, there was strong support for public access rights to be extended for other types of support dogs.
32. Education about assistance dogs may assist to increase awareness about these trained and approved dogs being allowed in public places and areas like shopping centres etc.

Combining the Cat Act and the Dog Act

33. Feedback indicated support for combining the *Cat Act 2011* and the *Dog Act 1976* into one Act. This view was most evident among rangers and industry organisations who provided written submissions. The common theme is that they believe combining the Acts would be effective in allowing consistency in compliance, enforcement and more generally, laws among local governments.

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Local Government Act 1995

Cat Act 2011

City of Armadale

Cat Local Law 2022

Under the powers conferred by the *Local Government Act 1995*, the *Cat Act 2011* and under all other powers enabling it, the Council of the City of Armadale resolved on XX to make the following local law.

PART 1 – PRELIMINARY

1.1 Citation

This local law may be cited as the *City of Armadale Cat Local Law 2022*.

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 Terms used

In this local law unless the context otherwise requires —

Act means the *Cat Act 2011*;

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

approved cat breeder has the meaning given to it in the Act;

authorised person means a person appointed by the local government to perform all or any of the functions conferred on 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 has the meaning given to it in the Act;

cattery means any premises where 3 or more cats are boarded, housed or trained temporarily, usually for profit, and where the occupier of the premises is not the ordinary owner of the cats;

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

group dwelling (commonly referred to as a duplex, villa or townhouse) means a dwelling that is one of a group of two or more dwellings on the same lot such that no dwelling is placed wholly or partly vertically above or below the other, except where special conditions of landscape or topography dictate otherwise, and includes a dwelling on a survey strata with common property;

local government means the City of Armadale;

multiple dwelling (often called a flat, apartment or unit) meaning a dwelling in a group of more than 1 dwelling on a lot where any part of a dwelling is vertically above part of any other but—

- (a) does not include a group dwelling; and
- (b) includes any dwellings above the ground floor in a mixed use development;

nuisance means —

- (a) 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) an unreasonable interference with the use and enjoyment of a person of his or her ownership or occupation of land;
- (c) interference which causes material damage to land or other property on the land affected by the interference;

Notice means a Cat Control Notice issued under section 26 of the Act;

owner has the meaning given to it in the Act;

permit means a permit issued by the local government under Part 4;

permit holder means a person who holds a valid permit issued under Part 4;

pet shop means a shop or place used for the conduct of a business, in the course of which an animal is kept for the purposes of sale;

premises has the meaning given to it in the Act;

public place has the meaning given to it in the Act;

Schedule means a Schedule to this local law;

Scheme means a town planning scheme of the local government made by it under the *Planning and Development Act 2005* and its antecedents;

single dwelling means a house that stands alone on its own parcel of land.

PART 2—CAT CONTROL

2.1 Cats in Public Places

- (1) A cat shall not be permitted in a public place, if in the opinion of an authorised person, the cat is causing a nuisance.
- (2) If a cat is at any time in a public place in contravention of subclause (1)—
 - (a) the owner of the cat commits an offence; and
 - (b) an authorised person may seize and impound the cat and deal with the cat pursuant to the Act.

2.2 Cats in Other Places

- (1) A cat shall not be in any place that is not a public place if—
 - (a) consent to it being there has not been given by the occupier, or a person authorised to consent on behalf of the occupier; and/or
 - (b) the cat, in the opinion of an authorised person, is causing a nuisance.
- (2) If a cat is at any time in a place in contravention of subclause (1)—
 - (a) the owner of the cat commits an offence; and
 - (b) an authorised person may seize and impound the cat and deal with the cat pursuant to the Act.

2.3 Cat in Prohibited Areas

- (1) A cat shall not be in any Cat Prohibited Area as identified in Schedule 3.

- (2) If a cat is at any time in a place in contravention of subclause (1)—
 - (a) the owner of the cat commits an offence; and
 - (b) an authorised person may seize and impound the cat and deal with the cat pursuant to the Act.

2.4 Cat Nuisance

- (1) The owner of a cat, or any other person responsible for a cat, shall not allow the cat to create a nuisance.
- (2) Where, in the opinion of an authorised person, a cat is creating a nuisance, the local government may give a Notice to the owner of the cat or any other person in control of the cat, requiring that person to abate the nuisance.
- (3) When a nuisance has occurred and a Notice is given, the Notice remains in force for the period specified by the local government on the Notice which shall not exceed 6 months from the date of the Notice.
- (4) A person given a Notice shall comply with the Notice within the period specified in the notice.
- (5) If the owner fails to comply with a Notice, then —
 - (a) the owner of the cat commits an offence; and
 - (b) an authorised person may seize and impound the cat and deal with the cat pursuant to the Act.

PART 3—CAT PROHIBITED AREAS

3.1 Designation of Cat Prohibited Areas

- (1) The local government may designate land as a Cat Prohibited Area by stating a description of the land in Schedule 3.
- (2) In determining land as a Cat Prohibited Area for the purposes of subclause (1), the local government may have regard to—
 - (a) the nature of the flora and fauna on the land;
 - (b) whether the land has been recognised by any authority as having flora or fauna of local, regional or state significance;
 - (c) whether it is land to which section 5 of the *Conservation and Land Management Act 1984* applies;

- (d) whether the land is declared as an 'Environmentally Sensitive Area' under the *Environmental Protection Act 1986*; or
 - (e) whether the land is near another area considered to be environmentally significant.
- (3) In designating land for the purpose of section 3.1 the Local Government shall have regard to clause 2.1.

PART 4—PERMITS FOR KEEPING CATS

4.1 Interpretation

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

4.2 Cats for Which a Permit is Required

(1) Subject to subclause (2) a person is required to have a permit to—

- (a) keep 3 cats or more on any premises;
- (b) be an approved cat breeder; or
- (c) use any premises as a cattery.

(2) A permit is not required under subclause (1) if the premises concerned are—

- (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 pet shop.

(3) If the owner fails to obtain a permit under clause 4.2(1), then —

- (a) the owner of the cat commits an offence; and
- (b) an authorised person may seize and impound the cat and deal with the cat pursuant to the Act.

4.3 Transitional Provisions

Where an owner has 3 or more cats on their premises, registered in accordance with the Act, prior to this local law coming into operation they are not required to have a permit; however they will not substitute or replace any cat (in excess of 2 cats) once that cat—

- (a) dies; or
- (b) is permanently removed from the premises.

4.4 Application for Permit

An application for a permit under clause 4.2 shall include but may not be limited to the following —

- (a) made in writing by an occupier of either a single or multiple dwelling or premises in relation to that single or multiple dwelling or premises;
- (b) in a form approved by the local government, describing and specifying the number of cats to be kept at the single or multiple dwelling or on the premises;
- (c) accompanied by justification for the request;
- (d) accompanied by the plans of the single or multiple dwelling or premises to which the application relates, to the specification and satisfaction of the local government;
- (e) accompanied by the consent in writing of the owner of the single or multiple dwelling or premises, where the occupier is not the owner of the single or multiple dwelling or premises to which the application relates;
- (f) accompanied by the application fee for the permit determined by the local government from time to time; and
- (g) accompanied by written evidence that either the applicant or another person who will have charge of the cats, will reside at the single or multiple dwelling or on the premises or, in the opinion of the local government, sufficiently close to the single or multiple dwelling or premises so as to maintain effective control of the cats and ensure their health and welfare.

4.5 Refusal to Determine Application

The local government may not determine an application for a permit if it is not made in accordance with clause 4.4.

4.6 Factors Relevant to Determination of Application

- (1) In determining an application for a permit the local government may have regard to—
 - (a) the reasons and justification provided for the request;
 - (b) the physical suitability of the premises for the proposed use;
 - (c) the suitability of the zoning of the premises under any Scheme which applies to the premises for the use;
 - (d) the environmental sensitivity and general nature of the location surrounding the premises for the proposed use;

- (e) the structural suitability of any enclosure in which any cat is to be kept;
- (f) the likelihood of a cat causing a nuisance, inconvenience or annoyance to the occupiers of adjoining land;
- (g) the likely effect on the amenity of the surrounding area of the proposed use;
- (h) the likely effect on the local environment, including any pollution or other environmental damage which may be caused by the use;
- (i) any submissions received under subclause (2) within the time specified in subclause (2); and
- (j) such other factors which the local government may consider to be relevant in the circumstances of the particular case.

(2) Where an application is received pursuant to clause 4.4 the local government shall—

- (a) consult with adjacent occupiers and landowners; and
- (b) notify adjacent occupiers and 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.

4.7 Decision on Application

(1) The local government may—

- (a) approve an application for a permit, in which case it shall approve it subject to the conditions in clause 4.8, and may approve it subject to any other conditions it considers fit;
- (b) approve an application but specify an alternative number of cats permitted to be housed at the address; or
- (c) 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 a permit in the form determined by the CEO.

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

4.8 Conditions

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

- (a) each cat kept on the premises to which the permit relates shall remain under the effective control of a person;
- (b) 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);

- (c) the single, group or multiple dwelling or premises shall be maintained in good order and in a clean and sanitary condition;
 - (d) the written consent to the application for a permit of the adjoining group or multiple dwellings has been obtained;
 - (e) the written consent to the application from the owner of the premises, if not the applicant, has been obtained;
 - (f) 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.
 - (g) those conditions contained in Schedule 1.
- (2) A permit holder who fails to comply with a condition of a permit commits an offence.

4.9 Duration of Permit

Unless otherwise specified, in a condition on a permit, a permit commences on the date of issue and is valid until any cat either—

- (a) dies; or
- (b) is permanently removed from the premises; or
- (c) the permit holder ceases to reside at the dwelling or premises to which the permit relates.

4.10 Revocation

The local government may revoke a permit if the permit holder fails to observe any provision of this local law or a condition of a permit.

4.11 Permit not Transferable

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

PART 5—IMPOUNDING OF CATS

5.1 Cat Management Facility

- (1) The local government may establish and maintain a cat management facility or facilities, managed by an authorised person for the impounding of cats and the subsequent management of those cats under this local law.
- (2) 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; and
 - (b) times for the sale of cats from the facility.
- (3) An authorised person, referred to in subclause (1), is to be in attendance at the facility for the release of impounded cats at the times and on the days of the week that the facility is open to the public.

5.2 Impounding Register

- (1) The local government is to keep a register that records the impoundment of each cat.
- (2) The register 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, time and location of seizure and impounding;
 - (e) the particulars 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 direction made by an authorised person under clause 2.4(2) relating to the cat; and
 - (h) the date of the sale, release or destruction of the cat.
- (3) The register is to be available for inspection by the public.

5.3 Charges and Costs

The following are to be imposed and determined by the local government under sections 6.16 to 6.19 of the *Local Government Act 1995*—

- (a) the charges to be levied under section 31 of the Act relating to the seizure, impounding, caring, microchipping, sterilisation or destruction/disposal of a cat; and
- (b) the additional fee payable under section 31 of the Act where a cat is released or sold at a time or on a day other than those determined under clause 5.1(2).

5.4 Release of Impounded Cats

- (1) A claim for the release of a cat seized and impounded is to be made to the authorised person referred to in clause 5.1(1).

- (2) The authorised person referred to in clause 5.1(1) is not to release a cat seized and impounded to any person unless that person has produced, to their satisfaction, evidence—
 - (a) of his or her ownership of the cat or of his or her authority to take delivery of it; or
 - (b) that he or she is the person identified as the owner on a microchip implanted in the cat; or
 - (c) of proof of registration of the cat in accordance with the Act; or
 - (d) if a permit under Part 4 is required, proof of obtaining the permit.
- (3) A cat may not be released from a cat management facility operated by the local government until all applicable fees have been paid and the cat is registered and microchipped in accordance with the Act.
- (4) The CEO may waive fees required to be paid under subclause (3).
- (5) Subclause (3) does not apply to an authorised person acting in the course of their duties.

PART 6—MISCELLANEOUS

6.1 Giving of a Notice

A Notice given under this local law may be given to a person—

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

6.2 Content of a Notice

The contents of a Notice given under clause 6.1 can be—

- (a) ascertained from the person directly;
- (b) recorded by the local government under the Act; or
- (c) ascertained from enquiries made by the local government.

PART 7—OBJECTIONS AND REVIEW

7.1 Objections and Review

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 the decision under Division 1 of Part 9 of the *Local Government Act 1995*.

PART 8—OFFENCES AND PENALTIES

8.1 Offences

- (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 liable, on conviction, to a penalty not exceeding \$5000, 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.

8.2 Prescribed Offences

- (1) An offence against a clause specified in Schedule 2 is a prescribed offence for the purposes of section 84 of the Act.
- (2) The amount appearing directly opposite each such offence is the modified penalty in relation to that offence.

8.3 Forms

- (1) 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.
- (2) An infringement notice given under section 62 of the Act is to be in the form of Form 6 of Schedule 1 of the *Cat Regulations 2012*.
- (3) A notice sent under section 65 of the Act withdrawing an infringement notice is to be in the form of Form 7 of Schedule 1 of the *Cat Regulations 2012*.

Schedule 1

ADDITIONAL CONDITIONS APPLICABLE TO PARTICULAR PERMITS

[Clause 4.8]

A. Permit to keep 3 Cats or More

Additional conditions—

- (1) In the case of a grouped dwelling where there is no suitable dividing fence or multiple dwellings on the same level, the written consent to the application for a permit of the occupier of the adjoining dwellings has been obtained.
- (2) Without the consent of the local government, the permit holder will not substitute or replace any cat that is the subject of a permit once that cat—
 - (a) dies; or
 - (b) is permanently removed from the premises.

B. Permit for Approved Cat Breeder

Additional conditions—

- (1) Required to keep records of all purchases and or transfers of cat/s for a period of 2 years, including but not limited to the purchasers' name and address, and the cat/s microchip number; and
- (2) Premises may be inspected annually.

C. Permit to Use Premises as a Cattery

Additional conditions—

- (1) All building enclosures must be structurally sound, have impervious flooring, be well lit and ventilated and otherwise comply with all legislative requirements;
- (2) There is to be a feed room, wash area, isolation cages and maternity section;
- (3) Materials used in structures are to be approved by the local government;
- (4) An approved apparatus for the treatment and disposal of sewerage is to be installed to the satisfaction of the local government and where installed it is to be maintained to the manufacturer's specifications.
- (5) The internal surfaces of walls are, where possible, to be smooth, free from cracks, crevices and other defects;
- (6) All fixtures, fittings and appliances are to be capable of being easily cleaned, resistant to corrosion and constructed to prevent the harbourage of vermin;
- (7) Wash basin with the minimum of cold water to be available to the satisfaction of the Local Government;
- (8) The maximum number of cats to be kept on the premises stated on the permit is not to be exceeded;
- (9) An register 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 owner;

- (10) The register is to be made available for inspection on the request of an authorised person;
- (11) Enclosures are to be thoroughly cleaned each day and disinfected at least once a week to minimise disease;
- (12) Any sick or ailing cat is to be removed from the premises or transferred to an isolation cage separated from other cats on the premises; and
- (13) 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 (or any part thereof).

Schedule 2
PRESCRIBED OFFENCES

[Clause 8.2]

| Item | Clause | Description | Modified Penalty |
|------|-----------|--|------------------|
| 1 | 2.1(2)(a) | Cat causing a nuisance in a public place | \$200 |
| 2 | 2.2(2)(a) | Cat in a place that is not a public place without consent and/or is causing a nuisance | \$200 |
| 3 | 2.3(2)(a) | Cat in prohibited area | \$200 |
| 4 | 2.4(5)(a) | Failure to comply with a Notice | \$200 |
| 5 | 4.2(3)(a) | Failure to obtain a Permit | \$200 |
| 6 | 4.8(2) | Failure to comply with a condition of a permit | \$200 |

Schedule 3
CAT PROHIBITED AREAS

[Clause 3.1]

| Property Description | Reserve No. | Suburb |
|---|--|-------------|
| Armadale Settlers Common (including ecological corridors) | R4127, R51797, R48887, R47394, R47977, R45929, R46515. | Bedforddale |
| Bungendore Park | R4561 | Bedforddale |
| Fletcher Park | R14217 | Armadale |
| Lloyd Hughes Park | R6468 | Kelmscott |
| Roley Pools | R28353 | Roleystone |

Dated the _____ day of _____ 2023.

The Common Seal of the City of Armadale was affixed by authority of a resolution of the Council in the presence of:

Ruth Butterfield
MAYOR

Joanne Abbiss
CHIEF EXECUTIVE OFFICER