



PROPOSED SHIRE OF WAGIN CAT LOCAL LAW

The Shire of Wagin has resolved to give notice of the proposed Shire of Wagin Cat Local Law 2025.

The purpose of the Cat Local Law 2025 is to set a 'standard number' of cats and provide controls for nuisance cats.

The effect of Cat Local Law 2025 is that a person must not keep more than the standard number of cats unless provided for by the local law, Cat Act 2011 or associated regulations and ensure that a cat does not create a nuisance.

A copy of the proposed Local Law may be inspected during normal opening hours at the Shire Office, 2 Arthur Road, Wagin. It is also available on the Shire's website www.wagin.wa.gov.au.

Submissions about the proposed local law may be made to the Shire by 4.30pm on Friday 29 August 2025.

For more information, contact the Shire on telephone 9861 1177 or email shire@wagin.wa.gov.au.

A handwritten signature in black ink, appearing to be 'Dr Kenneth Parker', is written above the printed name.

Dr Kenneth Parker
CHIEF EXECUTIVE OFFICER

CAT ACT 2011
LOCAL GOVERNMENT ACT 1995
Shire of Wagin
CAT LOCAL LAW 2025

Under the powers conferred by the *Cat Act 2011*, the *Local Government Act 1995* and all other powers enabling it, the Council of the Shire of Wagin resolved on dd mmm yyyy to make the following local law.

PART 1 - PRELIMINARY

1.1 Title

This is the *Shire of Wagin Cat Local Law 2025*.

1.2 Commencement

This local law comes into operation on the fourteenth day after the day on which it is published in the *Government Gazette*.

1.3 Terms Used

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

Act means the *Cat Act 2011*;

application means an application for an approval;

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

applicant means a person who has made an application for approval;

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

cat has the meaning given to it in the *Act*;

cat control notice has the meaning given to it in the *Act*;

cat management facility has the meaning given to it in the *Act*;

CEO means the Chief Executive Officer of the local government;

district means the district of the local government;

local government means the Shire of Wagin;

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

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; or
- (c) interference which causes material damage to land or other property on the land affected by the interference.

Owner has the meaning given to it in the Act;

person means person or any word or expression descriptive of a person including a public body, company, or association or body of persons, corporate or unincorporate.

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

schedule means a schedule to this local law.

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

1.4 Application

This local law applies throughout the district.

PART 2 - NUMBER OF CATS THAT MAY BE KEPT

2.1. Interpretation

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

2.2. Prescribed premises

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

- (a) a cat management facility operated by a body prescribed as a cat management facility operator under the *Cat Regulations 2012*;
- (b) a cat management facility operated by the local government; or
- (c) a veterinary practice business as defined under section 3 of the *Veterinary Practice Act 2021*, but only in relation to cats kept on those premises for treatment.

2.3. 'Standard number of cats'

For the purposes of the definition of **standard number of cats** in regulation 4(1) of the *Cat (Uniform Local Provisions) Regulations 2013*, no more than 2 cats may be kept on premises at which a member of a cat organisation is not ordinarily resident.

2.4. Application for approval

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

2.5. Determining an application

- (1) For the purpose of determining whether to grant approval for an application to keep an additional number of cats at prescribed premises, the local government must have regard to –
 - (a) the zoning of the land under the local planning scheme;
 - (b) the physical suitability of the premises for the proposed use;

- (c) the environmental sensitivity and general nature of the location surrounding the premises for the proposed use;
 - (d) the structural suitability of any enclosure in which any cat is to be kept;
 - (e) the likelihood of a cat causing a nuisance to an occupier of adjoining land;
 - (f) the likely effect on the amenity of the surrounding area of the proposed use;
 - (g) the likely effect on the local environment including any pollution or other environmental damage, which may be caused by the proposed use; and
 - (h) any other factors which the local government considers to be relevant in the circumstances of the application.
- (2) A determination is to be in the form determined by the CEO and is to be issued to the applicant.

2.6. Conditions

- (1) For the purposes of ensuring that the premises to which an application relates are suitable for the additional number of cats, the local government may impose any condition that it considers to be reasonably necessary for that purpose.
- (2) In addition to any conditions imposed under subclause (1) of this clause, every permit is to be issued subject to the following conditions—
 - (a) each cat kept on the premises to which the permit relates shall comply with the requirements of the Act, the Cat Regulations 2012 and the Cat (Uniform Local Provisions) Regulations 2013; and
 - (b) 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 dies or is permanently removed from the premises.

2.7. Renewal of an application

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

2.8. Approval not Transferable

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

2.9. Variation or cancellation of an approval

- (1) The local government may, at any time, vary the conditions of an approval by giving written notice to the applicant and specifying the date on which the changes will become effective.
- (2) The local government may cancel an approval –
 - (a) on the request of the applicant;
 - (b) if the applicant breaches the Act, the Cat Regulations 2012, the Cat (Uniform Local Provisions) Regulations 2013 or this local law; or
 - (c) if the applicant is not a fit and proper person to provide for the health and welfare of the cats.

- (3) If an approval is cancelled, the fee paid for the approval is not refundable for the term of the approval that has not yet expired.

PART 3 – CAT CONTROL

3.1. Cat not to be a nuisance

- (1) The owner of a cat must prevent the cat from creating a nuisance.
- (2) Where the local government receives a complaint from a person that is in accordance with the notice of complaint form as contained in Schedule 1 of this local law, and where in the opinion of an authorised person, that a cat is creating a nuisance, the local government may give a cat control notice to the owner of the cat requiring that person to abate the nuisance.
- (3) When a nuisance has occurred and a notice to abate the nuisance is given, the notice remains in force for a period specified on the notice which must not exceed 28 days.
- (4) The owner of a cat given the notice to abate the nuisance must comply with the notice within the period specified in the notice.
- (5) A cat control notice under subclause 3.1(2) must be Form 3 of the *Cat Regulations 2012*.

PART 4 – OBJECTIONS AND APPEALS

4.1 Objections and appeals

- (1) A person who is aggrieved by a decision of the local government made under clauses 2.5, 2.7, 2.8 or 2.9 is a decision to which Part 9 Division 1, of the Local Government Act 1995 applies.
- (2) The form of an objection is Form 8 in the Cat Regulations 2012, Schedule 1.

PART 5 – ENFORCEMENT

5.1. Infringement Notices

- (1) The issue of infringement notices, their withdrawal and the payment of modified penalties are dealt with in Part 4, Division 4 of the Act.
- (2) An infringement notice in respect of an offence against this local law may be given under Section 62 of the Act and is to be in the form of Schedule 1, Form 6 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 Schedule 1, Form 7 of the Cat Regulations 2012.

5.2 Serving of infringement notices

An infringement notice served under section 62 of the Act or this local law may be given to a person –

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

5.3 General offence and penalty provisions

- (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) An offence against any provision of this local law is a prescribed offence for the purposes of Section 84 of the Act.
- (3) Unless otherwise specified, any person who commits an offence under this local law is liable on conviction, to a penalty not exceeding \$5,000, and if the offence is of a continuing nature, to a further penalty not exceeding a fine of \$500 in respect of each day or part of a day during which the offence has continued.
- (4) The amount appearing in the final column of Schedule 2 directly opposite an offence described in that Schedule, is the modified penalty for that offence.

SCHEDULE 1—FORMS

Form 1—Nuisance Complaint Form

TAKE NOTICE THAT a cat, believed to be a (1) _____
 has created a nuisance by (2) _____
 the cat is believed to belong to (3) _____
 and is kept at (4) _____
 and I (5) _____
 of _____

requests the local government to institute proceedings, if the nuisance does not stop, and undertake—

- (a) to give full information to the local government as to this matter; and
- (b) to appear in Court and give evidence as a witness to the truth of this complaint.

DATED this _____ day of _____ 20

.....

(to be signed by complainant)

- (1) Insert breed or kind of cat and, where possible, its sex and identifying marks.
- (2) Describe details of the alleged nuisance, including the kind of nuisance and, where possible, the dates and time on or between which the nuisance occurred, and where the cat was at the time of the nuisance.
- (3) State name and address of the person believed to be the owner.
- (4) State, if known, where the cat is usually kept.
- (5) Insert name and address of complainant.

SCHEDULE 2

Prescribed Offences and Modified Penalties

	Offence	Description	Modified Penalty
1	2.3	Keeping more than the standard number of cats without an approval	\$200
2	2.6	Failure to comply with a condition of an approval	\$200

3	3.1(1)	Cat causing nuisance	\$200
4	3.1(4)	Failure to comply with a cat control notice	\$200

Dated dd mmm yyyy

The Common Seal of the Shire of Wagin was affixed by authority of a resolution of the Council in the presence of:

PHILIP BLIGHT, Shire President.

KENNETH PARKER, Chief Executive Officer.