



**CATS BY-LAW 2024**

**By-law No. 6 of 2024**

A By-law to limit the number of cats kept on premises and for the responsible management and control of cats in the Council’s area, including for conservation purposes and to protect Kangaroo Island’s unique biodiversity and to reduce adverse economic impacts to the islands primary production sector.

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## PART 1 – PRELIMINARY

### 1. Title

This By-law may be cited as the *Cats By-law 2024* and is By-law No. 6 of the Kangaroo Island Council.

### 2. Authorising Law

This By-law is made under section 90 of the *Dog and Cat Management Act 1995* and section 246 of the Act.

### 3. Purpose

The objectives of this By-law are to control and manage cats in the Council's area:

- 3.1 to promote responsible cat ownership;
- 3.2 to work towards achieving the Council's vision of eradicating feral cats from Kangaroo Island to eliminate their adverse impacts upon wildlife, primary production and human health;
- 3.3 to reduce the incidence of public and environmental nuisance caused by cats;
- 3.4 to protect the comfort and safety of members of the public; and
- 3.5 for the good rule and government of the Council area.

### 4. Commencement, revocation and expiry

4.1 The following By-laws previously made by the Council are revoked from the day on which this By-law comes into operation<sup>1</sup>:

*By-law No. 6 – Cats 2017.*<sup>2</sup>

4.2 This By-law expires on 1 January 2032.<sup>3</sup>

#### Note-

1. Generally a By-law comes into operation 4 months after the day on which it is gazetted: section 249(5) of the Act.
2. Section 253 of the Act provides that the revocation of a By-law by another By-law that contains substantially the same provisions, does not affect certain resolutions such as those applying a By-law to a part or parts of the Council area.
3. Pursuant to section 251 of the Act, a By-law will expire on 1 January following the seventh anniversary of the gazettal of the By-law.

### 5. Application

5.1 This By-law operates subject to the Council's Permits and Penalties By-law 2024.

5.2 This By-law applies throughout the Council's area subject to any declaration of the Minister responsible for the *Landscape South Australia Act 2019* that is made under Part 9 of that Act.

## 6. Definitions

In this By-law, unless the contrary intention appears;

- 6.1 **Act** means the Local Government Act 1999;
- 6.2 **approved cattery** means a building, structure or area approved pursuant to the Planning, Development and Infrastructure Act 2016, for the keeping of multiple cats on a temporary or permanent basis;
- 6.3 **breeding cat** means a cat that is reproductively intact (un-spayed or neutered) and is being kept with the capacity to breed;
- 6.4 **cat** means an animal of the species felis catus that is three (3) months of age, or has lost its juvenile canine teeth;
- 6.5 **Council** means Kangaroo Island Council;
- (a) **effective control** by means of physical restraint means:
- (i) a person is exercising effective control of a cat by means of a cord or leash that does not exceed 2 metres in length restraining the cat; or
  - (ii) a person has effectively secured the cat by placing it in a cage, vehicle or other enclosed object or structure.
- 6.6 **keep** includes the provision of food or shelter;
- 6.7 for the purposes of clause 8, a cat (or cats) causes a **nuisance** if it:
- 6.7.1 unreasonably interferes with the peace, comfort or convenience of a person, including but not limited to by displaying aggressive nature or creating unpleasant noise, or odour;
  - 6.7.2 damages, kills or otherwise has an adverse impact upon native flora or fauna;
  - 6.7.3 acts in a manner that is injurious or causes damage to a person's real or personal property;
  - 6.7.4 wanders onto premises without the consent of the owner or occupier of the premises; or
  - 6.7.5 defecates or urinates on premises without the consent of the owner or occupier of the premises;
- 6.8 **owner** of a cat has the same meaning as in section 5 of the *Dog and Cat Management Act 1995*;
- 6.9 the **person responsible for the control of a cat** has the same meaning as in section 6 of the *Dog and Cat Management Act 1995*; and
- 6.10 **public place** has the same meaning as in the Act and, for the avoidance of doubt, includes a road.

- 6.11 **premises** includes land whether used or occupied for domestic or non-domestic purposes and any part thereof.
- 6.12 **Registrar** means the person appointed by the Council as Registrar under the Dog and Cat Management Act 2005;
- 6.13 **road** has the same meaning as in the Act.
- 6.14 **un-spayed cat** means a female cat that has not been desexed and is reproductively intact.
- 6.15 **un-neutered cat** means a male cat that has not been desexed and is reproductively intact.

**Note-**

Section 12 of the *Legislation Interpretation Act 2021* provides that an expression used in this By-law has, unless the contrary intention appears, the same meaning as in the Acts under which the By-law is made.

## **PART 2 –CAT CONTROLS**

### **7. Limits on cat numbers**

- 7.1 Subject to subclause 7.2, a person must not, without the Council's permission, keep or cause, suffer or permit to be kept, more than two (2) cats on any premises.
- 7.2 Subclause 7.1 does not apply to premises comprising a business involving the keeping of cats (including not limited to the operation of an approved cattery) provided that the business is operating in accordance with all required approvals and consents.
- 7.3 The Council may require that premises that are the subject of an application for permission to keep additional cats are to be inspected by an authorised person for the purpose of assessing the suitability of the premises for housing cats.
- 7.4 Permission under subclause 7.1 may be given if the Council is satisfied that:
- 7.4.1 no insanitary condition exists or is likely to arise on the premises as a result of the keeping of cats; and
- 7.4.2 a nuisance is not or is not likely to be caused to any neighbour as a result of the keeping of cats on the premises.
- 7.5 No cat is to be kept outdoors on any premises where, in the opinion of an authorised person, there is no secure or appropriate area where a cat may be effectively confined.

### **8. Cats not to be a nuisance**

- 8.1 An owner or occupier of premises must ensure that any cat (or cats) kept or allowed to remain on the premises does not cause a nuisance.

- 8.2 Without limiting liability under subclause 8.1 the owner of or person responsible for the control of a cat is in contravention of this By-law if the cat causes a nuisance.
- 8.3 For the purposes of this subclause 8, cat means an animal of the species *felis catus* (of any age).

## 9. Effective Confinement of Cats

- 9.1 The owner or person responsible for the control of a cat must take steps to ensure that the cat is effectively confined to the premises occupied by that person unless the cat is under effective control by means of physical restraint.
- 9.2 For the purposes of this subclause 9, cat means an animal of the species *felis catus* (of any age).

## PART 3 –NOTICE OF CATS BROUGHT ONTO THE ISLAND & REGISTRATION OF CATS

### 10. Cats Brought onto the Island

- 10.1 A person must not, in any circumstances, bring or cause, suffer or permit to be brought onto Kangaroo Island an un-spayed cat that is not registered as a breeding cat.
- 10.2 A person must not bring a desexed cat that is not registered with the Council onto Kangaroo Island unless that person has notified the Council:, either before the cat is brought onto Kangaroo Island or within 12 hours of the cat being brought onto Kangaroo Island
- 10.2.1 that the cat has been brought onto Kangaroo Island or (as the case may be) of the person's intention to bring the cat onto Kangaroo Island; and
- 10.2.2 of the premises at which the cat will be kept for so long as it remains on Kangaroo Island.

#### Note-

The owner of or person responsible for a cat that has been brought onto Kangaroo Island must comply with his/her obligations under the Act and this By-law.

### 11. Registration of cats

- 11.1 Subject to subclause 11, a person must not keep a cat on any premises in the Council's area for more than 14 days unless the cat is registered in accordance with this By-law.
- 11.2 An application for registration of a cat must:
- 11.2.1 be made in the manner and form prescribed by Council (if any); and
- 11.2.2 be accompanied by the fee (if any) prescribed by the Council; and
- 11.2.3 nominate a person of or over sixteen (16) years of age who consents to the cat being registered in his or her name; and

- 11.2.4 identify with reference to an address the premises at which the cat is kept; and
- 11.2.5 contain or be accompanied by any other information required by the Council.
- 11.3 Registration of a cat under this By-law:
  - 11.3.1 remains in force until 30 June next following the grant of registration and may be renewed from time to time for further periods of up to twelve (12) months; and
  - 11.3.2 is subject to any conditions of registration that the Council (or its delegate) may see fit to impose from time to time by notice in writing to the registered owner of the cat.
- 11.4 Subclause 11.1 does not apply to premises comprising a business involving the keeping of cats (including not limited to the operation of an approved cattery) provided that the business is operating in accordance with all required approvals and consents.
- 11.5 If there is any change in ownership of a cat kept in the Council's area then the person taking ownership of the cat must notify the Council of the change in ownership within 14 days of that change occurring.
- 11.6 If the premises at which a registered cat is kept changes or, a registered cat dies or is relocated outside of Kangaroo Island, the registered owner of the cat must notify the Council of the new premises where the cat is to be kept or the fact that the cat has died or been relocated (as the case may be).

## **PART 4 – EXEMPTIONS**

### **12. Council May Grant Exemptions**

- 12.1 The Council may, by notice in writing, on application or on its own initiative, exempt a person (or a class of persons) from the operation of a specified provision of this By-law.
- 12.2 An exemption:
  - 12.2.1 may be granted or refused at the discretion of the Council;
  - 12.2.2 may operate indefinitely or for a period specified in the instrument of exemption; and
  - 12.2.3 is subject to any conditions specified in the instrument of exemption.
- 12.3 The Council may, by notice in writing, vary, revoke or add a condition of an exemption.
- 12.4 The Council may, in its discretion, revoke an exemption for a contravention of a condition of the exemption, or for any other reason it thinks fit.

## PART 5 – ENFORCEMENT

### 13. Orders

13.1 If a person engages in conduct that is a contravention of this By-law, an authorised person may, pursuant to section 262 of the Act, order that person:

13.1.1 if the conduct is still continuing – to stop the conduct; and

13.1.2 whether or not the conduct is still continuing – to take specified action to remedy the contravention.

13.2 A person must comply with an order of an authorised person made pursuant to section 262 of the Act..

13.3 If a person does not comply with an order made by an authorised person pursuant to section 262 of the Act, the authorised person may take action reasonably required to have the order carried out, and the Council may seek to recover its costs of any action so taken from the person to whom the order was directed.

**Note-**

For example, an authorised person may order a person to:

- cease keeping more than the permitted number of cats on that person's premises; or
- take the necessary steps to mitigate a nuisance caused by cats.

This By-law was duly made and passed at a meeting of the Kangaroo Island Council held on the **INSERT DATE** by an absolute majority of the members for the time being constituting the Council, there being at least two thirds of the members present.

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DARYL BUCKINGHAM  
Chief Executive Officer