



CATS BY-LAW 2017

By-law No. 6 of 2017

A By-law to limit the number of cats kept on premises and for the management and control of cats in the Council's area, including in line with the Council's position statement¹ to eliminate feral cats from Kangaroo Island for conservation purposes and to protect Kangaroo Island's biodiversity and ecosystems.

CONTENTS

PART 1 – PRELIMINARY	2
1. Title.....	2
2. Authorising law	2
3. Purpose.....	2
4. Commencement, revocation and expiry	2
5. Application	2
6. Definitions	3
PART 2 –CAT CONTROLS	4
7. Limits on cat numbers	4
8. Cats not to be a nuisance	4
9. Effective Confinement of Cats.....	4
10. Removal of Faeces	4
PART 3 – IDENTIFICATION & REGISTRATION OF CATS	4
11. Cats to be Microchipped & Desexed	4
12. Cats Brought onto the Island	5
13. Registration of cats	6
PART 4 – ENFORCEMENT	6
14. Orders	6

1. The Council's position statement was endorsed by Council resolution on 9 October 2013 (minute reference 18.3) and is available on the Council's website.

PART 1 – PRELIMINARY**1. Title**

This By-law may be cited as the *Cats By-law 2017* 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 domestic cat ownership;
- 3.2. to work towards achieving the Council's vision of eradicating all feral cats from Kangaroo Island noting their adverse impacts upon wildlife;
- 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 operation¹:

4.1.1 *By-law No. 6 – Cats 2010*.²

4.2. With the exception of clause 11 of this By-law, which clause expires as set out in subclause 11.1, this By-law expires on 1 January 2025.³

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 2017*.

5.2. This By-law applies throughout the Council's area subject to:

5.2.1 any declaration of the Minister responsible for the *Natural Resources Management Act 2004* that is made under Chapter 8 of that Act;

5.2.2 any resolution of Council to the contrary¹.

Note-

1. This includes any resolution in line with the Council's position statement on cats that has effect as a lawful and binding declaration of the Council to exclude cats from Kangaroo Island.

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 by the relevant authority, pursuant to the *Development Act 1993*, 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) and is being kept with the capacity to breed;
- 6.4. **cat** means an animal of the species *felis catus*;
- 6.5. **Council** means Kangaroo Island Council;
- 6.6. **keep** includes the provision of food or shelter;
- 6.7. **nuisance** means:
 - 6.7.1 unreasonably interfering with the peace, comfort or convenience of a person, including but not limited to a cat displaying aggressive nature or creating unpleasant noise or odour;
 - 6.7.2 acting in a manner that is injurious to a person's real or personal property; or
 - 6.7.3 being obnoxious, offensive or hazardous to health;
 - 6.7.4 wandering and/or defecating onto land without the consent of the owner or occupier of the land; or
- 6.8. **public place** has the same meaning as in the Act and, for the avoidance of doubt, includes a road.
- 6.9. **premises** includes land whether used or occupied for domestic or non-domestic purposes and any part thereof.
- 6.10. **Registrar** means the person appointed by the Council as Registrar under the *Dog and Cat Management Act 2005*;
- 6.11. **road** has the same meaning as in the Act.
- 6.12. **un-spayed cat** means a cat that has not been desexed and is reproductively intact.

Note-

Section 14 of the *Acts Interpretation Act 1915* 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 cats on any premises.
- 7.2. Subclause 7.1 does not apply:
- 7.2.1 to premises comprising an approved cattery or any other premises that the Council has exempted from the operation of subclause 7.1; or
 - 7.2.2 in circumstances where the Council has granted permission to a person to keep more than two cats on premises.
- 7.3. The Council may require premises that are the subject of an application for permission to keep additional cats to be inspected by an authorised person for the purpose of assessing the suitability of the premises for housing cats.
- 7.4. 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. The owner or person responsible for the control of a cat must ensure that the cat does not cause a nuisance.
- 8.2. An owner or occupier of premises is guilty of an offence if a cat kept or allowed to remain on the premises causes a nuisance.

9. Effective Confinement of Cats

- 9.1. The owner or person responsible for the control of or entitled to the possession of a cat must ensure that the cat is effectively confined to the premises occupied by that person at all times.
- 9.2. No person shall, in any public place, cause, suffer or permit any cat under that person's control, charge or authority to be or remain in that public place unless the cat is enclosed in a lockable cat carry box.

10. Removal of Faeces

A person who owns or is responsible for the control of a cat is guilty of an offence if the cat defecates in a public place and the person responsible for the control of the cat does not immediately remove and dispose of the faeces in a lawful manner.

PART 3 – IDENTIFICATION & REGISTRATION OF CATS

11. Cats to be Microchipped & Desexed

- 11.1. This clause 11 expires and ceases operation immediately on the date that Part 4A as contained in section 26 of the *Dog and Cat Management (Miscellaneous) Amendment Act 2016*, commences operation in full.

- 11.2. Subject to subclause 11.3, a person must not without Council's permission, keep a cat that is more than 12 weeks of age on any premises unless the cat is:
- 11.2.1 identified by means of having a microchip implanted in its body that contains information that may be used to obtain the current address or telephone number of the owner or other person entitled to possession of the cat; and
 - 11.2.2 desexed (proof that a cat is desexed must be provided to the Council upon the cat being registered as required by this By-law).
- 11.3. Subclause 11.2 does not apply:
- 11.3.1 to premises comprising an approved cattery; or
 - 11.3.2 in the case of the requirement for the cat to be desexed, a cat that is registered as a breeding cat as at the date this By-law commences operation provided that the annual registration for that cat is maintained as required by this By-law; or
 - 11.3.3 in circumstances where the Council has granted a person an exemption from compliance with subclause 11.2 in respect of a cat registered to that person.
- 11.4 In the event that a cat that is registered as a breeding cat in accordance with subclause 11.3.2 dies is relocated or is otherwise disposed of by the registered owner, a replacement breeding cat will not be permitted.
- 11.5 The owner of a cat that is identified as required under subclause 11.2.1 must provide the microchip details to the Registrar.

Note-

As and from the date that this clause 10 ceases operation, cats must be microchipped and desexed in accordance with Part 4A of the *Dog and Cat Management Act 1995*.

12. Cats Brought onto the Island

- 12.1. 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 with the Council as a breeding cat at the date this By-law commences operation.
- 12.2. A person must not bring a desexed cat that is not registered with the Council onto Kangaroo Island unless that person has, either before the cat is brought onto Kangaroo Island or within 12 hours of the cat being brought onto Kangaroo Island:
- 12.2.1 notified the Council 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 of the premises at which the cat will be kept for so long as it remains on Kangaroo Island; and
 - 12.2.2 provided to the Council proof that the cat is desexed and the relevant microchip details for the cat.
- 12.3. Any person responsible for a microchipped and desexed cat that is brought onto Kangaroo Island must, if the cat remains on Kangaroo Island for 14 days or more, register the cat in accordance with clause 13 of this By-law.

Note-

The owner of or person responsible for a cat that has been brought onto Kangaroo Island that is not registered with the Council must comply with his/her obligations under the Act and this By-law.

13. Registration of cats

13.1. Subject to subclause 13.4, 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.

13.2. An application for registration of a cat must:

13.2.1 be made to the Council in the manner and form prescribed by Council (if any); and

13.2.2 be accompanied by the fee (if any) prescribed by the Council; and

13.2.3 nominate a person of or over sixteen (16) years of age who consents to the cat being registered in his or her name; and

13.2.4 identify with reference to an address the premises at which the cat is kept; and

13.2.5 contain or be accompanied by any other information required by the Council.

13.3. Registration under this By-law:

13.3.1 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

13.3.2 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 a cat.

13.4. Subclause 13.1 does not apply to premises comprising a business involving an approved cattery operating in accordance with all required approvals and consents.

13.5. 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.

13.6. 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 – ENFORCEMENT**14. Orders**

14.1. If a person engages in conduct that is a contravention of this By-law, an authorised person may order that person:

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

- 14.1.2 whether or not the conduct is still continuing – to take specified action to remedy the contravention.
- 14.2. A person must comply with an order under this clause.
- 14.3. If a person does not comply with an order, 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.
- 14.4. However, an authorised person may not use force against a person under this section.

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 **13 June 2017** by an absolute majority of the members for the time being constituting the Council, there being at least two thirds of the members present.



.....
Andrew Boardman
Chief Executive Officer