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## SHIRE OF TOODYAY

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LOCAL GOVERNMENT ACT 1995  
DOG ACT 1976

**DOG LOCAL LAW 2026**

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LOCAL GOVERNMENT ACT 1995  
CAT ACT 2011

**CAT LOCAL LAW 2026**

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SHIRE OF TOODYAY

**DOG LOCAL LAW 2026**

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**LOCAL GOVERNMENT ACT 1995  
DOG ACT 1976**

SHIRE OF TOODYAY

**DOG LOCAL LAW 2026**

Under the powers conferred by the *Local Government Act 1995* and the *Dog Act 1976* and under all other powers enabling it, the Council of the Shire of Toodyay resolved on 4 June 2026 to make the following local law.

**PART 1. PRELIMINARY**

**1.1. Citation**

- (1) This local law may be cited as the *Shire of Toodyay Dog Local Law 2026*.
- (2) **Purpose:** to provide for the regulation, control, and management of dogs within the Shire of Toodyay by providing clear requirements for the keeping of dogs, the operation of kennel establishments, the control of dogs in public places, and matters relating to impounding and enforcement, as permitted under section 51 of the *Dog Act 1976*.
- (3) **Effect:** to control the keeping of dogs; establish requirements for kennels; determine dog exercise and prohibited areas; provide for the impounding of dogs within the district and ensure that dogs are kept and managed in a manner that protects community safety and amenity, establishes obligations for dog owners, identifies dog exercise and prohibited areas, and provides for enforcement powers consistent with the *Dog Act 1976* and the *Local Government Act 1995*.

**1.2. Repeal**

The Shire of Toodyay *Dogs Local Law* published in the *Government Gazette* Date on 05/05/2000, page 2135-2136 is repealed.

**1.3. Definitions**

In this local law unless the context otherwise requires –

<b>Term</b>	<b>Meaning</b>
<b>Act</b>	The <i>Dog Act 1976</i> ;
<b>adjoining</b>	Includes land or premises which have a portion of a common boundary with a lot or is separated from that lot by a public reserve, road, right-of-way, pedestrian access way, access leg of a battle-axe lot or the equivalent not more than 6 metres in width;
<b>Assistance dog</b>	Has the meaning given in Section 8 of the <i>Dog Act 1976</i>
<b>authorised person</b>	A person authorised by the local government to perform all or any of the functions conferred on an authorised person under this local law;
<b>CEO</b>	The Chief Executive Officer of the local government;
<b>dangerous dog</b>	Means A dangerous dog (declared) or a dangerous dog (restricted breed) within the meaning of the Act which is the subject of a declaration under section 33E of the Act declaring it to be a dangerous dog
<b>development approval</b>	means an approval for development granted under a local planning scheme made under the <i>Planning and Development Act 2005</i> .
<b>District</b>	Has the meaning given to it in section 3 of the Act;
<b>dog management Facility</b>	Has the meaning given to it in section 3(1) of the Act
<b>infringement notice</b>	The notice referred to in clause 8.3;
<b>kennel establishment</b>	Has the meaning given to it in section 3(1) of the Act.
<b>Licence to operate</b>	A licence to keep an approved kennel establishment on premises granted under clause 5.6;
<b>licensee</b>	The holder of a licence to operate granted under clause 5.6;
<b>local government</b>	The Shire of Toodyay established under the <i>Local Government Act 1995</i> ;
<b>local planning scheme</b>	A planning scheme of the local government made under the <i>Planning and Development Act 2005</i> ;
<b>notice of withdrawal</b>	The notice referred to in clause 8.6;
<b>Owner</b>	In relation to a dog, has the same meaning as in section 3(1) and (2) of the Act;

<b>Term</b>	<b>Meaning</b>
<b>person liable for the control of the dog</b>	Has the same meaning as in section 3(1) of the Act;
<b>pound keeper</b>	A person authorised by the local government to perform all or any of the functions conferred on a “pound keeper” under this local law;
<b>Premises</b>	Means land or buildings, including any structure, yard, or enclosure, and includes premises described in the application for a licence made under clause 5.1;
<b>public place</b>	Has the meaning given to it by section 3(1) of the Act;
<b>Regulations</b>	The <i>Dog Regulations 2013</i> ;
<b>Schedule</b>	A schedule to this local law;
<b>set fee</b>	A fee or charge made by the local government in accordance with clause 3.1 or clause 5.8;
<b>Thoroughfare</b>	Has the meaning given to it in section 1.4 of the <i>Local Government Act 1995</i> ;
<b>Townsite</b>	Land constituted, defined, or reserved as the site of a town or village under the <i>Land Administration Act 1997</i> ; and
<b>Transferee</b>	A person who applies for the transfer of a licence under clause 5.7

#### **1.4. Application**

- (1) This local law applies throughout the district.
- (2) If any clause or part of a clause of this local law is found to be invalid, that invalidity shall not affect the remaining provisions.

#### **1.5. Transitional Provisions**

A licence or approval in effect at the commencement of this local law continues to have effect as if granted under this local law.

### **PART 2. ADOPTION OF SURRENDERED DOGS**

#### **2.1. Surrender of dogs**

- (1) Dogs that are surrendered to the Shire of Toodyay for whatever reason—
  - (a) may be available for adoption by suitable and responsible owners—
    - (i) Adopted dogs may be rehomed in accordance with Shire procedures and the *Dog Act 1976*.
    - (ii) Costs are as per the Shire of Toodyay Schedule of Fees and Charges.

### **PART 3. IMPOUNDING OF DOGS**

#### **3.1. 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 29(4) of the Act relating to the seizure and impounding of a dog;
- (b) the additional fee payable under section 29(4) of the Act where a dog is released at a time or on a day other than those determined under clause 3.1; and
- (c) the costs of the destruction and the disposal of a dog referred to in section 29(15) of the Act.

#### **3.2. Attendance of pound keeper at pound**

The authorised person is to be in attendance at the pound for the release of dogs at the times and on the days of the week as are determined by the CEO.

#### **3.3. Release of impounded dog**

- (1) A claim for the release of a dog seized and impounded is to be made to the pound keeper or in the absence of the pound keeper, to the CEO.
- (2) The authorised person is not to release a dog seized and impounded to any person unless that person has produced, to the satisfaction of the pound keeper, satisfactory evidence—
  - (a) of her or his ownership of the dog or of her or his authority to take delivery of it; or
  - (b) that he or she is the person identified as the owner on a microchip purchased for implanting into the dog from a licensed veterinarian establishment.

### 3.4. No breaking into or destruction of pound

- (1) A person who—
  - (a) unless he or she is the pound keeper or a person authorised to do so, releases or attempts to release a dog from a pound; or
  - (b) destroys, breaks into, damages or in any way interferes with or renders not dog-proof—
    - (i) any pound; or
    - (ii) any vehicle or container used for the purpose of catching, holding, or conveying a seized dog, commits an offence.

## PART 4. REQUIREMENTS AND LIMITATIONS ON THE KEEPING OF DOGS

### 4.1. Dogs to be confined

- (1) An occupier of premises on which a dog is kept must—
  - (a) cause a portion of the premises on which the dog is kept to be fenced in a manner capable of confining the dog;
  - (b) ensure the fence used to confine the dog and every gate or door in the fence is of a type, height and construction which having regard to the breed, age, size, and physical condition of the dog is capable of preventing the dog at all times from passing over, under or through it;
  - (c) ensure that every gate or door in the fence is kept closed at all times when the dog is on the premises and is fitted with a proper latch or other means of fastening it;
  - (d) maintain the fence and all gates and doors in the fence in good order and condition; and
  - (e) where no part of the premises consists of open space, yard or garden or there is no open space or garden or yard of which the occupier has exclusive use or occupation, ensure that other means exist on the premises (other than the tethering of the dog) for effectively confining the dog within the premises.
- (2) Where an occupier fails to comply with subclause 4.1.(1) the occupier commits an offence.  
**Penalty:** Where the dog kept is a dangerous dog, \$2,000; otherwise \$1,000.

### 4.2. Dangerous Dogs—requirements to keep

Where a dog has been declared a dangerous dog the owner must comply with all the requirements imposed under Part VI, Division 2 of the *Dog Act 1976*, and the *Dog Regulations 2013*.

### 4.3. Limitation on the number of dogs

- (1) This clause does not apply to premises which have been—
  - (a) licensed under Part 4 as an approved kennel establishment; or
  - (b) granted an exemption under section 26(3) of the Act.
- (2) The limit on the number of dogs which may be kept on any premises is, for the purpose of section 26(4) of the Act, 2 dogs over the age of 3 months and the young of those dogs under that age.
- (3) In accordance with Section 26(3) of the Act Council may approve a greater number of dogs than that prescribed in Item 4.3(2) of the Local Law.

## PART 5. APPROVED KENNEL ESTABLISHMENTS

### 5.1. Application for licence to operate

- (1) An application for development approval under a local planning scheme is required, prior to the issue of a licence to operate.
- (2) A licence to operate must be made and renewed annually for the amount listed in the local governments schedule of fees and charges.

### 5.2. Compliance with conditions of approval

- (1) A licensee must comply with all conditions of any development approval granted under a local planning scheme in relation to the premises.
- (2) A licensee who commits a serious breach of subclause 5.2.(1) may be deemed to be unfit to operate a kennel and may have their licence to operate cancelled or suspended under clause 5.6.

### 5.3. Fees

- (1) On lodging an application for a licence to operate, the applicant is to pay a fee to the local government.
- (2) On the issue or renewal of a licence to operate, the licensee is to pay a fee to the local government.
- (3) The fees referred to in subclauses 5.3.(1) and 5.3.(2) are to be imposed and determined by the local government under sections 6.16—6.19 of the *Local Government Act 1995*.

### 5.4. Form of licence to operate

The licence to operate is to be in the form determined by the local government and is to be issued to the licensee.

**5.5. Period of licence to operate**

- (1) The period of effect of a licence to operate is set out in section 27(5) of the Act.
- (2) A licence to operate is to be renewed if the fee referred to in clause 5.3 is paid to the local government prior to the expiry of the licence.
- (3) On the renewal of a licence to operate the conditions of the licence at the time of its renewal continue to have effect.

**5.6. Variation or cancellation of licence to operate**

- (1) A licence to operate is directly linked to the conditions imposed upon the development approval issued under the *Planning and Development Act 2005*. The local government may consider variations to the development approval conditions in accordance with clause 77 of the deemed provisions (Schedule 2 of the *Planning and Development Act (Local Planning Schemes) Regulations 2015*)
- (2) The local government may cancel a licence to operate—
  - (a) on the request of the licensee;
  - (b) following a breach of the Act, the Regulations, or this local law or as a breach of the development approval issued by the Shire; or
  - (c) if the licensee is deemed to not be a fit and proper person.
- (3) The date a licence to operate is cancelled is to be, in the case of—
  - (a) the date requested by the licensee; or
  - (b) paragraphs (b) and (c) of subclause 5.6 (2), the date determined under section 27(6) of the Act.
- (4) If a licence to operate is cancelled, no portion of that fee is refundable for the term of the licence that has not yet expired.

**5.7. Transfer of licence to operate**

- (1) A licence to operate may only be transferred with the approval of the local government
- (2) An application to transfer a licence must be made in a form approved by the local government and must include sufficient information to enable the local government to assess the suitability of the transferee.
- (3) The local government may approve or refuse an application to transfer a licence
- (4) In determining an application for transfer, the local government may have regard to the matters it considers relevant, including whether the transferee is a fit and proper person to operate the kennel establishment.
- (5) A transferred licence is subject to the same conditions as the original licence unless otherwise determined by the local government.

**5.8. Notification**

The local government is to give written notice to—

- (a) an applicant for a licence to operate of the local government's decision on that application
- (b) a licensee when their licence is due for renewal and the manner in which it may be renewed;
- (c) a licensee when their licence is renewed;
- (d) a licensee of the cancellation of a licence to operate; and
- (e) a licensee of the cancellation of a licence under paragraphs (b) or (c) of clause 5.6(2) which notice is to be given in accordance with section 27(6) of the Act.

**5.9. Objections and appeals**

- (1) Objections and appeals to the approval of a kennel establishment are solely contained within the *Planning and Development Act 2005*.
- (2) Objections and appeals to the issue of a licence to operate are within the provisions of Division 1 of Part 9 of the *Local Government Act 1995* and regulation 33 of the *Local Government (Functions and General) Regulations 1996*.

**5.10. Inspection of a kennel establishment**

An authorised person may inspect an approved kennel establishment at any time, during working hours of that establishment with or without notice as the circumstances dictate.

**PART 6. DOGS IN PUBLIC PLACES****6.1. Places where dogs are prohibited**

- (1) Dogs are prohibited from entering or being in any of the following places, except for authorised service or guide dogs.
  - (a) where so indicated by a sign or a public building ;
  - (b) all premises or vehicles classified as food premises or food vehicles under the *Food Act 2008*;
  - (c) public swimming pool facilities; and
  - (d) Reserve 27015, Toodyay Street (Toodyay Showgrounds—Cricket and Football Oval).

- (2) If a dog enters or is in a place specified in subclause (1), every person liable for the control of the dog at that time commits an offence.

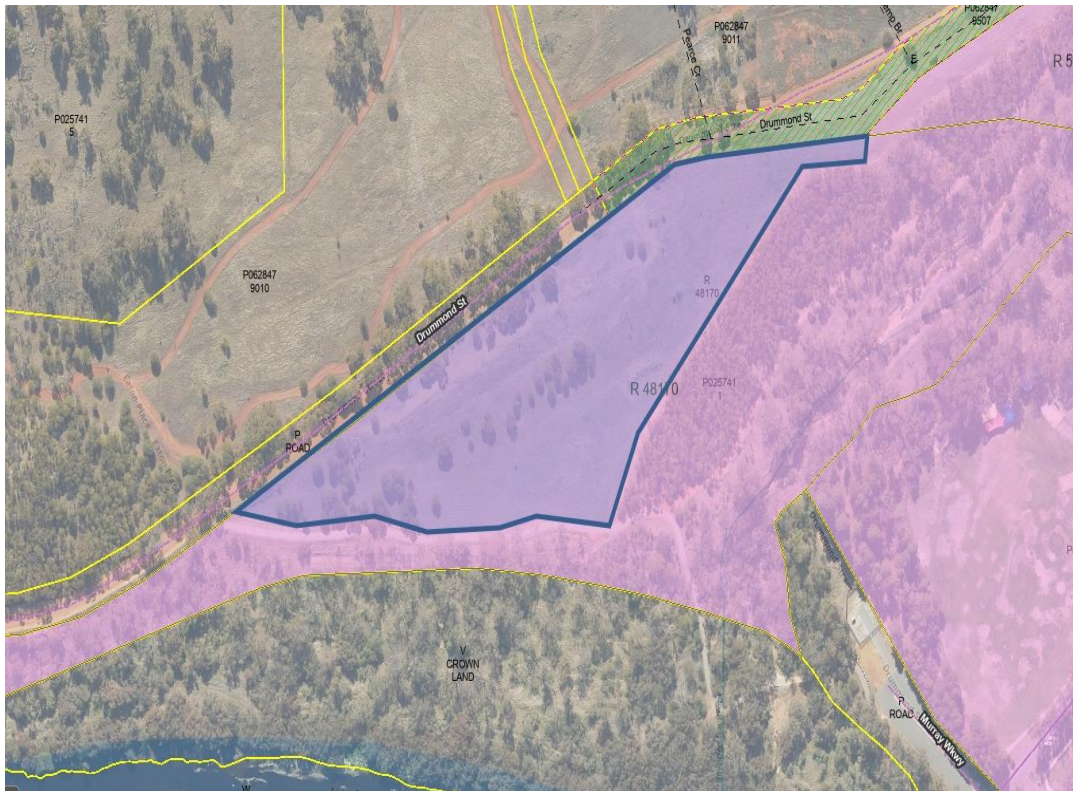
**Penalty:** Where the dog is a dangerous dog, \$2,000; otherwise \$1,000.

This clause does not apply to dogs kept or permitted on a site within a caravan park or camping ground in accordance with the *Caravan Parks and Camping Grounds Regulations 1997*.

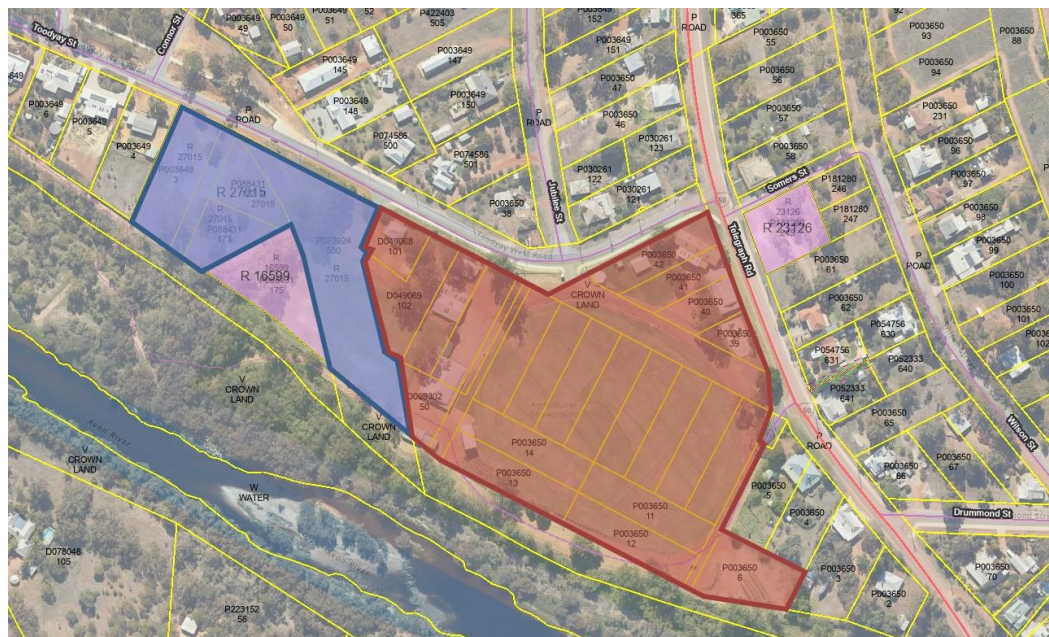
This clause also does not apply to individuals accompanied by an assistance dog, however as per the *Caravan Parks and Camping Grounds Regulations 1997* a person who owns or has the care or control of a dog is to ensure that the dog is on a leash under the control of a person or enclosed in a caravan, or a fenced or enclosed area of a site sufficient to contain the dog.

**6.2. Places which are dog exercise areas**

- (1) For the purposes of sections 31 and 32 of the *Dog Act 1976*, the following locations are designated dog exercise areas, the bounds of which will be marked by signage and/or fencing—
  - (a) A portion of Reserve Number 48170 Drummond Street, Toodyay as per the map below; and



- (b) Reserve Number 27015 Toodyay Street, Toodyay (as per the map below showing Permitted area shown in Blue and the Prohibited Area shown in Red);



- (c) Additional areas as resolved by Council from time to time.

- (2) Subclause (1) does not apply to—
- (a) land which has been set apart as a children's playground in those places; and
  - (b) areas being used for sporting or other activities, as permitted by the local government, during the times of such use; or
  - (c) a car park associated with those places.

## PART 7. MISCELLANEOUS

### 7.1. Fees and charges

Set fees and charges are to be imposed and determined by the local government under sections 6.16 to 6.19 of the *Local Government Act 1995*.

### 7.2. Offence to excrete

- (1) A dog must not excrete on—
- (a) any thoroughfare or other public place; or
  - (b) any land which is not a public place without the consent of the occupier.
- (2) Subject to subclause 7.2(3) if a dog excretes contrary to subclause 7.2(1) every person liable for the care and control of the dog at that time commits an offence.  
Penalty: \$200.
- (3) The person liable for the care and control of the dog does not commit an offence against subclause 7.2.1 if any excreta is removed immediately by that person.

## PART 8. ENFORCEMENT

### 8.1. Offences

A 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.

### 8.2. Modified penalties

- (1) The offences contained in Schedule 3 are offences in relation to which a modified penalty may be imposed.
- (2) The amount appearing in the third column of Schedule 3 directly opposite an offence is the modified penalty payable in respect of that offence if—
- (a) the dog is not a dangerous dog; or
  - (b) the dog is a dangerous dog, but an amount does not appear in the fourth column directly opposite that offence.
- (3) The amount appearing in the fourth column of Schedule 3 directly opposite an offence is the modified penalty payable in respect of that offence if the dog is a dangerous dog.

### 8.3. Issue of infringement notice

Where an authorised person has reason to believe that a person has committed an offence in respect of which a modified penalty may be imposed, he or she may issue to that person a notice in the form of Form 2 of Schedule 1 of the *Local Government (Functions and General) Regulations 1996*.

### 8.4. Failure to pay modified penalty

Where a person who has received an infringement notice fails to pay the modified penalty within the time specified in the notice, or within such further time as may in any particular case be allowed by the CEO, he or she is deemed to have declined to have the offence dealt with by way of a modified penalty.

### 8.5. Payment of modified penalty

A person who has received an infringement notice may, within the time specified in that notice or within such further time as may in any particular case be allowed by the CEO, send or deliver to the local government the amount of the penalty, with or without a reply as to the circumstances giving rise to the offence, and the local government may appropriate that amount in satisfaction of the penalty and issue an acknowledgment.

### 8.6. Withdrawal of infringement notice

- (1) Whether or not the modified penalty has been paid, an authorised person may withdraw an infringement notice by sending a notice in the form of Form 3 of Schedule 1 of the *Local Government (Functions and General) Regulations 1996*.
- (2) A person authorised to issue an infringement notice under clause 8.4 cannot sign or send a notice of withdrawal.

### 8.7. Service of notices

An infringement notice or a notice of withdrawal may be served on a person personally, or by leaving it at or posting it to her or his address as ascertained from her or him, or as recorded by the local government under the Act, or as ascertained from inquiries made by the local government.

**SCHEDULE 1—APPLICATION FOR A LICENCE TO OPERATE  
AN APPROVED KENNEL ESTABLISHMENT**

*Part 5 of the Dog Local Law 2026*

**APPLICANT DETAILS**

Full Name: \_\_\_\_\_ Assessment No.: \_\_\_\_\_

Main Address: \_\_\_\_\_  
(Residential / Premises Address including Suburb and Postcode)

Postal Address: \_\_\_\_\_  
(if different from above)

Phone (H): \_\_\_\_\_ (M): \_\_\_\_\_ (W): \_\_\_\_\_

Email: \_\_\_\_\_

May the Shire use the above email address for correspondence purposes?:  Yes  No

**Privacy Notice** The Shire of Toodyay collects personal information in accordance with the *Privacy and Responsible Information Sharing Act 2024* for the purpose of assessing your application to operate an approved kennel establishment under the *Dog Act 1976* and associated local laws.

Your information may be used to contact you, verify compliance, and inform internal decision-making. It may be shared with relevant government agencies, or third parties where required or authorised by law.

You have the right to request access to, and correction of, your personal information. For privacy enquiries, contact the Shire's Privacy Officer at: [records@toodyay.wa.gov.au](mailto:records@toodyay.wa.gov.au) ☎ (08) 9574 9300.

**KENNEL ESTABLISHMENT DETAILS**

Address: \_\_\_\_\_  
(Residential / Premises Address including Suburb and Postcode)

For Number of DOGS located at premises: \_\_\_\_\_

Person will reside (tick appropriate box) \_\_\_\_\_ \*evidence to be provided

At the premises  sufficiently close to the premises so as to control the DOGS and so as to ensure their health and welfare

Name of Person (if not the applicant(s)): \_\_\_\_\_

Address (if not residing at premises): \_\_\_\_\_

Is the custodian a member of a prescribed exempt organisation?  Yes  No

If yes, provide the name of the organisation below:

Organisation Name: \_\_\_\_\_ ABN: \_\_\_\_\_

Further Details of the prescribed exempt organisation:

\_\_\_\_\_

Are you already an approved breeder?  Yes  No

*If not, complete the application for an approved breeder available separately on the Shire's website.*

**Prior to approval the following must be attached**

- (a) A copy of the development approval issued by the local government;
- (b) Copy of the notice of proposed use to appear in the newspaper;
- (c) Copy of the notice of proposed use to be given to adjoining premises;
- (d) Written statement that a person will reside—
  - (i) at the premises; or
  - (ii) sufficiently close to the premises so as to control the dogs and so as to ensure their health and welfare; and
  - (iii) if the person in item (d) is not the applicant, evidence that the person is a person in charge of the dogs.

**APPLICANT DECLARATION**

I declare that the information provided in this form is true and correct.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

*A signature is not required to effect the form when the form is lodged through the local government internet site.*

**Note:** *A licence, if issued, will have effect for a period of 12 months, effective from the date of issue unless and until it is revoked or it is determined by the local government non-compliance with the conditions of the Shire of Toodyay Dog Local Law 2026 justifies this.*

**OFFICE USE ONLY**

Application No: \_\_\_\_\_ Date: \_\_\_\_\_

Fees payable: \_\_\_\_\_  Registration approved

Conditions of approval: \_\_\_\_\_

Receipt No: \_\_\_\_\_ Assigned Registration No: \_\_\_\_\_

Date received: \_\_\_\_\_ Signature of Registration Officer: \_\_\_\_\_

**SCHEDULE 2—CONDITIONS FOR A DEVELOPMENT APPROVAL  
FOR AN APPROVED KENNEL ESTABLISHMENT**

(clause 5.1(2))

1. All kennel establishments must comply with this Schedule and with the *Public Health Act 2016* and any applicable subsidiary legislation.
2. An application for a development approval—*Animal Establishment* may be issued subject to the following objectives being achieved—
  - (a) each kennel unless it is fully enclosed must have a yard attached to it;
  - (b) each kennel and each yard must be at a distance of not less than—
    - (i) the boundary distances prescribed in Table 6 of local planning Scheme No.5;
    - (ii) 10m from any dwelling; and
    - (iii) 25m from any church, school room, hall, factory, dairy, or premises where food is manufactured, prepared, packed, or stored for human consumption;
  - (c) each yard for a kennel must be securely fenced with a fence constructed of link mesh or netting or other materials approved by the local government, and must be kept securely fenced, with a fence—
    - (i) where there is one breed of dog, of a height not less than 4 times the average height of the breed of dog (when it is fully grown), but not exceeding a maximum height of 2.4 metres, unless otherwise approved by the local government; or
    - (ii) where there is more than one breed of dog, of a height not less than 4 times the average height of the larger breed of a dog (when it is fully grown), but where the average height exceeds 500mm the minimum height shall be 2m; and
    - (iii) with a top angled inward at not less than 135° measured from the vertical plane of the fence, and not less than 300mm in length,
    - (iv) and the height of a dog is to be determined by measuring from the floor to the uppermost tip of its shoulder while in a stationary upright position;
  - (d) each yard for a kennel must be kept securely fenced with a fence constructed of link mesh or netting or other materials approved by the local government;
  - (e) external gates and doors for each yard or kennel must be fitted with efficient self-closing and latching mechanisms;
  - (f) the minimum floor area for each kennel must be calculated at 2.5 times the length of the breed of dog (when it is fully grown), squared, times the number of dogs to be housed in the kennel and the length of the dog is to be determined by measuring from the base of the tail to the front of its shoulder;
  - (g) the floor area of the yard attached to any kennel or group of kennels must be at least twice the floor area of the kennel or group of kennels to which it is attached;
  - (h) the upper surface of the kennel floor must be
    - (i) at least 100 millimetres above the surface of the surrounding ground;
    - (ii) smooth so as to facilitate cleaning;
    - (iii) rigid;
    - (iv) durable;
    - (v) slip resistant;
    - (vi) resistant to corrosion;
    - (vii) non-toxic;
    - (viii) impervious;
    - (ix) free from cracks, crevices, and other defects; and
    - (x) finished to a surface having a fall of not less than 1 in 100 to a spoon drain which in turn must lead to a suitably sized diameter sewerage pipe which must be properly laid, ventilated, and trapped in accordance with the health requirements of the local government;
  - (i) all kennel floor washings must pass through the drain in item (h)(x) and must be piped to approved apparatus for the treatment of sewage in accordance with the health requirements of the local government;

- (j) the kennel floor must have a durable upstand rising 75mm above the floor level from the junction of the floor and external and internal walls, or internal walls must be so constructed as to have a minimum clearance of 50mm from the underside of the bottom plate to the floor;
  - (k) where a yard is to be floored, the floor of any yard must be constructed in the same manner as the floor of any kennel;
  - (l) from the floor, the lowest internal height of any kennel must be whichever is the lesser of—
    - (i) 2m; or
    - (ii) 4 times the height of the breed of dog in the kennel, when it is fully grown, measured from the floor to the uppermost tip of its shoulders while in a stationary upright position;
  - (m) the walls of each kennel must be constructed of concrete, brick, stone, or framing sheeted internally and externally with good quality new zincalume or new pre-finished colour coated steel sheeting or new fibrous cement sheeting or other durable material approved by the local government;
  - (n) the roof of each kennel must be constructed of impervious material;
3. Ongoing conditions imposed on the development approval must include the following, as applicable—
- (a) all refuse, faeces and food waste must be disposed of daily into the approved apparatus for the treatment of sewage;
  - (b) noise, odours, fleas, flies and vermin or other vectors of disease must be effectively controlled;
  - (c) water must be available at the kennel via a properly supported standpipe and tap; and
  - (d) the licensee or the person nominated in the application for a licence, must, in accordance with the application for the licence, continue to reside—
    - (i) at the premises; or
    - (ii) in the opinion of the local government reasonably close proximity to the premises, so as to keep the dogs under effective control and to ensure their health and welfare; and
  - (e) all external surfaces of each kennel must be kept in good condition; and
  - (f) all kennels and yards and drinking vessels must be maintained in a clean condition and must be cleaned and disinfected when so ordered by an authorised person;

### SCHEDULE 3—OFFENCES IN RESPECT OF WHICH MODIFIED PENALTY APPLIES

Offence	Nature of Offence	Modified Penalty \$	Dangerous Dog Penalty \$
3.4.(1)(a)	Attempting to or causing the unauthorised release of a dog from a pound.	500	As per regulations
3.4.(1)(a)&(b)	Interfering with any pound or vehicle used for the purpose of catching, holding, or conveying dogs.	500	As per regulations
3.4.(1)(b)	Breaking into or destruction of pound	2,000	
4.1	Dogs to be confined (Failing to provide means for effectively confining a dog.)	1,000	2,000
4.3	Failure to comply with conditions of approval to keep additional dog or dogs	200	500
5.7	Compliance with conditions of approval (Failing to comply with the conditions of a licence.)	1,000	
6.1	Places where dogs are prohibited absolutely	1,000	2,000
7.2	Failure to remove faeces from a Dog excreting immediately by a person liable for the care and control of the dog	200	200

### AUTHORISATION

Under the powers conferred by the *Local Government Act 1995* and the *Dog Act 1976* and under all other powers enabling it, the Council of the Shire of Toodyay resolved on 4 June 2026 to make the Dog Local Law 2026.

Dated this 11th day of June 2026.

The Common Seal of the Shire of Toodyay was affixed in the presence of—

Cr M McKEOWN, Shire President.  
Mr A HART, Temporary Chief Executive Officer.



**LOCAL GOVERNMENT ACT 1995  
CAT ACT 2011**

SHIRE OF TOODYAY

**CAT LOCAL LAW 2026**

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**LOCAL GOVERNMENT ACT 1995  
CAT ACT 2011**

SHIRE OF TOODYAY

**CAT LOCAL LAW 2026**

Under the powers conferred by the *Local Government Act 1995* and the *Cat Act 2011* and under all other powers enabling it, the Council of the Shire of Toodyay resolved on 4 June 2026 to make the following local law.

**PART 1. PRELIMINARY**

**1.1 Citation**

This local law may be cited as the *Shire of Toodyay Cat Local Law 2026*.

- (1) Purpose: to regulate the keeping, identification, control and management of cats within the district, including matters relating to responsible cat ownership, cat confinement, nuisance behaviour, cat-prohibited areas, approvals for additional cats, and the operation of cat management facilities, as permitted under section 79 of the *Cat Act 2011*. It also provides additional measures to support the Shire in addressing cat nuisance and enhancing permit conditions, definitions, prohibited places and penalties.
- (2) Effect: to provide a clear regulatory framework for responsible cat ownership and the management of cats and cat facilities, protect environmental values, and enable enforcement of nuisance behaviours. It establishes obligations for cat owners, supports enforcement of the *Cat Act 2011*, and equips the Shire with the regulatory tools necessary to administer cat management within the district.

**1.2 Commencement**

This local law comes into operation 14 days after the date of its publication in the *Government Gazette*.

**1.3 Repeal**

The Shire of Toodyay *Cat Local Law 2018*, as published in the *Government Gazette* on 12 October 2018 (No. 155), is repealed.

**1.4 Application**

This local law applies throughout the district.

**1.5 Interpretation**

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

*Act* means the *Cat Act 2011*;

*animal establishment* has the meaning given to that term in the local government's local planning scheme;

*applicant* means a person who applies for an approval or a licence under this local law;

*application* means an application for approval granted under this local law;

*approval* means an approval granted under Part 2 of this local law;

*approved person* means the person to whom an approval is granted under this local law;

*authorised person* means a person appointed by the local government under the Act or the *Local Government Act 1995* 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 and, where used in this local law, includes any premises which is the subject of a licence under Part 4;

*cat prohibited place* means a place identified as a cat prohibited place in Schedule 3 or otherwise designated as such under this local law;

*cattery* means any premises where more than 2 cats are boarded, housed or trained temporarily, usually for profit, for fee or reward and where the occupier of the premises is not the ordinary keeper of the cats;

*CEO* means the Chief Executive Officer of the local government;

*district* means the district of the local government;

*infringement notice* means a notice referred to in clause 5.4;

*keeper* in relation to a cat means any of the following persons—

- (a) The owner of the cat as defined in the Act;
- (b) A person who has or appears to have immediate custody or control of the cat;
- (c) A person who keeps the cat, or has the cat in his or her possession for the time being;
- (d) A person who occupies any premises in which a cat is ordinarily kept or permitted to live and who has care and control of the cat;

- (e) A permit holder of a permit which relates to the cat;
- (f) an approved person in relation to an approval which relates to the cat; or
- (g) The holder of an exemption issued in relation to the cat.

**licence** means a Cat Management Facility licence issued under Part 4;

**licensee** means the holder of a licence issued under Part 4;

**local government** means the Shire of Toodyay;

**local planning scheme** means a local planning scheme of the local government under the *Planning and Development Act 2005*;

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

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

**owner** has the meaning given in the Act;

**Regulations** means the *Cat Regulations 2012*;

**RSPCA** means the Royal Society of the Prevention of Cruelty to Animals (Inc) of Western Australia;

**Schedule** means a Schedule to this local law;

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

**transferee** means a person who applies for the transfer of a licence to him or her under clause 4.13.

- (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*.

## 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 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 three (3) cats may be kept on premises at which a member of a prescribed cat organisation is not ordinarily resident.

### 2.3 Cats to which an approval is required

- (1) Subject to subclause (2) a person is required to have an approval—
  - (a) to keep more than three (3) cats on any premises; or
  - (b) to use any premises as a cattery.
- (2) An approval is not required under subclause (1) if the premises concerned are—
  - (a) a refuge of the RSPCA or any other body prescribed in the Regulations;
  - (b) a Cat Management Facility operated by or on behalf of the local government;
  - (c) a Cat Management Facility which has been approved by the local government;
  - (d) A veterinary surgery; or
  - (e) a pet shop.

### 2.4 Application for approval

- (1) An application for approval to keep an additional number of cats at prescribed premises is to be made and dealt with in accordance with 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 from time to time.

### 2.5 Determining an application

- (1) For the purposes 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 suitability of the zoning of the premises under the local planning scheme which applies to the premises for the proposed use;
  - (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, inconvenience or annoyance 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;
  - (h) any other factors which the local government considers to be relevant in the circumstances of the application; and
  - (i) any submissions received under subclause (2) within the time specified in subclause (2).
- (2) Before determining an application for approval, the local government may—
- (a) consult with owners or occupiers of adjoining or nearby land; and
  - (b) advise those adjoining owners that they may make submissions to the local government on the application for the approval within 14 days of receiving that advice.
- (3) The local government may—
- (a) approve an application for a permit in which case it may approve it subject to the conditions in clause 2.6 and any other conditions it considers fit; or
  - (b) refuse to approve the application.
- (4) If the local government approves an application under subclause (3)(a), it is to issue to the applicant an approval in the form determined by the CEO.
- (5) If the local government refuses to approve an application under subclause (3)(b), it is to advise the applicant in writing.

### 2.6 Conditions

- (1) For the purpose 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, including conditions—
- (a) that each cat on the premises to which the approval relates shall comply with the registration, microchipping and sterilisation requirements of the Act;
  - (b) that the premises must be maintained in good order and in a clean and sanitary condition;
  - (c) that the premises must have adequate enclosures for the confinement and exercise of the cats;
  - (d) that there must be adequate space for the exercise of the cats;
  - (e) that, where the premises comprise multiple dwellings and there is no suitable dividing fence, the applicant must obtain the written consent of each current occupier of the adjoining multiple dwellings; and
  - (f) that the approved person must not, without the consent of the local government, substitute or replace any cat that dies or is permanently removed from the premises if this would increase the total number or change the nature of the approval; and
  - (g) any other condition that, in the opinion of the local government, is reasonably necessary to prevent a nuisance.
- (2) An approved person who does not comply with a condition of the approval, commits an offence.  
*Penalty: a fine of \$5,000.*

### 2.7 Renewal of an approval

- (1) An approval may be renewed if—
- (a) the approved person has not breached the conditions of the approval;
  - (b) the approval would have been granted if a fresh application for an 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 in full.
- (2) On the renewal of an approval, the conditions of the approval that applied immediately before the renewal continue to have effect unless varied under clause 2.9.

### 2.8 Transfer of an approval

- (1) An approval relates only to the premises specified in the approval, and only to the approved person specified in the approval and is transferrable only in accordance with this clause 2.8.
- (2) An application for the transfer of an approval from the approved person to another person must be—
- (a) made in the form determined by the CEO;
  - (b) made by the proposed transferee;
  - (c) accompanied by the written consent of the approved person; and
  - (d) lodged with the local government together with the fee for imposed and determined by the local government under sections 6.16 to 6.19 of the *Local Government Act 1995*.

### 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 approved person and specifying the date on which the variation takes effect.
- (2) The local government may cancel an approval—
  - (a) on the written request of the approved person;
  - (b) if the approved person breaches the Act, the Regulations, the *Cat (Uniform Local Provisions) Regulations 2013* or this local law; or
  - (c) if the approved person is not, in the opinion of the local government, 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 any unexpired portion of the term of the approval.

### 2.10 Objection and review rights

- (1) Any person who is aggrieved by a decision of the local government under this Part, including a decision—
  - (a) To refuse an approval;
  - (b) To impose or vary a condition of an approval; or
  - (c) To cancel an approval;
 may object to or appeal against the decision under Division 1, Part 9 of the *Local Government Act 1995*.

## PART 3. CONTROL OF CATS

### 3.1 Cat not to be a nuisance

- (1) An owner or keeper must not allow a cat to be, or create, a nuisance.
- (2) For the purposes of this local law, a cat is taken to create a nuisance if the cat
  - (a) causes damage to property, whether public or private, including but not limited to garden beds, structures, vehicles or wildlife habitat;
  - (b) harasses, attacks, threatens or chases any person or animal;
  - (c) repeatedly enters nearby premises without the consent of the occupier;
  - (d) causes excessive or persistent noise that unreasonably interferes with the peace, comfort or convenience of any person;
  - (e) emits excessive or persistent odour that interferes with the reasonable enjoyment of another person's land;
  - (f) unreasonably interferes with the use or enjoyment of land by another person; or
  - (g) causes material damage to land, vegetation, fauna or property on land affected by the cat's actions.
- (3) Where an authorised person is satisfied that a cat is creating a nuisance, the local government may give written notice to the owner or keeper requiring the nuisance to be abated within the period specified in the notice, which must not exceed 28 days.
- (4) An owner or keeper who fails to comply with a notice issued under subclause (3) commits an offence.  
*Penalty: a fine of \$2,000.*

### 3.2 Cat prohibited places

- (1) A cat must not be in any cat prohibited place listed or described in Schedule 3.
- (2) If a cat is at any time in a place in contravention of subclause 3.2(1)—
  - (a) the keeper 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.  
*Penalty: a fine of \$2,000.*
- (3) The owner or keeper of a cat seized under subclause (2)(b) may reclaim the cat upon payment of the prescribed fees and compliance with the registration and microchipping requirements of the Act.

## PART 4. DESIGNATED CAT MANAGEMENT FACILITIES

### 4.1 Interpretation

In this part and in *Schedule 2*—

**licence** means a Cat Management Facility licence issued under this local law;

**licensee** means the holder of a licence issued under this local law;

**premises**, in addition to the meaning given to it in section 3 of the Act, means the premises described in the **application** to be licensed as a Cat Management Facility;

**animal establishment** has the meaning given to the term in the local planning scheme;

**transferee** means a person who applies for the transfer of a licence to him or her under clause 4.13.

#### 4.2 Operating a Cat Management Facility without a licence

Unless exempt as an organisation prescribed in the Regulations, a person who operates a premises as a Cat Management Facility within the district without a licence issued under this Part commits an offence.

*Penalty: a fine of \$5,000.*

#### 4.3 Application for a licence to be designated as a Cat Management Facility

An application for a licence must:—

- (a) be made in the form set out in Schedule 1 or in a form determined by the local government;
- (b) be lodged with the local government together with—
  - (i) plans and specifications of the premises, including a site plan;
  - (ii) proposed details of how the facility will be kept secure;
  - (iii) written evidence that either the applicant or another person who will have the charge of the cats, will reside on the premises or, in the opinion of the local government, sufficiently close to the premises so as to control the cats and ensure their health and welfare;
  - (iv) a written acknowledgement that the applicant has read and agrees to comply with any code of practise relating to the keeping of cats which may be nominated from time to time by the local government; and
  - (v) the fee for the application for a licence referred to in clause 4.8(1).

#### 4.4 Determination of an application

In determining an application to be designated as a Cat Management Facility, the local government is to have regard to—

- (a) the matters referred to in clause 4.5;
- (b) any written submissions received on the proposed use of the premises;
- (c) the effect which the Cat Management Facility may have on the environment or amenity of the neighbourhood;
- (d) whether the Cat Management Facility will create a nuisance for the owners and occupiers of adjoining or nearby premises; and
- (e) whether or not the imposition of and compliance with appropriate conditions of a licence will mitigate any adverse effects of the Cat Management Facility identified in 4.4 (a) to (d).

#### 4.5 Where applications cannot be approved

The local government must not approve an application for a licence where—

- (a) the facility is proposed to be located in an area where an animal establishment is and not a permitted use under the Local Planning Scheme; or
- (b) an applicant or another person who will have the charge of the cats will not reside on the premises, or, in the opinion of the local government, sufficiently close to the premises so as to control the cats and so as to ensure their health and welfare.

#### 4.6 Conditions of approval

(1) The local government may approve an application for a licence subject to:—

- (a) the conditions contained in Schedule 2; and
  - (b) such other conditions as the local government considers appropriate.
- (2) In respect of a particular application for a licence, the local government may vary any of the conditions contained in Schedule 2.
- (3) Operators of a Cat Management Facility must comply with their obligations as specified in Division 3 of Part 3 of the Act in addition to the conditions of a licence.

#### 4.7 Compliance with conditions of approval

A licensee who does not comply with the conditions of a licence commits an offence.

*Penalty: a fine of \$2,000.*

#### 4.8 Fees

- (1) On lodging an application for a licence, the applicant is to pay a fee imposed and determined by the local government under sections 6.16 to 6.19 of the *Local Government Act 1995*.
- (2) On renewal of a licence, the licensee is to pay a renewal fee imposed and determined by the local government.
- (3) On lodging an application for the transfer of a valid licence, the transferee is to pay the transfer fee imposed and determined by the local government.

#### 4.9 Exemption from requirement to pay fees

(1) In this clause—

**charitable organisation** means—

- (a) An institution, association, club, society or body whether incorporated or not—
  - (i) Where its objectives are charitable, benevolent, educational, or of a similar nature concerned with the welfare of cats; and

- (ii) From which any members do not receive any pecuniary profit.
- (2) The local government may waive any fee required to be paid by the applicant for the issue or renewal of a licence, to a charitable organisation.

#### 4.10 Form of licence

The licence is to be in the form determined by the local government and is to be issued to the licensee.

#### 4.11 Period of licence

- (1) The period of effect of a licence is 12 months from the date of issue unless it is cancelled earlier under clause 4.12.
- (2) A licence may be renewed if the fee referred to in clause 4.8(2) is paid to the local government prior to the expiry of the licence.
- (3) On the renewal of a licence, the conditions of the licence at the time of its renewal continue to have effect unless varied under clause 4.12.

#### 4.12 Variation or cancellation of licence

- (1) The local government may vary the conditions of a licence by giving written notice to the licensee specifying the variation and the date on which it takes effect.
- (2) The local government may cancel a licence—
  - (a) on the written request of the licensee;
  - (b) following a breach of the Act, the Regulations or this local law; or
  - (c) if, in the opinion of the local government, the licensee is not a fit and proper person to hold a licence.
- (3) The date of cancellation of a licence is—
  - (a) in the case of subclause (2)(a), the date requested by the licensee or such later date as is specified in the notice of cancellation; or
  - (b) in the case of subclause (2)(b) or (c), the date specified in the notice of cancellation.
- (4) If a licence is cancelled the licence fee paid for that licence is not refundable for any unexpired portion of the term of the licence.

#### 4.13 Transfer of licence

- (1) An application for the transfer of a valid licence from the licensee to another person must be—
  - (a) made in the form determined by the local government;
  - (b) made by the transferee;
  - (c) accompanied by the written consent of the licensee; and
  - (d) lodged with the local government together with—
    - (i) written evidence that a person to whom the licence is proposed to be transferred will reside at, or sufficiently close to, the premises the subject of the licence; and
    - (ii) the transfer fee for the application for the transfer of a licence referred to in clause 4.8(3).
- (2) The local government is not to determine an application for the transfer of a valid licence until the transferee has complied with subclause (1).
- (3) The local government may approve, whether or not subject to such conditions as it considers appropriate, or refuse to approve an application for the transfer of a valid licence and may impose conditions on the transferred licence.
- (4) Where the local government approves an application for the transfer of a valid licence, the transferee becomes the licensee on and from the date specified on the notice of the approval.

#### 4.14 Notification

The local government is to give written notice to—

- (a) an applicant for a licence of its decision on the application;
- (b) a transferee of its decision on an application for the transfer of a valid licence;
- (c) a licensee of any variation to the conditions of a licence;
- (d) a licensee when the licence is due for renewal and the manner in which it may be renewed;
- (e) a licensee upon renewal of a licence; and
- (f) a licensee of the cancellation of a licence;

#### 4.15 Inspection of Cat Management Facilities

Subject to the power to enter premises under the Act, and the *Local Government Act 1995*, an authorised person may inspect a Cat Management Facility to assess compliance with this local law and the conditions of a licence.

#### 4.16 Record Keeping

All Cat Management Facilities are required to keep and maintain a register of all cats entering and leaving the facility, and an authorised person may inspect the register during any inspection carried out under clause 4.15.

**PART 5. ENFORCEMENT, OFFENCES AND PENALTIES****5.1 Interpretation**

In this Part—

*infringement notice* means the notice referred to in clause 5.3; and

*notice of withdrawal* means the notice referred to in clause 5.4.

**5.2 Offences**

- (1) A person who—
  - (a) fails to do anything required or directed to be done under this local law; or
  - (b) does anything which under this local law that person is prohibited from doing, commits an offence.
- (2) Unless otherwise specified, a 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 \$500 for each day or part of a day during which the offence continues after written notice of the offence has been given.

**5.3 Modified penalties**

- (1) The offences contained in Schedule 4 are offences for which a modified penalty may be imposed under section 62 of the Act.
- (2) The amount appearing in the fourth column of Schedule 4 directly opposite an offence is the modified penalty payable in respect of that offence.

**5.4 Issue of infringement notice**

Where an authorised person has reason to believe that a person has committed an offence in respect of which a modified penalty may be imposed, the authorised person may issue to that person an infringement notice in the form of Form 6 of Schedule 1 of the Regulations.

**5.5 Withdrawal of an infringement notice**

An infringement notice may be withdrawn by giving written notice in the form of Form 7 in Schedule 1 of the Regulations.

**5.6 Objections and appeal rights**

A person who is aggrieved by a decision of the local government under this local law may object to or appeal against the decision under Division 1 of Part 9 of the *Local Government Act 1995*.

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**SCHEDULE 1—APPLICATION FOR A LICENCE FOR A DESIGNATED  
CAT MANAGEMENT FACILITY**

[clause 4.3]

**APPLICANT DETAILS**

Full Name: \_\_\_\_\_ Assessment No.: \_\_\_\_\_

Main Address: \_\_\_\_\_  
(Residential / Premises Address including Suburb and Postcode)

Postal Address: \_\_\_\_\_  
(if different from above)

Phone (H): \_\_\_\_\_ (M): \_\_\_\_\_ (W): \_\_\_\_\_

Email: \_\_\_\_\_

May the Shire use the above email address for correspondence purposes?:  Yes  No

**Privacy Notice** The Shire of Toodyay collects personal information in accordance with the *Privacy and Responsible Information Sharing Act 2024* for the purpose of assessing your application to operate a designated cat management facility under the *Cat Act 2011* and associated local laws.

Your information may be used to contact you, verify compliance, and inform internal decision-making. It may be shared with relevant government agencies, or third parties where required or authorised by law.

You have the right to request access to, and correction of, your personal information. For privacy enquiries, contact the Shire's Privacy Officer at: [records@toodyay.wa.gov.au](mailto:records@toodyay.wa.gov.au) ☎ (08) 9574 9300.

**CAT MANAGEMENT FACILITY DETAILS**

Address: \_\_\_\_\_  
(Residential / Premises Address including Suburb and Postcode)

For Number of cats located at premises: \_\_\_\_\_

Person will reside (tick appropriate box) \_\_\_\_\_ \*evidence to be provided

At the premises  sufficiently close to the premises so as to control the cats and so as to ensure their health and welfare

Name of Person (if not the applicant(s)): \_\_\_\_\_

Address (if not residing at premises): \_\_\_\_\_

Is the applicant or custodian a member of a prescribed exempt organisation? If yes, provide the name of the organisation below:  Yes  No

Organisation Name: \_\_\_\_\_ ABN: \_\_\_\_\_

Further Details of the prescribed exempt organisation:

\_\_\_\_\_

Are you already an approved breeder?  Yes  No

If not, complete the application for an approved breeder available separately on the Shire's website.

**Prior to approval the following must be attached**

- (a) A site plan of the premises showing the location of the buildings, cages, runs, structures and fences;
- (b) Plans and specifications of the Cat Management Facility;
- (c) Proposed details of how the facility will be kept secure;
- (d) Evidence that a person will reside—
  - (i) at the premises; or
  - (ii) sufficiently close to the premises so as to control the cats and so as to ensure their health and welfare; and
  - (iii) if the person in item (d) is not the applicant, evidence that the person is a person in charge of the cats.

**APPLICANT DECLARATION**

I declare that the information provided in this form is true and correct.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

*A signature is not required to effect the form when the form is lodged through the local government internet site.*

**Note:** A licence, if issued, will have effect for a period of 12 months, effective from the date of issue unless and until it is revoked or it is determined by the local government non-compliance with the conditions of the Shire of Toodyay Cat Local Law 2026 justifies this.

**OFFICE USE ONLY**

Application No: \_\_\_\_\_ Date: \_\_\_\_\_  
 Fees payable: \$200.00  Registration approved  
 Conditions of approval attached:  Yes  No  
 Receipt No: \_\_\_\_\_ Assigned Registration No: \_\_\_\_\_  
 Date received: \_\_\_\_\_ Signature of Registration Officer: \_\_\_\_\_

**SCHEDULE 2—MINIMUM CONDITIONS OF A DESIGNATED  
 CAT MANAGEMENT FACILITY**

[clause 4.6(1)]

An application for a licence within the district may be approved subject to the following minimum conditions—

**1. Building, fixtures, equipment and appliances**

- 1.1. All buildings and enclosures must be structurally sound, have impervious flooring where appropriate, be well lit and ventilated, and otherwise comply with applicable building, health and planning legislation.
- 1.2. The Cat Management Facility must have a feed preparation area, wash area, isolation facilities and, where required, a maternity section.
- 1.3. Materials used in structures are to be approved by the local government. Internal wall surfaces are, where possible, to be smooth, free from cracks, crevices and other defects.
- 1.4. All fixtures, fittings and appliances must be capable of being easily cleaned, resistant to corrosion and constructed to prevent harbourage of vermin.
- 1.5. A hand-washing facility with a supply of water is to be provided in or conveniently accessible to the building.
- 1.6. The facility must have a secure area for cats to be housed and exercised. Boundary Setbacks to be determined under Clause 32(1) and (2) of the Local Planning Scheme
- 1.7. Adequate measures must be in place to minimise the risk of unauthorised entry into the facility.
- 1.8. Where floor washing is required, washings must pass through drains and be piped to an approved apparatus for the treatment of sewage and liquid waste, in accordance with applicable health legislation and the requirements of the local government.
- 1.9. All external surfaces must be impervious and kept in good condition.
- 1.10. The facility must have sufficient ventilation to keep housing areas free of dampness, noxious odours and draughts, and to prevent accumulation of gases.
- 1.11. Where forced ventilation is used, there must be adequate air exchange rates.
- 1.12. The facility is to be located away from sources of excessive noise or pollution or draughts that could cause injury or stress to animals.
- 1.13. Adequate natural lighting or lighting that simulates a natural day/night cycle must be provided.
- 1.14. All cages and outdoor enclosures are to have adequate shelter, including roofing constructed of impervious material.
- 1.15. A mix of cages must be provided to enable individual housing where required, with cages or modules constructed of impervious, washable materials.
- 1.16. All cages, enclosures and drinking vessels must be maintained in a clean condition and cleaned and disinfected as often as necessary and when so directed by an authorised person.

**2. Operations and maintenance**

- 2.1 Enclosures are to be thoroughly cleaned each day and disinfected at least once a week, or more frequently as directed by an authorised person.
- 2.2 All refuse; faeces and food waste must be removed and disposed of daily in a manner acceptable to the local government.
- 2.3 Noise, odours, vermin, fleas, flies and other vectors of disease must be effectively controlled.
- 2.4 Suitable water for both cleaning and drinking must be available at all times.
- 2.5 The maximum number of cats kept at the premises must not exceed the number specified in the licence.
- 2.6 An entry register is to be kept recording, for each cat—
  - (a) the date of admission;
  - (b) the date of departure;
  - (c) breed, age (if known), colour and sex; and
  - (d) the name and residential address of the keeper.
- 2.7 The entry register must be made available for inspection on request by an authorised person.

- 2.8 The licensee or the person nominated in the application must continue to reside—
- (a) at the premises; or
  - (b) in the opinion of the local government, sufficiently close to the premises so as to control the cats and ensure their health and welfare.

### 3. Additional conditions

- 3.1 The local government may impose any other condition that it considers necessary for the health and welfare of cats, the safety of persons, the protection of the environment, or the amenity of the area.

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## SCHEDULE 3—CAT PROHIBITED PLACES

[clause 3.2(1)]

Cats are prohibited from the following areas within the district—

### 1. Conservation lands managed by the State

All lands within the district that are reserved, vested or managed for conservation purposes under State legislation,

### 2. Wildlife protection and fauna conservation areas

Any lands within the district that are formally designated as wildlife protection areas, fauna sanctuaries or equivalent conservation classifications under State legislation or by Department of Biodiversity, Conservation and Attractions (DBCA).

### 3. Other areas designated by local government

Those lands that are Vacant Crown Land, State Forest, Cemeteries', Picnic Sites, Camping Grounds, Showgrounds, and Public Recreation reserves.

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## SCHEDULE 4—OFFENCES IN RESPECT OF WHICH A MODIFIED PENALTY APPLIES

[clause 5.3]

ITEM	CLAUSE	NATURE OF OFFENCE	MODIFIED PENALTY \$
1	2.6(2)	Failing to comply with the conditions of an <i>application</i> for additional <i>cats</i>	5,000
2	3.1(4)	Failure to comply with a notice to abate a cat nuisance	2,000
3	3.2(1) & (2)	Cat in a cat Prohibited Place	2,000
4	4.2	Operating a <i>Cat Management Facility</i> without a licence	5,000
5	4.7	Failing to comply with the conditions of a Cat Management Facility licence	2,000
6	Sch. 2, 2.1–2.3	Failure to maintain cleanliness, hygiene or vector control when directed	500
7	Any other provision	Any other offence under this local law not otherwise specified	500

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## AUTHORISATION

Under the powers conferred by the *Local Government Act 1995* and the *Cat Act 2011* and under all other powers enabling it, the Council of the Shire of Toodyay resolved on 4 June 2026 to make the Cat Local Law 2026.

Dated this 11th day of June 2026.

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

Cr MICHAEL McKEOWN, Shire President.  
ALAN HART, Temporary Chief Executive Officer.

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