

SECTION 249 LOCAL GOVERNMENT ACT 1999

CERTIFICATE OF VALIDITY

I, CIMON ANGELA BURKE care of Level 6, 19 Gilles Street, Adelaide in the State of South Australia, being a legal practitioner within the meaning of the *Legal Practitioners Act 1981*, declare that I have examined the following By-law:

CITY OF MOUNT GAMBIER

By-law No 6 – Cats By-Law 2025

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.

and do certify that in my opinion:

CITY OF MOUNT GAMBIER

has the power to make the By-law by virtue of the following statutory provisions:

*Local Government Act 1999: sections 238, 246(1), 246(2), 246(3)(a), 246(3)(c), and 246(3)(f); and
Dog and Cat Management Act 1995: section 90;*

and the By-law is not in conflict with the *Local Government Act 1999*.

DATED the 9 day of June 2025



.....
Cimon Burke, Legal Practitioner



CITY OF MOUNT GAMBIER

CATS BY-LAW 2025

By-law No. 6 of 2025

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.

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PART 1 - PRELIMINARY

1. Title

This By-law may be cited as the *Cats By-law 2025* and is By-law No. 6 of the City of Mount Gambier.

2. Authorising Law

This By-law is made under section 90(5) 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 reduce the incidence of public and environmental nuisance caused by cats;
- 3.3 to protect the comfort and safety of members of the public; and
- 3.4 for the good rule and government of the Council's area.

4. Expiry

4.1 This By-law will commence in accordance with the Act¹ and will expire on 1 January 2033².

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. 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 2025*.
- 5.2 This By-law applies throughout the Council's area.

6. Interpretation

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

- 6.1 **Act** means the *Local Government Act 1999*;
- 6.2 except for the purposes of clauses 8 and 9, **cat** means an animal of the species *felis catus* which is three months of age, or has lost its juvenile canine teeth;
- 6.3 **Council** means the City of Mount Gambier;
- 6.4 **effective control by means of physical restraint** means:
 - 6.4.1 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

- 6.4.2 a person has effectively secured the cat by placing it in a cage, vehicle or other object or structure; or
- 6.4.3 a person is holding the cat;
- 6.5 **keep** includes the provision of food or shelter;
- 6.6 for the purposes of clause 8, a cat (or cats) causes a **nuisance** if it:
- 6.6.1 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;
- 6.6.2 damages or otherwise has an adverse impact upon native flora or fauna;
- 6.6.3 acts in a manner that is injurious or causes damage to a person's real or personal property;
- 6.6.4 wanders onto premises without the consent of the owner or occupier of the premises; or
- 6.6.5 defecates or urinates on premises without the consent of the owner or occupier of the premises;
- 6.7 **owner** of a cat has the same meaning as in section 5 of the *Dog and Cat Management Act 1995*;
- 6.8 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
- 6.9 **premises** includes any land (whether used or occupied for domestic or non-domestic purposes) and any part thereof.

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 – LIMITS ON CAT NUMBERS

7. Limits on Cat Numbers

- 7.1 Subject to this clause 7, 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 The limit prescribed by subclause 7.1 does not apply to:
- 7.2.1 premises comprising a business involving the keeping of cats that is approved to operate as such under the *Planning, Development and Infrastructure Act 2016* and provided the business is operating in accordance with all required approvals and consents;
- 7.2.2 a person who is keeping more than two cats on premises that the person occupies at the time this By-law comes into effect provided that:

- 7.2.2.1 details as required by the Council of the cats that are kept on the premises at that time are provided to the Council within six (6) months of the commencement of this By-law;
 - 7.2.2.2 all the cats being kept on the premises are desexed in accordance with the *Dog and Cat Management Act 1995*; and
 - 7.2.2.3 no additional cats over and above those cats notified to the Council in accordance with subclause 7.2.2.1 are acquired or kept on the premises without the permission of the Council after the By-law commences operation.
- 7.3 The Council may require that premises that are the subject of an application for permission to keep additional cats are inspected by an authorised person for the purpose of assessing the suitability of the premises for housing cats.
- 7.4 Permission under subclauses 7.1 and 7.2.2.3 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.

PART 3 – CAT CONTROLS

8. Cats not to be a Nuisance

- 8.1 An owner or occupier of premises is guilty of an offence if a cat (or cats) kept or allowed to remain on the premises causes a nuisance.
- 8.2 Without limiting liability under subclause 8.1, the owner of or person responsible for the control of a cat is guilty of an offence under this By-law if the cat causes a nuisance.
- 8.3 For the purposes of this clause 8, **cat** means an animal of the species *felis catus* (of any age).

9. Effective Confinement of Cats

- 9.1 As and from a date that is resolved by the Council (if any, and which date cannot be within the first twelve months of the commencement of this By-law), and subject to subclause 9.2, the owner of, or person responsible for the control of, a cat must take steps to ensure that the cat is confined at all times to the premises occupied by that person unless the cat is under effective control by means of physical restraint.
- 9.2 Subclause 9.1 does not apply to any cat that was born before 1 January 2026 provided that evidence of the cat's age that is satisfactory to an authorised person (acting reasonably) is provided to the Council.
- 9.3 For the purposes of this subclause 9, **cat** means an animal of the species *felis catus* (of any age).

10. Registration of cats

- 10.1 The Council may resolve to adopt a registration scheme for cats.
- 10.2 Where the Council has resolved to adopt a registration scheme for cats, a person must not keep a cat in the Council's area for more than 14 days unless the cat is registered in accordance with this By-law.
- 10.3 An application for registration of a cat must:
 - 10.3.1 be made to the Council in the manner and form prescribed by Council (if any); and
 - 10.3.2 be accompanied by the fee (if any) prescribed by the Council; and
 - 10.3.3 nominate a person of or over sixteen (16) years of age who consents to the cat being registered in his or her name; and
 - 10.3.4 identify with reference to an address the premises at which the cat is kept; and
 - 10.3.5 otherwise comply with any other requirements determined by the Council.
- 10.4 Registration under this By-law 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.
- 10.5 Subclause 10.2 does not apply to premises comprising a cattery approved under the *Planning, Development and Infrastructure Act 2016*.
- 10.6 The Council may, by resolution, revoke a resolution to adopt a registration scheme under subclause 10.1 should it see fit to do so.

PART 4 – EXEMPTIONS

11. Council May Grant Exemptions

- 11.1 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.
- 11.2 An exemption:
 - 11.2.1 may be granted or refused at the discretion of the Council;
 - 11.2.2 may operate indefinitely or for a period specified in the instrument of exemption; and
 - 11.2.3 is subject to any conditions specified in the instrument of exemption.
- 11.3 The Council may, by notice in writing, vary, revoke or add a condition of an exemption.
- 11.4 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

12. Orders

- 12.1 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:
 - 12.1.1 if the conduct is still continuing – to stop the conduct; and
 - 12.1.2 whether or not the conduct is still continuing – to take specified action to remedy the contravention.
- 12.2 A person must comply with an order made by an authorised person pursuant to section 262 of the Act.
- 12.3 If a person does not comply with an order of an authorised person made 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.
- 12.4 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 howling or wandering cats.

This By-law was duly made and passed at a meeting of the City of Mount Gambier held on **15 July 2025** by an absolute majority of the members for the time being constituting the Council, there being at least two thirds of the members present.



SARAH PHILPOTT
Chief Executive Officer