

CERTIFICATE OF VALIDITY

UNDER SECTION 249(4) OF THE LOCAL GOVERNMENT ACT 1999

I, KATE EMILY OLIVER of Norman Waterhouse Lawyers, Level 15, Pirie Street, Adelaide SA 5000, being a legal practitioner within the meaning of the Legal Practitioners Act 1981, declare that I have examined the following by-law which the Corporation of the City of Whyalla intends to make, and do certify that in my opinion:

- (a) the said Council has the power to make the by-law by virtue of the following statutory provisions:

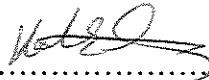
Dog and Cat Management Act 1995, Section 90;

Local Government Act 1999, Section 246(1)(a);

Acts Interpretation Act 1915, Section 39;

- (b) the by-law is not in conflict with the Local Government Act 1999.

DATED the 5th day of October 2007



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Kate Emily Oliver, Legal Practitioner

THE CORPORATION OF THE CITY OF WHYALLA

By-Law made under the Local Government Act 1999

By-law No. 6 – Cats

To regulate the control and management of cats within the Council's area.

1. Definitions

In this by-law:

- 1.1 'Approved kennel establishment' means a building, structure, premises or area approved by the relevant authority pursuant to the Development Act 1993, for the keeping of cats on a temporary or permanent basis.
- 1.2 'Cat' means an animal of the species *Felis catus* over 3 months of age.
- 1.3 'Keep' includes the provision of food or shelter.
- 1.4 'Premises' includes:
- 1.4.1 land;
- 1.4.2 a part of any premises or land.
- 1.5 'Public place' means all streets, roads, parklands, reserves, open space, jetties, bridges, foreshore and all other land in the ownership of the Council or under the care, control and management of Council.

2. Identification of Cats

- 2.1 No person shall without the permission given by the Council in writing Keep a cat in the Council's area, unless that cat is identified by a microchip.
- 2.2 A cat fitted with a microchip must be traceable through the registration of the microchip.

3. Limit on Cat Numbers

- 3.1 Subject to clauses 3.3 and 3.4 the limit on the number of cats to be kept on any Premises shall be two.
- 3.2 No person shall without permission given in writing by the Council Keep a cat on any Premises where the number of cats being kept on those premises exceeds the limit.
- 3.3 Clause 3.1 does not apply if the person has the Permission of the Council in writing. Such permission may be given if the Council is satisfied that:
 - 3.3.1 no insanitary condition exists on the premises as a result of keeping the cats; and
 - 3.3.2 a nuisance is not caused to any neighbour as a result of keeping the cats on the Premises; and
 - 3.3.3 all cats kept on the Premises over the age of six months are desexed unless the person obtains a letter signed by a veterinary surgeon indicating that the health of the cat will be jeopardised if it is desexed before a stated age. If such a letter is produced, the owner of the cat will undertake to have an appropriately qualified person to desex the cat when it reaches the stated age; or
 - 3.3.4 the owner of the cat or cats is a breeder of pedigree or show cat or cats and the owner complies with conditions 3.3.1 and 3.3.2.
- 3.4 Clause 3.1 does not apply to veterinary practices, pet shops or Approved kennel establishments in respect of which a development authorisation is in force pursuant to the Development Act 1993.

4. Notices

- 4.1 The Council may serve notice on the occupier of Premises or the owner of a cat requiring action to be taken to ensure compliance with this by-law.
- 4.2 The person to whom notice is given shall comply.
- 4.3 If the person to whom notice is given does not comply, the Council may carry out the terms of the notice and recover the costs of doing so from that person.

5. Registration

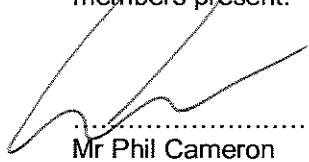
All cats kept within the Council area for a period of 14 days or longer are to be registered with Council and the appropriate fee paid as determined by a Council resolution.

6. Curfew

A person who keeps a cat must not allow the cat to stray from its Premises between the hours of 10.00pm and 6.00am each day. A person who Keeps cats commits an

offence if their cat is identified or trapped during the specified hours on another person's property without that person's permission.

This foregoing by-law was duly made and passed at a meeting of the Corporation of the City of Whyalla held on the 15th day of ~~OCTOBER~~ 2007, 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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Mr Phil Cameron
Chief Executive Officer