



# Additional information

## Ordinary Meeting of Council

Wednesday 22 June 2022 6pm



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## **FPOL2206-6 COUNCIL CODE OF CONDUCT DIVISION 3 COMPLAINT HANDLING POLICY REVIEW**

### **ADDITIONAL INFORMATION 1 - Current - Council Code of Conduct Division 3 Complaint Handling Policy**

#### **Council Policy**



#### **Council Code of Conduct Division 3 Complaint Handling Policy**

##### **Policy scope**

The purpose of the City's Code of Conduct is to guide the decisions, actions and behaviours of Council Members, Committee Members, and candidates for election as a Council Member.

The objective of this Policy is to deal with matters relating to breaches of the behaviour requirements outlined in Division 3 of the Code of Conduct, and all Complaints under this Policy should be made with that objective in mind.

##### **Complaints not dealt with under this policy**

A breach of the Rules of Conduct (as per Division 4 of the Code of Conduct) is a minor breach under s5.105(1) of the Local Government Act 1995 and is not the intended subject of this Policy.

Consequently, Complaints such as the following are inappropriate to be dealt with under this Policy:

- a. Complaints made with the intent of addressing personal grievances or disagreements,
- b. Complaints made to express dissatisfaction with a Council or Committee Member's lawfully made decisions or performance of their role,
- c. Minor breaches under s5.105(1) of the *Local Government Act 1995*,
- d. Serious breaches under s5.114 of the *Local Government Act 1995*; and
- e. Allegations of corruption.

##### **Policy statement**

###### **Part 1 Making a complaint**

###### **1.1 Initiating a Complaint**

- a. Any person may make a Complaint alleging a behaviour breach.
- b. A Complaint must be in writing on the City's approved form – Complaint About Alleged Behaviour Breach form.
- c. The complainant must lodge the Complaint with the City's Complaints Officer.
- d. The complainant must provide with the Complaint, details of the alleged behaviour breach together with any supporting evidence.
- e. The Complaint must be lodged within one month of the occurrence of the alleged behaviour breach.
- f. A Complaint must be submitted by the complainant.

1.2 A Complaint cannot be submitted anonymously.

1.3 The Complaints Officer is to provide all Complaints to the Investigator in accordance with the following clause.



- 1.4 The Complaints Officer, within 14 days of receiving a Complaint:
- must contact the complainant acknowledging that the Complaint has been received,
  - as part of the acknowledgment process, must provide the complainant with a copy of this Policy,
  - must provide the Council or Committee Member to whom the Complaint relates with a copy of the Complaint (including the name of the complainant); and
  - must send to the Investigator the Complaint together with details of the alleged breach and any supporting evidence provided by the complainant. (or within 14 days of the person to whom the Complaint relates being elected to Council)
- 1.5 Complaints are to be dealt with and considered in the order in which they are received by the Complaints Officer.
- 1.6 A Complaint relating to a candidate is only to be referred to an Investigator if the candidate is elected as a Council Member.

**Part 2 Fees and costs in the complaints process**

- 2.1 No fee is payable to lodge a Complaint under this Policy.
- 2.2 The City may pay an Investigator or mediator, appointed pursuant to the Policy, a fee to cover the costs of dealing with the Complaint whether or not a breach is ultimately found.

**Part 3 Considering Complaints**

- 3.1 Council will use the relevant State Government Common Use Agreement (in accordance with the City's procurement processes) to appoint independent persons, with relevant legal expertise and knowledge, who are not current or former employees or elected members of the City to be the City's investigators.
- 3.2 The Chief Executive Officer may appoint an investigator from the panel to review and consider one or more Complaints of behaviour breach and to report on the outcome of any investigations to the Complaints Officer.

**Part 4 Mediation**

- 4.1 Within 14 days of notification of the Complaint the Investigator must offer mediation to both parties as the first option for dealing with a Complaint and before progressing with the consideration of the Complaint.
- 4.2 If within 14 days of the offer of mediation, a party to the complaint has not responded, it is to be taken as a refusal.
- 4.3 If issues raised in the Complaint are resolved to the satisfaction of both parties in mediation and otherwise before the determination of the Complaint, the complainant must lodge a Withdrawal of Complaint in writing with the Complaints Officer.



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**Part 5      Investigators determination**

- 5.1 Within 14 days of the expiration of the offer of mediation or of an unsuccessful mediation the Investigator must provide the Council Member or Committee Member to whom the Complaint relates with an opportunity of 14 days to respond to the allegations in the Complaint and to provide their own comments and evidence for consideration.
- 5.2 After considering the Complaint, the Investigator must make a determination as to whether the alleged behaviour breach has occurred.
- 5.3 The determination must be made within 21 days from the expiry of the period of time provided for the Council Member or Committee Member to whom the Complaint relates to respond to the complaint.
- 5.4 A determination by the Investigator that the alleged behaviour breach has occurred must be based on evidence from which it may be concluded that it is more likely that the breach occurred than that it did not occur.
- 5.5 Having made a determination on the alleged behaviour breach, the Investigator must provide a determination and reasons for it in a Determination Report to the Complaints Officer.
- 5.6 If the Investigator makes a determination that the alleged breach has occurred, the Report must make a recommendation of what, if any, further action is required and the contents of a plan, if a plan is recommended, to address the behaviour of the person to whom the Complaint relates (action plan).
- 5.7 The Investigator may recommend to the Complaints Officer that a Complaint is dismissed in accordance with the Code of Conduct.

**Part 6      Action plans**

- 6.1 When preparing an action plan under this Policy, the Investigator must consult with the person to whom the Complaint relates. The Council or Committee Member must be provided with the opportunity to be involved in matters such as the timing of meetings or training.
- 6.2 An action plan may include a requirement for the person to whom the Complaint relates to do one or more of the following –
  - a. Engage in mediation,
  - b. Undertake counselling,
  - c. Undertake training; or
  - d. Take other action the local government considers appropriate.



- 6.3 An action plan should be designed to provide the Council or Committee Member with the opportunity and support to demonstrate the professional and ethical behaviour expected of elected representatives. The plan should outline:
- a. the behaviour(s) of concern,
  - b. the actions to be taken to address the behaviour(s),
  - c. who is responsible for the actions; and
  - d. an agreed timeframe for the actions to be completed.

**Part 7 Report provided to council**

- 7.1 The Complaints Officer must provide a confidential report to council including:
- a. a copy of the Complaint,
  - b. the Investigator's Report,
  - c. a copy of any evidence, submissions or other communications from the parties, considered by the Investigator,
  - d. a recommendation on the question of whether a behaviour breach has occurred,
  - e. a recommendation about what, if any, further action is required,
  - f. the content of any action plan intended to address the behaviour of the person to whom the Complaint relate if further action is recommended, and
  - g. a reason for any inconsistencies between the Investigator's Report findings and recommendations and the Complaint Officers recommendations to Council.

**Part 8 Council finding**

- 8.1 When making a finding that a behaviour breach has occurred Council must be satisfied that:
- a. the person to whom the Complaint relates has been given a reasonable opportunity to be heard.
  - b. The finding is based on evidence from which it may be concluded that it is more likely that the breach occurred than that it did not occur.
- 8.2 Based on the Investigator's Report, the evidence, and any further comments or submissions by the parties, the council may:
- a. dismiss the Complaint in accordance with clause 11 of this Policy.
  - b. find that the alleged breach **has** occurred; and
    - i. decide that further action is required and consider the adoption of an action plan to address the behaviour of the person to whom the Complaint relates; or
    - ii. decide that no further action is required
  - c. find that the alleged breach **has not** occurred.
- 8.3 If the council makes a finding that the alleged breach has occurred, it may resolve to –
- a. take no further action; or
  - b. prepare and implement an action plan recommended by the Investigator with or without modifications as it thinks fit.



**Part 9 Acting on council finding**

Within 14 days of Council making a finding in relation to a Complaint, the Complaints Officer must give the complainant and the person to whom the Complaint relates –

- a. a copy of the finding; and
- b. any further action required by Council.

**Part 10 Confidentiality of Complaints**

Information relating to:

- a. the receipt of a Complaint and its referral to an Investigator
- b. the Investigator's deliberations and determination
- c. consultation with the person to whom the Complaint relates in the preparation of a draft action plan

are confidential matters and should not be disclosed unless and until Council has made a formal finding of a breach in respect of the Complaint.

**Part 11 Dismissal of Complaint**

11.1 Council must dismiss a Complaint where:

- a. the behaviour occurred at a council or committee meeting and either:
  - i. the behaviour was dealt with by the person presiding at the meeting; or
  - ii. the person responsible for the behaviour has taken remedial action in accordance with the local law of the local government that deals with meeting procedures.

11.2 In any event behaviour that is an offence under a local law that deals with meeting procedures cannot be dealt with as a behaviour breach.

**Part 12 Withdrawal of Complaint**

12.1 A complainant may withdraw their Complaint any time before it is considered by Council.

12.2 The withdrawal of a Complaint must be made –

- a. in writing; and
- b. to the Complaints Officer.

**Part 13 Compliance with action plan requirement**

13.1 The Complaints Officer is to monitor the actions in timeframes set out in an action plan.

13.2 Failure to comply with an action plan that includes any of the requirements in clause 6.2 of this policy, is a breach of clause 23 of the Code of Conduct and is therefore considered to be a minor breach under s5.105(1) of the *Local Government Act 1995*.  
If



#### **Part 14 Vexatious or unreasonable persistence complaints**

Some complainants may persist in disagreeing with the action or decision taken in relation to their complaint or they may contact Council or the Chief Executive Officer persistently about the same issue.

Where a complaint has been considered by Council in accordance with this Policy, but the complainant refuses to accept the outcome of the complaint, the Complaints Officer may advise the complainant, in writing, that no further consideration will be given to complaints of any kind:

- a. that are the same, or substantially the same, or
- b. that raise no new matters for consideration,

when compared with previous communications received from them.

#### **Definitions and abbreviations**

**Behaviour Breach** means a breach of a behaviour requirement in Division 3 of the Code of Conduct.

**Candidate** an individual is considered a candidate when their nomination for election is accepted by a Returning Officer under s4.49 of the *Local Government Act 1995*. The Code of Conduct applies to the candidate from that point. Any alleged behaviour breach may only be dealt with if the candidate is elected as a Council Member.

**Code of Conduct** means the Code of Conduct for Council Members, Committee Members and Candidates adopted by the City of Fremantle.

**Committee Member** includes any Council Member, or unelected member of the community, who has been appointed by the council to be a member of a council committee.

**Complainant** means a person complaining of a behaviour breach by a Council or Committee Member of the City or a candidate.

**Complaint** means a complaint made under clause 11(1) of the Code of Conduct.

**Complaints Officer** means a person authorised in writing by the council, or by the CEO exercising authority delegated by the council, to receive complaints and withdrawals of complaints under clause 11 of the Code of Conduct.

**Council Member** means an individual who has been elected as a Council Member under the *Local Government Act 1995*.

**Determination Report** means the report for the council of the outcome of the investigation of a Complaint including the following:

- a. whether or not the Investigator considers that the behaviour the subject of the Complaint has occurred,
- b. the evidence relied on by the Investigator under clause 12(3) of the Code for that conclusion; and
- c. a recommendation as to whether no further action should be taken on the Complaint, or the recommended terms of a plan under clause 12(4)(b) of the Code.



**Evidence** means the available facts or information which go to indicate whether or not an allegation of a breach is true or valid. Local governments must use evidence provided by the complainant and by the person to whom the complaint relates, as well as any other available evidence, to decide whether a breach has occurred.

**Investigator** means a person appointed as Investigator under Part 3 of this Policy.

Other terms used in this Policy that are also used in the *Local Government Act 1995* have the same meanings as they have in the Act unless the contrary intention appears.

<b>Responsibility and review information</b>	
<b>Responsible officer:</b>	Chief Executive Officer
<b>Document adoption/approval details</b>	Adoption date: 23 June 2021 Ordinary Meeting of Council – FPOL2106-5
<b>Document amendment details</b>	Amendment date Meeting name and date
<b>Next review date</b>	23 June 2025



## FPOL2206-7 ADOPTION OF THE CITY OF FREMANTLE CAT MANAGEMENT AMENDMENT LOCAL LAW 2022

### ADDITIONAL INFORMATION 1 - Consolidated Cat Management Local Law with changes indicated in red and green text

#### CAT ACT 2011 LOCAL GOVERNMENT ACT 1995

#### CITY OF FREMANTLE CAT MANAGEMENT LOCAL LAW 2020

Under the powers conferred by the *Cat Act 2011*, the *Local Government Act 1995* and by all other powers enabling it, the Council of the City of Fremantle resolved on Wednesday 13 May 2020 to make the following local law.

#### Part 1 – Preliminary

##### 1.1 Citation

This local law may be cited as the *City of Fremantle Cat Management Local Law 2020*.

##### 1.2 Commencement

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

##### 1.3 Application

This local law applies throughout the district.

##### 1.4 Definitions

In this local law unless the context otherwise requires –

**Act** means the *Cat Act 2011*;

**applicant** means the occupier of the premises who makes an application for a permit under this local law;

**authorised person** means a person authorised by the local government to perform the functions conferred on an authorised person under this local law;

**cat prohibited area** means the land –

(a) described in Schedule 3;

**cat management facility** means –

(a) a facility operated by a local government that is, or may be, used for keeping cats;

(b) a facility for keeping cats that is operated by a person or body prescribed; or

(c) a facility for keeping cats that is operated by a person or body approved in writing by a local government;

**cattery** means any premises where more than 3 cats are kept, bred, boarded, housed or trained temporarily, whether for profit or otherwise, and where the occupier of the premises is not the ordinary owner of the cats;

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

**district** means the district of the local government;

**local government** means the City of Fremantle;



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

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

**permit** means a permit issued by the local government under Part 3;

**permit holder** means a person who holds a valid permit under Part 3;

**premises** includes the following –

- (a) land (whether or not vacant);
- (b) the whole or part of a building or structure (whether of a permanent or temporary nature); and
- (c) a vehicle;

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

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

**Scheme** means a planning scheme of the local government made by it under the *Planning and Development Act 2005* and its antecedents; and

**Veterinarian** means a registered veterinary surgeon as defined in section 2 of the *Veterinary Surgeons Act 1960*

## **Part 2 – Cat control**

### **2.1 Cat prohibited areas**

- (1) A cat shall not be in the places specified in Schedule 3 at any time, whether or not under effective control.
- (2) If a cat is in a cat prohibited area in contravention of subclause (1), then the owner of the cat commits an offence unless the owner of the cat has first obtained written authorisation from the Local Government.

### **2.2 Cat not to be a nuisance**

- (1) An owner shall not allow a cat to be or create a nuisance.**
- (2) Where in the opinion of an authorised person, a cat is creating a nuisance, the local government may give written notice to the owner of the cat requiring that person to abate the nuisance.**
- (3) When a nuisance has occurred and a notice to abate the nuisance is given, the notice remains in force for the period specified by the local government in the notice which shall not exceed 28 days.**
- (4) A person given a notice to abate the nuisance shall comply with the notice within the period specified in the notice.**



### **Part 3 – Permits for keeping cats**

#### **3.1 Interpretation**

In this part, and for the purposes of applying the definition of 'cattery', *cat* does not include a cat less than 6 months old.

#### **3.2 Cats for which a permit is required**

- (1) Subject to subclause (2) a person is required to have a permit to –
  - (a) keep more than 3 cats on any premises; or
  - (b) use any premises as a cattery or cat management facility.
- (2) A permit is not required under subclause (1) if the premises concerned are –
  - (a) a refuge of the RSPCA
  - (b) a cat management facility which has been approved by the local government;
  - (c) a veterinary surgery.

#### **3.3 Application for permit**

An application for a permit under clause 3.2 shall be –

- (a) made in writing by an occupier of the premises in relation to those premises;
- (b) in a form approved by the local government, describing and specifying the number of cats to be kept on the premises;
- (c) accompanied by a brief reason and justification for the request;
- (d) accompanied by the plans of the premises to which the application relates in the form determined by the local government from time to time;
- (e) accompanied by the consent in writing of the owner of the premises where the occupier is not the owner of the premises to which the application relates; and
- (f) accompanied by the application fee for the permit determined by the local government from time to time.

#### **3.4 Refusal to determine application**

The local government may refuse to determine an application for a permit if it is not made in accordance with clause 3.3.

#### **3.5 Factors relevant to the determination of application**

- (1) In determining an application for a permit the local government may have regard to –
  - (a) the reasons and justification provided for the request;
  - (b) the physical suitability of the premises for the proposed use;
  - (c) the suitability of the zoning of the premises under any Scheme which applies to the premises for the proposed use;
  - (d) the environmental sensitivity and general nature of the location surrounding the premises for the proposed use;
  - (e) the structural suitability of any enclosure in which any cat is to be kept;
  - (f) the likelihood of a cat causing nuisance, inconvenience, or annoyance



- to the occupiers of adjoining land;
  - (g) the likely effect on the amenity of the surrounding area of the proposed use;
  - (h) the likely effect on the local environment including any pollution or other environmental damage, which may be caused by the use;
  - (i) any submissions received under subclause (2) within the time specified in subclause (2); and
  - (j) such other factors which the local government may consider to be relevant in the circumstances of the particular case.
- (2) The local government may require an applicant to –
  - (a) consult with nearby landowners; or
  - (b) advise nearby landowners that they may make submissions to the local government on the application for a permit within 14 days of receiving that advice, before determining the application for the permit.
- (3) The local government may specify the extent of consultation with nearby residents, as specified in subclause 3.5(2)(a) and may specify which properties should be consulted.

### **3.6 Decision on application**

- (1) The local government may –
  - (a) approve an application for a permit as it was submitted, in which case it shall approve it subject to the conditions in clause 3.7 and may approve it subject to any other conditions it sees fit;
  - (b) approve an application but specify an alternative number of cats permitted to be housed at the address; or
  - (c) refuse to approve an application for a permit.
- (2) If the local government approves an application under subclause (1), then it shall issue a permit to the applicant in the form determined by the CEO.
- (3) If the local government refuses to approve an application under subclause (1) then it shall advise the applicant accordingly in writing.

### **3.7 Conditions**

- (1) Every permit is issued subject to the following conditions –
  - (a) each cat kept on the premises to which the permit relates shall comply with the requirements of the Act;
  - (b) each cat shall be contained on the premises unless under the effective control of a person;
  - (c) the permit holder will provide adequate space for the exercise of the cats;
  - (d) the premises shall be maintained in good order and in a clean and sanitary condition; and
  - (e) those conditions contained in Schedule 1.
- (2) In addition to the conditions in subclause (1) of this clause, a permit may be issued subject to other conditions, as the local government considers appropriate.

### **3.8 Compliance with conditions of permit**

A permit holder shall comply with each condition of a permit.



### **3.9 Duration of a permit**

Unless otherwise specified in a condition on a permit, a permit commences on the date of issue and expires –

- (a) if it is revoked; or
- (b) if the permit holder ceases to reside at the premises to which the permit relates.

### **3.10 Revocation**

The local government may revoke a permit if the permit holder fails to observe any provision of this local law or a condition of a permit.

### **3.11 Permit not transferable**

A permit is not transferrable either in relation to the permit holder or the premises.

### **3.12 Permit to be kept at premises and available for view**

- (1) A permit issued by the local government shall be kept at the premises to which it applies and shall be provided to an authorised person on demand.
- (2) In the case of a registered cattery or cat management facility, the permit shall be displayed in a prominent place within the premises.

## **Part 4– Offences and penalties**

### **4.1 Serving of infringement notices**

An infringement notice served under section 62 of the Act or this local law may be given to a person—

- (a) personally;
- (b) by registered mail addressed to the person; or
- (c) by leaving it for the person at her or his address.

### **4.2 Objections and Appeals**

Any person who is aggrieved by the conditions imposed in relation to a permit, the revocation of a permit, or by the refusal of the local government to grant a permit may object or appeal against the decision under Division 1 of Part 9 of the *Local Government Act 1995*.

### **4.3 General offence and penalty provisions**

- (1) Any 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.
- (2) An offence against any provision of this local law is a prescribed offence for the purposes of Section 84 of the Act.
- (3) Unless otherwise specified, any 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 a fine of \$500 in respect of each day or part of a day during which the offence has continued.



- (4) The amount appearing in the final column of Schedule 2 directly opposite an offence described in that Schedule, is the modified penalty for that offence.
- (5) Where an authorised person has reason to believe that a person has committed an offence under this local law 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 6 of Schedule 1 of the *Cat Regulations 2012*.
- (6) 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 7 of Schedule 1 of the *Cat Regulations 2012* to the person named in the infringement notice.
- (7) A penalty for an offence against this local law may be recovered by the local government taking proceedings against the alleged offender in a Magistrate's Court.
- (8) The local government shall cause to be kept adequate records of all infringement notices given, and all modified penalties paid under this local law.

#### **4.4 Defence**

It is a defence to a charge of an offence of contravening clause 3.2(1), if the owner charged satisfies the court that at the material time some other person (whom he or she shall identify) over the age of 18 years was the owner of the cat(s).

#### **4.5 Forms**

- (1) The issue of infringement notices, their withdrawal and the payment of modified penalties are dealt with in Part 4, Division 4 of the Act.
- (2) An infringement notice in respect of an offence against this local law may be given under Section 62 of the Act and is to be in the form of Schedule 1, Form 6 of the *Cat Regulations 2012*.
- (3) A notice sent under Section 65 of the Act withdrawing an infringement notice is to be in the form of Schedule 1, Form 7 of the *Cat Regulations 2012*.

### **Schedule 1 – Additional conditions applicable to particular permits**

#### **[Clause 3.7]**

#### **A. Permit to keep more than 3 cats**

Additional conditions:

- (1) In the case of a grouped dwelling where there is no suitable dividing fence or multiple dwellings on the same level, the written consent to the application for a permit of the occupier of the adjoining dwellings has been obtained.
- (2) Without the consent of the local government, the permit holder will not substitute or replace any cat that is the subject of a permit once that cat –
  - (a) dies; or
  - (b) is permanently removed from the premises.



**B. Permit to use premises as a Cattery or Cat Management Facility**

Additional conditions:

- (1) All building enclosures must be structurally sound, have impervious flooring, be well lit and ventilated and otherwise comply with all legislative requirements.
- (2) There is to be a feed room, wash area, isolation cages and maternity section.
- (3) Materials used in structures are to be approved by the local government.
- (4) The internal surfaces of walls are, where possible, to be smooth, free from cracks, crevices and other defects.
- (5) All fixtures, fittings and appliances are to be capable of being easily cleaned, resistant to corrosion and constructed to prevent the harbourage of vermin.
- (6) Washing basins with a minimum of running cold water are to be available to the satisfaction of the local government.
- (7) The maximum number of cats to be kept on the premises stated on the permit is not to be exceeded.
- (8) A register is to be kept recording in respect of each cat the –
  - (a) date of admission;
  - (b) date of departure;
  - (c) breed, age, colour and sex; and
  - (d) name and residential address of the owner.
- (9) The register is to be made available for inspection on the request of an authorised person.
- (10) Enclosures are to be thoroughly cleaned each day and disinfected at least once a week to minimise disease.
- (11) Any sick or ailing cat is to be removed from the premises or transferred to an isolation cage separated from other cats kept on the premises.
- (12) Any other matter which in the opinion of the local government is deemed necessary for the health and wellbeing of any cat, or person, or adjoining premises or the amenity of the area (or any part thereof).

**Schedule 2—Prescribed offences**

{Clause 4.3}

<b>Item No.</b>	<b>Clause No.</b>	<b>Nature of Offence</b>	<b>Modified Penalty</b>
1	2.1	Cat in prohibited area	\$200
2	3.2	Failure of a person to hold a permit when required	\$200
3	3.8	Breach of a condition of a permit	\$200



<b>Schedule 2 Prescribed Offences</b>			
			<b>[Clause 2.2]</b>
<b>Item No.</b>	<b>Clause No.</b>	<b>Nature of Offence</b>	<b>Modified Penalty</b>
<b>1</b>	<b>2.1</b>	<b>Cat in prohibited area</b>	<b>\$200</b>
<b>2</b>	<b>2.2</b>	<b>Cat causing a nuisance</b>	<b>\$200</b>
<b>3</b>	<b>3.2</b>	<b>Failure of a person to hold a permit when required</b>	<b>\$200</b>
<b>4</b>	<b>3.8</b>	<b>Breach of a condition of a permit</b>	<b>\$200</b>

**Schedule 3—Cat prohibited areas**

[Clause 2.1]

Places where cats are prohibited:

<b>#</b>	<b>Common Name</b>	<b>Location</b>	<b>Description</b>
<del>1</del>	<del>Booyeembara Park</del>	<del>80 Montreal Street, Fremantle</del>	<del>Reconstructed landscape of natural bushland local to the area. Established to create a representative landscape and increase local biodiversity. Managed as a natural bushland area and refuge for native wildlife, includes formal turfed parkland with native vegetation garden beds.</del>
<del>2</del>	<del>Sir Fredrick Samson Park</del>	<del>McCombe Avenue, Samson</del>	<del>Remnant bushland. Bush Forever site.</del>
<del>3</del>	<del>Bathers Beach Reserve</del>	<del>Arthur Head, Fleet St, Fremantle</del>	<del>Reconstructed dune vegetation</del>
<del>4</del>	<del>Port Beach reserve</del>	<del>Port Beach Road, North Fremantle</del>	<del>Reconstructed dune vegetation</del>
<del>5</del>	<del>Leighton Beach Reserve</del>	<del>Port Beach Road, North Fremantle</del>	<del>Reconstructed dune vegetation</del>
<del>6</del>	<del>South Beach Reserve</del>	<del>Ocean Drive, South Fremantle</del>	<del>Reconstructed dune vegetation</del>
<del>7</del>	<del>Cantonment Hill</del>	<del>135 Queen Victoria Street, Fremantle</del>	<del>Reconstructed natural landscape. Bush Forever site.</del>
<del>8</del>	<del>Rocky Bay Reserve</del>	<del>Rocky Bay, North Fremantle</del>	<del>Swan River foreshore and part of the Swan and Canning Riverpark.</del>
<del>9</del>	<del>North Fremantle Foreshore Reserve (including Prawn Bay)</del>	<del>Johannah St, North Fremantle</del>	<del>Swan River foreshore and part of the Swan and Canning Riverpark. Migratory birds.</del>



<del>10</del>	<del>Hollis Park, Sandown Park and other land within the boundary of the former South Fremantle landfill site</del>	<del>Lot 39 Daly Street, 17 Cockburn Road and Hollis Park Reserve Fremantle</del>	<del>Hollis Park, Sandown Park and other land within the boundary of the former South Fremantle landfill site contains habitat and refuge for native wildlife.</del>
<del>11</del>	<del>Royal Fremantle Golf Course,</del>	<del>359 High Street, Fremantle</del>	<del>Managed as a golf course with mature, significant trees providing habitat and refuge for native wildlife.</del>
<del>12</del>	<del>Fremantle Public Golf Course</del>	<del>20 Montreal Street, Fremantle</del>	<del>Managed as a golf course with mature, significant trees providing habitat and refuge for native wildlife.</del>

**Schedule 3  
Cat Prohibited Areas**

**[clause 2, 1]**

**Places where cats are prohibited –  
All City of Fremantle owned and managed property.**