

### **4.3 ADOPTION OF CAT LOCAL LAW**

(All Wards) (Community Safety Unit)

#### **KEY ISSUES**

- On 23 January 2005 a Private Members Bill in relation to Cat Legislation lapsed within Parliament. It was suggested that there was no overwhelming community support for such legislation.
- On 8 February 2006, Council resolved to develop a report for the introduction of a City wide Cat Local Law.
- On 1 March 2006, the City received five individual letters of support proposing a Cat Local Law.
- On 14 June 2006, the City received a petition containing 300 signatures urging the City to adopt a Local Law relating to Cats.
- On 17 October 2007, Council resolved to advertise a draft Cat Local Law for public comment and form a committee to review the public submissions and the potential implications of administering such a Local Law.
- 27 public submissions were received, 13 objected, 11 in support and 3 submissions of comments in relation to the draft Local Law relating to Cats.
- A series of 3 meetings were held with interested Councillors and staff to review and discuss the submissions and agree on the approach.

It is recommended that the Council adopt the Cat Local Law and advise the petitioners and respondents to the public submission period accordingly.

#### **BACKGROUND**

On 1 March 2007 the City received five individual letters of support proposing a Cat Local Law. On 14 June 2006 the City received a petition containing 300 signatures urging the City to adopt a Local Law relating to Cats.

There is currently no State legislation in place to address cat control despite a Private Members Bill being introduced in December 2003. The purpose of this Bill was to address the community concerns for cat control that included:

- Promotion and providing for the welfare of domestic cats;
- Reduce the negative effects on native wildlife caused by domestic and feral cats;
- Minimise community nuisance caused by cats; and
- Promote responsible cat ownership.

On 23 January 2005 this Bill lapsed within the Parliament as it was not considered to be a priority for the Government. It was also suggested that there was no real evidence of overwhelming community support for such legislation.

Council at its meeting of 8 February 2006 resolved to:

- 1) *Develop a report on a proposed Cat Local Law, for Council consideration.*
- 2) *Any local law must give consideration to but not limited to the following:*
  - a. *Limiting the number of cats that may be kept on premises;*
  - b. *Cats to wear collars and identification tags;*
  - c. *Control of cats in places that are not public;*
  - d. *Seizure and destruction procedures;*
  - e. *Control of nuisance cats;*
  - f. *Registration of cats; and*
  - g. *Actively promote the sterilization of cats.*
- 3) *During the preparation of the proposed Cat Local Law Council write to WALGA and the Minister for Local Government requesting the State implement a Domestic Animals Act similar to the Dog Act 1976 and response be included in the report to Council.*
- 4) *The City of Swan conduct appropriate community consultation whilst developing the proposed Cat Local Law.*
- 5) *A report on the possibility of a proposed Cat Local Law, including aspects outlined in 1) to 4) above, be presented to Council by no later than 29 September 2006.*
- 6) *Record that the reason for the change to the staff recommendation is because the current City of Swan Policy places no legal obligation on owners of cats to act responsibly in controlling their cat in the community.*

Furthermore, Council at its meeting of 16 August 2006 received a motion that Council resolve that correspondence be forwarded on behalf of the City as follows:

- 1) *To the Hon Giz Watson, MLC commending her efforts to introduce cat legislation and confirming the City's support of the proposed legislation.*
- 2) *To the Western Australian Local Government Association eliciting support for the proposed cat legislation and requesting that the association lobby members of both Houses of State Parliament in this regard.*

Following on from its meeting of 8 February 2006, a draft Local Law was developed and presented to Council at its meeting of 17 October 2007. At this meeting it was resolved to endorse the Statewide public advertising process for community feedback upon the draft Local Law for a minimum period of up to 6 weeks. A committee was formed consisting of City staff and interested Councillors to review the public submissions received and the potential implications of administering such a Local Law.

In total 27 submissions were received, 11 of which were in support, 13 objected and 3 submissions were of a general nature and purely a comment.

## REPORT

There are currently only a small number of local governments that have introduced some form of local laws for the control of cats. Out of these local governments it is understood that only 2 have a process in place to deal with enforcing the local laws. This includes a registration process for cats and a response by staff to any complaints. These local governments also offer an impounding service that allows owners to collect them or alternatively the Council administers a re-homing program or the cats are euthanased.

There are also a number of industry strategies currently in place that local governments have adopted. These include the provision of small animal traps for property owners, volunteer animal sterilisation subsidy programs or facilitating contact with either the RSPCA or Cat Haven. The City of Swan currently administers all of these strategies with the exception of the sterilisation subsidy; however, volunteer organisations could apply for City funding assistance for special projects in accordance with the Swan Grants Program.

In developing a position for the City of Swan to adopt it was considered important not to create a Local Law that was unable to be administered. The main objectives of the Local Law are as follows:

- (a) Promote responsible cat ownership;
- (b) Reduce the nuisance to the community caused by cats;
- (c) Limit the damage to and the loss of wildlife caused by cats; and
- (d) Promote the welfare and safety of domestic cats.

The draft Cat Local Laws also allows for authorised officers to issue modified penalties for contraventions against the Local Law, this can include offences of a cat being a nuisance or failing to have a permit to keep more than 2 cats.

The public submission period ran for 6 weeks and the City received 27 public submissions. 11 of these submissions were in support of the City adopting the Local Laws, some of the comments around the support were as follows - confine cats to property (cat enclosure/runs, night time, 9pm-6am), compulsory licensing, micro-chipping and sterilisation, support of subsidised sterilisation – City to fund, introduce State legislation, establish wildlife prohibited areas to protect flora and fauna.

The City received a total of 13 submissions in objection to the draft cat Local Laws, some of the comments in relation to this were as follows - control methods are difficult to enforce and cats are hard to catch, identification - cats look similar, this issue is a State Government responsibility, number of cats per household and the difficulty to administer, cat pound/shelter – costs associated with this service, is this a role of Local Government and waste of officer time and money and effort. The City also received 3 submissions of general comment around the introduction of the draft Cat Local Laws.

The draft Cat Local Law takes into consideration the submissions received from the respondents who were in support and objection to the Local Laws. At this stage there is no provision for curfews or compulsory sterilisation or registration; however, there is provision to include prohibited areas should the need arise.

In accordance with section 3.12(4) of the Local Government Act 1995, after the last day for submissions, the local government is to consider any submissions made and may make the local law by an absolute majority as proposed or make a local law by an absolute majority that

is not significantly different from what was proposed. There have not been significant changes made to the draft Local Laws that were endorsed for public advertising by Council at its meeting of 17 October 2007.

After making the Local Law, the local government is to publish it in the Government Gazette and give a copy of it to the Minister and, if another Minister administers the Act under which the Local Law is proposed to be made, to that other Minister.

After the Local Law has been published in the Gazette the local government is to give state-wide public notice –

- ◆ Stating the title of the local law;
- ◆ Summarising the purpose and effect of the local law (specifying the day on which it comes into operation); and
- ◆ Advising that copies of the local law may be inspected or obtained from the local government's office.

## **ATTACHMENTS**

Draft Cat Local Law

## **STRATEGIC IMPLICATIONS**

Nil

## **STATUTORY ENVIRONMENT**

Local Government Act 1995

## **FINANCIAL IMPLICATIONS**

It is considered to be premature to attempt to indicate the financial implications upon the introduction of such a Local Law. It is proposed that a financial review be conducted within 12 months of implementation

## **RECOMMENDATION**

That the Council resolve to:

- 1) Adopt the Cat Local Law for inclusion within the City of Swan Consolidated Local Laws 2005.
- 2) Publish the Cat Local Law within the Government Gazette.
- 3) Advise petitioners and respondents to the public submission period accordingly.

- 4) Prepare a report on the implications both financially and operationally of the introduction of the Cat Local Law within 12 months of being advertised within the Government Gazette.

**ABSOLUTE MAJORITY REQUIRED**

**CARRIED**