

10.1 ADOPTION OF THE ANIMAL AMENDMENT LOCAL LAW 2023

- Attachments:**
1. **Animal Amendment Local Law 2023**
 2. **Animal Amendment Local Law 2023 - modified advertised copy**
 3. **Animal Amendment Local Law 2023 - DLGSC comments**
 4. **Animal Amendment Local Law 2023 - public comments**

RECOMMENDATION:**That Council:**

1. **GIVES NOTICE** that the purpose of the **Animal Amendment Local Law 2023** is to amend certain provisions of the **City of Vincent Animal Local Law 2022**;
2. **GIVES NOTICE** that the effect of the **Animal Amendment Local Law 2023** is to provide further clarity of the requirements with which owners and occupiers of premises must comply with in order to keep cats;
3. **MAKES BY ABSOLUTE MAJORITY** the **Animal Amendment Local Law 2023** at Attachment 1, in accordance with section 3.12(4) of the *Local Government Act 1995* subject to the Chief Executive Officer;
 - 3.1 **publishing the *Animal Amendment Local Law 2023* in the Government Gazette in accordance with s3.12(5) of the *Local Government Act 1995* and providing a copy to the Minister for Local Government; and**
 - 3.2 **following Gazettal, providing local public notice in accordance with s3.12(6) of the *Local Government Act 1995*, and providing a copy of the law and Explanatory Memorandum signed by the Mayor and Chief Executive Officer to the Western Australian Parliamentary Joint Standing Committee on Delegated Legislation.**

PURPOSE OF REPORT:

To consider adopting the *Animal Amendment Local Law 2023* to bring the *City of Vincent Animal Local Law 2022* in compliance with the legislative parameters of the *Cat Act 2011*.

BACKGROUND:

After the adoption of the *City of Vincent Animal Local Law 2022* it was found that a clause in relation to the keeping of cats was beyond the powers provided under the *Cat Act 2011* and an amendment was required to rectify the 'non-compliance'. At its 25 July 2023 Meeting, Council resolved to provide public notice of the proposed *City of Vincent Animal Amendment Local Law 2023* (Item 10.2). In accordance with Section 3.12(3)b of the *Local Government Act 1995*, a copy of the proposed *City of Vincent Animal Amendment Local Law 2023* was provided to the Department of Local Government, Sports and Culture (DLGSC) for review and comment.

The submission period for the public notice was between 29 July 2023 and 10 September 2023.

Minor changes have been made to the draft *Animal Amendment Local Law 2023* following consideration of public submissions and advice from the DLGSC.

DETAILS:

Local public notice of the proposed *Animal Amendment Local Law 2023* was given in accordance with section 3.12(3)(a) of the *Local Government Act 1995*. Public notice and consultation on the proposed *Animal Amendment Local Law 2023* included the following:

- a notice published in the West Australian on 29 July 2023;
- a notice published in the Perth Now Central newspaper on 3 August 2023;
- a consultation page displayed on the City's website (Imagine Vincent);
- inclusion of a News item on the City's website;
- promotion on the City of Vincent's Facebook page; and
- inclusion on notice boards at the City of Vincent's Administration building and Library.

A copy of the proposed *Animal Amendment Local Law 2023* recommended for adoption is at **Attachment 1**. This attachment includes modifications to the Animal Amendment Local Law as it was advertised. A copy of the advertised *Animal Amendment Local Law 2023* with the proposed minor changes is at **Attachment 2**. This includes modifications that were made following review of comments obtained from the DLGSC. After including these amendments, the Animal Amendment Local Law is not significantly different to what was advertised, therefore it does not trigger the requirement to recommence the making of the local law under section 3.13 of the *Local Government Act 1995*.

In accordance with section 3.12(3)(b) of the *Local Government Act 1995*, Administration provided the Minister for Local Government with a copy of the advertised Animal Amendment Local Law. The DLGSC provided minor editing suggestions for the Animal Amendment Local Law, and this can be found at **Attachment 3**. Administration have incorporated the Department's feedback, which was to change the title *Local Government Property Local Law* to *Animal Amendment Local Law* and amend the font at clause 6 so that it matched the rest of the local law, into the proposed local law.

During the public consultation period, the City received 18 submissions, with 5 in support of the amendment local law and 13 who did not support the local law. A copy of the submissions can be found at **Attachment 4**. The submissions received that did not support the amendment local law, largely were in ensuring cats were contained within the property, which is outside of the powers of the legislation within the Cat Act 2011.

If adopted, the Animal Amendment Local Law would be gazetted and provided to the Western Australian Parliamentary Joint Standing Committee on Delegated Legislation (JSCDL). While the local law has been prepared with advice from the DLGSC, the JSCDL may still exercise its discretion to disallow part or all of the *Animal Amendment Local Law 2023*.

CONSULTATION/ADVERTISING:

Following Gazettal, the City would provide local public notice that the *Animal Amendment Local Law 2023* has been published in the Government Gazette, in accordance with s3.12(6) of the *Local Government Act 1995*. The notice would include the following details:

- the title of the local law;
- the purpose and effect of the local law;
- the day the local law comes into operation; and
- advise that copies of the local law can be inspected and obtained from the City's office and website.

LEGAL/POLICY:

Section 3.12 of the *Local Government Act 1995* sets out the procedural requirements for the making of a local law:

- (1) *In making a local law a local government is to follow the procedure described in this section, in the sequence in which it is described.*
- (2a) *Despite subsection (1), a failure to follow the procedure described in this section does not invalidate a local law if there has been substantial compliance with the procedure.*
- (2) *At a council meeting the person presiding is to give notice to the meeting of the purpose and effect of the proposed local law in the prescribed manner.*
- (3) *The local government is to —*
 - (a) *give local public notice stating that —*
 - (i) *the local government proposes to make a local law the purpose and effect of which is summarized in the notice; and*
 - (ii) *a copy of the proposed local law may be inspected or obtained at any place specified in the notice; and*
 - (iii) *submissions about the proposed local law may be made to the local government before a day to be specified in the notice, being a day that is not less than 6 weeks after the notice is given;*
 - And*
 - (b) *as soon as the notice is given, give a copy of the proposed local law and a copy of the notice to the minister and, if another minister administers the act under which the local law is proposed to be made, to that other minister; and*
 - (c) *provide a copy of the proposed local law, in accordance with the notice, to any person requesting it.*

- (4) *After the last day for submissions, the local government is to consider any submissions made and may make the local law* as proposed or make a local law* that is not significantly different from what was proposed.
* absolute majority required.*
- (5) *After making the local law, the local government is to publish it in the 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.*
- (6) *After the local law has been published in the gazette the local government is to give local public notice —*
 - (a) *stating the title of the local law; and*
 - (b) *summarizing the purpose and effect of the local law (specifying the day on which it comes into operation); and*
 - (c) *advising that the local law is published on the local government's official website and that copies of the local law may be inspected at or obtained from the local government's office.*
- (7) *The minister may give directions to local governments requiring them to provide to the parliament copies of local laws they have made and any explanatory or other material relating to them.*
- (8) *In this section — making in relation to a local law, includes making a local law to amend the text of, or repeal, a local law.*

RISK MANAGEMENT IMPLICATIONS

Low: It is low risk for Council to adopt the *Animal Amendment Local Law 2023*.

STRATEGIC IMPLICATIONS:

This is in keeping with the City's *Strategic Community Plan 2022-2032*:

Innovative and Accountable

We engage with our community so they are involved in what we are doing and how we are meeting our goals.

SUSTAINABILITY IMPLICATIONS:

This does not contribute to any environmental sustainability outcomes. This action/activity is environmentally neutral.

PUBLIC HEALTH IMPLICATIONS:

This is in keeping with the following priority health outcomes of the City's *Public Health Plan 2020-2025*:

Reduced exposure to environmental health risks

FINANCIAL/BUDGET IMPLICATIONS:

There are nominal costs associated with making the local law, including advertising and Gazettal which can be expended from the City's operating budget.

City of Vincent

Dog Act 1976

Cat Act 2011

Local Government Act 1995

Animal Amendment Local Law 2023

Animal Amendment Local Law 2023

**DOG ACT 1976
CAT ACT 2011
LOCAL GOVERNMENT ACT 1995
CITY OF VINCENT
ANIMAL AMENDMENT LOCAL LAW 2023**

Under the powers conferred by the *Dog Act 1976*, the *Cat Act 2011*, the *Local Government Act 1995* and under all other powers enabling it, the Council of the City of Vincent resolved on XX XXX 2023 to make the following amendment local law.

1. Citation

This local law may be cited as the *City of Vincent Animal Amendment Local Law 2023*.

2. Objective

- (a) The objective of this amendment local law is to amend certain provisions of the *City of Vincent Animal Local Law 2022*.
- (b) The effect of this amendment local law is to provide further clarity of the requirements with which owners and occupiers of premises within the district must comply with in order to keep cats.

3. Commencement

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

4. Principal Local Law

This amendment local law amends the *City of Vincent Animal Local Law 2022*, published in the *Government Gazette* on 3 February 2023.

5. Clause 3.7(1) replaced

Clause 3.7(1) is replaced with:

- (1) Every licence is issued subject to the following conditions—
 - (a) each cat kept on the premises to which the licence relates must comply with the requirements of the Cat Act;
 - (b) the licence holder will provide adequate space for the exercise of each cat kept on the premises;
 - (c) the premises must be maintained in good order and in a clean and sanitary condition; and
 - (d) the conditions contained in Schedule 3.

6. Schedule 5 amended

Schedule 5 is amended by –

- 1. Deleting the item as follows –

19.	3.7(1)(b)	Failure to contain each cat on premises	200
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and;

- 2. Renumbering the subsequent items accordingly.

Dated XX XXX 2023

The Common seal of the City of Vincent was affixed by authority of a resolution of the Council in the presence of-
EMMA COLE, Mayor

DAVID MACLENNAN, Chief Executive Officer

City of Vincent

Dog Act 1976

Cat Act 2011

Local Government Act 1995

Animal Amendment Local Law 2023

Animal Amendment Local Law 2023

DOG ACT 1976
 CAT ACT 2011
 LOCAL GOVERNMENT ACT 1995
 CITY OF VINCENT

~~LOCAL GOVERNMENT PROPERTY LOCAL LAW 2022~~
 ANIMAL AMENDMENT LOCAL LAW 2023

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DAVID MACLENNAN, Chief Executive Officer

Animal Amendment Local Law 2023 - DLGSC comments**1. Minor edits**

The following minor edits are suggested:

- Local law title: Change "*Local Government Property*" to "*Animal*"
- Clause 6: The font of the table should match the rest of the local law.

Animal Amendment Local Law 2023 - public comments

#	Comment	Administration comment
1	No	Noted.
2	The location and behaviour of cats should be the responsibility of their owners at all times, as is that of dogs. Cats are a bigger nuisance and environmental problem than dogs and capable of invading private property but are allowed to roam unchecked.	Noted. No power under the Cat Act 2011 to restrict cats from roaming.
3	I hope that in future all local governments in WA can implement cat laws like those in Canberra, where all cats born after a certain date must be contained. This will protect local wildlife from predation by cats. They are lovely animals but should not be allowed to roam and kill wildlife. These are the local laws in Canberra: www.cityservices.act.gov.au/pets-and-wildlife/domestic-animals/cats/cat-containment#:~:text=ACT%2Dwide%20containment%20for%20cats,courtyard%2C%20or%20a%20cat%20crate.	Noted.
4		Noted.
5	Cats should not be let to roam around other than its property, and especially at night. The fine should be kept in place for rogue owners and their cats. Cats need to have a night time curfew and owners fined and deterred.	Noted. No power under the Cat Act 2011 to implement curfews.
6	misguided and unnecessary	Noted.
7	As someone who has been for years subject to the nuisance (digging, excrement, killing wildlife) of multiple domestically owned cats, I would like to see far stronger local laws to require cat owners to keep their cats fully contained within their properties (just as dog owners are required to do). This local law seems to be focused much more on kennels and catteries than on owners of fewer than 3 cats.	Noted. The extent of local laws is restricted to what is legislated under the Cat Act 2011
8	Cats shouldn't be allowed outside unless leashed.	Noted. No powers to implement under the Cat Act 2011
9		Noted.
10	This amendment is not clear as to whether walking a cat (on lead) would be viewed with the same requirements as that of a dog? Would a person be in breach if they were?	Cats can be walked on a lead, however they are not allowed on a lead in a cat

		prohibited area.
11	Insufficient information to provide a simple executive summary or overview for laymen to determine to what extent the change will impact a cat owner	Noted.
12	We have two cats. Its our duty to keep them on premises and NOT let them roam - there is already an issue with stray and roaming cats in Highgate, in which our own backyard is consistently invaded by neighboring cats let out at night, and which none of our deterrents have worked. Not to mention the environmental impact (which was stated in the Council Meeting Agenda that this change WOULD NOT have substantial environmental or sustainable impact - it is not environmentally neutral) in which the local bird populations have been preyed upon by said cats which are roaming. It is absolutely the responsibility of the owner to keep a cat on their premises, and remove of that clause is downright irresponsible. Those that do fail to keep a cat on their premises should be fined, as it not only endangers the safety of their pet, but the safety of other species, other peoples animals (as they can carry disease, worms and pests to the gardens of others - as the local cat has to us), and to people. Additionally, local shelters such as Cat Haven are at breaking point due to the number of strays that have been rescued, and individuals do not want to take responsibility for. The recent Feral Cat Symposium at UWA had experts in wildlife, conservation and cat ownership BEGGING councils to hold their residents responsible for their pets. This is absolutely against every recommendation and common sense approach. I understand the direction for change comes from the Cat Act 2011 - if there is a way for this comment to be fed back to JSCDCL I would be grateful.	Noted. Public comments are available to be viewed for noting.
13		Noted.
14	Cat owners should be made responsible for containing their pets within their own properties. Pet cats that are allowed to roam free contribute to the feral cat population and spread diseases to humans and other animals. Cats also kill large numbers of native wildlife. It is no longer acceptable that cats can be allowed uncontrolled out of their own properties. There are wetlands within the City of Vincent that should be protected from cats. The only way to due this is to ensure cat owners contain their cats within their own properties.	Noted. No power under the Cat Act 2011 to contain cats within their property. Cats prohibited areas have been introduced.
15	Allowing pet cats to stray from their property is environmentally irresponsible and a nuisance.	Noted. No power under the Cat Act 2011 to contain cats

		within their property.
16	Cats should be kept indoors or confined within their own properties. Cats spread disease and are a nuisance. Cats need to be kept out of wetlands to protect native wildlife. The only way to do this is to put responsibility on the pet owners to keep control of their pets and keep them indoors or within their own properties.	Noted. No power under the Cat Act 2011 to contain cats within their property. Cats prohibited areas have been introduced.
17	To whom it may concern,I am writing to you in reference to the attached article regarding a proposal to keep cats in cages. It appears obvious the councillors involved in this have no idea of the consequences of doing something like this to a cat or don't care (or hate cats). I have experience with cats in general but I rescued a cat who had been kept in a cage for a long period. This cage was about 1 x 1 metre. The result of keeping this cat in a cage was that it was mentally tormented (as a normally fairly active human would be from being kept in a similar human sized cage). She was so extremely obese (due to being fed dry food and no exercise) that her belly was flat on the floor. She also had painful crystals in her bladder and other health conditions. She was in a terrible and very sad condition. This is what happens to a cat if you do this. If this doesn't concern a person then they should not be in a position where they are making decisions about others. Sometimes when a cat is being socialised with other cats they are kept in a room. They are normally fearful so at first accept this but over a fairly short amount of time they become increasingly upset about being stuck in the room (and I'm talking about a large area) so you have to get them to accept each other ASAP as the cat in the room won't be able to tolerate it. I've known of one cat claw up carpet trying to get out of a large room with a connected outdoor enclosure) after 2 months. They can't tolerate it, not even a room.	Noted. The effective cage system is deemed not to be in breach of the Animal Welfare Act.

	<p>You try being locked in a room 24/7 for a long period of time and tell me it wouldn't drive you crazy and cause you distress, agitation, mental anguish/torment and health problems. 50 x that if it is a cage.</p> <p>Keeping a cat in a cage is not only extreme abuse but it is torturous abuse and if it is not already, it should be classified as a serious crime due to what it does to the animal.</p> <p>I am experienced in the care of many cats and I tell you no cat can tolerate that sort of abuse and neither should they have to.</p> <p>I am absolutely shocked that anyone would even think this, let alone a council as you are recommending animal abuse. It is shocking and shameful.</p> <p>I will not stand by and accept cruelty and abuse towards animals which is exactly what your proposals are.</p> <p>I strongly urge the councillors responsible to stand down now or be stood down as are absolutely not fit for the position they are holding.</p> <p>They demonstratedly lack the capacity to be able to be able to make good decisions involving others.</p> <p>In addition, I am surprised that they have so much time on their hands that they would be thinking about how they can contain cats.</p>	
18	<p>Dear Mayor & Councilors, Animal Care Australia (ACA) is a national incorporated association established to consult with government in advocating for real animal welfare by those who keep, breed and care for animals. Our goal is to promote and encourage high standards in all interactions with the animals in our care. Animal Care Australia would like to make the following observation in reference to the current Council Draft: Animal Care Australia acknowledges the reason for the proposed change to 3.7.1 (b):: Clause 3.7(1) is replaced with: (1) Every licence is issued subject to the following conditions—(a) each cat kept on the premises to which the licence relates must comply with the requirements of the Cat Act; (b) the licence holder will provide adequate space for the exercise of each cat kept on the premises; (c) the premises must be maintained in good order and in a clean and sanitary condition; and (d) the conditions contained in Schedule 3.6. Schedule 5 amended Schedule 5 is amended by – 1. Deleting the item as follows – 19. 3.7(1)(b) Failure to contain each cat on premises 200 and; 2. Renumbering the subsequent items accordingly.</p>	<p>Noted. Would need to be reviewed as part of any changes to legislation within the Cat Act 2011.</p>

	<p>Animal Care Australia questions the decision by the Joint Standing Committee on Delegated Legislation when stating there is no supporting definition for 'effective control' that could be applied to cats. The definition outlined within the Dog Act states:</p> <ul style="list-style-type: none"> o Effective control is defined as- held by a person who is capable of controlling the cat- securely tethered- secured in a cage- any other means of preventing escape <p>The above definition can easily be applied to cats. Animal Care Australia does not support the removal of the clause as it places greater animal welfare risks to the cats now able to 'free roam'. Animal Care Australia supports cat containment that requires cats to remain on their owners property at all times as curfews have limited impact on the issues relating to roaming cats unless it is a 24/7 containment. However, there are some items that need serious consideration and any changes to local animal management laws should provide an avenue for greater consultation and feedback.</p> <ul style="list-style-type: none"> ➤ Cats that have been allowed to roam need time to adjust to be confined and it may have detrimental welfare impacts if the cat is not allowed time to become accustomed to the changes ➤ Costs of installing cat runs or other methods are expensive and this should be taken into consideration in the current cost of living crisis 	
	<ul style="list-style-type: none"> ➤ Council should provide assistance for cat owners wishing to construct or instal appropriate containment enclosures. Councils should recognise the need to consult with all residents in their catchment area and to provide assistance with approval processes for the construction of enclosures etc. <p>Animal welfare concerns MUST be placed ahead of red-tape based legislative changes. Animal Care Australia believes the decision by the Joint Standing Committee on Delegated Legislation stating there is no supporting definition for 'effective control' and therefore instructing Council to remove their containment provision is irresponsible, and lazy. Community consultation on the development of a suitable definition would have been more beneficial to cat owners, their cats and the native wildlife within the Shire. We welcome the opportunity to discuss this further with you.</p> <p>Please do not hesitate to make contact if we can assist further.</p>	