

6.2 APPROVAL TO ADVERTISE DRAFT ANIMAL AMENDMENT LOCAL LAW 2023

Attachments: 1. Animal Amendment Local Law 2023

RECOMMENDATION:

That Council:

1. **AUTHORISES** the Chief Executive Officer to provide local public notice in accordance with section 3.12(3) of the *Local Government Act 1995*, for a period of at least 6 weeks, that:
 - 1.1 it is proposed to make the City of Vincent *Animal Amendment Local Law 2023* at Attachment 1;
 - 1.2 the purpose of this amendment local law is to amend certain provisions of the City of Vincent *Animal Local Law 2022*;
 - 1.3 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.
 - 1.4 Copies of the proposed amendment local law are available for inspection at the City's office, Library and Local History Centre and on its website;
2. **NOTES** that in accordance with Section 3.12(3)(b) of the *Local Government Act 1995* a copy of the proposed amendment local law and public notice will be provided to the Minister for Local Government;
3. **NOTES** that any submissions received as a result of the public notice provided as set out in recommendation 1 above will be presented to Council for consideration.

PURPOSE OF REPORT:

To consider giving public notice of the *City of Vincent Animal Amendment Local Law 2023*.

BACKGROUND:

At its 13 December 2022 Meeting (Item 10.3), Council approved the making of the *Animal Local Law 2022*.

At the same Meeting, Council was informed that the Western Australian Parliamentary Joint Standing Committee on Delegated Legislation (JSCDL) may exercise its discretion to disallow part or all of the *Animal Local Law 2022*.

The *Animal Local Law 2022* was published in the *Government Gazette* on 3 February 2023 edition No. 12 and can be viewed [here](#).

Local public notice of adoption of the *Animal Local Law 2022* was published on 16 February 2023, noting that the local law will become operational on 17 February 2023.

The *Animal Local Law 2022*, relevant documents and advice from DLGSC were provided to the JSCDL on 17 February 2023 for their review of the local law.

On 23 March 2023, the JSCDL considered the local law and advised Mayor Emma Cole to action certain undertakings.

At its 4 April 2023 Meeting (Item 10.3), Council was presented with the requested undertakings and approved responding to the JSCDL in agreeance with the requested undertakings.

A letter was provided to the Committee in agreeance with the undertakings on 13 April 2023.

On 10 May 2023, the JSCDL considered the letter and resolved to accept the Council's undertakings, discharge the Notice of Motion to disallow the local law and take no further action.

DETAILS:

The Joint Standing Committee on Delegated Legislation is a joint committee of the Parliament of Western Australia. The committee has been delegated, by Parliament, the task of scrutinising subsidiary legislation.

Local laws are subsidiary legislation that are capable of disallowance by either House of Parliament under section 42 of the *Interpretation Act 1984*.

Where the committee has expressed concerns about a local law, rather than disallowing the law, the relevant local government is requested to provide the committee with a satisfactory written undertaking to address the concerns by amending or repealing parts of the local law.

The committee advised that clause 3.7(1)(b) of the *City of Vincent Animal Local Law 2022* is inconsistent with the Cat Act 2011. Clause 3.7(1)(b), in requiring cats to be 'under effective control' in public represents a further step in policy beyond that authorised by the Cat Act 2011.

In fulfilling the requested undertakings, the City is required to make the *Animal Amendment Local Law 2023* within six months, by 23 September 2023. This would be made in accordance with all mandatory procedural steps contained in section 3.12 of the *Local Government Act 1995*.

A copy of the draft *Animal Local Law 2023* is at **Attachment 1**.

Clause 3.7(1)(b) of the *City of Vincent Animal Local Law 2022* currently reads -

- (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) each cat must be contained on the premises unless under the effective control of a person;
 - (c) the licence holder will provide adequate space for the exercise of each cat kept on the premises;
 - (d) the premises must be maintained in good order and in a clean and sanitary condition; and
 - (e) the conditions contained in Schedule 3.

The Amendment Local Law replaces Clause 3.7(1) 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.

Schedule 5 – Offences and modified penalties has also been amended to remove the current clause 3.7(1)(b) relating to a cat must be contained on the premises unless under the effective control of a person.

Local Governments must submit any proposed Local Law to the Minister for comment during the advertising period as noted in section 3.12(3)(b).

Any comment provided by DLGSC when the Amendment Local Law is provided to the Minister in accordance with section 3.12(3)(b), would be presented to Council after the consultation period has closed and when Council would be recommended to adopt the Amendment Local Law.

CONSULTATION/ADVERTISING:

In accordance with section 3.12 of the *Local Government Act 1995* local public notice of the draft *Animal Amendment Local Law 2023* will be provided in the following ways:

- a notice published in a local newspaper;
- 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.

The local public notice will state:

- that the City proposes to make the *Animal Amendment Local Law 2023*;
- the purpose and effect of the Amendment Local Law (as set out in recommendations 1.2 and 1.3 above);
- a copy of the Amendment Local Law may be obtained or inspected at the City's Administration and Civic Centre, Library and Local History Centre; and
- submissions about the Amendment Local Law may be made to the City by a date specified in the notice (being no less than 6 weeks after the notice is given).

A copy of the notice and draft Amendment Local Law will be provided to the Minister for Local Government.

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 approve advertising the draft *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 is in keeping with the following key sustainability outcomes of the *City's Sustainable Environment Strategy 2019-2024*.

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 advertising the local law, 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**

LOCAL GOVERNMENT PROPERTY AMENDMENT LOCAL LAW 2022

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