

Officer Presentation

C24/216 Cat Local Law – Report on Submissions

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Background

- At April OMC, Council approved public consultation on the draft *City of Melville Cat Local Law 2024*.
- In accordance with LGA, City sent a copy of the proposed Cat Local Law to the Minister for LG and invited feedback from the community.
- 359 valid community submissions received, as well as advice from the DLGSC (on behalf of the Minister).
 - 53.5% support, 22.7% object
 - 71% of support came from non cat-owners, 29% from cat owners
 - 69% of objections came from cat owners, 31% from non cat owners
- Feedback broad and varied, however most concerned the **2-cat limit**, the **cat prohibited areas**, the **nuisance** provision and **enforcement**.



Community feedback

2-cat limit – common issues/concerns

- impact and application on foster cats
- impact and application on households who temporarily house cats while ‘catsitting’
- application to households that already have 2+ cats
- unfairness of limit for households who keep their cats contained (no risk to fauna)
- who/how permits will approved, and the types of conditions that may be imposed

Nuisance provision – common issues/concerns

- vagueness of definition and what behaviours = nuisance
- whether this provision will encourage vexatious complaints

Cat prohibited areas – common issues/concerns

- how residents will keep cats out of these areas
- sheer number of areas listed and how this will be enforced
- Sch 1 (list of cat prohibited areas) not in a logical order

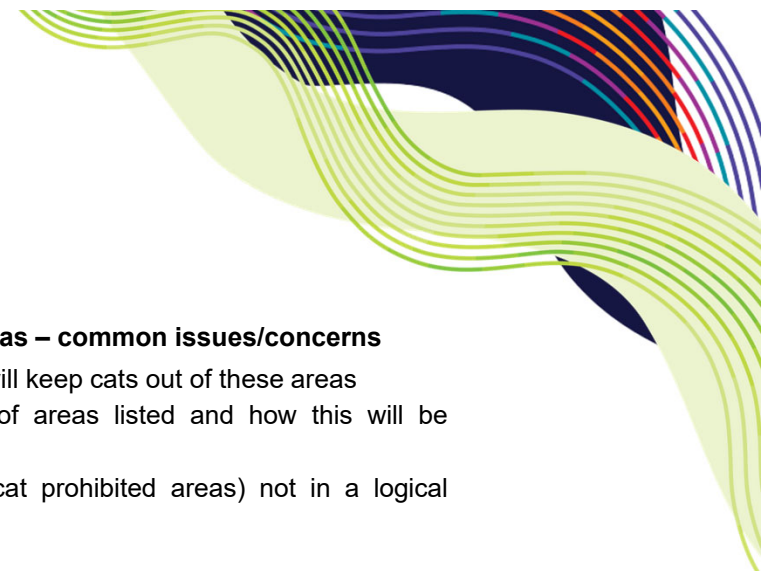
Enforcement – common issues/concerns

- how the proposed local law (particularly the cat prohibited areas) will be enforced
- how authorised officers will investigate cat nuisance and the scope of their discretion
- strength of evidence required to substantiate a complaint (related to concerns with ‘vexatious complaints’ mentioned above)
- adequacy of financial penalties

A significant number of submissions also expressed support for a tougher cat local law – suggestions made not within power of LGAs

A number of submissions expressed dissatisfaction with the current *Cat Act 2011*

A number of submissions questioned what else the City was doing to encourage responsible cat ownership – subsidies for catios, microchipping, sterilisation etc. (City not doing much in this space)



DLGSC feedback

DLG feedback (on behalf of Minister for LG):

1. Subclause (d) in definition of 'nuisance' not within power – City's def does not follow standard def approved by Parliament and LGs do not have the power to redefine the term and include acts which do not constitute a nuisance at common law;
2. Use of the words 'in the opinion of an authorised officer' in cl 2.1 (cat nuisance clause) may be interpreted as giving authorised officers the power to deem a cat to be a nuisance for acts not listed in the definition of 'nuisance';
3. Phrase 'all foreshore areas' in cl 2.2 too broad - may apply to areas of the foreshore City does not own/manage (so not within power);
4. Allowing City to impose 'additional conditions' on a permit (cl 3.5) does not allow City to impose a condition that cats be confined; and
5. Too many parks and reserves are listed in Sch 2, which may be interpreted a de-facto ban on cats in public areas (so not within power).





Changes made in response to feedback

- Amendment to the definition of 'nuisance' to align it with the model definition as approved by the State Government.
 - Removal of subclause (d)
- Reduction in the number of cat prohibited areas (Sch 2) to only those with significant native flora or fauna, or reserves set aside for conservation and nature.
- Amendments to the cat limit clause to make it clear limit does not apply to:
 - fostered cats; and
 - cats that are only at the household temporarily; and
- Further amendments to the cat limit clause to make it clear that households that currently have more than the limit (i.e., more than 2 cats) will not have to apply for a permit provided the cats are registered with the City before the commencement date of the local law.



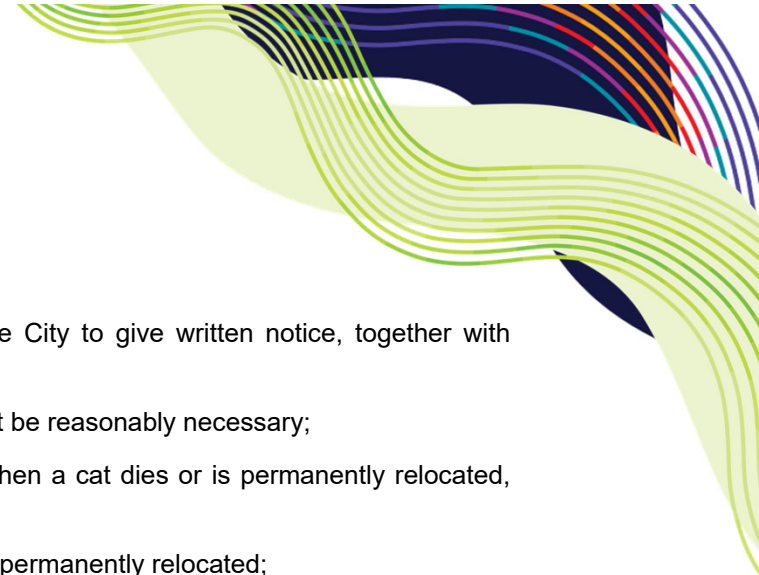
Impact of changes

- Changes on previous slide considered to be 'significant' – must re-commence procedure to make local law (re-advertise)
- A failure to re-advertise will result in disallowance by the JSCDL



Other changes made

- Amendments to permit application clause to provide timeframes around approvals and require City to give written notice, together with grounds and reasons, if permit refused;
- Amendments to permit conditions clause to provide that any conditions the City may impose must be reasonably necessary;
- Further amendments to permit conditions clause and validity of permit clause to provide that when a cat dies or is permanently relocated, permit is no longer valid and the owner must apply for a new permit for any replacement cat;
- Insertion of a new subclause to require permit holder to notify City if they move or if the dies or is permanently relocated;
- Amendments to the permit revocation clause to require City to give written notice, together with grounds and reasons, if they revoke a permit;
- General restructure of the enforcement section to make it easier to read and provide refs to sections of the *Cat Act 2011* that apply;
- Insertion of an objections and appeals clause allowing a person to appeal any conditions imposed on a permit, or the refusal or revocation of a permit; and
- Amendments to the prescribed penalties (Sch 1) so that the modified penalties (infringement amount) better reflects to seriousness of offence, and so that all offences have a listed modified penalty.



Next steps

- Seeking approval to re-commence the 6-week statutory public comment process at the November Council meeting, as required by the Local Government Act.
- Following the public comment period, the working group will meet to discuss the feedback and whether any further changes to the new Cat Local Law is required.
- It is anticipated that the City will be in a position to re-present the final Cat Local Law to Council at the March 2025 OMC for adoption.

* If the working group proposes significant changes to the new Cat Local Law following the public submission process, the as-amended new Cat Local Law will go to the March 2025 Council Meeting for the purposes of seeking Council approval to re-commence the local law making process, as required by the Local Government Act.

