



Executive
Directorate

APPENDICES

Item 12.1.1 – 12.1.2

ORDINARY COUNCIL MEETING

To Be Held

Wednesday, 28th August 2024
Commencing at 5.00pm

At

Shire of Dardanup
ADMINISTRATION CENTRE EATON
1 Council Drive - EATON

This document is available in alternative formats such as:
~ Large Print
~ Electronic Format [disk or emailed]
Upon request.



INNOVATION ECOSYSTEM

WALGA LOCAL GOVERNMENT CONVENTION 2024

LEG24



JOIN THE INNOVATION ECOSYSTEM

The WALGA Local Government Convention is the ultimate event where we bring together Elected Members, Council Officers, and key industry stakeholders as part of a unique program of professional development, networking and business opportunities.

This year's theme '**Innovation Ecosystem**' speaks to the ability of WALGA and the sector to foster dynamic change within the fabric of WA through collaboration, promotion and daring to think big.

Be part of the change at the Perth Convention and Exhibition Centre from Tuesday 8 - Thursday 10 October 2024.

REGISTRATIONS CLOSE SEPTEMBER 6

SCAN FOR MORE INFORMATION



INNOVATION
ECOSYSTEM

EVENT PROGRAM – DAY ONE

TUESDAY, OCTOBER 8

**12:00
noon**

Exhibition Opens
Pavilion 1

Registration Desk Opens
PCEC Foyer

**4:00pm
to
5:30pm**

Mayors and Presidents Forum
River View Room 5

Cost of Living, Cost of Living, and Cost of Living: The top three issues this election cycle for ratepayers

Join Mark Reed, WA director of Anacta Strategies, as he speaks to the issues dominating the State and Federal elections, and how to find the oxygen for your issue in a campaign environment.

Please note that this event is invitation only

**6:00pm
to
9:00pm**

Welcome Drinks
Pavilion 1

Music by Sean Scott Trio

TICKETS \$120 per person

Partners welcome

EVENT PROGRAM – DAY TWO

WEDNESDAY, OCTOBER 9

6:00am **Registration Desk Opens**

6:30am **Heads of Agency Breakfast**
to River View Room 5
8:45am

Please note that this event is invitation only

SESSION ONE - BELLEVUE BALLROOM 1

9:00am **Opening Segment/Welcome to Country**
Curated by Karla Hart

9:15am **MC Welcome**
Di Darmody

9:20am **Opening Address**
Speaker TBC

9:50am **President's Address**
Karen Chappel AM JP, WALGA President

EVENT PROGRAM – DAY TWO

10:05am **Convention Keynote Speaker**
Michael McQueen

A multi-award-winning speaker, change strategist and bestselling author.

In this fast-paced & compelling keynote presentation, you'll discover:
-The five key trends in Local Government.
-The three forms that disruption will take in the coming decade.

11:00am **Morning Tea**
Served in Pavilion 1

SESSION TWO- BELLEVUE BALLROOM 1

11:30am **Minister's Address**
Hon. Hannah Beazley MLA - Minister for Local Government; Youth;
Minister Assisting the Minister for Training and Workforce
Development

Includes presentation of the Minister's Place Innovation Awards

11:45am **State of Play**
Moderated by Gareth Parker

A dynamic panel of key political observers provide their insight into the key issues affecting Local Governments in the lead up to the next election.

EVENT PROGRAM – DAY TWO

12:45pm **Supporting Keynote**
Lucinda Hartley

An award-winning urban designer and globally recognised expert in the future of work and living, Lucinda will challenge you to think differently about what the future holds.

1:30pm **Lunch**
Served in Pavilion 1

2:30pm **WALGA AGM**
Bellevue Ballroom 1

Includes the Diploma of Local Government graduation

4:00pm **Exhibition Closes**
Registration Desk Closes

COCKTAIL GALA

6:30pm Overlooking the waterfront adjacent to Supreme Court Gardens in
to Perth CBD, retreat to a luxe glass marquee that will take your breath
10:30pm away.

This showpiece social event is for catching up with your colleagues, enjoying delicious canapes and beverages and dancing the night away. Featuring a curated performance by Williams Creative Co.

TICKETS \$198 per person

Partners welcome



INNOVATION
ECOSYSTEM

EVENT PROGRAM – DAY THREE

THURSDAY, OCTOBER 10

7:00am Exhibition Opens
Registration Desk Opens

OPENING SESSION - BELLEVUE BALLROOM 1

7:00am to 8:45am **Icons Breakfast**
Layne Beachley AO and Kirk Pingelly

A world surfing champion and a rock star in conversation with Di Darmody on their incredible lives, philanthropy and everything in between.

Tickets \$110 per person

Partners welcome

8:45am **Photo opportunity with our icons**
Bellevue Foyer

9:30am **Federal Minister Address**

10:00am **Collaborative Panel Session: Community Brains Trust**

A curated panel highlighting collaborative innovation in both Local Government and community projects.

EVENT PROGRAM – DAY THREE

11:00am **Opposition Leader Address**

11:15am **Morning Tea**
Served in Pavilion 1

11:45am **Breakout Sessions**

Breakout 1: In Case of Emergency

A spotlight on regional telecommunications.

River Room 4-5

Breakout 2: Level Up

Delving into renewable technology innovation in our state.

Meeting Rooms 1-3

1:15pm **Lunch**
Served in Pavilion 1

EVENT PROGRAM – DAY THREE

CLOSING SESSION - BELLEVUE BALLROOM 1

2:15pm **ALGA President's Address**

2:30pm **Closing Keynote**
Dr Chadden Hunter

Wildlife filmmaker, environmentalist, adventurer and Sir David Attenborough's right hand man.

Our closing keynote will leave you inspired with messages on purpose, our future on the planet and those watershed moments that shape our lives.

3:30pm **Final Remarks**
Cr Karen Chappel AM JP, WALGA President

3:45pm **Convention Close**

*Please note: this information was correct at the time of publication and is subject to change.

[VIEW THE FULL EVENT PROGRAM](#)

2024 Notice of WALGA Annual General Meeting

WEDNESDAY, 9 OCTOBER 2024

2.30PM

AT PERTH CONVENTION AND EXHIBITION CENTRE

21 MOUNTS BAY RD, PERTH WA 6000

The Annual General Meeting (AGM) of the Western Australian Local Government Association (WALGA) will be held at the Perth Convention and Exhibition Centre on Wednesday, 9 October 2024 at 2.30pm.

Attendance at the AGM is free for all Elected Members and officers from Member Local Governments. Voting Delegates and Proxies must be registered (registration information below).

The AGM is being held in conjunction with the Local Government Convention 2024 (the Convention). Further information on the Convention will be announced shortly.

VOTING INFORMATION

Voting entitlement

Each Member Local Government is entitled to be represented by two Voting Delegates. A Voting Delegate is entitled to one vote.

A Proxy is entitled to vote in the absence of a Voting Delegate.

Voting Delegates and Proxies may be Elected Members or officers.

Registration of Delegates and Proxies

Voting Delegates and Proxies must be registered by the Local Government Chief Executive Officer.

The Chief Executive Officer of each Member Local Government will be sent the Delegate registration link via email. We ask that registration be completed via the link provided prior to 5.00pm on Friday, 27 September 2024. However, Delegate registrations can be completed or amended up until the start of the AGM at 2.30pm on Wednesday, 9 October 2024.

Voting process

Information on how voting will be conducted at the AGM will be sent to all registered Voting Delegates and Proxies prior to the AGM.

MEMBER MOTIONS

Submission

Member Local Governments are invited to submit motions for inclusion in the Agenda for consideration at the AGM.

Motions should be submitted by the Chief Executive Officer of the Member Local Government to the Chief Executive Officer of WALGA via email at associationgovernance@walga.asn.au.

Closing date

Member motions must be submitted prior to **5.00pm on Friday, 23 August 2024**.

Guidelines for motions

Please refer to the *Guideline for the submission of Member Motions* for detailed information on the submission of motions.

MEETING DOCUMENTS

Notice of proposed amendments to the Association Constitution

The Chief Executive Officer of WALGA will give not less than 60 days notice of any proposal to amend the Association Constitution. This notice will be given via email to all Local Government Chief Executive Officers by 5.00pm Thursday, 8 August 2024.

Agenda

The Chief Executive Officer of WALGA will publish the Agenda of the AGM not less than 30 days prior to the AGM. The Agenda will be published by 5.00pm Friday, 6 September 2024 on the WALGA website. All Elected Members and CEOs will be advised of the availability of the Agenda via email.

Hardcopy meeting documents will not be distributed.

The Order of Business shall be:

1. Record of attendance and apologies
2. Announcements
3. Confirmation of minutes of previous meetings
4. President's report
5. Financial report for the financial year
6. Consideration of Executive and Member Motions

MEETING CONDUCT

The AGM will be conducted in accordance with the [WALGA AGM Standing Orders](#).

QUERIES

Please direct all enquiries relating to the registration of Delegates or the submission of Member motions to Meghan Dwyer, Executive Officer Governance on (08) 9213 2050 or at associationgovernance@walga.asn.au.



President Cr Karen Chappel AM JP
WALGA President



Nick Sloan
WALGA Chief Executive Officer

RISK ASSESSMENT TOOL								
OVERALL RISK EVENT: 2024 Western Australian Local Government Convention and Annual General Meeting								
RISK THEME PROFILE: 10 - Management of Facilities, Venues, Events and Services								
RISK ASSESSMENT CONTEXT: Strategic								
CONSEQUENCE CATEGORY	RISK EVENT	PRIOR TO TREATMENT OR CONTROL			RISK ACTION PLAN (Treatment or controls proposed)	AFTER TREATMENT OR CONTROL		
		CONSEQUENCE	LIKELIHOOD	INHERENT RISK RATING		CONSEQUENCE	LIKELIHOOD	RESIDUAL RISK RATING
HEALTH	No risk event identified for this category.	Not Required - No Risk Identified	N/A	N/A	Not required.	Not required.	Not required.	Not required.
FINANCIAL IMPACT	No risk event identified for this category.	Not Required - No Risk Identified	N/A	N/A	Not required.	Not required.	Not required.	Not required.
SERVICE INTERRUPTION	No risk event identified for this category.	Not Required - No Risk Identified	N/A	N/A	Not required.	Not required.	Not required.	Not required.
LEGAL AND COMPLIANCE	No risk event identified for this category.	Not Required - No Risk Identified	N/A	N/A	Not required.	Not required.	Not required.	Not required.
REPUTATIONAL	Participation and support of member Councils at the WALGA AGM is of importance to the industry as a whole.	Minor (2)	Unlikely (2)	Low (1 - 4)	Not required.	Not required.	Not required.	Not required.
ENVIRONMENT	No risk event identified for this category.	Not Required - No Risk Identified	N/A	N/A	Not required.	Not required.	Not required.	Not required.
PROPERTY	No risk event identified for this category.	Not Required - No Risk Identified	N/A	N/A	Not required.	Not required.	Not required.	Not required.

(Appendix ORD: 12.1.1C)

JOINT STANDING COMMITTEE ON DELEGATED LEGISLATION



Your ref: LLW-R1495978
DB:cml
Our ref: 4158:13

13 March 2024

Cr Tyrrell G Gardiner
President
Shire of Dardanup
1 Council Drive, Eaton, WA 6232
tyrrell.gardiner@dardanup.wa.gov.au

Dear President

Shire of Dardanup Cats Local Law 2023

Thank you for the Explanatory Memorandum and supporting material for the above local law received on 20 December 2023.

The Committee considered the local law at its meeting today and resolved to write to you about the following matters.

Clause 2.2

Breach of Cat Act 2011 and Committee term of reference 10.6(a)

When scrutinising local laws, the Committee inquires whether a local law is within power.

Committee term of reference 10.6(a) states:

In its consideration of an instrument, the Committee is to inquire whether the instrument –

(a) is within power

Clause 2.2 of the local law states:

2.2 Cats in other places

(1) A cat shall not be in any place that is not a public place if—

(a) consent to it being there has not been given by the occupier, or a person authorised to consent on behalf of the occupier; and/or

(b) the cat is causing a nuisance.

(2) If a cat is at any time in a place in contravention of subclause (1)—

(a) the owner of the cat commits an offence; and

(b) an authorised person may seize and impound the cat and deal with the cat pursuant to the Act.

Section 79 of the *Cat Act 2011* (Act) empowers local governments to make local laws for the management of cats. Section 79(1) states:

- (1) *A local government may make local laws prescribing all matters that are required or permitted to be prescribed by a local law, or are necessary or convenient to be so prescribed, for it to perform any of its functions under this Act.*

It has been recognised that the words “necessary or convenient” import an objective standard of reasonableness.

The Act also permits cats to be in public places unless they are not complying with the Act. For example, section 6(1) states:

The owner of a registered cat must ensure that when the cat is in a public place the cat is wearing its registration tag.

The local law does not prohibit cats from public places, unless they are creating a nuisance. However, clause 2.2 operates so that, to avoid committing an offence, a cat owner would have to effectively confine their cat(s) to their property. This is because:

- if not confined, given their range, it is very likely cats will wander onto other private property
- it is impracticable to obtain consent from every private property owner in the district or even in close vicinity to the cat owner.

Clause 2.2 operates in a way that is unreasonable as well as inconsistent with and not authorised by the Act by forcing owners to confine their cats to avoid committing an offence.¹

Unintended effect on cat owners existing right and interest

When scrutinising local laws, the Committee inquires whether a local law has no unintended effect on any person’s existing rights or interests.

Committee term of reference 10.6(b) states:

In its consideration of an instrument, the Committee is to inquire whether the instrument –

- (b) has no unintended effect on any person’s existing rights or interests

A cat owner has the right and expectation that, under the Act, their cat is permitted in a public place or other place unless it is not complying with the Act.

If a cat owner, to avoid offending clause 2.2, has to confine their cat(s) to their property, clause 2.2 could have an unintended effect on this right and expectation.

Clause 2.2 could also have an unintended effect on a cat owners’ financial interests. It could force them to invest in cat enclosures and other means to ensure their cats are confined and don’t wander onto any other private property and risk offending clause 2.2.

Clause 2.2 operates in a way that has an unintended effect on cat owners’ rights and interests and is, therefore, invalid and should be deleted.

Clause 4.4(f)

Clause 4.4(f) states:

¹ See the Committee’s 2021 Annual Report, pp 9-10.

4.4 Application for permit

An application for a permit under clause 4.2 shall be—

- (f) accompanied by written evidence that either the applicant or another person who will have charge of the cats, will reside at the single or multiple dwelling or on the premises or, in the opinion of the local government, sufficiently close to the single or multiple dwelling or premises so as to maintain effective control of the cats and ensure their health and welfare.

Clause 1.3 defines effective control as:

effective control in relation to a cat means any of the following methods—

- (a) held by a person who is capable of controlling the cat;
- (b) secured in a cage; or
- (c) any other means of preventing escape;

Clause 4.2 requires a permit for:

- Keeping 3 or more cats on any premises
- Using any premises as a cattery
- Being an approved cat breeder.

Section 79(3) contains a number of specific local law making powers, including:

- Section 79(3)(f), which provides that a local law may be made specifying places where cats are prohibited absolutely
- Section 79(3)(g), which provides that a local law may be made requiring that in specified areas a portion of the premises on which a cat is kept must be enclosed in a manner capable of confining cats.

By sections 79(3)(f) and 79(3)(g), the Parliament has delineated the scope of valid local laws concerning the prohibition of cats on public land and the confinement of cats. Any local laws which place conditions on cats being on public land beyond those provided for in the Act are inconsistent with the Act and not authorised.

Clause 4.4(f), in requiring cats to be 'under the effective control of a person' in public represents a further step in policy beyond that authorised by the Act and infringes Committee term of reference 10.6(a).²

Clause 4.4(f) should be amended to ensure it is not inconsistent with the *Cat Act 2011*. This can be achieved as follows:

² Joint Standing Committee on Delegated Legislation, report 78, Annual Report 2014, Western Australia, Legislative Council, 22 January 2015, pp 10-13; Joint Standing Committee on Delegated Legislation, Report 78, Annual Report 2016, 17 November 2016, pp 19-20.

(f) *accompanied by written evidence that either the applicant or another person who will have charge of the cats, will reside at the single or multiple dwelling or on the premises or, in the opinion of the local government, sufficiently close to the single or multiple dwelling or premises so as to ~~maintain effective control of the cats and ensure their~~ health and welfare of the cats.*

Typographical error

Schedule 3 – Areas where Cats are Prohibited Absolutely

Below the heading it states [Clause 2.23]. There is no such clause in the local law. It should state [Clause 3.1].

Undertakings

The Committee requests the following undertakings:

1. Within 6 months:
 - delete the definition of **effective control** in clause 1.3
 - delete clause 2.2
 - amend clause 4.4(f) to ensure it is not inconsistent with the *Cat Act 2011*
 - correct the typographical error in the clause reference beneath the heading to Schedule 3.
2. All consequential amendments arising from undertaking 1 will be made.
3. Clauses 2.2 and 4.4(f) will not be enforced in a manner contrary to undertaking 1.
4. Where the local law is made publicly available by the Shire, whether in hard copy or electronic form, ensure that it is accompanied by a copy of the undertaking.

The undertakings should be given in the form of a letter signed by you as President, not the Chief Executive Officer or other officer of the Shire of Dardanup. This is because, pursuant to section 2.8(1)(d) of the *Local Government Act 1995*, the 'Mayor or President speaks on behalf of the local government' to the Parliament of Western Australia.

The Committee requests the undertakings be provided after your Council meeting on 27 March 2024, by 3 April 2024.

To assist you I attach a suggested form of Council resolution to provide the undertakings.

Please also note that the fulfilment of the undertakings must be by making a local law that complies with all mandatory procedural steps contained in section 3.12 of the *Local Government Act 1995*.

Notice of Motion to Disallow

I advise that the Committee resolved to give a Notice of Motion in the Legislative Council to disallow the local law.

The reasons for giving notice are:

- to protect the Parliament's right to disallow the local law should the Committee recommend disallowance
- to provide the Committee with additional time to scrutinise the local law and, if necessary, obtain further information.

The giving of the notice should not be taken as indicating that the Committee has resolved to recommend disallowance at this stage.

I draw your attention to the confidentiality disclaimer below. This letter or any of its contents is not to be publicly disclosed, including in the minutes of Council meetings. Public disclosure could amount to a breach of parliamentary privilege. Please contact Committee staff if you have any questions.

Please provide your response by **3 April 2024**. If you have any queries in relation to this matter, please contact Mr Alex Hickman, Advisory Officer (Legal) on 9420 7633 or at delleg@parliament.wa.gov.au.

Yours sincerely



Hon Lorna Harper MLC
Deputy Chair

Att: Mrs Donna Bailye, Manager Governance, governance@dardanup.wa.gov.au

This correspondence including any attachments is confidential and privileged. Your local government may only discuss the content of this letter and any attachments with the Western Australian Local Government Association, the Department of Local Government and the Shire's legal advisors to the extent necessary to obtain information the Committee seeks. Each person to whom you distribute this material must be made aware of its confidential and privileged status.

Suggested form of Council resolution to provide the undertakings

The Council of the Shire of Dardanup resolves to undertake to the Joint Standing Committee on Delegated Legislation that:

1. Within 6 months:
 - delete the definition of ***effective control*** in clause 1.3
 - delete clause 2.2
 - amend clause 4.4(f) to ensure it is not inconsistent with the *Cat Act 2011*
 - correct the typographical error in the clause reference beneath the heading to Schedule 3.
1. All consequential amendments arising from undertaking 1 will be made.
2. Clauses 2.2 and 4.4(f) will not be enforced in a manner contrary to undertaking 1.
3. Where the local law is made publicly available by the Shire, whether in hard copy or electronic form, ensure that it is accompanied by a copy of the undertaking.

RISK ASSESSMENT TOOL								
OVERALL RISK EVENT: Western Australian Local Government Convention and Annual General Meeting Motion from the Shire of Dardanup RISK THEME PROFILE: 2 - Business and Community Disruption RISK ASSESSMENT CONTEXT: Strategic								
CONSEQUENCE CATEGORY	RISK EVENT	PRIOR TO TREATMENT OR CONTROL			RISK ACTION PLAN (Treatment or controls proposed)	AFTER TREATMENT OR CONTROL		
		CONSEQUENCE	LIKELIHOOD	INHERENT RISK RATING		CONSEQUENCE	LIKELIHOOD	RESIDUAL RISK RATING
HEALTH	No risk event identified for this category.	Not Required - No Risk Identified	N/A	N/A	Not required.	Not required.	Not required.	Not required.
FINANCIAL IMPACT	No risk event identified for this category.	Not Required - No Risk Identified	N/A	N/A	Not required.	Not required.	Not required.	Not required.
SERVICE INTERRUPTION	No risk event identified for this category.	Not Required - No Risk Identified	N/A	N/A	Not required.	Not required.	Not required.	Not required.
LEGAL AND COMPLIANCE	No risk event identified for this category.	Not Required - No Risk Identified	N/A	N/A	Not required.	Not required.	Not required.	Not required.
REPUTATIONAL	Council's reputation may suffer if it is not involved with current issues affecting Local Government as a whole.	Minor (2)	Possible (3)	Moderate (5 - 11)	Not required	Not required.	Not required.	Not required.
ENVIRONMENT	No risk event identified for this category.	Not Required - No Risk Identified	N/A	N/A	Not required.	Not required.	Not required.	Not required.
PROPERTY	No risk event identified for this category.	Not Required - No Risk Identified	N/A	N/A	Not required.	Not required.	Not required.	Not required.

(Appendix ORD: 12.1.2B)



Removing road blocks to enable permanent cat containment in Western Australia

Background

- There are 5.3 million pet cats in Australia. These numbers have risen sharply in recent years. More than 30% of households in Australia now have a pet cat.
- Pet cats can bring significant wellbeing benefits to their owners.
- There is increasing awareness that allowing cats to roam freely has significant negative welfare impacts for both pet cats and the wildlife they kill, as well as impacts on human health.
 - Allowing cats to roam has negative consequences for the health and safety of the cat. Roaming cats are at greater risk of death or significant injury from vehicle strike and snake bite, and are far more likely to catch severe disease, such as feline AIDS.
 - Allowing cats to roam also has negative consequences for native wildlife. Pet cats that are allowed to freely roam outside kill an estimated ~340 million native Australian animals every year.
 - Permanently contained cats (i.e. cats that are under effective control at all times) have lower rates of cat-borne diseases that can affect humans. Toxoplasmosis is one such disease that can cause illness, miscarriages and birth defects in people.

The challenge

- Every year that we delay permanent cat containment laws, we effectively endorse poor animal welfare outcomes for pet cats, enable the deaths of millions of native animals, and increase the risk of human illness and deaths from cat-borne diseases.
- Permanent cat containment done in an appropriate way (i.e. ensuring that a cat's physical and mental needs are met and allows expression of natural behaviours, promotes good health and welfare and minimises stress) is supported by a diverse group of stakeholders, including environmental groups, the Australian Veterinary Association and cat welfare organisations (e.g. Cat Haven WA).
- Western Australia and New South Wales are the only states in Australia where local councils are not able to introduce local cat laws to prevent cats roaming.
- Western Australian councils are so desperate for change they have attempted to resurrect ancient legislation from the days of horseback travel in an attempt to catch up with more progressive Australian States.

The options for change

- There are three options to consider for enabling the containment or effective control of pet cats in Western Australia:
 - 1) The Cat Act could be reviewed (*ineffective in the near term*).
 - This review has been 'promised' in 2024 by the three most recent Labor Ministers in charge of the Local Government portfolio (Ministers Carey, Michael, and Beazley).
 - The reality is that even if the review began in 2024, it would take a couple of years to be finalised and implemented, and then further years for local laws to be made, consulted on, approved and implemented.
 - Note that in the last review of the Cat Act in 2019 provided a clear mandate for the permanent containment of pet cats. 73% of respondents supported the confinement of cats to the owner's property. Despite this mandate for change, no solutions have been implemented as yet.



- Taken together, a Cat Act review would mean effective pet cat containment would not be in place until 2028 at the earliest and more likely not until after 2030, if at all.
- 2) The Cat Act could be amended (*ineffective in the near term*).
 - An amendment to allow for pet cat containment, or to clarify that provisions in the existing Cat Act are sufficient, could be developed.
 - This amendment would need to go through the relevant internal approvals, legal checks and balances, and other admin steps before it is put in place.
 - Such an amendment would only pass through these steps in order of priority against all of the other legislative amendments that the Government of the time is dealing with.
 - Our understanding is that Cat Act reform is a low priority at present, relative to other issues the Minister for Local Government's portfolio is dealing with. Therefore, it could be years before such an amendment reaches the top of the queue.
 - Even if an amendment was approved, there would still be the same steps required to make local laws and approve them before containment could be enforced.
 - Taken together, even a simple amendment to the Cat Act would mean that effective pet containment would not be in place for many years – possibly even as long as what might be expected with a full review of the Cat Act.
- 3) The reasons as to why the existing Cat Act is apparently not working to allow effective containment could be explored in more detail (*an effective near-term solution*).
 - It is important to remember that the existing Cat Act 2011 was written with the goal to allow LGAs to implement local containment laws should they so choose (See Attachment 1).
 - Some LGAs in WA have had local laws approved in recent years that allow for effective 24/7 cat containment – [REDACTED] (in 2016; Attachment 2) and [REDACTED] (in 2019; Attachment 3). In these LGAs, cats are required to be effectively controlled at all times when in public places (as well as being prohibited absolutely in many other places).
 - Unfortunately, many other local governments (the [REDACTED] most recently) have prepared local cat containment policies, but they have been recommended for disallowance by the Joint Standing Committee for Delegated Legislation (JSCDL). The rationale for not endorsing these policies is not clear and has not been explained to the LGAs putting the policies forward.
 - In the past, all local governments have decided to follow the recommendation of disallowance from the JSCDL, and remove clauses relating to permanent confinement (or under effective control at all times) from their cat local laws.
 - It is becoming increasingly clear that frustration with this situation might result in local governments choosing to not accept the recommendation of disallowance from the JSCDL.

A more timely solution

- In the last 12 months, there has been a significant shift in understanding as to whether or not the Cat Act 2011, as it currently exists, is able to be used to enforce permanent containment (or effective control at all times) for cats in Western Australia.
- The JSCDL's recommendation of disallowance for local government laws to prevent pet cats roaming seems to be at odds with what the current Government are trying to deliver.
- Given that some local governments have containment laws and some do not, it can be logically concluded that the JSCDL has flexibility in how they interpret the Cat Act.



- Two options with the current Cat Act appear to have solid legal grounding to allow for permanent cat containment under the existing Cat Act:
 - 1) A report prepared by a leading local law legal team, Castledine Gregory outlines a case that the current Cat Act is sufficient for making local laws to contain cats. (Attachment 4)
 - The conclusion from this report is that such laws are a reasonable and proportionate exercise of the power to make local laws under WA Cat Act 2011.
 - 2) It would also be possible to utilise the existing Clause 82 of the WA Cat Act 2011 as an alternative solution for implementing local laws that can contain cats.
 - Clause 82 of the Cat Act 2011 clearly states that a LGA can legally adopt the text of a local law of any other local government.
- Clause 82 of the WA Cat Act 2011**
82. Local laws may adopt codes etc.
- A local law made under this Act may adopt the text of —
- any model local law, or amendment to it, published under section 83; or
 - a local law of any other local government*; or
 - any code, rules, specifications, or standard issued by Standards Australia or such other body as is specified in the local law.
- In relation to cat containment, both the [REDACTED] and the [REDACTED] have existing local laws that enable the permanent containment of pet cats by requiring them to be under effective control at all times.
- Importantly, enacting one or both of these solutions this would allow containment relatively soon, rather than having to wait many years for a Cat Act review or amendment to deliver a solution.
 - At the WA Labor State Conference on 5th November 2023, the party adopted the following statement as their formal position on the Cat Act: *“Review and Amend the Cat Act 2011 to protect native wildlife and support local laws keeping cats under the effective control of their owners at all times, further promoting responsible cat ownership.”* (Attachment 5)
 - There is considerable opportunity to utilise either of the two options above to implement effective policy with minimal process and without delay.

Attachments

- Attachment 1: Cat Bill 2011, Hansard (extracts)
- Attachment 2: [REDACTED]
- Attachment 3: [REDACTED]
- Attachment 4: Castledine-Gregory Cat Act 2011 Interpretation
- Attachment 5: WA Labor Party Platform 2023 (extract)

Cat Bill 2011, Hansard extracts relevant to the original intent of the bill regarding the ability for councils to make cat local laws covering confinement.

Assembly 15 Jun 2011:

MR G.M. CASTRILLI (Bunbury — Minister for Local Government) [12.42 pm]: I move — That the bill be now read a second time.

I am pleased to introduce the Cat Bill 2011. This legislation has been developed with a view to reducing the number of stray cats being euthanased each year, to encourage responsible cat ownership, and to provide for better management of the unwanted impacts of cats on the community and environment.

...

Local governments will be responsible for enforcing the legislation and they will also be able to introduce their own local laws to complement the legislation. These laws can include provisions to require cats to be confined to their owners' property, limit the number of cats per property, as well as establish areas where cats are prohibited. The key features of the Cat Bill provide for all cats that have reached six months of age to be microchipped, sterilised and registered with the local government where they are usually kept; provide for all cats to also be microchipped and sterilised prior to sale or transfer; provide for local governments to administer and enforce the provisions of the bill; provide for local governments to be able to seize cats; and provide for local governments to create local laws for the control of cats within their district.

Council, 21 Sep 2011:

HON ROBYN McSWEENEY (South West — Minister for Child Protection) [9.40 pm]: I move —

That the bill be now read a second time.

I am pleased to introduce the Cat Bill 2011 to this house. This legislation has been developed with a view to reducing the number of stray cats being euthanased each year, to encourage responsible cat ownership, and to provide for better management of the unwanted impacts of cats on the community and environment.

...

Local governments will be responsible for enforcing the legislation and they will also be able to introduce their own local laws to complement the legislation. These laws can include provisions to require cats to be confined to their owners' property, limit the number of cats per property, as well as establish areas where cats are prohibited. The key features of the Cat Bill provide for all cats that have reached six months of age to be microchipped, sterilised and registered with the local government where they are usually kept; provide for all cats to also be microchipped and sterilised prior to sale or transfer; provide for local governments to administer and enforce the provisions of the bill; provide for local governments to be able to seize cats; and provide for local governments to create local laws for the control of cats within their district.

Council, 18 Oct 2011:

Hon ROBYN McSWEENEY: Hon Linda Savage asked about feral cats. The Department of Environment and Conservation has feral cat eradication programs. This bill will hopefully result in fewer cats joining feral cat populations.

Confining cats in backyards will be up to local governments, if this is the wish of their communities. They can make local laws for this under clause 79 of the bill, especially clause 79(3)(g). There are powers there for them to do that.

Council, 19 Oct 2011:

Hon LYNN MacLAREN: I just want some clarification about “Division 2 — Local laws”, and in particular clause 79(3)(g), which states that a local law may be made —

requiring that in specified areas a portion of the premises on which a cat is kept must be enclosed in a manner capable of confining cats;

My interest in this relates to the ability to contain cats at certain times and in certain places.

If the minister could explain the purpose of that clause, it might assist me in determining the powers that are available under local laws. I brought this up earlier in my briefing; therefore, I hope that the minister is able to address this query with a broadbrush approach; if not, I can be more specific.

Hon ROBYN McSWEENEY: The bill just states that these laws can be made by local governments. Having been in local government before I came into Parliament, I know that many, many local laws are made. Those powers are there now. Local governments can make laws banning cats. They can develop new estates and say that there will be no cats on those estates from this day forward, and, if they want to, they can make laws that confine cats. No local government has done that, but local governments have the authority to make local by-laws if they choose to do so.

Assembly, 20 Sep 2011:

MR G.M. CASTRILLI (Bunbury — Minister for Local Government) [5.41 pm] — in reply: ...A topic raised by several people was the powers being given to local government. Some concerns were expressed about the amount of power given to local government. No more power will be given to local governments in relation to the control and management of cats than they already have in relation to the control of dogs. I have not seen any great outcry from anybody about the abuse of power in what they do at the moment with dogs. There are set procedures that local governments must follow. That is outlined in the bill. They must be given the tools to do their job, and this bill does that.

The member for Warnbro also asked about whether we should give local governments the power to require cats to be confined. A few people, both previously and today, have implied that local governments cannot be trusted. I am not going to make any comment about that. However, I think we should give local governments a bit more credence than given by some members in this chamber; we should show a lot more faith in the sector. Local governments need to respond to the concerns and needs of the local residents. This is an issue for the local community. Perhaps a bushland area is nearby. There may be requests to the local government from the community to make appropriate laws to deal with these matters.

GOVERNMENT GAZETTE, WA

CAT ACT 2011
LOCAL GOVERNMENT ACT 1995

CAT LOCAL LAW 2019

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- (d) lodged with the local government together with the fee for the application for the transfer of an approval that is imposed and determined by the local government under sections 6.16 to 6.19 of the *Local Government Act 1995*.

2.9 Variation or cancellation of an approval

- (1) The local government may, at any time, vary the conditions of an approval by giving written notice to the approved person and specifying the date on which the changes will become effective.
- (2) The local government may cancel an approval—
- (a) on the request of the approved person;
 - (b) if the approved person breaches the Act, the Regulations, the *Cat (Uniform Local Provisions) Regulations 2013* or this local law; or
 - (c) if the approved person is not a fit and proper person to provide for the health and welfare of the cats.
- (3) If an approval is cancelled, the fee paid for the approval is not refundable for the term of the approval that has not yet expired.

PART 3—CONTROL OF CATS**3.1 Cat nuisance**

The owner or occupier of premises on which a cat is ordinarily kept must take reasonable measures to prevent the cat from creating a nuisance on other premises, to another person or exposing another person to health and/or safety risk.

3.2 Cats in other places

- (1) A cat shall not be in a public place unless the cat is, in the opinion of an Authorised Person, under effective control.
- (2) If a cat is at any time in contravention of clause 3.2(1)—
- (a) the keeper of the cat commits an offence; and
 - (b) an Authorised Person may seize and impound the cat and deal with the cat pursuant to the Act.
- (3) A cat shall not be in a place that is not a public place unless—
- (a) consent to its being there has been given by the occupier, or a person apparently authorised to consent on behalf of the occupier; and
 - (b) it is under effective control.
- (4) If a cat is at any time, in a place in contravention of the [REDACTED]
- (a) The keeper of the cat commits an offence; and
 - (b) In premises lawfully entered by an Authorised Person, they may seize and impound the cat and deal with the cat pursuant to the Act.

3.3 Cleanliness

The owner or occupier of premises where a cat or cats are kept must take reasonable measures to—

- (a) keep the premises free from excrement, filth, food waste and all other matter that is likely to become offensive or injurious to health or to attract vermin;
- (b) when so directed by an Authorised Person, clean and disinfect the premises; and
- (c) keep the premises, so far as possible, free of flies and when directed by an Authorised Person, spray the premises with a residual insecticide or use any other effective means to kill and repel flies.

PART 4—DESIGNATED CAT MANAGEMENT FACILITIES**4.1 Operating a Cat Management Facility without a licence**

Unless exempt as an organisation listed in the Regulations, a person who operates a premises as a Cat Management Facility within the District without a licence commits an offence.

4.2 Application for a licence to be designated as a Cat Management Facility

An application for a licence must be made in the form of that in Schedule 1, and must be lodged with the local government together with—

- (a) plans and specifications of the premises, including a site plan;
- (b) proposed details of how the facility will be kept secure;
- (c) written evidence that either the applicant or another person who will have the charge of the cats, will reside on the premises or, in the opinion of the local government, sufficiently close to the premises so as to control the cats and ensure their health and welfare;
- (d) a written acknowledgement that the applicant has read and agrees to comply with any code of practice relating to the keeping of cats which may be nominated from time to time by the local government; and
- (e) the fee for the application for a licence referred to in clause 4.7(1).

CAT ACT 2011
LOCAL GOVERNMENT ACT 1995

[REDACTED]

CATS LOCAL LAW 2016

Under the powers conferred by the *Cat Act 2011* and the *Local Government Act 1995* and by all other powers, the Council of the [REDACTED] resolved to make the following local law on 12 July 2016.

PART 1—PRELIMINARY

1.1 Citation

This local law may be cited as the [REDACTED].

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 premises who makes application for a permit under this local law;

approved cat breeder has the meaning given to it by section 3(1) of the Act;

authorised person means a person appointed by the local government to perform all or any of the functions conferred on an authorised person under this local law;

cat has the meaning given to it by section 3(1) of the Act; but does not include the young of a cat normally kept on the premises less than 6 months old;

cat management facility has the meaning given to it by section 3(1) of the Act, and includes a cattery;

cattery means any premises where more than 2 cats are boarded, housed or trained temporarily, usually for profit, and where the occupier of the premises is not the ordinary keeper of the cats;

central business zone mean a lot zoned as central business in a local planning scheme;

commercial lot means a lot zoned under a local planning scheme as—

- (a) central business; or
- (b) service commercial;

CEO means the Chief Executive Officer of the local government;

Council means the Council of the local government;

district means the district of the local government;

effective control in relation to a cat means any of the following methods—

- (a) held by a person who is capable of controlling the cat;
- (b) securely tethered;
- (c) secured in a cage; or
- (d) any other means of preventing escape;

enclosed public space means a public place which is enclosed by walls, whether solid materials or glass, and includes attached or adjoining areas not permitted to the public, unless airflow between the areas is prevented, but does not include a cat management facility or veterinary clinic or hospital;

industrial lot means a lot zoned under a local planning scheme as industry;

4.4 Additional conditions for approved cat breeders

(1) Where a permit is approved under clause 3.6 as an approved cat breeder, the following conditions apply—

- (a) compliance with clause 4.1;
- (b) compliance with clause 4.2;
- (c) compliance with Schedule 2 items (4)(c) to (g) inclusive;

(2) The fee for an approved cat breeder is as specified in Schedule 3 of the *Cat Regulations 2012*.

4.5 Duration of permit

Unless otherwise specified in a condition on a permit, a permit for a cat management facility or as an approved cat breeder granted under clause 3.3(c) or (d), commences on the date of issue and is valid for a period of 12 months from the date of issue unless and until—

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

4.6 Permit not transferable

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

4.7 Renewal of permit

(1) The local government may renew a permit for a cat management facility or as an approved cat breeder granted under clause 3.3(c) or (d) upon—

- (a) payment of the set fee; and
- (b) certification by the occupier that the circumstances of the original application are unchanged.

(2) Where circumstances of the original application have changed, the application for renewal is to be considered an initial application.

4.8 Revocation of permits

(1) A permit may be revoked by the local government if there is a breach of any condition of that permit or if the permit holder is convicted of a breach of any provision of this local law.

(2) On revocation of a permit the permit holder is to be taken to have forfeited any set fees paid in respect of the permit.

PART 5—CATS IN PUBLIC PLACES**5.1 Cats in public places**

A cat shall not be in a public place unless the cat is, in the opinion of an authorised person, under effective control.

5.2 Places where cats are prohibited absolutely

A cat shall not be in the following places at any time, whether or not under effective control—

- (a) an enclosed public place; or
- (b) any nature reserve.

PART 6—MISCELLANEOUS**6.1 Fees and charges**

Set fees and charges are to be imposed and determined by the local government under sections 6.16 to 6.19 of the *Local Government Act 1995*.

6.2 Giving of a notice

A notice given under 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.

6.3 Objection and appeal rights

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 to or appeal against the decision under Division 1 of Part 9 of the *Local Government Act 1995*.

PART 7—ENFORCEMENT**7.1 Offences**

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.

7.2 General penalty

Any person who commits an offence shall be liable, upon conviction, to a penalty not exceeding \$5,000, and if the offence is of a continuing nature, to an additional penalty not exceeding \$500 for each day or part of a day during which the offence has continued.

5 May 2023

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Dear

Cat Local Laws – regulation of cats in public and private places

You have asked us to consider a provision of current and draft cat local laws requiring cats to be under ‘effective control’ when in public places or other places outside the premises where the cat is kept. The provision under review is set out in paragraph 2.1 of this letter.

You instruct us that provisions identical to the one set out in paragraph 2.1 of this letter have been disallowed by the Joint Standing Committee on Delegated Legislation, and have asked for our opinion on whether the provision can validly be included in cat local laws.

We have provided this letter on the basis that you may share it with others, including your contacts in local governments who are preparing cat local laws containing the ‘effective control’ provision.

1. Executive Summary

1.1. In our opinion the ‘effective control’ provision is valid because:

- (a) it falls within the scope of matters about which local governments may make local laws under section 79(1) of the *Cat Act 2011*;
- (b) in particular, the ‘effective control’ provision is ‘necessary or convenient’ for a local government ‘to perform [...] its functions under [the Cat Act]’;
- (c) while the Cat Act does not expressly set out the functions of local governments under the Act, those functions can be discerned from the Act as a whole and in particular the long title which provides that the Cat Act is to:
 - (i) *‘provide for the control and management of cats; and*
 - (ii) *promote and encourage the responsible ownership of cats....’*

1.2. In our view, the ‘effective control’ provision is a reasonable and proportionate exercise of the power to make local laws.

1.3. In our view, it is no impediment to the validity of the ‘effective control’ clause that the list of examples of subject matter for local laws (in section 79(3) of the Cat Act) does not expressly provide for the ‘effective control’ clause applying throughout the district

Cat Local Laws – Regulation of cats in public and private places

of a local government. This is because those specified examples are expressly stated as not limiting the broad head of power under section 79(1).

2. The ‘effective control’ provision and the broader legislative regime

Local law ‘effective control’ provision

2.1. The local law provision requiring ‘effective control’ provides as follows:¹

‘3.2 Cats in other places

- (1) *A cat shall not be in a public place unless the cat is, in the opinion of an Authorised Person, under effective control.*
- (2) *If a cat is at any time in contravention of clause 3.2(1) –*
 - (a) *the keeper of the cat commits an offence; and*
 - (b) *an Authorised Person may seize and impound the cat [...].*
- (3) *A cat shall not be in a place that is not a public place unless –*
 - (a) *consent to its being there has been given by the occupier, or a person apparently authorised to consent on behalf of the occupier; and*
 - (b) *it is under effective control.*
- (4) *If a cat is at any time, in a place in contravention of [this local law] –*
 - (a) *The keeper of the cat commits an offence; and*
 - (b) *In any premises lawfully entered by an Authorised Person, they may seize and impound the cat [...].’*

2.2. In this advice we refer to the above provision as the **‘effective control’ provision**.

Legislative scheme: Cat Act, etc.

2.3. The Cat Act provides for the ‘control and management of cats’ and promotes and encourages ‘the responsible ownership of cats’ (see the Act’s long title).

2.4. The Act achieves these objectives by providing for the:

- (a) registration, identification and sterilisation of cats (in Part 2 of the Act);
- (b) enforcement of the Act, by the giving of notices or the seizing of cats, and the management of the animals at cat management facilities (Part 3). Controls on the breeding of cats are also included (Part 3, Division 4);
- (c) administration of the Act primarily by local governments, through ‘authorised persons’ and other delegations, including powers of entry (Part 4); and

¹ This version of the clause is taken from the [REDACTED] Cat Local Law 2019.

Cat Local Laws – Regulation of cats in public and private places

- (d) making of local laws by local governments, under section 79 of the Act, which provides as follows:²

‘79. Local laws

- (1) *A local government may make local laws prescribing all matters that are required or permitted to be prescribed by a local law, or are necessary or convenient to be so prescribed, for it to perform any of its functions under this Act.*
- (2) *[...]*
- (3) *Without limiting subsection (1), a local law may be made as to one or more of the following –*
- (a) *[...]*
 - (e) *cats creating a nuisance;*
 - (f) *specifying places where cats are prohibited absolutely;*
 - (g) *requiring that in specified areas a portion of the premises on which a cat is kept must be enclosed in a manner capable of confining cats [...];’ (underlining added).*

- 2.5. The Cat Act contains the following definition relevant to the ‘effective control’ provision in cat local laws:

‘public place means any place to which the public has lawful access’.

- 2.6. The ‘effective control’ provision is typically accompanied by the following definition in the local law itself:³

‘keeper in relation to a cat means each of the following –

- (a) *the owner of the cat is defined in the Act;*
- (b) *a person who has or appears to have immediate custody or control of the cat;*
- (c) *[paragraphs (c) to (f) list various other persons are also the ‘keeper’ of a cat].’*

- 2.7. Neither the Act nor the typical cat local law⁴ contains a definition of ‘effective control’.

² The Act also allows for the creation of regulations that may operate as local laws (section 77 of the Act), and this has led to the creation of the *Cat (Uniform Local Provisions) Regulations 2012*.

³ This definition is contained in the [REDACTED] Cat Local Law.

⁴ Here we rely on the [REDACTED].

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- 2.8. Nor does the Cat Act set out an explicit statement of the ‘functions’ of local governments under the Act. Accordingly, those functions must be discerned from a reading of the Act as a whole and any other aids to the interpretation of the Act.

Second reading speech

- 2.9. The legislative intent for the ‘control and management’ provisions of the Cat Act can be seen in the second reading speech by the then Minister for Local Government, Hon. John Castrilli MLA, which includes the following:⁵

‘This legislation has been developed with a view to reducing the number of stray cats being euthanased each year, to encourage responsible cat ownership, and to provide for better management of the unwanted impacts of cats on the community and environment.

[...] the stray cat population causes a range of problems including nuisance and damage to property and the killing of wildlife.’ (underlining added)

3. Analysis

- 3.1. Section 79(1) of the Cat Act provides a broad power for local governments to make local laws (see above at paragraph 2.4(d)).
- 3.2. The broad local law-making power in section 79(1) is expressly *not* limited by the examples of local law subject matter set out in section 79(3).
- 3.3. Where such a broad power to make delegated legislation exists, the power is still constrained by various common law principles including that the local law must be proportional and not unreasonable.⁶
- 3.4. The overall effect of the ‘effective control’ provision is that, *throughout the local government’s district* a cat must at all times be under ‘effective control’.⁷ This is because the ‘effective control’ provision applies to both ‘public places’ (which is

⁵ Western Australia, Parliamentary Debates, Legislative Assembly, 15 June 2011, pages 4260-61, Hon. J Castrilli MLA, Minister for Local Government. Available at <
[https://www.parliament.wa.gov.au/Hansard/Hansard.nsf/0/84D3687892083A35482578B20030BD2B/\\$file/A38%20S1%2020110615%20All.pdf](https://www.parliament.wa.gov.au/Hansard/Hansard.nsf/0/84D3687892083A35482578B20030BD2B/$file/A38%20S1%2020110615%20All.pdf)>

⁶ See *Shine Fisheries Pty Ltd v The Minister for Fisheries* [2002] WASCA 11; see also *Morton v Union Steamship Co of New Zealand Ltd* (1951) 83 CLR 402; see also *Williams v Melbourne Corporation* (1933) 49 CLR 142. In *South Australia v Tanner* (1989) 166 CLR 161 at 165 it was said that a broad head of power to make local laws ‘does not authorise the making of regulations which vary or depart from the positive provisions of the Act, or which go outside the field of operation which the Act marks out; such a power does not support attempts to widen the purposes of the Act, to add new and different means of carrying them into effect, or to depart from or vary the plan which the legislature has adopted to obtain its ends. These are indicia which assist in deciding the general question of whether the regulations in question are a reasonable means of attaining the ends of the legislative delegation of power.’

⁷ The only exception is at the premises where the cat is kept.

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broadly defined under the Act) and all other places (see sub-clause (3) of the ‘effective control provision).

- 3.5. The question arises where such a provision – with broad application throughout the district - satisfies the tests of proportionality and reasonableness.
- 3.6. In our view, the ‘effective control’ provision is proportionate and reasonable, because
- (a) it does not seek to absolutely prohibit cats from the whole district; cats can be anywhere in the district, so long as they are under ‘effective control’;
 - (b) the ‘reasonableness’ is to be assessed against the intent of the Cat Act to decrease the environmental damage – especially the killing of wildlife – caused by stray cats.
- 3.7. The fact that sections 79(3)(f) and (g) of the Cat Act refer to ‘specifying places’ for the absolute prohibition of cats, and ‘specified areas’ where cats must be capable of being confined to the premises, is not relevant to the proper interpretation of section 79(1) of the Act.

If you have any questions about the above, please feel free to contact us.

Yours faithfully



Castledine Gregory

- g. It is essential to have sufficient data to monitor the state of the natural and human-influenced lands to ensure that protective and management measures can immediately be put in place as required.
- 14. WA Labor acknowledges the 2019 UN global assessment report on biodiversity and 2022 Update Report on the Sustainable Development Goals that highlight the role of government in the current extinction crisis.
- 15. WA Labor calls for urgent action in Western Australia to protect our biodiversity from human disturbance (including altered fire regimes, weeds, pathogens, feral animals, pollution and the consequences of climate change) and further loss of species and habitats to degradation and extinction.
 - a. Black Cockatoos are iconic, face multiple threats and are at risk of extinction and replacement by invasive pest species within the next few decades. Our black cockatoos deserve urgent government efforts to protect them and other irreplaceable endangered species.
- 16. Western Australia's natural capital must be understood, valued and managed for future generations. Our natural capital must be improved and not further degraded and depleted.
- 17. In Government, WA Labor will:
 - a. Develop and publish a current State of the Environment Report, noting Western Australia has not done so since 2007.
 - b. Commit to funding, implementing, monitoring, and reporting on Recovery Plans for endangered species, notably the Carnaby's, Boudins, and Forest Red Tailed Black Cockatoos.
 - c. Urgently investigate and implement education and management measures to reverse extinction.
 - d. Commit to review the Biodiversity Conservation Act to ensure the protection of Western Australia's unique and endangered wildlife and ecosystems for generations to come.
 - e. Develop and properly support and implement programs to tackle land degradation, rehabilitate and restore our landscape to a productive and ecologically healthy condition, and;
 - i. Develop and support programs to increase the Natural Resource Management (NRM) sector and availability of highly educated qualified staff to ensure Western Australia has the skills required to seize the opportunity of a new, publicly trusted, re-forestry carbon sequestration industry.

- f. Investigate options for a bioregional planning system to ensure that cumulative effects of clearing are recorded, made transparent and further avoided limited.
- g. Minimise native vegetation clearing for urban development where possible, including maintaining as much of the urban tree canopy as possible.
- h. Provide more capacity and support for cost effective incentives for bushland and wetland protection programs to support landholders who meet high standards of ecosystem management;
- i. Support a process that involves the participation of relevant stakeholders including land owners, native title entities, Local Government, environment groups and unions to reach agreement to transition to an environmentally and economically sustainable approach to meeting our plantation timber demands;
- j. Further incentivise the plantation industry and secure the jobs of those workers supported by the forestry industry,
- k. Establish a bushland weed and vermin research and management section within the Parks and Wildlife Service to tackle the threat to our natural environment posed by weeds and feral animals,
- l. Review and Amend the Cat Act 2011 to protect native wildlife and support local laws keeping cats under the effective control of their owners at all times, further promoting responsible cat ownership.

Regulation

- 18. WA Labor recognises;
 - a. Our state's oceans, estuaries, waterways, and catchments require enhanced protection of comprehensive regulatory governance mechanisms which are needed to protect them and deliver the policy required to cope with the modern demands on the aquatic environment;
- 19. WA Labor Will;
 - a. Establish and Support investigation of a system to report and track WA's the existing native vegetation health, any land clearing and revegetation.
 - b. Ensure our states prescribed burning program reflects the latest science in mitigating adverse impacts to biodiversity.
 - i. Ensure all natural native forests are represented in the conservation reserve system;