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Council Minutes

Shire of Pingelly

Ordinary Council Meeting

16 October 2024

Pingelly, positive by nature. Let's grow together!

Risk Framework

Consequence Rating

Impact	Health	Financial	Service Interruption	Compliance	Reputational	Property	Environment
Insignificant	Negligible injuries	Less than \$2,000	No material service interruption	No noticeable regulatory / statutory impact	Low impact, single complaint, low profile or 'no news' item	Inconsequential or no damage	Contained, reversible impact managed on site response
Minor	First aid injuries	\$2,001 - \$10,000	Short term temporary interruption – backlog cleared < 1 day	Some temporary non-compliance	Low impact, a small number of complaints	Localised damage rectified by routine internal procedures	Contained, reversible impact managed by internal response
Moderate	Medical type injuries <5 days	\$10,001 - \$50,000	Medium term temporary interruption – backlog cleared by additional resources < 1 week	Short term non-compliance but with significant regulatory requirements imposed	Public embarrassment, moderate impact, low or moderate news profile	Localised damage requiring external resources to rectify	Contained, reversible impact managed by external agencies
Major	Lost time injury >5 days	\$50,001 - \$200,000	Prolonged interruption of services – additional resources; performance affected < 1 month	Non-compliance results in termination of services or imposed penalties	Public embarrassment, high impact, high news profile, third party actions	Significant damage requiring internal & external resources to rectify	Uncontained, reversible impact managed by a coordinated response from external agencies
Catastrophic	Fatality, permanent disability	More than \$200,000	Indeterminate prolonged interruption – non-performance > 1 month	Non-compliance results in litigation, criminal charges or significant damages	Public embarrassment, very high multiple impacts, high widespread multiple news profile, third party actions	Extensive damage requiring prolonged period of restitution. Complete loss of property	Uncontained, irreversible impact

Likelihood Rating

	Description
Almost Certain	The event is expected to occur in most circumstances > once per year > 90% chance of occurring
Likely	The event will probably occur in most circumstances At least once per year 60% - 90% chance of occurring
Possible	The event should occur at some time At least once in 3 years 40% - 60% chance of occurring
Unlikely	The event could occur at some time At least once in 3 years 10% - 40% chance of occurring
Rare	The event may only occur in exceptional circumstances Less than once in 15 years < 10% chance of occurring

Risk Matrix

Consequence Likelihood	Insignificant	Minor	Moderate	Major	Catastrophic
Almost Certain	M (5)	H (10)	H (15)	E (20)	E (25)
Likely	L (4)	M (8)	H (12)	H (16)	E (20)
Possible	L (3)	M (6)	M (9)	H (12)	H (15)
Unlikely	L (2)	L (4)	M (6)	M (8)	H (10)
Rare	L (1)	L (2)	L (4)	L (4)	M (5)

Risk Acceptance Criteria

	Description	Criteria	Responsibility
Low (L)	Acceptable	Acceptable with adequate controls, managed by routine procedures and subject to annual monitoring	Staff Member
Moderate (M)	Monitor	Acceptable with adequate controls, managed by specific procedures, subject to semi-annual monitoring	Senior Manager
High (H)	Urgent action	Acceptable with effective controls, managed by senior management, subject to monthly monitoring	Senior Manager
Extreme (E)	Unacceptable	Only acceptable with excellent controls and all treatment plans to be explored and implemented where possible, managed by the CEO and subject to continuous monitoring	CEO

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1. DECLARATION OF OPENING / ANNOUNCEMENT OF VISITORS

The Chairman declared the meeting open at 02.07pm

2. ACKNOWLEDGEMENT OF COUNTRY

We acknowledge the Willman Noongar people of this area and recognise their continuing connection to land, waters and community. We pay respect to Elders past, present and emerging.

3. ANNOUNCEMENTS BY THE PRESIDING MEMBER

Please turn your mobile phones to silent, any calls are to be taken outside of the Chambers. Thank you.

Shire President welcomes Jenny Borg to our Ordinary Council Meeting for the 16 October 2024. Staff and Council members introduced themselves to Jenny.

4. RECORD OF ATTENDANCE / APOLOGIES / APPROVED LEAVE OF ABSENCE

Members Present

Cr J McBurney	President
Cr P Wood	Deputy President
Cr C Cheney	
Cr B Hotham	
Cr P Narducci	
Cr A Trethewey	

Staff in Attendance

Mr A Dover	Chief Executive Officer
Mr M Hudson	Executive Manager Works
Ms Z Macdonald	Executive Manager Corporate Services
Mrs S Nyssen	Governance and Executive Officer

Apologies

Cr K Singh

Members of the Public

Jenny Borg

5. RESPONSE TO PREVIOUS PUBLIC QUESTIONS TAKEN ON NOTICE

Nil.

6. PUBLIC QUESTION TIME

Please see Public Question Time Information on page 3.

Jenny Borg addresses Council and apologises for not submitting her questions to Council earlier. Jenny presents the following questions to Council.

Questions 1: What updates can council provide about maintenance to my residential road, Aviation Street. Concerned about the current condition of the road and flooding. I have placed a works request with the Shire previously.

Response: The Shire will look at your concern regarding Aviation Street. Reassurance that it has previously been reviewed twice in recent times to discuss funding for the river crossing and for the fire mitigation aspect. The CEO and EMW will revisit the road as requested.

7. APPLICATIONS FOR LEAVE OF ABSENCE

Nil.

8. DISCLOSURES OF INTEREST

Nil.

9. CONFIRMATION OF MINUTES OF PREVIOUS MEETINGS

9.1. Confirmation of Minutes of Previous Meetings - 18 September 2024

13480 Cr Peter Narducci moved, Deputy Peter Wood seconded	
Voting Requirements: Simple Majority required	
Recommendation:	
That the Minutes of the Ordinary Meeting of the Council of the Shire of Pingelly held in the Council Chambers on 18 September 2024 be confirmed.	
Carried Unanimously 6 votes to 0	
For:	President Jackie McBurney, Deputy Peter Wood, Cr Bryan Hotham, Cr Clinton Cheney, Cr Peter Narducci and Cr Angela Tretheway
Against:	Nil

9.2. Confirmation of Minutes of Previous Meetings - 25 September 2024

13481 Deputy Peter Wood moved, Cr Angela Tretheway seconded	
Voting Requirements: Simple Majority required	
Recommendation:	
That the Minutes of the Special Meeting of the Council of the Shire of Pingelly held in the Council Chambers on 25 September 2024 be confirmed.	
Carried Unanimously 6 votes to 0	
For:	President Jackie McBurney, Deputy Peter Wood, Cr Bryan Hotham, Cr Clinton Cheney, Cr Peter Narducci and Cr Angela Tretheway
Against:	Nil

10. PETITIONS / DEPUTATIONS / PRESENTATIONS / SUBMISSIONS

Nil.

11. ITEMS BROUGHT FORWARD DUE TO PERSONS ATTENDING

Nil.

12. REPORTS OF COMMITTEES

12.1. Reports of Committees of Council

- Audit & Risk Committee Full Council
- Bush Fire Advisory Committee Member – Cr Narducci
Deputy – Cr Hotham
- CEO Performance Review Committee Member – Shire President
Member – Deputy President
Member – Cr Cheney
Member – Cr Hotham

12.2. Reports of Council Delegates on External Committee

- Central Country Zone of WALGA Delegate – Shire President
Delegate – Deputy President
- Hotham-Dale Regional Road Sub-Group Delegate – Shire President
Deputy – Deputy President
- Pingelly Recreation & Cultural Centre Board Member – Shire President
- Development Assessment Panel Delegate – Shire President
Delegate – Cr Narducci
Deputy – Cr Hotham
Deputy – Cr Singh
- Pingelly Tourism Group Delegate – Cr Singh
Deputy – Cr Narducci
- Shires of Pingelly and Wandering Joint Delegate – Shire President
Local Emergency Management Committee Delegate – Deputy President
Deputy – Cr Cheney
- Pingelly Youth Network Delegate – Cr Narducci
Delegate – Cr Cheney
Deputy – Shire President
- Pingelly Early Years Network Delegate – Shire President
Deputy – Cr Trethewey
- Pingelly Community Wellbeing Plan Working Group Delegate – Shire President
Deputy – Cr Narducci
- Pingelly Museum and Historical Group Delegate – Cr Hotham
Deputy – Cr Singh
Deputy – Cr Trethewey

13. REPORTS OF COUNCILLORS

13.1. Reports of President

SEPTEMBER

21st Brookton Pingelly Football Club Senior Presentations

25th President Deputy CEO Regular Meeting

25th PRACC Board Meeting

26th Planting Day with Caravan Park Association barbecue

28th FAM Festival

30th Lunch at UWA Farm, Ridgefield with Governor, Chris Dawson, and Mrs. Dawson

OCTOBER

2nd PRACC Strategic planning meeting

2nd BFACC meeting

4th Wheatbelt South Regional Road Group Meeting in Wickopin

8th – 10th WALGA Local Government Convention

10th Meeting with REED at the Convention

16th PRACC Strategic planning meeting

16th Council Corporate Discussion and Ordinary Council Meeting

13.2. Memorials

The Chairman to ask Councillors if there are any memorials or commemorations to be noted in the minutes.

Council send their condolences to the family, friends and neighbour's of Mr. Kenneth Aberdeen. Mr. Kenneth Aberdeen was a well known and respected farmer on Pingelly - Wandering road. Mr. Aberdeen passed away peacefully on the 23 August 2024, at the age of 96.

13.3. Celebrations

The chairman to ask Councillors if there are any celebrations or commemorations to be noted in the minutes.

- The Shire President extends a big thanks to Amy Rankin, the Events Coordinator, and the hardworking staff at the Shire of Pingelly for their efforts in organising the FAM Festival. Large events like this take an enormous amount of work to bring together, and we're lucky to have such a dedicated team who go above and beyond to make these events happen.
- Shire Present thanks staff for the new 'highlight' section in the Councillor Information Booklet.
- Emma Eva acknowledged for her impressive art nomination. Emma won the Cuby-Fest Art Competition for its category. Emma's artwork has now been nominated for the Showcase By Pixels. This is now open to vote for in the peoples choice awards.

Deputy Cr Peter Wood leaves the Council Chambers at 02.53pm.

Deputy Cr Peter Wood returns to Council Chambers at 02.57pm.

14. OFFICE OF THE CHIEF EXECUTIVE OFFICER

14.1. Council Policy 10.20 Elected Member and Employee Assistance Policy

File Reference:	ADM0714
Location:	Not Applicable
Applicant:	Not Applicable
Author:	Chief Executive Officer
Disclosure of Interest:	Nil
Attachments:	1. Elected Member and Employee Assistance Policy [14.1.1 - 2 pages]
Previous Reference:	Nil

Summary

For Council to consider a Council policy for Elected Member and Employee Assistance.

Background

Historically LGIS (Local Government Insurance Scheme) have provided an EAP (Employee Assistance Program) to Shire staff. This program offered free and confidential assessments, short-term counseling, referrals, and follow-up services to employees who have personal and/or work-related problems. These services were provided online. This program was until recently included as part of the overall package provided by LGIS. However, this now has become an optional extra, providing the opportunity for the Shire to seek alternative providers and options.

Providing an EAP is standard practice for Local, State and Federal governments. An EAP assists employees at all levels of an organisation to better deal with personal, family and work-related concerns which may impact on their work life and job performance.

Comment

Most larger EAP providers operate mainly online, while the smaller providers rely on a smaller number of counsellors for a wide range of issues. In addition, the EAP providers charge both for the availability of the service regardless of use and also the provision of the service.

It is anticipated that uptake of the EAP service would be greater if the elected members and employees could choose their own provider. The draft Elected Member and Employee Assistance Policy proposes to allow elected members and employees to select their own counsellor which will specialise in their area of need or a counsellor which whom they feel comfortable. The elected member/employee will provide the policy and form to their selected counsellor and the counsellor will bill the Shire confidentiality.

In addition, payment will only be made to Councillors when the service is used.

Consultation

Consultation was conducted with Elected Members and Employees.

Statutory Environment

There is no legislation associated with this report.

Policy Implications

There are no policy implications associated with this report.

Financial Implications

There are no financial implications evident at this time.

Strategic Implications

Business as usual.

Risk Implications

Risk:	It is now the employee’s expectation that an EAP is provided. The EAP can assist employees to better deal with a wide variety of concerns, including those which may impact their work.		
Consequence Theme:	Reputational	Impact:	Minor
Consequence:	Low impact, a small number of complaints		
Likelihood Rating:	Unlikely	Risk Matrix:	Low (4)
Action Plan:	Implement a policy or engage an EAP provider.		

13482 Cr Peter Narducci moved, Cr Bryan Hotham seconded

Voting Requirements:
Simple Majority required

Officers Recommendation:

That Council adopt the Elected Member and Employee Assistance Policy as attached.

Carried Unanimously 6 votes to 0

For:	President Jackie McBurney, Deputy Peter Wood, Cr Bryan Hotham, Cr Clinton Cheney, Cr Peter Narducci and Cr Angela Tretheway
Against:	Nil



Council Policy

10.20 Elected Member and Employee Assistance Policy

1. PURPOSE

- 1.1 To provide Elected Members/Employees with support services (EAP) to promote their personal well-being.

2. SCOPE

- 2.1 This Policy relates to all Shire of Pingelly Councillors and employees.

3. DEFINITIONS

- 3.1 Qualified Counsellor means a person with relevant qualifications in counselling and/or a member of the Australian Counselling Association/Psychotherapy and Counselling Federation of Australia and also have a valid ABN for a counselling business.

4. POLICY STATEMENT

- 4.1 Each Elected Member/Employee is eligible for up to 4 hours of confidential counselling services by a qualified counsellor free of charge each financial year.
- 4.2 Each Elected Member/Employee is eligible for up to 4 additional hours of confidential counselling services if requested in writing by the counsellor. This request should not disclose any personal identifiable information about the Councillor or employee.
- 4.3 Counselling costs are capped at \$200 per hour.
- 4.4 Counselling may be for any reason, whether work-related or personal.
- 4.5 Counselling services are intended for Elected Member/Employee's only.
- 4.6 Elected Members and Employees may attend the counsellor of their choice, provided the counsellor meets the qualifications outlined in Section 3.1.
- 4.7 Elected Members/Employees should present the counsellor with the Elected Member/Employee Assistance Form. This form provides the counsellor with all the necessary information regarding the program.
- 4.8 Counsellors will submit the completed Elected Member/Employee Assistance Form and an accompanying invoice to the Shire. The invoice will be paid while retaining the confidentiality of the Elected Member/Employee.
- 4.9 Elected Member/Employee Assistance Forms are to be widely available for all Elected Members/Employees to access without requesting it.
- 4.10 All counselling services provided under this policy are strictly confidential. No information will be shared with the Shire of Pingelly without the express written consent of the Elected Member/Employee, except where required by law.

5. RELATED DOCUMENTATION / LEGISLATION

Nil.

6. REVIEW DETAILS

Review Frequency	Bi-Annually
Council Adoption	

Shire of Pingelly Elected Member/Employee Assistance Form

The Shire of Pingelly provides confidential counselling services to support the well-being of its Councillors and employees. This provided through the Councillor's/employee's preferred counsellor. Each person is eligible for up to 4 hours of free confidential counselling of a maximum of \$200 per hour, per financial year. Up to 4 additional hours may be requested if needed. Further information is provided at the Shire of Pingelly Policy Manual, 10.20 Support and Assistance Policy.

This form is a guarantee of payment. Please submit this form along with your invoice to the Shire of Pingelly at admin@pingelly.wa.gov.au

Counsellor Information

Name of Counsellor: _____

Qualifications: _____

Professional Association Membership: _____

ABN: _____

Counsellor Declaration

I declare that I provided an Elected Member/Employee of the Shire of Pingelly with 1 2 3 4 (please circle) hours of counselling.

Counsellor Signature: _____ Date: _____

Additional Hours Request (if applicable)

I request additional counselling hours for this client as per Section 4.2 of the policy.

Reason (no personal details): _____

Notes for Counsellors

1. This form should be submitted along with your invoice to the Shire of Pingelly.
2. Please ensure all fields are completed accurately.
3. Maintain client confidentiality at all times. Do not include any personally identifiable information about the client.
4. If requesting additional hours, please provide a brief, non-specific reason.
5. For any queries regarding this form or the Support and Assistance Policy, please contact admin@pingelly.wa.gov.au or 08 9887 1066.

(forms are numbered to prevent duplication) #100

14.2. Local Government Elections – Review of WALGA Advocacy Positions

File Reference:	ADM0088
Location:	Not Applicable
Applicant:	Not Applicable
Author:	Governance and Executive Officer
Disclosure of Interest:	Nil
Attachments:	1. WALGA InfoPage Elections Advocacy Positions V4 [14.2.1 - 5 pages]
Previous Reference:	Nil

Summary

This report reviews the Western Australian Local Government Association's (WALGA) current and proposed advocacy positions related to local government elections. The aim is to seek the Council's recommendation for WALGA's upcoming State Council Meeting in December 2024, following significant electoral reforms introduced by the local Government Amendment Act 2023.

The Council's decision will help shape WALGA's advocacy on critical electoral issues, such as voting methods, voter participation and the election of Mayor's and Presidents'.

Background

The *Local Government Amendment Act 2023* introduced a range of electoral reforms that came into effect prior to the 2023 Local Government ordinary elections. These reforms included:

- the introduction of Optional Preferential Voting (OPV);
- extending the election period to account for delays in postal services;
- changes to the publication of information about candidates;
- backfilling provisions for extraordinary vacancies after the 2023 election;
- public election of the Mayor or President for larger Local Governments;
- abolishing wards for smaller Local Governments; and
- aligning the size of councils with the size of populations of each Local Government (change to representation)

After the 2023 elections, WALGA conducted a review of five election cycles, focusing on postal elections managed by the WA Electoral Commission (WAEC). The report highlighted increasing costs and declining service quality. WALGA has asked the council to review and provide feedback on its advocacy positions to guide discussions at the State Council.

In response to requests from several Zones, WALGA undertook a comprehensive review and analysis of 5 ordinary election cycles up to and including the 2023 Local Government election against the backdrop of these legislative reforms. The review and report focused on postal elections conducted exclusively by the Western Australian Electoral Commission (WAEC), with the analysis finding evidence of the rising cost and a reduction in service of conducting Local Government elections in Western Australia.

Comment

The Elections Analysis Review and Report was presented to State Council 4 September 2024, with State Council supporting a review of WALGA's Local Government Elections Advocacy Positions.

WALGA is requesting Councils consider the current and alternative Elections Advocacy Positions and provide a response back to WALGA for the December 2024 State Council meeting. Council decisions are requested by Monday, 28 October 2024. Local Governments will also be able to provide feedback through the November round of Zone meetings.

WALGA has requested the following advocacy positions be considered by Councils:

1. PARTICIPATION
 - (a) The sector continues to support voluntary voting at Local Government elections.

OR

(b) The sector supports compulsory voting at Local Governments elections.

2. TERMS OF OFFICE

(a) The sector continues to support four-year terms with a two-year spill;

OR

(b) The sector supports four-year terms on an all in/all out basis.

3. VOTING METHODS

(a) The sector supports First Past the Post (FPTP) as the preferred voting method for general elections. If Optional Preferential Voting (OPV) remains as the primary method of voting, the sector supports the removal of the 'proportional' part of the voting method for general elections

(a)

(a) OR

(a)

(a) (b) The sector supports Optional Preferential Voting (OPV) as the preferred voting method for general elections.

(a)

4. INTERNAL ELECTIONS

(a) The sector supports First Past the Post (FPTP) as the preferred voting method for all internal elections.

OR

(b) The sector supports Optional Preferential Voting (OPV) as the preferred voting method for all internal elections.

5. VOTING ACCESSIBILITY

The sector supports the option to hold general elections through:

(c) Electronic voting; and/or

(c) Postal voting; and/or

(c) In-Person voting.

(c)

6. METHOD OF ELECTION OF MAYOR

The sector supports:

(c) As per the current legislation with no change – Class 1 and 2 local governments directly elect the Mayor or President (election by electors' method), with regulations preventing a change in this method.

(c) Return to previous legislated provisions – all classes of local governments can decide, by absolute majority, the method for electing their Mayor or President.

(c) Apply current provisions to all Bands of Local Governments – apply the election by electors' method to all classes of local governments.

In reviewing the current and proposed advocacy positions related to local government election framework, the following recommendations are proposed for consideration by council:

1. Participation:

2. The sector continues to support voluntary voting at Local Government elections. This approach encourages civic engagement while respecting individual choice.

3. Terms of Office:

4. The sector supports four-year terms with a two-year spill. This structure promotes stability and continuity in governance while allowing for regular opportunities for accountability.

5. Voting Methods:
6. The sector supports First Past the Post (FPTP) as the preferred voting method for general elections. Should Optional Preferential Voting (OPV) remain the primary method, it is recommended to remove the proportional aspect to simplify the process and enhance clarity for voters.
7. Internal Elections:
8. The sector supports First Past the Post (FPTP) as the preferred voting method for all internal elections. This method provides a straightforward and efficient approach to decision-making within local government bodies.
9. Voting Accessibility:
10. The sector supports the option to hold general elections through electronic voting, postal voting, and in-person voting. Offering multiple voting methods ensures inclusivity and accessibility for all constituents.
11. Method of Election of Mayor:
12. The sector supports returning to previous legislated provisions that allow all classes of local governments to decide, by absolute majority, the method for electing their Mayor or President. This flexibility enables local governments to tailor their electoral processes to best suit their communities.

These recommendations aim to enhance the democratic process, ensuring that local government elections are fair, accessible, and reflective of our community values. This also aligns with the current WALGA position statement. The recommendation to Council is to adopt these proposals as feedback to submit to WALGA for consideration.

Consultation

WALGA has undertaken extensive consultations with its Zones and member Councils, resulting in the proposed revisions to its Election Advocacy Positions. Councils are encouraged to review these provisions and submit formal feedback for consideration.

Statutory Environment

The Local Government Act 1995 and Local Government Amendment Act 2023 regulate the conduct of Local Government elections, including the introduction of OPV, changes to election periods, and other provisions that affect local electoral processes. WALGA's advocacy positions aim to influence future legislative amendments that could affect these statutory requirements.

Policy Implications

The review and feedback on WALGA's advocacy positions could shape future policy decisions related to local government election processes, including voting methods, terms of office, and the methods for electing Mayor's or Presidents.

Financial Implications

There are no financial implications evident at this time.

Strategic Implications

Business as usual.

Risk Implications

Risk:	Failure to provide input on WALGA’s advocacy positions may result in missed opportunities to influence legislative and procedural changes.		
Consequence Theme:	Possible	Impact:	Medium (6)
Consequence:	Changes in voting methods and election of Mayor’s/Presidents could create governance risks if not carefully considered.		
Likelihood Rating:	Unlikely	Risk Matrix:	Low (4)
Action Plan:	Provide feedback to WALGA by Monday, 28 October 2024, for the December 2024 State Council meeting.		

13483 Cr Angela Tretheway moved, Cr Bryan Hotham seconded

Voting Requirements:

Simple Majority required

Officers Recommendation:

The Shire of Pingelly recommends that WALGA adopt the following Local Government Election Advocacy Positions:

1. **Participation:** Council supports voluntary voting at local government elections;
2. **Terms of Office:** Council supports four-year terms with two-year spill;
3. **Voting Methods:** Council supports First Past the Post Voting for general local government elections;
4. **Internal Elections:** Council supports First Past the Post for internal elections;
5. **Voting Accessibility:** Council supports the option for elections to be held through electronic and/or postal, and/or in-person voting; and
6. **Method of Election of Mayor:** Council supports returning to the previous provisions where all Local Governments decide by absolute majority decision.

Carried Unanimously 6 votes to 0

For:	President Jackie McBurney, Deputy Peter Wood, Cr Bryan Hotham, Cr Clinton Cheney, Cr Peter Narducci and Cr Angela Tretheway
Against:	Nil



Template Agenda Item:

LOCAL GOVERNMENT ELECTIONS – REVIEW OF WALGA ADVOCACY POSITIONS

Background

The *Local Government Amendment Act 2023* introduced a range of electoral reforms that came into effect prior to the 2023 Local Government ordinary elections:

- the introduction of Optional Preferential Voting (OPV);
- extending the election period to account for delays in postal services;
- changes to the publication of information about candidates;
- backfilling provisions for extraordinary vacancies after the 2023 election;
- public election of the Mayor or President for larger Local Governments;
- abolishing wards for smaller Local Governments; and
- aligning the size of councils with the size of populations of each Local Government (change to representation)

Following requests from several Zone’s, WALGA undertook a comprehensive review and analysis of 5 ordinary election cycles up to and including the 2023 Local Government election against the backdrop of these legislative reforms. The review and report focused on postal elections conducted exclusively by the Western Australian Electoral Commission (WAEC), with the analysis finding evidence of the rising cost and a reduction in service of conducting Local Government elections in Western Australia.

Comment

The Elections Analysis Review and Report was presented to State Council 4 September 2024, with State Council supporting a review of WALGA’s Local Government Elections Advocacy Positions.

WALGA is requesting Councils consider the current and alternative Elections Advocacy Positions and provide a response back to WALGA for the December 2024 State Council meeting.

WALGA State Council current advocacy positions:

The following is a summary of WALGA’s current Advocacy Positions in relation to Local Government Elections:

2.5.15 ELECTIONS

Position Statement	<p>The Local Government sector supports:</p> <ol style="list-style-type: none">1. Four year terms with a two year spill2. Greater participation in Local Government elections3. The option to hold elections through:<ul style="list-style-type: none">• Online voting• Postal voting, and• In-person voting4. Voting at Local Government elections to be voluntary5. The first past the post method of counting votes <p>The Local Government sector opposes the introduction of preferential voting, however if ‘first past the post’ voting is not retained then optional preferential voting is preferred.</p>
Background	<p>The first past the post (FPTP) method is simple, allows an expression of the electorate’s wishes and does not encourage tickets and alliances to be formed to allocate preferences.</p>
State Council Resolution	<p>February 2022 – 312.1/2022</p>

Last Updated: 4 September 2024



December 2020 – 142.6/2020

March 2019 – 06.3/2019

December 2017 – 121.6/2017

October 2008 – 427.5/2008

Supporting Documents

[Advocacy Positions for a New Local Government Act](#)

[WALGA submission: Local Government Reform Proposal \(February 2022\)](#)

2.5.16 METHOD OF ELECTION OF MAYOR

Position Statement

Local Governments should determine whether their Mayor or President will be elected by the Council or elected by the community.

State Council Resolution

February 2022 – 312.1/2022

March 2019 – 06.3/2019

December 2017 – 121.6/2017

2.5.18 CONDUCT OF POSTAL ELECTIONS

Position Statement

The *Local Government Act 1995* should be amended to allow the Australian Electoral Commission (AEC) and any other third party provider including Local Governments to conduct postal elections.

Background

Currently, the WAEC has a legislatively enshrined monopoly on the conduct of postal elections that has not been tested by the market.

State Council Resolution

May 2023 – 452.2/2023

March 2019 – 06.3/2019

December 2017 – 121.6/2017

March 2012 – 24.2/2012



WALGA has requested the following advocacy positions be considered by Councils:

1. PARTICIPATION

(a) The sector continues to support voluntary voting at Local Government elections.

OR

(b) The sector supports compulsory voting at Local Governments elections.

2. TERMS OF OFFICE

(a) The sector continues to support four-year terms with a two year spill;

OR

(b) The sector supports four-year terms on an all in/all out basis.

3. VOTING METHODS

(a) The sector supports First Past the Post (FPTP) as the preferred voting method for general elections. If Optional Preferential Voting (OPV) remains as the primary method of voting, the sector supports the removal of the 'proportional' part of the voting method for general elections

OR

(b) The sector supports Optional Preferential Voting (OPV) as the preferred voting method for general elections.

4. INTERNAL ELECTIONS

(a) The sector supports First Past the Post (FPTP) as the preferred voting method for all internal elections.

OR

(b) The sector supports Optional Preferential Voting (OPV) as the preferred voting method for all internal elections.

5. VOTING ACCESSIBILITY

The sector supports the option to hold general elections through:

(a) Electronic voting; and/or

(b) Postal voting; and/or

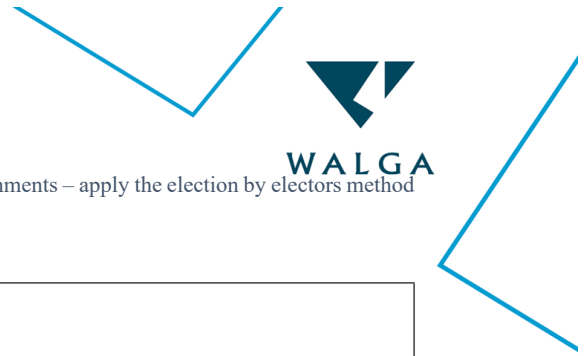
(c) In-Person voting.

6. METHOD OF ELECTION OF MAYOR

The sector supports:

(a) As per the current legislation with no change – Class 1 and 2 local governments directly elect the Mayor or President (election by electors method), with regulations preventing a change in this method.

(b) Return to previous legislated provisions – all classes of local governments can decide, by absolute majority, the method for electing their Mayor or President.



- (c) Apply current provisions to all Bands of Local Governments – apply the election by electors method to all classes of local governments.

RECOMMENDATION

That the Shire/Town/City of XX recommends that WALGA adopt the following Local Government Election Advocacy Positions:

- 1. PARTICIPATION – Council support advocacy position XX**
- 2. TERMS OF OFFICE - Council support advocacy position XX**
- 3. VOTING METHODS - Council support advocacy position XX**
- 4. INTERNAL ELECTIONS - Council support advocacy position XX**
- 5. VOTING ACCESSIBILITY - Council support advocacy position XX**
- 6. METHOLD OF ELECTION OF MAYOR - Council support advocacy position XX**

14.3. Proposed Shire of Pingelly Save the Numbat Local Law 2024

File Reference:	ADM0103
Location:	Not Applicable
Applicant:	Not Applicable
Author:	Governance and Executive Officer
Disclosure of Interest:	Nil
Attachments:	<ol style="list-style-type: none">1. Save the Numbats Local Law 2024 [14.3.1 - 1 page]2. Shire of Pingelly- JSCDL Letter [14.3.2 - 5 pages]3. Shire of Narrogin - Cats- Local- Law-2016-(consolidated-6-January-2022) [14.3.3 - 12 pages]
Previous Reference:	Nil

Summary

Council is requested to make the Shire of Pingelly Cat Local Law 2023 in line with neighbouring local governments and community consultation undertaken to date.

Background

Pet cats kill approximately 186 animals per year on average, including 110 native animals (40 reptiles, 38 birds and 32 mammals). This average includes pet cats which are contained. On average, an individual feral cat in the bush kills 748 reptiles, birds and mammals a year. Many of these animals are native animals. Foxes and cats killed more than 2.6 billion animals in Australia each year – Source www.abc.net.au/news/science/2022-03-16/cats-foxes-feralpests-native-wildlife/100902790

In Western Australia, 36 mammals, 22 bird and 11 reptile species are vulnerable to predation by both feral and pet cats and a wide range of other native animals are also adversely affected by cats. Australia-wide, cats have played a major role in the extinction of at least 27 mammal species and at present endanger 147 Australian mammals, birds, reptiles and frogs. Feral cats are recognised by the Environment and Invasives Committee as an extreme threat category for Australia (the highest threat).

The Cat Act 2011 requires cats to be desexed, microchipped and registered. In addition, it provides that a Cat Local Law may be made. Adjacent local governments including the Shires of Cuballing, Narrogin and Boddington have made a local law which has effect within their local government areas. These local laws combined with feral cat control have demonstrated an impact, as numbat numbers within Dryandra National Park have rebounded in recent years. However, it is estimated that there are fewer than 1,000 numbats left in the wild.

At the Ordinary Council Meeting of 19 July 2023, Council resolved the following:

That with respect to the draft Shire of Pingelly Cat Local Law 2023, Council, request the Chief Executive Officer to:

1. Modify the proposed Local Law to prohibit cats from public places unless under effective control;
2. Pursuant to section 3.12 (2) and (3) of the Local Government Act 1995, and all other legislation enabling it, give State wide and local public notice, inviting submissions during a minimum 6-week time frame, that it intends to make the following Shire of Pingelly Cat Local Law 2023:

Purpose – to encourage responsible cat ownership and to provide for the effective management of cats within the Shire of Pingelly.

Effect – ensure that persons who own or keep a cat within the Shire of Pingelly are to comply with the provisions of this local law.

3. Provide copies, in accordance with section 3.12 (3) of the Local Government Act 1995, to the Minister Local Government and any other person requesting it, of the proposed Local Law.

Following wide public consultation, At the Ordinary Council Meeting of 21 February 2024, Council resolved the following:

That Council:

1. Resolves to make the Shire of Pingelly Cat Local Law 2024, incorporating amendments arising from the advice of the Department of Local Government as per the attached document.
 2. Authorise the President and CEO to sign and affix the Common Seal to the Local Law;
 3. Authorise the CEO to –
 - a. Publish the Local Law in the Government Gazette and provide copies of the local law to the Minister for Local Government; and
 - b. Forward a copy of the Gazetted Local Law, explanatory memoranda and associated documentation to the Parliamentary Joint Standing Committee on Delegated Legislation for review.
- These actions have been completed.

The Parliamentary Joint Standing Committee on Delegated Legislation have now considered the gazetted local law and have determined that the modifications made at the request of the Department of Local Government were significant in nature so that the process should be recommenced. The Committee have requested undertakings by Council that this local law will not be enforced and that it will be repealed and replaced within 6 months.

Comment

The consultation undertaken indicated that the vast majority of ratepayers within the Shire of Pingelly support a Cat local law, including the containment of cats to their owner's property. The recommended process to achieve this is by adopting another local law by reference. This is possible under Clause 82 of the *Cat Act 2011* and Clause 3.8 of the *Local Government Act 1995*. It is highly possible that the Department of Local Government will recommend that these containment clauses are removed. It is also highly possible that the Parliamentary Joint Standing Committee on Delegated Legislation will request undertakings that such a local law is not enforced and that it will be repealed and replaced. However, considering the precedent set by the Shires of Narrogin and Northam which both have containment clauses within their local laws and the importance of this local law to the native fauna, officers recommend that a local law is made which includes a containment clause.

The local law is proposed to have the following effects:

- Cats not to create a nuisance.
- Prohibit cats public places
- Restrict the number of cats to 2 per property

This is in keeping with the feedback from the consultation undertaken.

Consultation

For consultation

Statutory Environment

Section 79(3) of the *Cat Act 2011* provides that a Cat Local Law may be made as to one or more of the following:

- a. the registration of cats;
- b. removing and impounding cats;
- c. keeping, transferring and disposing of cats kept at cat management facilities;
- d. the humane destruction of cats;
- 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;
- h. limiting the number of cats that may be kept at premises, or premises of a particular type;
- i. the establishment, maintenance, licensing, regulation, construction, use, record keeping and inspection of cat management facilities;
- j. the regulation of approved cat breeders, including record keeping and inspection;
- k. fees and charges payable in respect of any matter under this Act.

Policy Implications

There are no policy implications associated with this report.

Financial Implications

There are no financial implications evident at this time.

Strategic Implications

4.1 Sustainably manage local lands, waters and ecosystems.

4.2 Encourage the adoption of sustainable practices.

Risk Implications

Risk:	Reputational risk is not adopting a local law following feedback from the community		
Consequence Theme:	Reputational	Impact:	Moderate
Consequence:	Public embarrassment, moderate impact, low or moderate news profile		
Likelihood Rating:	Possible	Risk Matrix:	Moderate (9)
Action Plan:	Repeal the Shire of Pingelly Cat Local Law 2024 and make a fresh local law within 6 months of this resolution		

13484 Cr Peter Narducci moved, Cr Bryan Hotham seconded

Voting Requirements:

Absolute Majority required

Officers Recommendation:

That Council:

1. Undertakes:

- a. To repeal the *Shire of Pingelly Cat Local Law 2024* and make a fresh local law within 6 months of this resolution
- b. Not to enforce the *Shire of Pingelly Cat Local Law 2024*
- c. To Display these undertakings wherever the Shire of Pingelly Local Law 2024 is displayed

2. Pursuant to section 3.12(2) and (3) of the Local Government Act 1995, and all other legislation enabling it, give Statewide and local public notice, inviting submissions during a minimum 6-week time frame, that intends to make the following *Shire of Pingelly Save the Numbat Local Law 2024*:

Purpose – to encourage responsible cat ownership and to provide for the effective management of cats within the Shire of Pingelly.

Effect – ensure that persons who own or keep a cat within the Shire of Pingelly are to comply with the provisions of this local law.

3. Provide copies, in accordance with section 3.12 (3) of the Local Government Act 1995, to the Minister for Local Government and any other person requesting it, of the proposed Local Law.

Carried Unanimously 6 votes to 0

For:	President Jackie McBurney, Deputy Peter Wood, Cr Bryan Hotham, Cr Clinton Cheney, Cr Peter Narducci and Cr Angela Tretheway
Against:	Nil

CAT ACT 2011

LOCAL GOVERNMENT ACT 1995

Shire of Pingelly

SAVE THE NUMBATS LOCAL LAW 2024

Under the power conferred under Clause 82 of the Cat Act 2011, Clause 3.8 of the Local Government Act 1995 and all other powers enabling it, the Council of the Shire of Pingelly hereby records having resolved on DATE to adopt the following local law –

The Shire of Narrogin Cats Local Law 2016 as published in the *Government Gazette* No.144 on 8 September 2017 and as subsequently amended in the *Government Gazette* No.1 of 6 January 2022, is adopted as a local law of the Shire of Pingelly, with the following modifications –

1. Preliminary

Wherever the “Shire of Narrogin” is mentioned in the local law, substitute the “Shire of Pingelly”.

2. Clause 1.2 Commencement

Add the words "and Repeal" to the title of this clause and add the sentence “This local law repeals the Shire of Pingelly Cats Local Law 2024.”

3. Clause 2.1 Impounded cats

Delete sub-clauses 2.1(2), 2.1(3), and 2.1(4) and renumber the subsequent clauses and sub-clauses accordingly, including references to other clauses and sub-clauses throughout the local law.

4. Clause 3.2 Limitation on the number of cats

Replace sub-clause 3.2(2) with “No more than 2 cats may be kept on any premises for the purpose of regulation 6 of the *Cat (Uniform Local Provisions) Regulations 2013*”.

5. Clause 3.3 Cats for which a permit is required

Replace sub-clauses 3.3(a) and 3.3(b) with “keep more than 2 cats over the age of 6 months and the young of those cats under that age” and reletter sub-clauses 3.3(c) and 3.3(d) accordingly including references to these clauses throughout the local law.

Dated this DATE.

The Common Seal of the Shire of Pingelly was affixed in the presence of—

JOINT STANDING COMMITTEE ON DELEGATED LEGISLATION



Your ref: ADM0103
Our ref: A1097753 and 4167:16

14 August 2024

Cr Jackie McBurney
President
Shire of Pingelly
17 Queen Street
Pingelly WA 6308

crmcburney@pingelly.wa.gov.au

Dear President

Shire of Pingelly Cats Local Law 2024

Thank you for the Explanatory Memorandum for this local law, which the Committee considered at its meeting today. The Committee resolved to write to you about the following matters.

Compliance with section 3.12(4) of the *Local Government Act 1995*

When scrutinising local laws, the Committee inquires whether a local law is within power (Committee Term of Reference 10.6(a)).

Section 3.12(4) of the *Local Government Act 1995* (Act) provides:

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.*

An adopted local law must not be significantly different from that proposed. Otherwise, it is invalid and the local law-making process must be undertaken again. Section 3.13 of the Act states:

Procedure where significant change in proposal

If during the procedure for making a proposed local law the local government decides to make a local law that would be significantly different from what it first proposed, the local government is to recommence the procedure.

A comparison of the proposed and adopted local laws reveals the following clauses where changes were made.

Cats in prohibited areas

Clause 2.2(1) of the proposed local law stated:

Cats in prohibited areas

- (1) A cat shall not be in an area defined as bushland, regardless of land ownership or management, greater than 5,000m².

The term 'bushland' was defined in clause 1.4 as:

uncultivated land that is covered with trees, shrubs, or other natural vegetation whether native or not;

By virtue of clause 2.2(2) of the proposed local law, a contravention of clause 2.2(1) was an offence which attracted a modified penalty of \$250.

The adopted local law regulates cat prohibited areas differently. It states in clause 2.2(1):

Cats in prohibited areas

- (1) A cat must not be in any cat prohibited area as listed on Schedule 3.

Schedule 3 contains a list of 126 properties where cats are prohibited absolutely.

The definition of 'bushland' is not included in the adopted local law.

The Committee is of the view these changes made the adopted local law significantly different from the proposed local law that was publicly advertised, in breach of section 3.12(4) of the Act. Cat prohibited areas form a significant and integral part of the local law. This is because cat prohibited areas are a key method for managing cats under the *Cat Act 2011*. Further, prohibition of cats from public places has received significant media and other public commentary. Shire residents were not consulted on the change to cat prohibited areas prior to the adoption of the local law.

Accordingly, changing cat prohibited areas from bushland greater than 5000m² in the proposed local law to a list of properties in Schedule 3 of the adopted local law makes it 'significantly different'. It breaches sections 3.12(4) and 3.13 of the Act and infringes Term of Reference 10.6(a).

Typographical errors

Clause 3.10 – Duration of a permit

There is a grammatical error in clause 3.10(a). It states:

Duration of a permit

Unless otherwise specified in a condition on a permit, a permit commences on the date of issue and expires—

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

The grammar in clause 3.10(a) should be corrected.

Schedule 2, item 3

There is an unnecessary full stop after the word 'Cat' in item 3 of Schedule 2.

Schedule 3, clause reference

Schedule 3 lists areas where cats are prohibited absolutely. The clause reference in the heading to Schedule 3 is to clause 2.3(1) of the local law which deals with interference with cat traps. The correct reference is to clause 2.2(1) which deals with cats in prohibited areas.

The incorrect clause reference in Schedule 3 should be amended.

Undertakings

The Committee requests the following undertakings:

1. Within 6 months, repeal the local law and make a new local law, complying with all requirements in section 3.12 of the *Local Government Act 1995* which does not contain the typographical errors identified in clause 3.10(a), Schedule 2 and Schedule 3.
2. The local law will not be enforced in a manner contrary to undertaking 1.
3. All consequential amendments arising from undertaking 1 will be made.
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 undertakings.

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 Pingelly. This is because, pursuant to section 2.8(1)(d) of the Act, the 'Mayor or President speaks on behalf of the local government' to the Parliament of Western Australia.

Noting that your next Council meeting occurs on 18 September 2024, the Committee requests the undertakings be provided by **25 September 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.

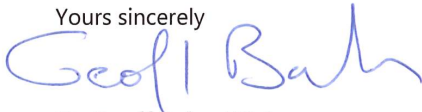
The reasons for giving notice are:

- 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.

Please provide your response by **25 September 2024**. If you have any queries in relation to this matter, please contact Ms Felicity Mackie, Advisory Officer (Legal) on 9222 7406 or at delleg@parliament.wa.gov.au

Yours sincerely



Mr Geoff Baker MLA
Chair

cc: Mike Hudson, Acting Chief Executive Officer – Executive Manager Works, mike.hudson@pingelly.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 Pingelly resolves to undertake to the Joint Standing Committee on Delegated Legislation that:

1. Within 6 months, repeal the local law and make a new local law, complying with all requirements in section 3.12 of the *Local Government Act 1995* which does not contain the typographical errors identified in clause 3.10(a), Schedule 2 and Schedule 3.
2. The local law will not be enforced in a manner contrary to undertaking 1.
3. All consequential amendments arising from undertaking 1 will be made.
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 undertakings.

**CAT ACT 2011
LOCAL GOVERNMENT ACT 1995**

SHIRE OF NARROGIN

CATS LOCAL LAW 2016

Consolidated to 6 January 2022

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- 6.1 Fees and charges
- 6.2 Giving of a notice
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PART 7 - ENFORCEMENT

This document is a consolidation for administrative use as required by the Local Government Act 1995 section 5.96A(1)(b), and is not to be relied on for legal purposes.

- 7.1 Offences
- 7.2 General penalty
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Schedule 1 – Application for a licence for cat management facility or cat breeder

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**CAT ACT 2011
LOCAL GOVERNMENT ACT 1995**

SHIRE OF NARROGIN

CATS LOCAL LAW 2016

Consolidated to 6 January 2022

Under the powers conferred by the *Cat Act 2011* and the *Local Government Act 1995* and by all other powers, the Council of the Shire of Narrogin 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 *Shire of Narrogin Cats Local Law 2016*.

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 means 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;

keeper in relation to a cat means any of the following persons –

- (a) the owner of the cat as defined in the Act;
- (b) a person by whom the cat is ordinarily kept;
- (c) a person who has or appears to have immediate custody or control of the cat;
- (d) a person who keeps the cat, or has the cat in her or his possession for the time being;
- (e) a permit holder of a permit which relates to the cat;
- (f) the holder of an exemption issued in relation to the cat;

local government means the Shire of Narrogin;

local planning scheme means a planning scheme of the local government made under the *Planning and Development Act 2005*;

local public notice has the meaning given to it by section 1.7 of the *Local Government Act 1995*;

nuisance means behaviour that includes where a cat –

- (a) excretes or urinates on premises being premises where the cat is not normally resident;
- (b) is, or is likely to be, injurious or dangerous to the health of any person or domestic or Australian indigenous animal;
- (c) creates a noise which persistently occurs or continues to a degree or extent which in the opinion of an authorised person, and has or could have a disturbing effect on the state of reasonable physical, mental, or social well-being of a person; or
- (d) is shown to be allowed to behave consistently in a manner contrary to the general interest of the community;

permit means a permit issued by the local government under clause 3.5 of this local law;

permit holder means a person who holds a valid permit granted under this local law;

pet shop means premises operating in compliance with the local planning scheme, from which a cat may be offered for sale;

premises includes the following –

- (a) land, whether or not vacant;
- (b) the whole or part of a building or structure whether of a permanent or temporary nature; and
- (c) a vehicle;

public place has the meaning given to it by section 3(1) of the Act;

RSPCA means the Royal Society for the Prevention of Cruelty to Animals (Inc) of Western Australia;

Schedule means a schedule to this local law; and

set fee means a fee determined by the local government in accordance with sections 6.16 to 6.19 of the *Local Government Act 1995*.

[Clause 1.4 amended by Government Gazette No.1 of 6 January 2022]

PART 2 - IMPOUNDING OF CATS

2.1 Impounded cats

- (1) The local government may determine from time to time –
 - (a) the times when a cat management facility will be open for the reception and release of cats; and
 - (b) times for the sale of cats from the cat management facility.
- (2) The local government is to keep a proper record of impounded cats.
- (3) The record is to contain the following information about each impounded cat –
 - (a) if known the breed and sex of the cat;
 - (b) the colour, distinguishing markings and features of the cat;
 - (c) if known, the name and address of the owner;
 - (d) the date and time of seizure and impounding;
 - (e) the name and address of the authorised person who impounded the cat and, if applicable, the person who delivered a cat for impounding;
 - (f) the reason for the impounding;
 - (g) a note of any order made by an authorised person relating to the cat; and
 - (h) the date of the sale, release or destruction of the cat.
- (4) The record is to be available for inspection by the public.

- (5) A person shall not –
- (a) unless the person is the owner of the cat management facility, or an authorised person, release or attempt to release a cat from a cat management facility;
 - (b) destroy, break into, damage or in any other way interfere with or render not cat proof a cat management facility; or
 - (c) destroy, break into, damage, or in any other way interfere with any container used for the purpose of catching, holding or conveying cats which have been seized.
- (6) A cat must not be released to a person until the person obtains the necessary permit or the cat is registered where –
- (a) a person wishes to reclaim a cat within the period stated in a notice of impounding; and
 - (b) a permit is required for the keeping of the cat, but the person does not have the necessary permit and/or the cat is not registered.

PART 3 - KEEPING OF CATS

3.1 Keeping of cats in non-residential zones

The keeping of cats is not permitted on a commercial or industrial lot unless –

- (a) the lot is associated with an occupied attached residence or caretaker's residence; or
- (b) the lot is an approved cat management facility.

3.2 Limitation on the number of cats

- (1) This clause does not apply to premises which have been –
- (a) licenced under Part 4 of this local law as an approved cat breeder or cat management facility; or
 - (b) granted an exemption under regulation 7 of the *Cat (Uniform Local Provisions) Regulations 2013*.
- (2) The standard number of cats which may be kept on any premises is, for the purpose of regulation 6 of the *Cat (Uniform Local Provisions) Regulations 2013* –
- (a) 2 cats over the age of 6 months and the young of those cats under that age if the premises are zoned other than for the purposes of general agriculture under a local planning scheme; or
 - (b) 4 cats over the age of 6 months and the young of those cats under that age if the premises are zoned for the purposes of general agriculture under a local planning scheme.

3.3 Cats for which a permit is required

Subject to clause 3.4 an occupier is required to have a permit to –

- (a) keep more than 2 cats over the age of 6 months and the young of those cats under that age if the premises are zoned other than for the purposes of general agriculture under a local planning scheme;
- (b) keep more than 4 cats over the age of 6 months and the young of those cats under that age if the premises are zoned for the purposes of general agriculture under a local planning scheme;
- (c) use any premises as a cat management facility; or
- (d) be an approved cat breeder.

3.4 Permits not required

A permit is not required under clause 3.3 if the premises concerned are –

- (a) a cat management facility which has been approved by the local government;
- (b) a veterinary surgery;
- (c) a pet shop;
- (d) premises with 2 or less cats; or
- (e) the subject of an exemption granted by the local government.

3.5 Application for permit

An application for a permit under clause 3.3 shall be –

- (a) made by an occupier of the premises where the cats are to be kept;

- (b) if for a cat management facility, in the form of Schedule 1 and accompanied by the plans of the premises to which the application relates;
- (c) if for a cat breeder, in the form of Schedule 1;
- (d) accompanied by the consent in writing of the owner of the premises, where the occupier is not the premises to which the application relates; and
- (e) accompanied by the set fee.

3.6 Decision on application

- (1) The local government may, upon payment of the set fee –
 - (a) approve an application for a permit subject to the conditions outlined in clauses 4.1, 4.2, 4.3 or 4.4 (as applicable); or
 - (b) refuse to approve an application for a permit.
- (2) If the local government approves an application under subclause (1), then it shall issue to the applicant approval in writing.
- (3) If the local government refuses to approve an application under subclause (1), then it is to advise the applicant accordingly in writing.

3.7 Factors relevant to determination of application

- (1) In determining an application for a permit the local government may have regard to –
 - (a) the physical suitability of the premises for the proposed use;
 - (b) the suitability of the local planning scheme zoning of the premises for the proposed use;
 - (c) the environmental sensitivity and general nature of the location surrounding the premises for the proposed use;
 - (d) the structural suitability of any enclosure in which any cat is to be kept;
 - (e) the likelihood of a cat causing nuisance, inconvenience, or annoyance to the occupiers of adjoining land;
 - (f) the likely effect on the amenity of the surrounding area of the proposed use;
 - (g) the likely effect on the local environment including any pollution or other environmental damage which may be caused by the proposed use;
 - (h) any submissions received under subclause (2) within the time specified; and
 - (i) such other factors which the local government may consider to be relevant in the circumstances of the particular case.
- (2) The local government may require an applicant to –
 - (a) consult with adjoining landowners;
 - (b) advise the adjoining landowners that they may make submissions to the local government on the application for the permit within 14 days of receiving that advice, before determining the application for the permit; and
 - (c) give local public notice of the proposal.

3.8 Cats creating a nuisance

- (1) The keeper of a cat shall not allow a cat to create a nuisance.
- (2) Where, in the opinion of an authorised person, a cat is creating a nuisance, an authorised person may give written notice to the keeper of the cat requiring that person to abate the nuisance.
- (3) When a nuisance has occurred and a notice to abate the nuisance is given, the notice remains in force for the period specified by an authorised person on the notice or until the notice is withdrawn by an authorised person.
- (4) A person given a notice to abate the nuisance shall comply with the notice within the period specified in the notice.

[Clause 3.8 amended by Government Gazette No. 1 of 6 January 2022]

3.9 Cats in temporarily vacant premises

The keeper of a cat shall not leave a cat on premises while the premises are temporarily vacant, without daily arrangements for the care and welfare of the cat.

PART 4 - PERMITS FOR KEEPING OF CATS

4.1 Conditions applicable to all permits

- (1) Every permit is issued subject to the following conditions –
 - (a) each cat kept on the premises to which the permit relates shall be registered under the Act;
 - (b) each cat shall be contained on the premises unless under the effective control of a person;
 - (c) the permit holder will provide adequate space for the exercise of the cats;
 - (d) the premises shall be maintained in good order and in a clean and sanitary condition; and
 - (e) such other conditions, as the local government considers appropriate.
- (2) In addition to the conditions subject to which a permit is to be issued under subclause (1), a permit may be issued subject to other conditions, as the local government considers appropriate.

4.2 Additional conditions for other than cat management facility

Where an application to keep more than 2 cats is approved under clause 3.6 for other than a cat management facility, the following conditions apply –

- (a) compliance with clause 4.1;
- (b) in the case of a multiple dwelling, where there is no suitable dividing fence, the written consent to the application for a permit of the occupier of the adjoining multiple dwellings has been obtained; and
- (c) without the consent of the local government, the permit holder will not substitute or replace any cat once that cat –
 - (i) dies; or
 - (ii) is permanently removed from the premises.

4.3 Additional conditions for cat management facility

- (1) Where the local government approves an application under clause 3.6 for a cat management facility, the following conditions apply –
 - (a) compliance with clause 4.1; and
 - (b) compliance with Schedule 2.
- (2) In respect of a particular application for a permit, the local government may vary any of the conditions contained in Schedule 2.
- (3) A cat management facility may be inspected by an authorised person to ensure compliance with the conditions of the permit.

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*.

4.4A Variation of permit conditions

An authorised person may vary the conditions of a permit by giving not less than 14 days notice.

[Clause 4.4A inserted by Government Gazette No. 1 of 6 January 2022]

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.

7.3 Modified penalties

- (1) An offence against a clause specified in Schedule 3 is a prescribed offence for the purposes of section 84 of the Act.
- (2) The amount of the modified penalty for a prescribed offence is set out in the fourth column adjacent to the clause in Schedule 3.

7.4 Issue of infringement notice

Where an authorised person has reason to believe that a person has committed an offence in respect of which a modified penalty may be imposed, he or she may issue to that person a notice in the form of Form 6 of the Schedule 1 of the *Cat Regulations 2012*.

7.5 Withdrawal of infringement notice

- (a) Whether or not the modified penalty has been paid, an authorised person may withdraw an infringement notice by sending a notice in the form of Form 7 of the Schedule 1 of the *Cat Regulations 2012*.
- (b) A person authorised to issue an infringement notice under clause 7.4 cannot sign a notice of withdrawal.

Schedule 1 – Application for a licence for cat management facility or cat breeder
[cl. 3.3]
Shire of Narrogin

I / We (full name/s) –		
Postal address –		
Telephone number –		
Mobile number –		
Fax number –		
E-mail address –		
APPLY FOR A LICENCE	Under clause 3.3(c) for cat management facility	
	Under clause 3.3(d) as cat breeder	
Address of proposed premises –		
CAT MANAGEMENT FACILITY –		
For number of cats –		

This document is a consolidation for administrative use as required by the Local Government Act 1995 section 5.96A(1)(b), and is not to be relied on for legal purposes.

Attached are –	a site plan of the premises showing the location of the cat management facility and all other buildings and structures and fences;	
	plans and specifications of the proposed cat management facility.	
CAT BREEDER -		
For number of cats –		
Breed of cats –		
Attached are –		
(a) copy of notice of proposed use to appear in newspaper; (if required)		
(b) copy of notice of proposed use to be given to adjoining premises; (if required)		
Signature of applicant/s –		
Date –		
NOTE – a licence will have effect for a period of 12 months if issued		
OFFICE USE ONLY	Application fee paid on – Receipt No –	

Schedule 2 – Conditions of a permit for an approved cat management facility
[cl. 4.3]
Shire of Narrogin

An application for a permit for an approved cat management facility may be approved subject to the following conditions –

- (1) Compliance with the conditions of clause 4.1.
- (2) Buildings and structures –
 - (a) all building enclosures must be structurally sound, have impervious flooring, be well lit and ventilated and otherwise comply with all legislative requirements;
 - (b) there is to be a feed room, wash area, isolation cages and maternity section;
 - (c) materials used in structures are to be approved by the local government;
 - (d) the internal surfaces of walls are to be smooth, free from cracks, crevices and other defects, where possible;
 - (e) all fixtures, fittings and appliances are to be capable of being easily cleaned, resistant to corrosion and constructed to prevent the harbourage of vermin;
 - (f) washing basins and running hot and cold water are to be available;
 - (g) the walls shall be rigid, impervious and structurally sound;
 - (h) the roof shall be constructed of approved impervious materials;
 - (i) all untreated external surfaces of cattery shall be well maintained and aesthetically suitable as not to detract from the local environment and amenity;
 - (j) each module and every part thereof shall not be at any less distance than nine metres from the boundaries of the land in the occupation of the owner of the cat management facility;

- (k) each module and each yard and every part thereof shall be behind the house line; and
 - (l) any other matter which in the opinion of the local government is deemed necessary for wellbeing of any person, or adjoining premises or the amenity of the area (or any part thereof);
- (3) Walk-in modules and enclosures –
- (a) cats shall be housed in walk-in modules that include a sleeping compartment and an exercise area or in colony pens;
 - (b) walk-in modules must have a minimum floor area of 1.5 square metres and contain at least 2 levels including raised sleeping quarters.
 - (i) this size is for 1 cat only and an additional 1 square metre floor space is required for a second cat;
 - (ii) no more than 2 cats may be housed together in this type of accommodation;
 - (c) cats may be multiple housed in colony pens provided that –
 - (i) each cat shall have a floor area of 2 square metres plus an individual sleeping area;
 - (ii) only desexed compatible cats should be housed in this type of accommodation;
 - (d) the lowest internal height shall be at least 1.65 metres from the floor;
 - (e) each yard shall be securely fenced and kept securely fenced with a fence not less than 1.65 metres in height constructed of galvanised iron, wood, galvanised link mesh or netting;
 - (f) all doors shall be provided with proper catches or means of fastening;
 - (g) the upper surface of the floor shall be set at least 75 millimetres above the surface of the surrounding ground and shall be constructed of granolithic cement finished to a smooth surface, it shall have a fall of not less than 1 in 100;
 - (h) all modules and yards shall be surrounded by a drain which shall be properly laid, ventilated and trapped, and all floor washings shall be disposed of in accordance with the health requirements of the local government; and
 - (i) the floor of any yard shall be established and maintained to ensure a safe and hygienic environment.
- (4) Management –
- (a) cats must be housed singly except in the case of compatible cats from the same household with the written agreement of the keeper;
 - (b) enclosures are to be thoroughly cleaned each day and disinfected at least once a week to minimise disease;
 - (c) no sick or ailing cat is to be kept on the premises;
 - (d) the maximum number of cats to be kept on the premises stated on the permit is not to be exceeded;
 - (e) an register is to be kept recording in respect of each cat or kitten, the –
 - (i) date of admission or birth if a kitten;
 - (ii) date of departure, sale or transfer;
 - (iii) breed, age, colour and sex;
 - (iv) the cat or kitten's microchip number; and
 - (v) the name and residential address of the keeper;
 - (f) the register is to be made available for inspection on the request to an authorised person; and
 - (g) any other matter which in the opinion of the local government is deemed necessary for the health and wellbeing of any cat, or person, or adjoining premises or the amenity of the area.

Schedule 3 – Modified penalties

[cl.7.3]

Item	Clause No.	Nature of offence	Modified penalty \$
1	2.1(5)(a)	Unauthorised release or attempted release of a cat	500
2	2.1(5)(b)	Interference with a cat management facility	500
3	2.1(5)(c)	Interference with cage or container for seized cats	500
4	3.1	Keeping a cat in a non-residential zone	200
5	3.3(a)	Keeping more than 2 cats without a permit	200
5A	3.3(b)	Keeping more than 4 cats without a permit	200
6	3.3(c)	Failure to hold permit as a cat management facility	500
7	3.3(d)	Failure to hold permit as approved cat breeder	500
8	3.8(1)	Cat creating a nuisance	200
9	3.8(4)	Failure to comply with notice to abate a nuisance	200
10	3.9	Failure to make adequate arrangement while temporarily absent	200
11	4.1	Failure to comply with conditions for all permits	200
12	4.2	Failure to comply with conditions of permit for other than a cat management facility	200
13	4.3	Failure to comply with conditions of permit for cat management facility	500
14	4.4	Failure to comply with conditions of permit for approved cat breeder	500
15	5.1	Cat in a public place not under effective control	200
16	5.2	Cat in a place where prohibited	200
17	7.1	All other offences not specified	200

[Schedule 3 amended by Government Gazette No. 1 of 6 January 2022]

Dated 12 July 2016.

The Common Seal of the Shire of Narrogin was affixed by authority of a resolution of Council in the presence of –

R.S. YURYEVICH, Chairman of Commissioners

A.J. COOK, Chief Executive Officer

Notes to this administrative compilation –

1. Original local law published in Government Gazette No.144 on 8 September 2017
2. Amended as published in Government Gazette No.1 of 6 January 2022 page 1

This document is a consolidation for administrative use as required by the Local Government Act 1995 section 5.96A(1)(b), and is not to be relied on for legal purposes.

15. DIRECTORATE OF CORPORATE AND COMMUNITY SERVICES

Nil.

16. DIRECTORATE OF WORKS

Nil.

17. ELECTED MEMBERS MOTIONS WITH PREVIOUS NOTICE

Nil.

18. NEW OR URGENT BUSINESS INTRODUCED BY DECISION OF THE MEETING

Nil.

19. MATTERS FOR WHICH THE MEETING MAY BE CLOSED

Nil.

20. CLOSURE OF MEETING

The Chairman declared the meeting closed at 03:05 pm.

These minutes were confirmed by Council at the
Ordinary Council Meeting held on

Signed.....
Presiding Person at the meeting at which the minutes were
confirmed.