

Remit for the Local Government New Zealand Annual General Meeting

"That Local Government New Zealand lobby the Government to take legislative action as a matter of urgency to give councils statutory power to control cats."

NATURE OF THE ISSUE

Throughout New Zealand many local authorities are individually trying to promote responsible cat ownership, good cat management and reduce the environmental impact cats have on our wildlife. The introduction of national legislation would help address these concerns and enable a consistent approach throughout New Zealand.

Concerns regarding nuisance caused by companion, stray and feral cats have been raised by the community via multiple channels, including unprompted comments in response to the Dunedin Residents' Opinion Survey 2014 and Dog Control Survey. Cat control is an issue that has also been raised in submissions received on the review of bylaws that regulate dogs as well as the use of parks and reserves. Submitters have requested the Council take additional measures to control cats so that urban and rural wildlife is protected.

BACKGROUND TO IT BEING RAISED

Throughout New Zealand, companion cat and feral cat numbers are believed to be increasing. While the exact number of cats in New Zealand is unknown, the cat population is estimated at 1.4 million.

Councils are tasked with trying to promote responsible cat ownership and reduce their environmental impact on wildlife, including native birds and geckos. Yet, Council powers for cats are only for the purpose of minimising the impact on people's health and wellbeing. The regional council's powers are restricted to destruction of feral cats as pests. There are no statutory powers available for the Council to implement an alternative solution such as requiring companion cat owners to control their cats to avoid or minimise the harm of companion cats on urban or rural wildlife.

This is confirmed by the Local Government Act 2002 which specifies that councils' powers to make bylaws are restricted to matters of public welfare such as:

- "a) protecting the public from nuisance;
- b) protecting, promoting, and maintaining public health and safety;
- c) minimising the potential for offensive behaviour in public places."¹ (Emphasis added.)

While the Local Government Act 2002 provides in section 146(a)(v) that the Council may make a bylaw for the keeping of animals, these powers are restricted to ensuring cats kept on a property to avoid a nuisance or cause a health problem for people.

A council may not pass a bylaw to control cats for the purpose of generally protecting wildlife beyond the boundary of a reserve administered under the Reserves Act 1977, as the purposes for passing a bylaw specified in the Local Government Act 2002 are directed at ensuring that companion cat ownership does not adversely affect people.

¹ Section 145, Local Government Act 2002

This remit seeks the protection of our wildlife and native species by seeking regulatory powers for the Council to prescribe cat control measures for the protection of wildlife in urban and rural areas. Regulatory powers for companion cat control measures could include:

- Cat identification (e.g. collars and/or micro-chipping) of cats is a method of identifying the person that is the owner of the cat.
- Cat de-sexing.
- Responsible cat ownership (such as locking in cats overnight and wearing collars with bells).

A secondary issue is the power to enforce those measures by way of issuing an infringement notice for a breach of a bylaw. Currently, a council is not permitted to introduce infringement offences as Parliament has not yet enacted the regulations under the Local Government Act 2002 required to permit councils to create an infringement fine for a breach of bylaws.

On 16 May 2017 the Dunedin City Council made a resolution that Local Government New Zealand lobby the Government to take legislative action as a matter of urgency to give councils statutory power to control companion cats.

HOW THE ISSUE RELATES TO OBJECTIVES IN THE CURRENT WORK PROGRAMME

This issue relates to maintaining and enhancing the quality of New Zealand's environment which is policy priority three in the LGNZ policy statement. Therefore this remit supports the work programme of LGNZ.

OUTCOME OF ANY PRIOR DISCUSSION AT A ZONE/SECTOR MEETING OR FIVE COUNCILS

To be advised.

SUGGESTED COURSE OF ACTION ENVI SAGED

That Local Government New Zealand lobby the Government to take legislative action as a matter of urgency to give councils statutory power to control cats.