

10.4.4 Joint Standing Committee on Delegated Legislation Review of the Cat Local Law 2026

Date of Report:	8 September 2026
Applicant or Proponent:	N/A
File Reference:	F26/49-02
Author:	M Rebane – Governance Coordinator
Responsible Officer:	A Hart – Temporary Chief Executive Officer
Previously Before Council:	4 June 2026
Author's Disclosure of Interest:	Nil
Council's Role in the matter:	Executive
Attachments:	- Committee Decision - Cat Local Law; (confidential) Section 5.23 (4) (h) information that is the subject of a direction given under section 5.23AA(2) ----- The Departmental CEO, or a person authorised by the Departmental CEO, may, in relation to any particular information, direct a local government for the purposes of section 5.23(4)(h) that a meeting may be closed to members of the public to the extent necessary to ensure that the information is dealt with at the meeting on a confidential basis. S.5.23AA(3) A direction under subsection (1) or (2) may be expressed to apply to a particular meeting or to meetings of a particular class. (under separate cover) - Proposed Shire of Toodyay Cat Local Law Amendment Local Law 2027. ➡ - Adverts for Cat Local Law. ➡

Reasons for Attachment 1 being confidential

The letter, addressed to the Shire President, stated:

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 responsible for 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.

PURPOSE OF THE REPORT

To receive confidential correspondence from the Joint Standing Committee on Delegated Legislation and to provide the requested undertakings and commence preparation of an amendment local law.

BACKGROUND

The Joint Standing Committee on Delegated Legislation has completed its preliminary review of the Cat Local Law 2026 and has requested undertakings from Council to amend identified provisions within 12 months. The Committee has also issued Notices of Motion to Disallow the Cat Local Law 2026 pending receipt of Council's undertakings.

The matters raised are predominantly technical drafting, citation, penalty and statutory power issues. Officers recommend Council provide the requested undertakings and commence preparation of amendment local laws.

COMMENTS AND DETAILS

The Cat Local Law was formally made at an Ordinary Council Meeting held on 4 June 2026 and gazetted on Monday 22 June 2026 (Government Gazette No. 70).

In respect to the **Cat Local Law** the Committee identified:

- incorrect statutory reference in clause 4.1
- capitalisation inconsistency in clause 4.5
- incorrect clause references in clause 5.1
- unlawful modified penalties in Schedule 4 exceeding permitted limits under the Cat Act.

The recommended amendments are administrative and do not alter the policy intent of the local law.

It is recommended that providing the requested undertakings is the most appropriate course of action to avoid ongoing disallowance proceedings.

Section 3.12(2) Requirement

The person presiding is to give notice that:

The **purpose** of the proposed Cat Local Law Amendment Local Law 2027 is to amend the Shire of Toodyay Cat Local Law 2026 to address drafting issues, correct statutory references and amend modified penalties.

The **effect** is to improve the operation and legal compliance of the Cat Local Law while maintaining its existing policy intent.

IMPLICATIONS TO CONSIDER

Consultative:

No external consultation required at this stage.

The amendment local law will require public advertising in accordance with section 3.12 of the *Local Government Act 1995*.

Strategic:**Shire of Toodyay Council Plan 2023-2033****Outcome 9. Responsible and effective leadership and governance.**

9.1. Provide strong, clear, and accountable leadership.

Policy related:

Nil.

Financial:

Minor officer time and gazettal costs associated with amendment local laws.

Legal and Statutory:

- Local Government Act 1995 s3.12
- Cat Act 2011
- Interpretation Act 1984

Risk related:

Failing to provide Council undertakings significantly increases the risk of disallowance. This outcome would stall critical regulatory amendments, invalidate enforcement actions, and present unresolved compliance or legal liabilities.

Workforce related:

Nil.

VOTING REQUIREMENTS

Absolute Majority

OFFICER'S RECOMMENDATION 1/COUNCIL RESOLUTION NO. OCM229/10/26

MOVED Cr M Dival

SECONDED Cr R Madacsi

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

1. Within 12 months amend the Local Law as follows:

(a) In clause 4.1, amend the definition of 'premises', so that it states:

premises, in addition to the meaning given to it in section 3(1) of the Act, means the premises described in the *application* to be licensed as a Cat Management Facility;

(b) In clause 4.5 lower case the words 'Local Planning Scheme'.

(c) Amend clause 5.1 in the following manner:

infringement notice means the notice referred to in clause 5.4; and

notice of withdrawal means the notice referred to in clause 5.5.

- (d) Amend the modified penalties in Schedule 4, Column, Items 1, 2, 3, 4 and 5 so that Item 1 is \$500, Item 2 is \$200, Item 3 is \$200, Item 4 is \$500 and Item 5 is \$200.

2. Not enforce the Local Law to the contrary before it is amended in accordance with undertaking point 1 of the resolution.
3. Ensure that a copy of these undertakings accompanies the Local Law wherever the Shire makes it publicly available, whether in hard copy or electronic form.

Voted For: Crs M McKeown, M Dival, R Madacsi, S McCormick, R Mills and S Van der Heyden

Voted Against: Nil

MOTION CARRIED 6/0

OFFICER'S RECOMMENDATION 2/COUNCIL RESOLUTION NO. OCM230/10/26

MOVED Cr R Mills

SECONDED Cr R Madacsi

That Council:

1. Notes the **confidential** correspondence (**Attachment 1**) received from the Joint Standing Committee on Delegated Legislation dated 8 September 2026.
2. Authorises the Shire President to sign the undertaking correspondence to the Committee.
3. Gives notice of the purpose and effect of the *Cat Local Law Amendment Local Law 2027* (**Attachment 2**) under section 3.12(2) as follows:
 - (a) The **purpose** of this local law is to amend the *Shire of Toodyay Cat Local Law 2026*.
 - (b) The **effect** of this local law is to correct drafting errors, amend provisions identified by the Joint Standing Committee on Delegated Legislation and ensure compliance with the *Cat Act 2011*.
4. Adopts *Cat Local Law Amendment Local Law 2027* (**Attachment 2**) for advertising under section 3.12(3) subject to an amendment to the numbering of Part 2 prior to advertising.
5. That Council authorises the CEO to undertake the statutory advertising process in accordance with section 3.12(3) of the *Local Government Act 1995* for the *Cat Local Law Amendment Local Law 2027* (**Attachment 3**).

Voted For: Crs M McKeown, M Dival, R Madacsi, S McCormick, R Mills and S Van der Heyden

Voted Against: Nil

MOTION CARRIED 6/0