

Statement of Proposal for a Draft Cat Management Bylaw

As approved by Council, 5 September 2024





Introduction

Council is consulting on a Draft Cat Management Bylaw (Draft Bylaw) which requires microchipping, microchip registration and desexing of all cats over the age of six months.

We want your feedback on the Draft Bylaw, to ensure it meets the needs of the community.

Submissions

Anyone can make a submission about any aspect of the Draft Cat Management Bylaw. Written submissions must be received no later than 5pm on 9 October 2024.

A submission form is available to download at shape.nelson.govt.nz or can be requested from the Customer Service Centre at Nelson City Council. Submissions can be made:

- online at shape.nelson.govt.nz
- by post to Draft Cat Management Bylaw, Nelson City Council, PO Box 645, Nelson 7010
- by email to submissions@ncc.govt.nz
- by delivering your submission to Civic House, 110 Trafalgar Street, Nelson.

Please state in your submission whether or not you wish to speak in support of your submission at the hearing (to be held 1 November 2024). The hearing will

Considerations under the Local Government Act 2002

This Statement of Proposal has been prepared in accordance with the Local Government Act 2002 (LGA02) and as required by section 86 of the LGA02.

It includes a draft of the proposed Bylaw, the reasons for the proposal and a report on the relevant determinations by Council under section 155 of the LGA02.

be held in public, and anyone can attend. It will also be recorded and able to be viewed online.

Another option is to speak at the hearing without making a written submission. Please let us know by 5pm on 9 October 2024 if you wish to do this, by sending an email to submissions@ncc.govt.nz or calling us on 546-0200.

All written submissions, including the name and contact details of the submitters, will be made available to the public and media on Council's website, unless a submitter specifically requests that their contact details be kept private, and explains why it is necessary to protect their privacy. Council will not accept any anonymous submissions.

Draft Cat Management Bylaw

1. The Proposal

1.1 Council has developed a Draft Cat Management Bylaw to require microchipping, microchip registration and desexing of cats within the Nelson District.

1.2 Council is proposing to make this bylaw under the LGA02 and is relying on its power to regulate the keeping of animals under section 146(1)(a)(v) of LGA02.

1.3 A Draft Cat Management Bylaw is included in this Statement of Proposal.

2. Reasons for the Proposal

2.1 Microchipping and microchip registration supports the community's ability to identify and return domestic cats to their owners. This reduces the time period cats are being separated from their owners. It also supports long term implementation of the Tasman-Nelson Regional Pest Management Plan (e.g. being able to differentiate between domestic cats and stray/feral cats found in high value ecological areas).

2.2 Mandatory desexing should reduce the number of unwanted litters of kittens, reducing contributions to stray and feral cat populations – and therefore reducing impacts on Nelson's community and biodiversity.

2.3 A recent engagement process with 1,100 respondents has identified strong support for mandatory microchipping (88%) and microchip registration (84%) and for desexing of cats (91%).

3. Summary and analysis of the Proposal

The main features of the Draft Bylaw are discussed below.

Clause 6.1a of the Draft Bylaw: Require microchipping and microchip registration for cats over the age of six months.

3.1 Problems to be addressed: Many cats roam beyond their owner's property, which creates a risk of them becoming injured, lost, or a nuisance to neighbours. There is also a risk of domestic cats entering high value conservation reserves, where feral and stray cats may be managed for pest control reasons, under the Tasman-Nelson Regional Pest Management Plan.

Unless a cat is microchipped it is difficult to identify it as a domestic cat and be returned to their owners, rather than treated as a stray or feral cat. Figures from the NZ Companion Animals Register indicate that only 57% of domestic cats may be microchipped in Nelson.

3.2 Clause 6.1a of the Draft Bylaw addresses these problems by establishing a way for the SPCA, vets and the Council to easily identify domestic cats and to contact their owners.

3.3 Having a Cat Management Bylaw in place will enable any responsible cat ownership education and 'snip 'n' chip' campaigns supported by Council to be more effective, as they will be closely tied to the Bylaw requirements.

3.4 Council considered a number of options to address this problem, including: maintaining the status quo of not having a bylaw, using education, and investing in snipping and chipping campaigns, and requiring microchipping and microchip registration through a bylaw.

3.5 A recent survey found there was a high level of community support for this approach, and both the SPCA and local vets have asked Council to develop this bylaw.

3.6 Based on the survey results, the key obstacle to complying with the Proposed Bylaw is cost. Council considers the one-off costs of \$60 for microchipping and \$15 for registration are a reasonable level of investment for cat owners to be able to be easily reunited with their lost or injured cats.

Clause 6.1b: Require domestic cats over the age of six months to be desexed, unless they are kept for breeding purposes, or the operation poses a high risk for a cat.

3.7 Problems to be addressed: Female cats can have up to four litters per year, with an average of four to six kittens per litter. This results in large numbers of unwanted kittens being taken to the SPCA for rehoming (an average of 155 cats and 152 kittens each year in Nelson) as well as kittens being left in public areas to become strays (and to continue to breed with stray and feral cats, further increasing the population). Nearly half the kittens taken to Nelson SPCA Centre are due to owner surrender, which is often due to a person not able to keep kittens their domestic cat

had. These are considered unwanted kittens and are often from unplanned breeding. Nearly a third of the cats that come to the Nelson SPCA Centre are reclaimed.

3.8 Clause 6.1b of the Draft Bylaw addresses these problems by requiring cat owners to desex any cats aged six months and older, unless they are being kept by registered breeders or if a desexing operation would be a high risk for a cat. If a vet considers that a procedure would be detrimental to a cat's health or wellbeing they can provide a certificate for exemption from this bylaw.

3.9 Council considered a number of options to address this problem, including: maintaining the status quo of not having a bylaw, using education, and investing in snipping and chipping campaigns, and requiring desexing through a bylaw.

3.10 Investing in more education to promote desexing of cats is unlikely to be effective as a standalone option.

3.11 Council also considered paying for cats to be desexed instead of requiring cat owners to pay this cost, for people on lower incomes. However, the one-off desexing cost of \$252 for female cats and \$145 for male cats is considered a reasonable level of investment for cat owners. This approach also recognises that dog owners pay annual dog registration fees as well as all costs associated with desexing. Owners of existing cats would have until 1 June 2027 to comply with the terms of the bylaw.

3.12 Any future education about responsible cat ownership education will be more effective if these actions are supported by the Draft Cat Management Bylaw.

4. Scope of Council decisions following consultation

4.1 Once the Council has considered all submissions made in response to the proposal, it will make a decision. The options available to Council are:

- a.** to adopt all of the provisions in the Draft Bylaw; or
- b.** to adopt some aspects of the Draft Bylaw but with modifications, based on community feedback; or
- c.** to not adopt the Draft Bylaw.

5. Section 155 of the Local Government Act 2002

5.1 Before making a new bylaw, Council is required under section 155 of the LGA02 to determine that:

- a.** What the perceived problem is;
- b.** Whether a bylaw is the most appropriate way of addressing the perceived problem;
- c.** Whether the Draft Bylaw is the most appropriate form of bylaw; and
- d.** Whether the Draft Bylaw gives rise to any implications under the New Zealand Bill of Rights Act 1990.

The perceived problem

5.2 The key problems, as identified in paragraphs 3.1 and 3.7 of this proposal, are that a lack of cat management is cats becoming injured or lost when they roam beyond their owner's property, and uncontrolled breeding leading to too many unwanted kittens ending up as stray cats or being given to the SPCA to try to rehome. These cats often suffer from poor health due to lack of proper care, exposure to diseases, and inadequate nutrition.

5.3 For these reasons, actions which result in more microchipping and registration of cats, and more desexing of cats, are appropriate ways to address the perceived problem.

5.4 Council has the power to make a bylaw to regulate the keeping of animals (under section 146(1)(a)(v) of the Local Government Act) – and the keeping of cats can include regulations which make it easier for cats to be returned to their owners (through microchipping and microchip registration requirements) and being able to reduce the number of unwanted litters of kittens (through desexing requirements).

A Bylaw is the most appropriate way to address the perceived problem

5.5 In 2023 the SPCA made a presentation to Council asking for a bylaw to require microchipping and desexing. Both the SPCA and local vets are committing to helping the Council to implement the provisions to increase the numbers of cats being microchipped and desexed.

5.6 The Council has considered various alternatives to creating a bylaw, such as education campaigns

and financial support through 'Snip 'N' Chip' campaigns. It is satisfied that a bylaw provides a clear framework and is the most appropriate way of addressing the perceived problems that cats who are not microchipped, have unregistered microchips, or are not desexed cause. The presence of a bylaw will support vets in their good ownership conversations and will align with the practice of other councils, including Tasman District Council.

The form of the Bylaw (the content) is appropriate

5.7 The proposed Cat Management Bylaw is the most appropriate form of bylaw because it is:

- a.** authorised by statutory authority under section 146(1)(a) of the Local Government Act 2002
- b.** not considered to be in conflict with, or incompatible with, the general laws of New Zealand
- c.** certain, and provides clear direction
- d.** reasonable, and not overly restrictive, unduly onerous on any person, or impractical.

Implications of the New Zealand Bill of Rights Act (NZBORA)

5.8 The Proposed Cat Management Bylaw gives rise to some implications under the New Zealand Bill of Rights Act 1990, but these implications are not inconsistent with that Act.

5.9 Some of the proposed amendments to the bylaw potentially infringe on members of the public's rights to freedom of thought or belief (protected under section 13 of the New Zealand Bill of Rights Act 1990), and freedom from discrimination (protected under section 19 of the New Zealand Bill of Rights Act 1990).

5.10 For example, if someone is strongly opposed to microchipping and registering their cat due to their beliefs about microchips, and what they could be used for, they may consider that they are being discriminated against, as it would mean their current or future ownership of a cat is an offence under this bylaw.

5.11 Similarly, if a cat owner is not able to afford to have their cat microchipped and desexed, it would mean their current or future ownership of a cat would be an offence under this bylaw. They may consider that they are being discriminated against, due to their inability to pay, and fear losing the right to own a cat.

5.12 Concerns about microchipping can be addressed through education. Cost issues can be managed through the proposed transition period for existing cat owners to comply with Bylaw, which extends until June 1, 2027; and through 'snip and chip' campaigns.

5.13 In addition, Council intends to take an 'education first' approach to compliance with the Bylaw, which reflects its Compliance Strategy 2020. This means Council will be focused on resolving any issues related to non-compliance and not on removing cats from their owners.



Draft Cat Management Bylaw

Made by Resolution of Council on XX XXXX 2024



Draft Cat Management Bylaw

1. Title

1.1 The title of this Bylaw is the Cat Management Bylaw.

2. Commencement

2.1 To be decided at Council on 9 October, 2024.

3. Purpose and Application

3.1 The purpose of this Bylaw is to regulate the keeping of cats within Nelson City.

3.2 This Bylaw shall apply to all cats within Nelson City.

4. Definitions and Interpretation

4.1 In this bylaw, unless the context otherwise requires:

Cat means a domestic animal of the species *Felis catus*, including both male and female cats, regardless of breed, kept as a pet, companion, or for other purposes.

De-sexed means the surgical sterilization of an animal, which involves the removal of reproductive organs to prevent breeding. In male cats, this is known as neutering, and in female cats, it is known as spaying.

Microchipped mean a registered vet has implanted a small electronic device (microchip) under the skin of an animal, typically between the shoulder blades, that contains a unique identification number which can be read by a scanner. This number is linked to a registry containing information about the animal and its owner.

Nationally Recognised Cat Breeders Body means an organisation that is officially acknowledged at the national level for its role in promoting, regulating, and supporting the breeding of cats according to established standards. This body maintains records of registered breeders and ensures adherence to ethical breeding practices.

Nelson City means the territory contained within the City of Nelson as defined in Schedule 2 to the Local Government Act 2002.

5. Cat Management Provisions

5.1 Any cat over six months of age must be:

- a.** Microchipped and the cat's microchip registered with New Zealand Companion Animal Register; and
- b.** De-sexed, unless:
 - i.** the cat is kept for breeding purposes; and registered with a nationally recognised cat breeders body, or
 - ii.** the owner provides a certificate from a registered veterinarian stating that the de sexing of the cat will adversely affect its health and/or welfare.

Existing cat owners shall be granted a transition period from the commencement of this bylaw, during which they are required to desex, microchip and register any cats they already own. This transition period shall extend until June 1, 2027.

6. Council Resolution

This Bylaw was made by Nelson City Council at a meeting of the Council on [XXX].

The common seal of the Nelson City Council is attached in the presence of:

_____ Mayor

_____ Chief Executive

