

minutes

Special Meeting of Council

MEETING HELD ON TUESDAY 1 SEPTEMBER 2009

GARRY HUNT
Chief Executive Officer

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CITY OF JOONDALUP

**MINUTES OF SPECIAL MEETING OF THE COUNCIL HELD IN THE COUNCIL CHAMBER,
JOONDALUP CIVIC CENTRE, BOAS AVENUE, JOONDALUP, ON TUESDAY,
1 SEPTEMBER 2009**

DECLARATION OF OPENING

The Mayor declared the meeting open at 1947 hrs.

ANNOUNCEMENT OF VISITORS

Nil.

ATTENDANCES

Mayor:

TROY PICKARD

Councillors

Cr TRONA YOUNG	North-Central Ward
Cr GEOFF AMPHLETT	Central Ward
Cr MICHELE ROSANO	South-West Ward
Cr MIKE NORMAN	South-West Ward
Cr BRIAN CORR	South-East Ward
Cr RUSS FISHWICK	South Ward

Officers:

MR GARRY HUNT	Chief Executive Officer	
MR JAMIE PARRY	Director, Governance and Strategy	
MR MIKE SMITH	Manager Governance and Marketing	
MRS JANET FOSTER	Administrative Services Co-ordinator	
MRS LESLEY TAYLOR	Administrative Secretary	<i>to 1949 hrs</i>

There were no members of the Public or Press in attendance.

PUBLIC QUESTION TIME

Nil.

PUBLIC STATEMENT TIME

Nil.

APOLOGIES AND LEAVE OF ABSENCE

Apologies: Cr Kerry Hollywood
Cr Fiona Diaz

Leave of absence previously approved:

Cr Tom McLean	1 – 23 September 2009 inclusive.
Cr Russ Fishwick	3 – 13 September 2009 inclusive.
Cr Michele Rosano	3 – 14 September 2009 inclusive

DECLARATIONS OF INTEREST

Nil.

IDENTIFICATION OF MATTERS FOR WHICH THE MEETING MAY SIT BEHIND CLOSED DOORS

JSC13-09/09 RESPONSE TO JOINT STANDING COMMITTEE ON DELEGATED LEGISLATION – CATS LOCAL LAW 2008

MOTION TO GO BEHIND CLOSED DOORS

MOVED Cr Amphlett **SECONDED** Cr Rosano that:

- 1 in accordance with Section 5.23 of the Local Government Act 1995 and Clause 67 of the City of Joondalup's Standing Orders Local Law 2005, this meeting of Council sit behind closed doors to consider Item JSC13-09/09 - Response to Joint Standing Committee on Delegated Legislation – Cats Local Law 2008 being a matter that if disclosed, could be reasonably expected to impart the effectiveness of any lawful method or procedure for preventing, detecting, investigating or dealing with any contravention or possible contravention of the law;
- 2 the following employees be permitted to remain in the Chamber while the meeting is sitting behind closed doors as detailed in (1) above:
 - Chief Executive Officer, Mr Garry Hunt
 - Director Governance and Strategy, Mr Jamie Parry
 - Manager Governance and Marketing, Mr Mike Smith
 - Administrative Services Coordinator, Mrs Janet Foster

The Motion was Put and

CARRIED (7/0)

In favour of the Motion: Mayor Pickard, Crs Amphlett, Corr, Fishwick, Norman, Rosano and Young

The Administrative Secretary left the Chamber at 1949 hrs.

**JSC13-09/09 RESPONSE TO JOINT STANDING COMMITTEE ON
DELEGATED LEGISLATION – CATS LOCAL LAW
2008**

WARD: All

RESPONSIBLE DIRECTOR: Mr Jamie Parry
Director Governance and Strategy

FILE NUMBER: 29182

ATTACHMENTS: Attachment 1 – Response from Joint Standing Committee on Delegated Legislation

This Item is Confidential – Not for Publication

A full report was provided to Elected Members under confidential cover as part of the agenda for the Special Meeting of Council to be held on Tuesday 1 September 2009.

Call for Support of one-third of members of the Council – for Option 1 only

The Local Government Act 1995, under regulations prescribed to deal with Section 5.25(e), lays down the following procedure for dealing with revoking or changing decisions made at Council or Committee meetings:

If a decision has been made at a Council meeting, then any motion to revoke or change the decision must be supported by at least one-third of the number of officers (whether vacant or not) of members of the Council.

If supported by one-third of the members, then any decision to revoke a resolution of the Council is required to be passed by an Absolute Majority.

Prior to giving consideration to the following recommendation, Elected Members are required to give the support of one-third of its members, and such support is to be recorded in the Minutes of this meeting.

Call for Support of one-third of members of the Council

The Mayor called for support from one-third of the members of Council. Support for the revocation was given by five Elected Members present.

MOVED Mayor Pickard SECONDED Cr Amphlett that Council, BY AN ABSOLUTE MAJORITY:

1. **REVOKES** Part 1 of its resolution of 18 August 2009 relating to the Item 'Response to Joint Standing Committee on Delegated Legislation – Cats Local Law', as follows:
 - "1 ENDORSES option 3, namely that the City suggests a "compromise position" to the Joint Standing Committee on Delegated Legislation to allow the Committee's recommendations for amending the City's Cats Local Law 2008 to be modified. The City's compromise position is to include:*
 - The suggestion that clause 7, (the requirement for the compulsory sterilisation of cats), be amended to include a phase-in approach that applies to cats under 6 months of age;*
 - Opposition to the Committee's recommendation to amend clause 18: requiring that registration tags only be worn if a cat is not microchipped or wearing a collar containing identification details;*
 - The suggestion that the City works with the Committee to create a definition for "cat nuisances" and amends clause 21(1)(b) to reflect the changes requested by the Committee;"*
2. **AGREES** to support the Joint Standing Committee on Delegated Legislation's recommendations for amendments to the City's Cats Local Law 2008, as follows:
 - **Clause 7** is amended to remove the requirement for the compulsory sterilisation of cats;
 - **Clause 18** is amended to require that registration tags only be worn if a cat is not microchipped or wearing a collar containing identification details;
 - **Clause 20(1)(b)** is amended to create a definition of "cat nuisance" to reflect the changes requested by the Committee.
3. **URGES** the State Government to give priority to the development of state-wide cat control legislation that addresses community concerns related to public health, nuisance, animal welfare, sterilisation and environmental issues;
4. **REQUESTS** the WA Local Government Association reiterates its policy position that the State Government should introduce state-wide cat control legislation, noting the State Government's position that cat control is a local problem and therefore the responsibility of local governments;

5. **REQUESTS the CEO to provide a report to the Council on the implications of amendments to the City of Joondalup's Cats Local Law 2008 as detailed in Part 2 above.**

The Motion was Put and Carried. There being 4 votes in favour and 3 votes against, the Motion was
NOT CARRIED BY
AN ABSOLUTE MAJORITY

In favour of the Motion: Mayor Pickard, Crs Amphlett, Norman and Rosano **Against the Motion:** Crs Corr, Fishwick and Young

MOTION TO GO TO OPEN DOORS

MOVED Cr Norman SECONDED Cr Amphlett that in accordance with clause 67 of the City of Joondalup's Standing Orders Local Law 2005, this Meeting of Council be held with open doors.

The Motion was Put and **CARRIED (7/0)**

In favour of the Motion: Mayor Pickard, Crs Amphlett, Corr, Fishwick, Norman, Rosano and Young

The doors were opened at 2009 hrs. No members of the public, press or staff entered the Chamber at this point.

In accordance with the City's Standing Orders Local Law 2005, Mayor Pickard read aloud the motion in relation to JSC13-09/09 - Response to Joint Standing Committee on Delegated Legislation – Cats Local Law 2008.

CLOSURE

There being no further business, the Mayor declared the Meeting closed at 2010 hrs; the following Elected Members being present at that time:

MAYOR T PICKARD
Cr T YOUNG
Cr G AMPHLETT
Cr B CORR
Cr M ROSANO
Cr M NORMAN
Cr R FISHWICK