

28. 9. 2000

**REPORT BY THE CHAIRMAN OF THE
ENVIRONMENT COMMITTEE**

PART A - MATTERS REQUIRING A COUNCIL DECISION

**1. CHRISTCHURCH CITY ANIMALS (OTHER THAN DOGS)
BYLAW 2000**

Officer responsible Principal Environmental Health Officer	Author Terry Moody
Corporate Plan Output: Animal Control	

The purpose of this report is to comment on the attached submission made by Mr Peter Wardle of 63 Middlepark Road, regarding the provisions of the foregoing draft bylaw, insofar as they relate to cats. The draft bylaw was previously approved by the Environment Committee, and is being submitted to the present meeting for confirmation in clause 1 of Notices of Motion (page 433 of the agenda).

COMMENT ON MEASURES SUGGESTED BY MR WARDLE

I confirm that the bylaw does cover cats, as they are included in the definition of "animal" in the bylaw.

Mr Wardle suggests that the Council should consider the licensing of cats, restrictions on the number of cats, compulsory neutering, and the wearing of collars with bells. It appears this is because Mr Wardle considers such measures would reduce the threat to bird life in the city, and in particular to threats to native bird species.

It is unknown how many cats there are in Christchurch but it is likely that the number of owned or pet cats is at least equivalent to, but possibly greater, than the 32,000 or so dogs known to be in the city. The process of attempting to identify cats for licensing purposes would be a lengthy, difficult and expensive process. Information from the costs of dog registration, which is a national requirement under the Dog Control Act 1996, reveals that operating a registration system, including updating records and renewing registration costs is in the order of about \$16 per animal. It is not clear what effects licensing would have in dealing with the activities of cats which are natural predators.

A similar problem arises in regard to the placing of limits on the number of cats that may be held on a property. The question that could be asked is why should the number be limited? What exactly is the evil being addressed?

The Local Government Act 1974 clearly states that local authorities have the power to make bylaws dealing with animals. Under Section 684 it states the subject of a bylaw can be the following:

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(35) Regulating, prohibiting, or licensing the keeping in the district of any animals (as defined in the Animals Act 1967), whether inside the district at the time of the making of the bylaw or not, and the keeping thereof in the district or in any defined part of the district specified in the bylaws (whether in zoological gardens or otherwise), if the existence or keeping thereof in the district or in that part is, or, in the opinion of the council, is likely to become, a nuisance or injurious to health or dangerous.

The evil to be addressed is clearly related to the creation of nuisance, or injury to health or danger to humans. This does not necessarily relate to the number of animals that may be kept and in any event the bylaw deals with the creation of nuisance.

The compulsory neutering of cats has been raised in the past, most recently in a New Zealand Companion Animal Council Cat Policy paper. They had suggested that all cats should be desexed unless they belong to a breeder registered with NZ Cat Fanciers Inc.

This policy is presumably related to a perceived need to limit the number of cats in an area rather than for the purposes of creating a limited market for a specific breeder for commercial reasons. Given that there is already a decline in the percentage of cat owning households I am not sure of the worth of such a policy in that regard. It is probable that if this is being done for population control reasons it would need to be done at a national level, as local authority boundaries are not ring fenced. I do not know of any legal powers that would enable such a restriction to be implemented by local authorities. Even if there were, it would be seen as discriminatory in the sense that it was pushing a commercial activity through restrictions on the ordinary person. The question would then be who should pay, the perceived beneficiaries (the approved breeders) or the general ratepayer? It could be that the Council could, at some cost, support the concept of neutering all pet cats through educational means but it is considered inappropriate that this should be made a legal requirement at the local level.

A requirement that cats wear collars with bells to warn birds of their approach, while having advantages for this purpose would be extremely difficult and expensive to enforce, presuming that it would be legally possible to make this a requirement.

Recommendation: That the bylaw be confirmed without alteration, for the reasons set out in this report.

CONSIDERED THIS 28TH DAY OF SEPTEMBER 2000

MAYOR