

Mr Roger Cook; Mr Martin Whitely; Mr Fran Logan; Mr David Templeman; Mr Frank Alban; Acting Speaker;
Mr Mark McGowan; Mr John Castrilli; Mr Bill Johnston; Mr Andrew Waddell; Ms Lisa Baker; Mr John
Quigley; Mr John Kobelke; Deputy Speaker; Mr Paul Papalia; Mr Joe Francis; Mr Mick Murray

CAT BILL 2011

Second Reading

Resumed from 8 September.

MR R.H. COOK (Kwinana — Deputy Leader of the Opposition) [4.11 pm]: I will make some brief comments on the Cat Bill 2011, which has had an unusual genesis but which is important for this house to debate. I have noticed that a number of members have expressed their dissatisfaction that we are not also debating a dog bill, because I understand that some legislative changes in that area are also overdue. However, for far too long the ownership and the breeding of cats in this state have gone on unfettered and unregulated and without any due account for the consequences for both the community and our wildlife. For that reason, I believe this is very important legislation to ensure that we have in place the ways and means for local government authorities to protect our local environment. Cats should not be allowed to overpopulate, overrun and cause damage to our environment simply because we do not have a regulatory regime in place to ensure that we can administer these things correctly.

I will declare at this point in the debate that I am openly a cat lover. I have two Burmese cats, so I come to this debate not as one who would be discussing the merits of cray bait and other things that I have heard people discuss from time to time, but as one who likes cats very much and who thinks that cat ownership is far and away more virtuous than dog ownership.

Mr M.P. Murray: You realise that the number of cats rose when they banned hair being in craypots.

Mr R.H. COOK: I will pause to reflect on that interjection.

In this debate, it is important to ensure that we as a chamber, as a place, as a Parliament and as representatives of Western Australians understand exactly where cats should sit in relation to our environment. Despite the fact that I am very fond of moggies, I think it is important that the breeding of them be highly restricted to make sure that the moggy population does not explode and that they cause as little damage as possible to our environment.

We live in an environment which is incredibly fragile and to which we can do untold damage if we do not have the capacity to regulate the ownership and, in particular, the breeding of cats. The aspects of this bill that deal with sterilisation and microchipping are very important, because we must have a mechanism by which we can regulate cats and by which local government authorities can ensure that we have the capacity to protect our environment. Both cats and dogs, perhaps with the exception of dingoes, are exotic animals. They are as exotic as monkeys or any other animals which people might want to keep and which can cause damage to our environment if they are allowed to escape from their enclosures and to exist in the environment unfettered and unregulated. It is for this reason that we must put these provisions in place. I am sure that if we were now looking at the introduction of an exotic animal species that everyone in the community would want to own, there is no way that we would not consider a regime by which we could control that ownership. In large part, we are playing catch-up in the ownership of cats, which in the past people have seen as a normal function of living in Western Australia. However, it is not. These are exotic animals that cannot live in harmony with our natural environment without strong control measures. It is for that reason that the principles behind this legislation are very important. They are very important because we must make sure that people understand that the ownership of a cat is about the ownership of an exotic animal that can do great damage to our natural environment. We must have this legislation because if people own a cat, they must take responsibility for that cat and, in doing so, incur the costs and the obligations that come with the ownership of that exotic animal. This is important legislation because we must have some capacity to manage the regulation of the ownership of cats.

This legislation will require breeders to be registered. It will require those who own cats for non-breeding purposes to have them sterilised and microchipped for the purpose of creating a database of owners. These are all very meritorious measures that people would consider would be captured in the drafting of any legislation of this type. However, we must also ensure that the onus of this legislation does not fall heavily upon those people who have already sought to do the right thing. I was approached the other day in our local shopping centre by an elderly member of our community. She bragged about the fact that she had had her cats sterilised and that she kept those cats indoors or inside the yard where she lived, but she was very disturbed to hear about what she understood would be the costs associated with the keeping of those cats in the future. She said that she supported the principles of ownership of those cats in the same way that I do; she supported the principle that, when we keep these animals, we have to ensure that they do not damage our environment. However, she was disturbed that the costs associated with continuing to own those cats, which she has had for many years, would now be prohibitive.

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We know that this government has a great track record of passing on the costs associated with a range of power utilities, the drainage levy and a host of other fees and charges that have imposed a heavy burden on the community. In particular, they are an extraordinary burden on those people in our community who have a fixed income, primarily pensioners. We also know that the people who, in large part, enjoy the company of cats are pensioners. They have cats for companionship in circumstances in which they often do not have human company. I am sure that members of this place believe they are legislating for what is indisputably a good thing—that is, the protection of the environment, the regulation of cat numbers and the breeding of cats. One of the significant consequences of this legislation is that it puts prohibitive costs on low-income earners. While they are doing the right thing in every other aspect of their cat ownership regime, they will soon find themselves incurring high fees.

Mr M.P. Murray: Member, do cats still get ringworm?

Mr R.H. COOK: Like dogs and all exotic creatures, cats are prone to a number of diseases. The member raises another point that backs up my point about the costs associated with this legislation; that is, the cost of veterinary bills and other costs associated with keeping animals are also placed upon these people.

Like the member for Maylands, I am particularly disturbed at the statistics showing the number of cats that have to be put down by the Cat Haven each year. I think in the order of 80 000 kittens and unwanted cats are regrettably sent or taken to the Cat Haven because they are unwanted, they have been received as a gift or they have simply been found abandoned. In a lot of cases these cats or kittens have to be put down. It seems to me that on humanitarian grounds, but also simply by a plain examination of the facts, there are very good reasons for this legislation to be passed. I am concerned about the impact that it might have on low-income earners; I am concerned about the costs associated with the administration of this legislation.

The Mayor of the Town of Kwinana said to me the other day that, to her knowledge, no provision has been made to compensate local government authorities for administering this act. She was particularly concerned about the costs that people will incur if this legislation is passed. I hope that the enthusiasm of the member for Jandakot in bringing this legislation to this place means that he has not overlooked a range of factors that will make the implementation of this legislation expensive for local government authorities. I also hope that the member for Jandakot has not overlooked the fact that the passing of this legislation will be expensive for cat owners on low incomes. I look forward to the member for Jandakot or the Minister for Local Government providing some clarity of these issues.

As I said, I am a cat owner and a cat lover. I have owned a dog in the past. That was not a wholly unpleasant experience. They are ridiculous animals really. They are sycophants, constantly wanting attention and, quite frankly, a burden for the domestic household. Cats, however, are wonderful, independent creatures that are quite capable of looking after themselves.

Mr M.P. Whitely: They eat birds.

Mr R.H. COOK: They do not need to come to their owners constantly seeking reinforcement and company. As the member for Bassendean points out, they can kill birds and a range of other creatures. I am sure that the member for Bassendean is trying to suggest that we have to regulate the ownership and administration of cats. I agree with him.

Mr A.J. Waddell: What about the mice?

Mr R.H. COOK: I have owned mice in the past. It was a wholly disastrous experience. I thought that mice would be happier if the male mice were in the same cage as the female mice. Some weeks later my father explained to me the merits of mice population control. He proposed a number of measures that I could take to achieve that outcome. Mercifully, my older sister intervened and managed to find a pet shop owner who would take them off my hands, but it was a disastrous experience.

Dr M.D. Nahan: What did the pet shop owner do with them?

Mr C.J. Barnett: Fed them to the cats!

Mr R.H. COOK: I was told that they went to very happy families. I am sure that was the case. My sister would not have suggested that anything untoward would happen to my poor pet mice, all 50 of them that were breeding at a rate of knots at the time.

However, I digress. Back to cats. The principles behind this legislation are quite correct and proper and I support them. I would like to see all owners of cats understand that cats are exotic animals and need to be highly regulated. Cats need to be kept inside the boundaries of houses, if not yards. We have to make sure that breeding

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is done only under strict circumstances and with a licence to ensure that the cat population does not continue to do the untold damage to our natural environment that it has done to date. I read constantly with great delight the success that DEC is having in continuing to eradicate feral cats from our national parks. The only difference between a feral cat and a domestic cat out of the yard is that the owner does not necessarily own up to having the feral cats. They can all do damage to our environment. I want to ensure that we keep these populations under strict control and that local government authorities have all the measures and powers in place to ensure that they can continue to restrict any population growth and any further damage that they might do to our environment.

I understand that members have foreshadowed amendments to this legislation to ensure that some aspects of this bill do not overly burden certain members of our community with the costs associated with them. I would hate for people to see this legislation as anything but something that will deliver strong and positive outcomes for our environment. I look forward to seeing this debate continue. I look forward to a situation in which we as Western Australians understand that we have a responsibility to our environment, ensure that we control exotic animals and continue to limit the damage that domestic and feral cats do to our environment.

MR M.P. WHITELEY (Bassendean) [4.28 pm]: I intend to try to limit my contribution to the Cat Bill 2011 to under five minutes. I need to put on the record the fact that I am of the dog faction. I am not a great fan of factions but I certainly am an enthusiastic member of the dog faction, as evidenced by my 18-year-old kelpie, Ebony. Nothing functions for my kelpie. She cannot see or hear. She can only smell in one sense of the word these days. The only thing that functions for Ebony is her digestive tract, from both ends. She is not particularly aware of where she is. My daily actions in cleaning up after Ebony lay testament to just what an enthusiastic member of the dog faction I am. Unfortunately, my family is at that point at which very shortly we will probably have to make a difficult decision about Ebony's future. There are four votes in the family on whether Ebony should be assisted to greener pastures. There is one vote for it and three against it at this stage. I am proudly one of those votes against it. That is a decision we will have to make. I understand the enthusiasm people have for pets. I happen to be a dog person as opposed to a cat person. I do not dislike cats; I just do not like them as much as dogs.

I am worried that this legislation is full of good intent but will possibly have unintended consequences that are the complete reverse of the intent of the legislation. In the minister's second reading speech he outlined three reasons for the bill. He said —

This legislation has been developed with a view to reducing the number of stray cats being euthanased each year —

That may happen; I accept that —

to encourage responsible cat ownership —

That may even happen —

and to provide for better management of the unwanted impacts of cats on the community and environment.

I do not think that is going to happen at all. It is quite likely the reverse will happen. By putting a significant financial burden on people who cannot afford to pay that burden or even on people who frankly do not value their cat highly enough to pay that significant financial burden, there is the potential for a spate of cats being abandoned. I think there is the real potential that that will cause damage to the environment.

I am concerned not with the intention of this legislation but rather with its effect. While it may lead to fewer cats being euthanased, for the reasons outlined by the minister and others, and while it may mandate responsible cat ownership, some people simply will choose no longer to be cat owners and will not necessarily take the steps endorsed by the member for Collie–Preston. They will just abandon their cats in the bush and we will see a rise in the damage to the environment caused by feral cats.

I want to briefly read from a letter by constituents of mine, Karl and Jackie Wigh, from Bassendean. I will not read the whole letter, but I will just read the guts of it. It says —

Unless the Government is prepared to back the legislation with a realistic subsidy towards sterilization costs for cats owned by low-income families and those in crisis, then the opportunity to stem the breeding of cats will be lost. It will, in fact, lead to greater numbers of cats being abandoned ...

That is exactly the point I just made. The letter continues —

In its present form the proposed legislation it is all about fines, fees and penalties, with no encouragement or incentive for people to sterilize their cats.

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They are calling for the subsidisation of cat sterilisation. I suggest that, unless that happens, economic forces will lead to an increase in the number of cats abandoned, and I think we will see an increase in the amount of damage that cats do to the environment. Whilst this legislation is full of good intent, there is a real danger that its effect will be exactly the opposite.

MR F.M. LOGAN (Cockburn) [4.32 pm]: I rise to make a few comments and ask a few questions of the minister in the second reading debate on the Cat Bill 2011. I am sure the minister has probably heard some of these questions before. Nevertheless, I would like to hear some responses by the minister in his further contribution to the second reading debate on this bill.

I put on record that I have a paw in both camps when it comes to animal factions; I have a dog and a cat. Unfortunately, the poor old cat is a bit like some of the members in this house. It is now deaf or going deaf and does not seem to take any notice of anyone in the house to do anything—poor old thing. That cat wandered into our house. We inherited the cat because it just turned up one day and never left. Even though we tried to find who it belonged to—maybe someone on the street I was living in in Wembley—nobody owned up to it. Therefore, our two very small children wanted to keep the cat, and we kept the cat. The cat is sterilised but not microchipped. The dog is a completely different kettle of fish and a great companion.

From an overall perspective, the issue I have with this Cat Bill is its promotion, particularly by the member for Jandakot. It is a pity the member for Jandakot is not here. Whilst we support the bill and we support the way in which the bill has been brought to the house, particularly some of the debate on the Cat Bill, it is interesting that the member for Jandakot, who quite often makes some fairly outlandish statements in this house about red tape and the nanny state, is endorsing the introduction of legislation that is full of red tape and very much in support of the nanny state. He of all persons cannot see the contradiction of what he is doing. All of us have heard him rave on—not contribute fairly coherently—about the issue of government business and how to order society. He simply just makes crazy statements about society drowning or being tied up in red tape.

Mr W.J. Johnston: Socialist conspiracy.

Mr F.M. LOGAN: Yes, that is right; often it is a socialist conspiracy. Here we have a bill which has some quite amazing powers.

A member: It's got teeth!

Mr F.M. LOGAN: This bill has teeth and it has claws. If ever there was a piece of legislation with teeth, it is this one. This bill is handing over amazing powers to local government. I will go through the bill and raise those points in relation to the powers it has, which I find quite extraordinary, particularly those being promoted by the member for Jandakot. It will also allow me to ask some questions of the minister.

First of all is the issue of the intent of the bill, and the three points of the bill—that is, registration, microchipping and sterilisation. This side of the house concurs with the government and supports all those intentions in the control of cats, particularly the eradication of feral cats. The issue that has been raised on a number of occasions in the debate so far concerns the costs of undertaking those requirements and the penalties incurred by cat owners should they either not undertake those requirements, forget to do those requirements or somehow or other slip through the net, and the likely consequences for those offenders.

It has been indicated that the sterilisation process, which is a requirement, could cost anywhere between \$80 and \$200. That depends on the gender of the cat and who undertakes it. We have been advised that microchipping costs about \$45. The initial registration costs and the annual registration costs thereafter have not been identified by the minister. Certainly they have not been clearly identified in debate in the house. That is a real concern. I know local government, and there is one thing that the member for Swan Hills, having been a former council member, would know: ministers and government should not get between a bucket of money and local councils, because local councils always win. The member for Bunbury, as a former mayor, should know that. If local councils see that bucket of money, they are straight into it and get hold of it as fast as they can.

Mr G.M. Castrilli: I'm sure local government would like to hear that.

Mr F.M. LOGAN: It is true. They know that; it is just that they would never admit to it. It is because of, in some cases, the fairly rapacious way in which they do business. I have concerns about registration costs, because whilst they should be cost reflective, how councils make that cost-reflective cost up is, I think, one that should have been more clearly set out in the legislation. The minister is really handing over that power to each and every individual council to determine how much it is going to cost them to do the registration process. The minister knows that it is going to vary from council to council. There will not be a consistent cost outcome across councils in Western Australia. I know that once the bill is passed and the act enforced, we will end up

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having to deal with problems of registration costs for which councils are possibly overcharging. The minister will ultimately end up having to deal with that matter, which is why I think the process should at least have been spelt out a bit more clearly in the bill.

But it is the overall costs. If an elderly resident, a pensioner, has two or three cats, we are talking about substantial cost to their budget. We have already heard today in Parliament, and on numerous occasions beforehand, about the utility price increases that have affected people in Western Australia, as well as other costs, and here is another one. If we look at those elements of our society in which people can have some fun and enjoy a social activity, whether it is fishing or keeping pets, we see that the costs under this government have increased. Look at the increases to the fishing licences; look at the changes to the fishing licences and the costs now to actually take out a full fishing licence. I had a full fishing licence but I certainly do not anymore, because it is just too expensive. I would be one of hundreds and hundreds of people in Western Australia who have now given aspects of their social enjoyment away because of the cost factors involved. Another social enjoyment is keeping pets, and it has been recommended by doctors, particularly for elderly people, because of the company aspects of it. Now, for people to keep a pet such as a cat or two, or possibly three—as we know some people keep more than one or two cats—there will now be a substantial cost increase to them if they have to comply with the three key elements of this bill. I look forward to hearing the minister’s responses to those criticisms that have come up.

The other issue is on page 9, clause 10 of the bill, “Cancellation of registration”. These are the administration details, and once a registration process is in place, obviously, although the bill does not say this, it is up to the owner to notify the council when their cat has died. Obviously, the council cannot predict when the cat will die; the owner must notify the council when the cat has died. As I stand here, we can guarantee that people have forgotten to do it. They will get another bill in the post and there will be arguments between the residents and councils. Those residents will end up in our electorate offices arguing the point about the registration of the cat and being charged by the council when the cat has been dead for two years. We know that that will happen. That is the process of red tape that the member for Jandakot was going on about. Referring to clause 10(a)(iii), “has been registered with another local government”, I ask the minister if, for example, a constituent has their cat registered with the City of Cockburn, and then they move to Fremantle or to another local shire, does that mean that their cat has to be registered once again with the shire that they are moving to? Does the minister know whether that is the case?

Mr G.M. Castrilli: Yes it is, but payment only on the renewal of the registration, as far I am aware.

Mr F.M. LOGAN: So, once that registration runs out upon renewal —

Mr G.M. Castrilli: If they are halfway through the year, as I understand it, and they move to another local government district, they do not have to pay another lot of fees until the registration runs out.

Mr F.M. LOGAN: Thank you, minister, that was not clear in the bill, but that is one of the issues that keeps popping up.

The other issue apart from costs is the enforcement provisions of the bill and in particular the powers that are issued to local governments under the bill. The enforcement provisions, of course, are that if any aspect of the bill is breached, there is a \$5 000 fine. Minister, to have one standard penalty all the way through the bill, \$5 000 for whatever the breach is —

Mr G.M. Castrilli: It is up to \$5 000 and is court imposed, so it would have to go through that process.

Mr F.M. LOGAN: Some penalties are up to \$5 000, and some are a fine of \$5 000. Some are quite clear; they are not “up to” at all, they are “a fine of \$5 000”. To have that one penalty in place, rather than a range of penalties, is unfair and unnecessary, and it is particularly an imposition on elderly residents who may forget about the registration or might struggle with the cost of registration every year or whatever. The government is basically saying to the local councils that they have the power to fine up to \$5 000. I am pretty sure that most councils will apply a penalty either up to or at that amount, which is a massive penalty, for what? Not registering a cat? Those penalties are higher than a fine someone would get sometimes for breaches of other acts of Parliament before a magistrate or district court. For example, drink-driving comes to mind. Would a person be fined \$5 000 for drink-driving on the first offence? No, possibly not. Under this bill, for not registering a cat, a person could be.

Mr G.M. Castrilli interjected.

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Mr F.M. LOGAN: But if it is there in the legislation, it would allow councils to do that. That is why I put it to the minister that the penalties that would be imposed under this bill are really out of kilter with the offences that are stated—the failure to register or the failure to microchip. There might be a whole series of reasons that people have forgotten to or cannot do those things, and if they are in breach of the legislation and the council is determined that that is what it will do, it will impose those penalties, which are silly for this type of legislation.

The other provisions I have concerns about, as I said, are the powers given to local councils under the bill. There are powers that are equivalent to the types of powers that the Department of Fisheries would have. There would be the power to enter premises with or without permission; the power to take whatever documents, photographs, films, audio or video recordings as the authorities see necessary to bring about a conviction; and the power to direct a person to answer questions—this is clause 51, “General powers of authorised person”, subclause (c) paragraphs (i) to (iv). Paragraph (iv) states that there is the power to —

take any other action that the authorised person believes, on reasonable grounds, is necessary.

These are fairly draconian powers. These are the sort of powers that we would expect for the police for breaches of the Criminal Code with respect to drugs—the growing of marijuana in the backyard or a drug lab. We are talking about cats—someone failing to register a cat! There are powers in this bill that are equivalent to any police force powers or powers of organisations like the Department of Fisheries. Those sorts of powers are often used by Department of Fisheries when there are, as members know, mass illegal taking of fish or marine species or there is organised criminal activity in and around, for example, the abalone industry. That is when those sorts of powers are used, not for a local government to deal with the keeping of cats.

Under subdivision 2, “Particular powers of authorised persons”, clause 49, on page 28 of the bill, is headed “Persons found committing breach of Act to give name on demand”. If someone fails to provide their name, the penalty is 5 000 bucks. A cat owner might interfere with or obstruct an authorised person who comes onto their property without permission and goes through all the property in the house. The bill provides that authorised persons can do that; they can go through a cat owner’s property and search for any records or photographs or whatever they like. Local councils can go through a cat owner’s property, turn over the house and take documents without any permission whatsoever of the cat owner. If a cat owner steps into that situation and confronts or attempts to obstruct the person taking those documents, the penalty is \$5 000. The penalty is not up to \$5 000; the penalty is \$5 000. The minister is granting significant powers to local councils. We are not talking about any breaches of the Criminal Code; we are talking about the keeping of cats. I could understand these powers being used if it was, for example, an illegal cat breeding farm which was not registered for that purpose and which the RSPCA had been after for a long time because it kept cats and animals in horrendous circumstances. However, these powers can be used by any local council against any person keeping a cat or cats who do not meet the requirements of the act. I put to the minister that these powers far outweigh the situation with which he is dealing. I understand that we have to give councils certain powers for the purposes of identifying cats, ensuring the ownership of cats and dealing with the process should the cat be unregistered. However, to give councils these types of powers, which are draconian powers that are usually authorised for only the police, far outweighs the type of situation with which we are dealing. We are dealing simply with the keeping of cats. The member for Jandakot keeps pushing this bill. Unfortunately, this bill reflects the member for Jandakot’s draconian view of the world and the powers that should be used against cat owners more than it reflects reality.

MR D.A. TEMPLEMAN (Mandurah) [4.52 pm]: It is not often I get to speak on landmark legislation such as the Cat Bill 2011, but this is such a time. Therefore, I will be very careful with my words because they will be recorded in *Hansard* and no doubt quoted at length in the distant future. One needs to be very mindful of what one says when one makes comments about a bill of this magnitude. Let us go through a couple of things. I was late to the house today because I was in Mandurah at the fiftieth anniversary of the Mandurah branch of Save the Children Australia. A great group of people there are part of Save the Children. I am a member of the Mandurah branch and a strong supporter of Save the Children. Hon Kay Hallahan was also at the anniversary celebration. She has been a member and a fantastic supporter of Save the Children over many, many years. As members do at these functions, I was doing the tables, as they say. Some members of this place may know that I have a recent addition to my family, a son. I now have four children aged under four years.

Mr M.P. Whitely: You should be sterilised!

Mr D.A. TEMPLEMAN: I am coming to that.

Mr B.S. Wyatt: And microchipped!

Mr D.A. TEMPLEMAN: I think I might already be microchipped, because every step I take, my wife seems to know where I am!

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Mr J.M. Francis: Has she got a GPS tracker?

Mr D.A. TEMPLEMAN: I think she has.

I sat down next to a lovely elderly lady, and she knew I had had a recent addition to the family. She said, "What are you talking about today in Parliament? What is on the agenda?" I said, "Well, I am missing question time, but after that we are talking about the Cat Bill." That was interesting because that set off this lovely lady. She said two things to me. She said, "I think that all cats should be sterilised and mine are", and then she looked at me and said, "You should be sterilised too after all these children you've had!" So I quickly beat a hasty retreat from that table because she was looking a bit fierce with her butter knife in her hand, clenching her cutlery in excitement. The comment that she made was very interesting. I asked a couple of people at the tables whether they were cat owners and about their views on the Cat Bill. All the people to whom I spoke are part of the majority of people who are responsible cat owners and who make sure that their cats are well looked after and appropriately cared for.

I listened to the member for Cockburn's comments because he made a magnificent contribution to this landmark legislation. It is a pity the member for Jandakot was not here earlier, because he was named in this place.

Mr F.A. Alban: His name was used in vain!

Mr D.A. TEMPLEMAN: It could have been. The issue of red tape came up. The member for Cockburn talked about how the member for Jandakot has a very strong view on the need to limit government intervention into the lives of Western Australian citizens. The member then highlighted very effectively how this legislation, which has the member for Jandakot's firm stamp on it, is a significant piece of legislation because it concerns people's individual rights and responsibilities. I thought the analogy was very interesting. I listened to the comments of the member for Cockburn. He made some very important points.

I want to make a couple of points in my contribution. The first is that no-one in this place does not believe that an appropriate form of responsibility for cat owners is important. Reasons have been cited, such as the appalling number of cats that end up being euthanased every year and the effect of feral cats, in particular, on our native fauna. As a previous Minister for the Environment, one of the things of great concern is the impact of feral animals in general on our native animals in Western Australia. Certainly, the decline of many of our species can be traced to the introduction of domesticated animals that escape and become feral and impact our native wildlife. A number of members on this side of the house have said that the thrust of the bill and the philosophical aspect of it are not denied.

One of the things about which I am disappointed is the Dog Act issue. Although I think the Cat Bill is an important priority, the amendments to the Dog Act are a greater priority. I know that for a long time a number of people have written to the minister, including Pat McGovern from Greenfields in my electorate. Mr McGovern has written to the Minister for Local Government on a number of occasions, and previous Ministers for Local Government, about the Dog Act. I know that amendments to the Dog Act are supported by the WA Rangers Association, because only recently I wrote to it, asking for an update on its views of the Dog Act. The Dog Act is certainly a priority for that association.

It would be true to say they would see the urgently needed amendments to the Dog Act as more important at this stage than the introduction of new legislation that would have with it a whole raft of new regulations. While this Cat Bill may be seen as important, I really think the minister needs to look at the amendments to the Dog Act that have been talked about for a long time. I know that in my electorate, and probably in every other electorate in the state, there have been examples, both recent and not so recent, of very dangerous and concerning attacks by dogs on people and on pets that have caused great distress to people in my community and other communities. I would be interested in the minister giving some indication of the priority for amendments to the Dog Act and how that sits in the government's future legislative program.

I also wish to raise the powers contained in the bill. As the member for Cockburn has said, some of the penalties that are attached to the various powers highlighted in the bill are quite punitive. Certainly if taken to the nth degree of the law, fines of \$5 000 for various things such as refusing an authorised officer to enter a home, delaying, threatening or obstructing an authorised person, providing the wrong information in the transfer of ownership of a cat and not making sure that a cat is appropriately registered with the relevant local government, as well as the power to seize cats, information or supporting evidence about a cat that may be in contravention of the bill, are punitive measures for people who have offended. The point the member for Cockburn makes is valid. This is a serious bill and I understand the intent, but when we compare the penalties that are proposed in some of these clauses with penalties for offences in other legislation that I think would probably be more serious in nature, a pretty big stick is being dangled over the heads of cat owners ultimately.

Mr Roger Cook; Mr Martin Whitely; Mr Fran Logan; Mr David Templeman; Mr Frank Alban; Acting Speaker;
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I listened to the contribution of the member for Jandakot. I was disappointed not to have heard many contributions from other members opposite; in fact, there were very few contributions from members opposite on this landmark legislation.

Ms L.L. Baker interjected.

Mr D.A. TEMPLEMAN: The member for Ocean Reef did? It obviously was not memorable—but he may have! I suggest to members opposite, particularly those on the backbench and those who live in electorates where there are significant numbers of people on fixed and low incomes, people on pensions and people who are finding it increasingly difficult to stretch their budget to pay all the bills and increases in taxes and charges that this government has introduced over the last three years, that they should not wipe that off as being insignificant. I have to tell members opposite that every day in my electorate office and in my dealings with people and constituents who I mix with and speak to this is a real issue. On the face of it, it seems there could be a cost of anything up to \$200 for the registering et cetera of a cat—that is the figure that has been used—and then a compounding cost if someone has more than one cat. It really is important to remind ourselves that a significant number of people in our communities are doing it tough. I met with a wonderful wildlife carer last Friday, Jesse Steele. Jesse Steele lives in Riverside Gardens and she is on a disability pension. She is one of those wonderful people who cares for native wildlife that are brought to her by members of the public who find, discover or come across injured wildlife. Her specialty is birds. If members visit Jesse, they will invariably see in her back room multiple cages of birds—mudlarks, magpies and butcher birds. Quite often they are baby birds. She has had owls and parrots—a whole range of birds. She has been working as a wildlife carer for over 10 years. She came in on Friday and said she will have to stop. That is the honest truth. She said, “David, I’ve got to stop because I cannot afford the utilities.” That is genuine. I have known Jesse for a long, long time. I have known the work she has done. She has done a lot of work in mental health as well. She lives by herself in public housing. She watches every cent; in fact, she has always poured every spare cent into looking after our native wildlife. She is ceasing to do that as of the end of the month; she simply cannot and will not take any more wildlife because of this government’s massive increase in power charges particularly. For someone on a fixed income, a disability pension, who already watches how she uses every drop of water and every light and electrical appliance that is turned on, she is now not going to be supporting my community as a wildlife carer. I think that is an absolute tragedy.

Ms L.L. Baker: Our neighbour ran over a kangaroo last week and the joey fell out of its pouch and he grabbed it. It was a really wet night. He raced down to us and we phoned the volunteers. The guy who coordinates the volunteers said the same thing. His experience is that they are losing volunteers because they cannot afford to care for the animals any more because of the increased cost of living. That happened to me just last week.

Mr D.A. TEMPLEMAN: I am not making this up, and I am sure that that is absolutely true. The fact is that the impositions by this government over the last three years on electricity, gas and water are having a real effect, and not just on people’s capacity to pay the bills for their own and their family’s existence; here is an example of a person who does tremendous work in my community and has done for over 10 years, and now she is not going to be able to do that. The member for Warnbro, who is the lead speaker for this bill, highlighted this issue of cost; it is a real issue. I tell members that I reckon in the lead-up to the next election some members on the other side are going to be hard pressed to return here, because there is growing anger out there in the community about what they have done and what they have allowed their Premier to do to the people of Western Australia. There is growing and genuine —

Dr M.D. Nahan interjected.

Mr D.A. TEMPLEMAN: The member for Riverton would not know; he lives in Shenton Park. He has a wonderful place and he loves what he does and he can afford to pay. Most members in this place can afford to pay for their higher electricity bills. The member for Riverton can afford to pay. It is the families and the people out there, the Jesse Steeles of the world, who are finding it increasingly difficult. The member for Riverton’s smart-alec remark is an example of the arrogance, not only of the party in power but also of its Premier. You be careful! What is your margin—49 or 51 people? Be very, very careful! I tell the member: if he opens his mouth, he will get slapped!

Dr M.D. Nahan: You failure! You failed! You failed to control housing prices when you were in power.

Mr D.A. TEMPLEMAN: The member for Riverton has demonstrated his arrogance. He has riled me and I am asking for an extension.

Dr M.D. Nahan: You fail to take responsibility for your actions.

Mr D.A. TEMPLEMAN: I am asking for an extension.

Mr Roger Cook; Mr Martin Whitely; Mr Fran Logan; Mr David Templeman; Mr Frank Alban; Acting Speaker;
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A member interjected.

Mr D.A. TEMPLEMAN: I am not taking an interjection from you; you are a fool! You are stupid. I have told you that before. An extension, please, Mr Acting Speaker.

[Member's time extended.]

The ACTING SPEAKER (Mr J.M. Francis): However, before I allow the member to continue, I will say to both the member for Riverton and the member for Mandurah to consider themselves counselled.

Mr D.A. TEMPLEMAN: Members on the other side need to be very, very aware of the massive and growing sense of outrage about what people are being asked to shoulder in their household budgets. When the opposition brings forward these particular issues in the context of a bill that proposes to impose further costs on people, the government needs to listen. It needs to understand that it is having an impact. I have mentioned just one in the case of Jesse Steele; however, there are countless others, and not just in my electorate, but also in other electorates. I say to members opposite, particularly those in marginal electorates, to be very, very cautious when they continue to accept increases in the costs of living—particularly utility prices or costs such as those for water and gas—imposed by this Premier. He has probably told them not to worry because all the increases will be out of the way in the first three years and next year the increase will be only five per cent, or whatever he proposes, and they will get through the election and after the government is returned to power it will be able to add more costs. That is what this Premier has told the party room. That is what he has told members opposite. Do not fall for it. Do not fall for it! Members opposite have the capacity and the brains to argue against it. People are coming to members opposite too, telling them they are feeling the cost increases. When this issue is raised in this place in the context of a bill such as the Cat Bill, I think members opposite should be very much aware that the cost issue is real. We only need look at other costs that have been imposed; for example, the fishing tax. A hotly debated issue, that is now in place. When someone takes the family out in their boat, there is a requirement to be —

The ACTING SPEAKER: Member for Mandurah, I am going to give you some guidance. I am happy to give you a long bow—but fishing on a boat and cats? I cannot see the connection. I ask you to come back to the bill.

Mr D.A. TEMPLEMAN: The member for Collie–Preston might disagree with you on that, but I will not go into that!

The fact is that in every budget of this government, we have seen increases in charges. I have outlined some of them. And this bill proposes another cost impost. All I am saying is members opposite should be very, very wary. This will be another imposition for an elderly lady who lives by herself with a cat or perhaps two cats that she has owned for a very long time, and who is on a fixed income or is on a disability pension like Jesse. This will be an imposition on those families on fixed incomes or on those who are—as many, many more are finding—on what was once considered a reasonably comfortable salary that is now being increasingly stretched by the costs of living. People will start making choices. I think a potential future issue will be the dumping of cats if the imposition of increased costs continues.

No doubt we will go into consideration in detail shortly. I believe that during the debate on some of these clauses, the minister will need to be very open and up front about some of the elements raised in this bill: particularly the costs that will need to be borne by cat owners; the costs and or additional responsibilities of local government in administering and carrying out the intent of this bill in the future; and —

Dr M.D. Nahan interjected.

Mr D.A. TEMPLEMAN: What is your problem?

Dr M.D. Nahan: Aren't you an ex-environment minister?

Mr D.A. TEMPLEMAN: Yes, and if the member for Riverton had been in the chamber to listen to my preliminary comments, he would have heard me make mention of my views on this.

Dr M.D. Nahan: But you are arguing to —

Mr D.A. TEMPLEMAN: Your interjection is feeble. Why don't you just close your mouth and go out of the room.

Dr M.D. Nahan: Why don't you take —

The ACTING SPEAKER: That will do, both of you!

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Mr D.A. TEMPLEMAN: Or if the member is going to make a contribution, he should stand and show some guts!

The ACTING SPEAKER: Member for Mandurah!

Mr D.A. TEMPLEMAN: Mr Acting Speaker, quite frankly —

The ACTING SPEAKER: Take a seat! I started with both of you. I will return to you, member for Riverton. Member for Mandurah, the bow is getting shorter; please, back to the bill.

Mr D.A. TEMPLEMAN: Mr Acting Speaker, I took the interjection and I dealt with it. And I am surprised: is the member going to stand to speak on this bill?

Mr F.A. Alban: I am right behind you!

Mr D.A. TEMPLEMAN: What?

Mr M.P. Whitely: Oh, little Frankie is awake.

The ACTING SPEAKER: Okay; that will do!

Mr F.A. Alban: I was going to stay quiet but —

Mr D.A. TEMPLEMAN: Good, get up and speak. Do not allow the Premier —

The ACTING SPEAKER: Take a seat, member for Mandurah. Member for Bassendean: you know very well that when you refer to other members in this place, even through interjection, it is by the name of their seat. Consider yourself counselled, as well. Member for Mandurah, it would help the house if you did not take interjections. Members on my right—it would help if you did not interject.

Mr D.A. TEMPLEMAN: Thank you, Mr Acting Speaker.

I hope the member for Swan Hills contributes. I am looking forward to his contribution. Many more of the members opposite should speak on bills of this nature because these bills, as I have highlighted, have a range of implications for owners, both in cost and responsibility. I think it important that members opposite, on behalf of their constituency, make a contribution and do not allow themselves to be cut off by the Leader of the House or the Premier or by anybody else.

I look forward to consideration in detail; I look forward to the minister's response; and I look forward to the member for Swan Hills' contribution, one of very few from the government side, because this is an important bill.

MR F.A. ALBAN (Swan Hills) [5.17 pm]: I rise to the challenge from the member for Mandurah who claims that members on the government side are not speaking on the Cat Bill 2011. I will start with many of their statements. Luckily I have taken notes, because I was not intending to speak that much on this bill. The opposition has said that it will support the bill and that it will fight every clause during consideration in detail. According to the opposition members, they will do that not because there is anything wrong with the bill, but because if they ask their silly questions, it will appear to the public that the opposition is doing its job. So we will fill hundreds of pages of *Hansard* talking about nonsense. I am a bit concerned about the member for Mandurah, as a former environment minister, because while we speak, uttering totally useless words in this house, feral cats are quietly munching away on —

Mr A.J. Waddell: This bill has nothing to do with feral cats. It is about domesticated cats.

Mr F.A. ALBAN: It is any sort of cats—quietly munching away on our animals.

Mr D.A. Templeman: You didn't listen to the start of my speech.

Mr F.A. ALBAN: It probably was not worth listening to.

Mr D.A. Templeman: Therefore, do not say something so stupid.

Mr F.A. ALBAN: Let me start. I have not started yet. My family is not only a two-cat family, but also a two-dog family. My rural electorate of Swan Hills is a perfect breeding ground for stray cats—there is lots of cover and there is lots of food. I believe that pet ownership comes with lots of benefits and also lots of obligations. Pet ownership is a lifetime commitment, including food, vet bills and shelter. The opposition has failed to grasp a few facts; namely, that if a person does not immunise a pet, it dies. And then there is the story of the little old lady, which is very popular with the opposition, and the cost of desexing her cats. If a cat is not desexed, it cannot be called a pet. Can members opposite guess why? It is because they do not stay at home; they roam all over the place. I bet members opposite whatever they want, that those little old ladies will be in the 93 per cent

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of people who do the right thing. If they do not desex their cats, if they do not look after their pets, they do not have a pet! We are talking about seven per cent of the population who do not do the right thing. There will be no weeping and gnashing of teeth en masse, because 93 per cent are doing the right thing. There are a few other points members opposite might have missed. I understand that the Joint Standing Committee on Delegated Legislation has reinforced the need for state legislation. Three key elements were identified. The first is mandatory identification. For whose benefit do members opposite think that is—the cat’s benefit or the owner’s benefit? The second is sterilisation. Do members think the cat wants to be sterilised? For whose benefit is sterilisation? It is the owners’ benefit. The third is registration. Who is that for? It is for the owner, because if their cat leaves their property, how otherwise would it be identified?

Several members interjected.

The ACTING SPEAKER (Mr J.M. Francis): I am going to apply the same standards to members on my left when the member for Swan Hills is speaking as I did to members on my right when the member for Mandurah was speaking.

Mr F.A. ALBAN: All other jurisdictions have similar legislation. Why is it that 5 000 to 10 000—it does not matter what the exact figure is—healthy kittens are euthanased every year? Is it because of the 93 per cent who do the right thing? I doubt it very much. We all know that eventually all the non-desexed cats will breed and contribute to a lot of trouble for our Australian wildlife.

I have already mentioned that I have two cats and two dogs. The opposition has constantly asked why we are bothering about the cats; why not the dogs? Well, I did not know that our dog population is wiping out a lot of our native animals. Do you, Mr Acting Speaker, know of any dogs that are consistently eating our wildlife? I thought it was just the cats.

Mr D.A. Templeman interjected.

Mr F.A. ALBAN: At least people can look after themselves, but dogs do not eat our native animals, and that is why the bill is about cats.

Mr D.A. Templeman interjected.

Mr F.A. ALBAN: The member should save his Shakespeare for another time! This is about the Cat Bill.

Mr D.A. Templeman interjected.

The ACTING SPEAKER: Member for Mandurah! You may have been late here and missed out on an opportunity for the Speaker to call you during question time; I am going to oblige you now for the first time.

Mr F.A. ALBAN: As I said once before, I do not believe dogs are eating our native wildlife. Yes, they cause other problems, and it may be appropriate to have a dog bill at a later stage, but what we are debating today is the Cat Bill.

Other members spoke, and I took some very rough notes. The member for Girrawheen referred to 40 cats in the backyard of an old pensioner. That does not say to me that these people are doing the right thing. If someone has 40 cats in their backyard, the local government should have done something about it. That is not a matter of charity or looking after an old lady who needed a pet. I have already talked about non-desexed stray cats, and that 93 per cent of owners have done the right thing, and that it is only about seven per cent who do not.

Mr W.J. Johnston: Are you the lead speaker?

Mr F.A. ALBAN: No, I am not.

We are chatting away here and taking up more time discussing something that members opposite said they broadly support; it is rather interesting that they say that every time a new bill comes into this house. It is an environmental bill. The federal government is trying to impose ridiculous and costly environmental issues such as the carbon tax, which will also affect the member for Mandurah’s little old lady. Not only that, it will be a continuous cost and not a one-off cost. As for the member for Cannington, it will also cost us jobs.

Mr Acting Speaker, I know you have a passion for animals, and you well know that feral and domestic cats are quietly munching away at our wildlife, some of which are no doubt endangered. I am sure the member for Mandurah’s constituents will realise his commitment to the bill.

Mr D.A. Templeman interjected.

Mr F.A. ALBAN: I always appreciate the member for Mandurah’s sense of humour. It reminds me of an Italian saying that the Minister for Local Government may know—everyone loves a clown, as long as he’s not a

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member of your own family! We appreciate the member's humour, but he should remember it is sometimes not as funny as he thinks. I support this bill; it is a practical bill and I commend it to the house.

MR M. MCGOWAN (Rockingham) [5.26 pm]: After that soaring rhetoric, I will now say a few things about the Cat Bill 2011. It will be my important contribution to what has been a very important and uplifting debate on a significant piece of legislation. I considered carefully whether I would say anything about this legislation, because getting involved in controversial issues is something that one must always consider carefully. But I do have some views in relation to the cat legislation and I thought I would pass them on.

This issue has been around for a long time. I recall that around 1998 or 1999, the then Minister for Local Government, Paul Omodei, put out a press release in which he indicated that he was going to pursue cat laws in Western Australia. He was Minister for Local Government for eight years, and that was towards the end of his tenure as local government minister. The legislation did not come to pass, and I think the controversy surrounding this legislation, or the idea of the regulation of cats, meant that he did not pursue it back in the late 1990s.

When the Labor Party came to office, it was something that was considered, but, again, it did not proceed; I think there was, again, a fair amount of controversy surrounding the implementation of laws for the regulation of cats. I always held the view that if there was regulation of dogs, it was not an unfair thing to regulate cats as well. However, a number of people did not support that idea. I recall that the former Premier, Hon Geoff Gallop, a very eminent and reasonable man, had a cat called George, who reached quite an old age—I think George finally reached the end of his life at the age of 18 or 19 years. I am not quite sure, but I think George might have influenced the former Premier's views in relation to cats. He was what one would call a cat person, so he had a great fondness for George, and that may have influenced his views in relation to regulating George's rights and privileges in how he conducted himself. Therefore, legislation for the regulation of cats was not proceeded with by the former Labor government.

When I became Minister for the Environment in early 2006, I arrived in the position with the view, which I still hold, that cats have been devastating to the natural environment of Western Australia and Australia generally. What is a sweet and cuddly pet in a domestic environment becomes a wild creature in its feral state and reverts to its genetic type, and can cause significant damage to native wildlife. I was always of the view that what had gone on in natural Australia was a tragedy with the introduction of foxes and cats into this country in terms of their impact on native fauna. I am still of that view. It has been tragic. It has been shocking. Native creatures have very few defence mechanisms, so anything from frogs to birds to small marsupials have little or no defence against cats or foxes. What has happened to those sorts of species has been tragic. Some species have been virtually wiped out because of the impact of cats in our native environment. That is not just a Western Australian phenomenon; it has happened all over Australia. It has been shocking. I love our native environment and I love native creatures, and I think we need to do far more to protect them. Cane toads have now arrived in this state. I think they are far worse than cats or foxes. At least many native creatures have a chance of survival with cats or foxes; with cane toads, many native creatures have no chance of survival. That is a tragic development in the north of our state. We should do all that is sensible and reasonable to stop them from getting from the north to the southern part of the state. But back to cats. They have a dramatically bad effect on large elements of the native fauna of Western Australia. Will regulating cats in a domestic context impact that? Probably not to a large degree; probably not at all. The reason I say that is that they are already there and have bred in large numbers. When I drive home to my house in Rockingham late at night—it will probably happen tonight—I see feral cats in the bush. I see them running across the road near the CBH grain silos—they are in that little bit of bush. Large feral cats are out there. As we all know, they breed quickly and in large numbers. Whether we regulate or sterilise domesticated cats probably will not impact the feral population at all. That is an unfortunate fact—a historical fact—over which we have little influence, because all the bad things have already happened. What does help to protect native fauna are attempts to eradicate feral cats and foxes in certain areas and to build sanctuaries for native fauna. The only way to protect some forms of native species, such as bilbies, is to create those sanctuary areas, which are essentially fenced areas of native bush or offshore islands from which predators such as cats and foxes are eradicated. I do not think that regulating at a domestic level will have a great deal of impact on the feral cat population, because they are already there in their millions. To think that sterilising a domestic cat will somehow impact the millions of cats that are already in the bush is, to me, only wishful thinking. I wish it were that easy.

Mr F.A. Alban: Are we wasting our time?

Mr M. McGOWAN: I am not trying to be political here.

Mr F.A. Alban: Do you think we are better off doing nothing?

Mr Roger Cook; Mr Martin Whitely; Mr Fran Logan; Mr David Templeman; Mr Frank Alban; Acting Speaker;
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Mr M. McGOWAN: No, I am going to go on to say what I think. I am just stating a fact. Anyone who understands the Australian bush will know that feral cats are out there in their hundreds of thousands or millions across Australia. Who knows how many there are in the Western Australian context, but it is certainly in the hundreds of thousands. That is the situation with feral cats. It is tragic. As I said, creatures like bilbies, little quolls and other forms of small marsupials, such as mice, have no defences against these creatures. It is a very sad development. I think it is one of the great tragedies in the history of this country, up there with other events such as the impact of white settlement on the First Australians—Indigenous Australians—the First World War and so forth. What has happened to the natural environment of this country is one of the great tragedies. In any event, it is one of those things that are difficult to influence. I indicated to the house that one of the best ways to do it is to provide sanctuaries for native creatures in which they might have a chance of survival as these forms of predators are not present. That is the best way to do it. Back to the question of whether it is worth legislating, I think it probably is on balance. I do not think that the argument that we will save large amounts of wildlife by introducing this legislation is particularly valid; it would save only a small amount. I think the more valid arguments are that the legislation will help to prevent cruelty to cats by not having unwanted kittens born and by ensuring that those cats that are missing or lost are more easily found and returned to owners. There is some rationality to the legislation in the interests of owners and domestic cats. However, I do not think that this rational reason for creating these laws justifies a heavy-handed approach and I do not think that duplication is required. The bill requires that cats be both registered and microchipped. Is it necessary to have that level of duplication? Probably not. Is the large expense that we have been hearing about for ordinary families required? I think the government could perhaps have gone for a more affordable option.

Mr F.A. Alban: What is your solution for all the kittens being euthanased? Have you got a solution to that?

The ACTING SPEAKER (Mr J.M. Francis): Thank you, member for Swan Hills!

Mr M. McGOWAN: I am just suggesting to the house that some of the heavy-handed laws, regulations and fines in this legislation appear to be a bit over the top. That is all I am saying, member for Swan Hills. It is an interesting phenomenon. I am certainly one who is far less into heavy-handedness, over-regulation and punishment than is the Liberal Party in this state. I think you guys are quite authoritarian, actually. The government's style is very authoritarian and it is very interventionist in its economics. It is a very strange phenomenon; the Liberal Party in this state is heavily into authoritarianism and interventionism. I do not know why the government thinks it has to proceed with that course of action all the time with virtually everything that it does.

Mr F.A. Alban: But you've said, "We broadly support this bill." What does that mean?

Mr M. McGOWAN: The word "broadly" is commonly understood, as I understand it member for Swan Hills. In fact, I hear all the time that the Liberal Party is a broad church. What does that mean? Is that meaningless?

Mr F.A. Alban: You broadly support the bill. Tell us about the bits you don't.

Mr M. McGOWAN: We have discussed at length the duplication.

Several members interjected.

Mr M. McGOWAN: What is the latest question from the member for Swan Hills?

Mr F.A. Alban: I want to know how you're going to euthanase 5 000 or 10 000 kittens nicely or gently or whatever way you want to do it.

Several members interjected.

Mr F.A. Alban: You don't want this bill to proceed, so things are back to where they were before. Don't tell us what you don't want in our bill; tell us what you would do if you were in that position. What would you do in this position? I notice that your environmentalists on the back row aren't saying much. What would you do if you are not happy with this bill?

Mr M. McGOWAN: The unruliness in this chamber!

The ACTING SPEAKER: My words exactly, member for Rockingham! Member for Swan Hills, the member for Rockingham is not taking your interjection. He makes a good point about the unruliness in the chamber. Member for Swan Hills, I am going to call you to order for the first time today.

Mr M. McGOWAN: An inspired ruling, Mr Acting Speaker; he is a very unruly member. He gets animated about these issues.

Mr M.P. Whitely: He's tearing you apart.

Mr Roger Cook; Mr Martin Whitely; Mr Fran Logan; Mr David Templeman; Mr Frank Alban; Acting Speaker;
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Quigley; Mr John Kobelke; Deputy Speaker; Mr Paul Papalia; Mr Joe Francis; Mr Mick Murray

Mr M. McGOWAN: Yes, I know. He has got his claws into me. He is causing all sorts of trouble around the chamber. All I am saying to the member for Swan Hills is that we can have legislation that deals with the issue that does not have to be particularly heavy-handed, does not have to have duplication and does not necessarily have to have the cost that is involved in this bill. From our point of view, it is called amending the legislation to make it more sensible. That is what we are saying to the member for Swan Hills: we propose to amend the legislation to make it more sensible.

I think the government displayed a degree of political courage to bring in this legislation. I outlined the history of this issue to the house, going back to Paul Omodei in the 1990s and the Gallop government, saying that it has not proceeded before. Therefore, the government has shown a degree of courage in introducing it. Perhaps the government has gone too far with this legislation. Other members outlined to the house the Soviet-style powers, the extraordinarily large fines and the amazing duplication in this legislation. Perhaps as a Parliament we can amend the legislation, which is our role, to make it more sensible and reasonable for the citizens of this state. As I said before, members opposite have adopted a very authoritarian and interventionist approach in government. That is not my view of the world. Perhaps we should try to cut away some of those levels of regulation and the extreme nature of some of the penalties and powers involved for the state under this legislation and make it a little more sensible to deal with the issues that we are attempting to deal with in this bill. That is all we are proposing to the house.

MR G.M. CASTRILLI (Bunbury — Minister for Local Government) [5.41 pm] — in reply: After listening to the speeches of members of the opposition, it is evident that a range of views exist. Some members did not agree with each other about certain aspects of the legislation. Some wanted more legislation while some wanted less. Some wanted local governments to do more and some expressed concerns that local governments may abuse some powers. Some argued that cats were not a threat to wildlife. I think the member for Gosnells provided some convincing data to dispute that. Some argued against registration and registration fees. Some want local governments to enforce the legislation. This afternoon I heard that some members on the other side of the house will support registration. Some argued that stray cats were not a problem in the metropolitan area. The member for Girrawheen read out a very moving letter showing how serious the problem was to her and one of her constituents. This is a reflection of a wider community view. I agree that this bill will not satisfy everybody. For some, it does not go far enough. For others, it goes too far. Of the 590 people and organisations that responded to the discussion paper on the legislation, 84 per cent supported microchipping, registration and sterilisation. Support for individual elements of the bill ranged from 87 per cent to 95 per cent. Only four per cent of respondents did not support any of the three key elements. A lot of the issues raised by members of the opposition were common to a lot of people. Therefore, I will try to address those issues on an issues basis, not so much on what individual members said in their speeches.

The member for Warnbro made much of the fact that he had not received any correspondence about cats. I have received well over 150 pieces of correspondence. On top of that, 590 people responded to the public consultation on the bill. It is an issue of interest and concern to the community. I probably agree with the member for Rockingham that it took some political courage to bring in this bill, but I was happy to do that because the feedback from people to whom I have been talking indicates that they have been looking forward to it.

One of the issues raised related to devolving the responsibility for cats to local government. Local governments are charged with the good governance of their communities. The management of nuisances and the encouragement of responsible ownership is one of their functions. Only 19 local governments have local laws for the management and control of cats in their districts. As the member for Swan Hills said, in 2009 the Joint Standing Committee on Delegated Legislation reported to the Parliament that statewide legislation was needed to ensure consistency between local governments. This legislation is not about devolving responsibility from the state government to local government, as has been alleged by some members; it is about this government giving local governments the tools to be able to respond to cat issues within their communities.

The member for Warnbro wanted to know what we are doing with legislation if 93 per cent of cats owned by people in the community are already sterilised. The objects of this bill provide for the control and management of cats and the promotion and encouragement of the responsible ownership of cats. It is also about animal welfare, which I think the member for Maylands has noted. Many cat owners are responsible; 93 per cent already sterilise their cats. This legislation will make little difference to these people because they are already doing the right thing. This legislation sets out what is regarded as responsible ownership. It is about sterilising cats, unless people want to use them for breeding purposes. It is about microchipping cats so they can be returned to their owners if they get lost or stray from their owners' property or are stolen. It is about registering cats so that local governments can readily deal with those cats that are not owned. It will give powers to local governments to deal with owners who are not responsible, including cat hoarders, and cats that are not owned. The member for

Extract from *Hansard*

[ASSEMBLY — Tuesday, 20 September 2011]

p7272b-7333a

Mr Roger Cook; Mr Martin Whitely; Mr Fran Logan; Mr David Templeman; Mr Frank Alban; Acting Speaker; Mr Mark McGowan; Mr John Castrilli; Mr Bill Johnston; Mr Andrew Waddell; Ms Lisa Baker; Mr John Quigley; Mr John Kobelke; Deputy Speaker; Mr Paul Papalia; Mr Joe Francis; Mr Mick Murray

Warnbro also expressed some confusion about the contradiction between the 93 per cent of cats that are sterilised and the estimated 650 000 feral cats in Western Australia. The figure of 93 per cent relates to cats owned by people who take responsibility for their animals. Unfortunately, there are many unowned cats. Strays live in back alleys, shopping centres, parks and wheat silos, as the member for Rockingham said. I agree with him that a lot of stray and feral cats are out there. The legislation also deals with some unsterilised cats which are owned and which can breed indiscriminately.

Just touching on what the member for Rockingham said, cats reach sexual maturity and can breed when they are between five and 10 months old. Females can have two or three litters a year. The average litter is about five kittens. Being able to reproduce at such a young age and having the potential to produce multiple litters a year means that uncontrolled cats are prolific breeders. The multiplier effect of their subsequent offspring also breeding, even given a mortality rate of between 40 and 75 per cent, means that one unsterilised breeding pair can result in thousands of stray and feral cats over a seven-year period. That is a fact. Most people would not disagree with that.

The member for Forrestfield questioned the need for a tattoo to show that a cat has been sterilised. I have taken this on board. I will move an amendment to remove clause 19 and to replace it with a new clause that requires vets to enter on the microchip database register the fact that a cat has been sterilised. I hope that will satisfy one of the member's concerns.

The member for Cannington said that he thought the voucher system of sterilisation was very sensible and he asked me to explain how microchipping would fit this. Clause 22 states that a person must not transfer a cat that is not microchipped unless it is accompanied by a certificate from a vet stating that that would adversely affect the health of the cat. The voucher system is unnecessary for microchipping because kittens can be microchipped at a much earlier age and it can be done by trained people and not just by vets. Breeders associations already require that their members microchip kittens before sale.

A number of issues were raised about registration. The member for Warnbro asked why registration is a necessary element to this bill. Registration provides a visible means to determine whether a cat is owned, as cats will be required to wear a collar and registration tag similar to those required for dogs. Authorised officers will be able to more effectively use their time by focusing on cats that are likely to be unowned or strays without having to capture every cat. The collar and tag enables organisations without a microchip reader to return lost cats to their owner.

Registration will also provide for a compliance check, because at the time of registration cat owners must provide proof that the cat has been both microchipped and sterilised. The payment of a registration fee to local government provides a source of revenue to contribute to the cost of managing and enforcing cat control, because local governments are the ones that are doing it. It is a cost that will be borne by cat owners rather than having every citizen in Western Australia who does not own a cat pay for other people who do own cats.

A question was asked regarding the practicality of collars and tags. Cats can slip their collars. This has been recognised in the bill with a provision in clause 6(3) that states that the owner will not be guilty if the cat is not wearing a tag due to a cause beyond the owner's control. This is not a reverse onus of proof, as I think the member for Cannington alleges, but I will address that later in consideration in detail, if necessary.

Both the members for Warnbro and Forrestfield raised the issue of the impact that wearing a collar will have on shown cats. That is addressed in clause 6(2), in which certain classes of cats will be exempt from wearing registration tags when in a public place. This will apply to cats that are being exhibited for show purposes and that will be specified in regulations. I have listened to the needs of some specific interest groups in the drafting of this legislation.

A lot has been said about the cost of ownership. Most members on the opposite side raised points about the cost of ownership. There will be one-off costs. Microchipping is approximately \$56—that is an average price of what vets charge in Perth—and a collar and tag is approximately \$15. With respect to sterilisation, Cat Haven wanted \$130 to sterilise a female cat and \$105 with a concession; for males is it \$105 and \$85 with a concession. Ninety-three per cent of people already sterilise their cats. Some local governments already have cat laws and provide a subsidy for the cost of cat sterilisation in their districts. The only ongoing new cost is registration. That quantum will be set in consultation with stakeholders. By way of example, currently dog registration is \$10 a year or \$18 for three years. Joondalup proposed \$10 per year and \$25 for a three-year registration in their local laws. Albany charge \$18 for a three-year registration of a sterilised and microchipped cat. A maximum registration fee will be specified in regulations. That is another level of protection.

Mr Roger Cook; Mr Martin Whitely; Mr Fran Logan; Mr David Templeman; Mr Frank Alban; Acting Speaker;
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Cat owners who do not already have their cats sterilised or microchipped have two years to comply with this legislation. Discounts will be available to pensioners, as they already are under the Dog Act, which, if I remember rightly, is about a 50 per cent discount. If people are paying \$10, pensioners will pay \$5 a year.

People talk about the cost of cat ownership. The Bankwest indicator survey of May 2010 found that the average Australian family outlays \$1 772 per year for the care of their cat. That is on top of the initial purchase price. I am saying that the cost of registration will add a little amount to owners who are already paying for their cats each year.

The members for Forrestfield and Warnbro also asked whether there was any money associated with this bill. I think the member for Forrestfield was the one who raised that. The state government will be assisting with the capital costs of the introduction of this legislation. Over the next few months, once this bill is passed, there will be extensive consultation over the implementation of this legislation. Part of this will lead to the assessment of the costs. I will then be seeking an allocation in the 2012–13 budget for this matter. I will also be looking for assistance for low-income earners towards the cost of sterilisation, as well as financial assistance to local governments.

Some comments were made about privacy; I think it was by either the member for Warnbro or the member for Cannington. The register will include details of the cat—that is, the breed, the colour, the sex and the owner, and the names and addresses. However, I have listened to the concerns expressed by some cat owners and the members for Warnbro and Cannington about the public access to the cat register. I am introducing amendments to delete those subclauses, which at the moment make the register a public document. I am introducing amendments to that aspect.

A topic raised by several people was the powers being given to local government. Some concerns were expressed about the amount of power given to local government. No more power will be given to local governments in relation to the control and management of cats than they already have in relation to the control of dogs. I have not seen any great outcry from anybody about the abuse of power in what they do at the moment with dogs. There are set procedures that local governments must follow. That is outlined in the bill. They must be given the tools to do their job, and this bill does that.

The member for Warnbro also asked about whether we should give local governments the power to require cats to be confined. A few people, both previously and today, have implied that local governments cannot be trusted. I am not going to make any comment about that. However, I think we should give local governments a bit more credence than given by some members in this chamber; we should show a lot more faith in the sector.

Local governments need to respond to the concerns and needs of the local residents. This is an issue for the local community. Perhaps a bushland area is nearby. There may be requests to the local government from the community to make appropriate laws to deal with these matters.

Sitting suspended from 6.00 pm to 7.00 pm

Mr G.M. CASTRILLI: Just before the dinner break I was talking about the confinement of cats and saying that local governments need to respond to the concerns and needs of local residents. If there was an issue for the local community because of the bushland area nearby et cetera, the local community would request the local government to make the appropriate laws to deal with it. There is a defined legislative process for making local laws. The local government needs to advertise its intention to make a law, and its purpose and effect. There is a minimum community consultation period of six weeks. Local government needs to consider submissions before making local laws, and those local laws are examined by Parliament to ensure they are legal. We have seen several examples of local law disallowance in the past, and, as can be seen within this bill, checks and balances are in place to ensure that local governments act responsibly in response to community needs and wishes. Clause 76 of the bill enables the government to make regulations that will operate as local laws, and they can be used to provide any protections considered necessary over time.

The member for Warnbro stated very emotively that the legislation would provide local governments with, I think he said, invasive powers, and the ability for local government employees to demand things of cat owners. He stated also that local governments would be able to shut down facilities if they did not meet local government standards. Yes, local governments will be able to shut down facilities where there are breaches of the act and associated regulations. Of course they will have the power to act when cats are being kept in dangerous or unauthorised facilities. What is the point of setting standards or having laws if there are no powers to act when those laws are being contravened? The regulations will be prepared in consultation with stakeholders, and they will be accompanied by guidelines of what is expected of both local governments and cat breeders. This will

Mr Roger Cook; Mr Martin Whitely; Mr Fran Logan; Mr David Templeman; Mr Frank Alban; Acting Speaker;
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ensure consistency and transparency, which is what you requested, when you spoke on the bill, Madam Acting Speaker (Ms L.L. Baker).

Clause 50 of the bill provides a procedure for accessing premises. An authorised person can enter a premises with the agreement of the owner, or an authorised officer can give the owner a notice in writing that they wish to enter the premises and the reason for doing so. The authorised officer must give at least 24 hours' notice and up to seven days' notice. The owner can either object or give access, or the authorised officer has to obtain a warrant to enter the premises and convince a justice that they have adequate cause. As members can see, some fairly rigid steps are in place.

The member for Cannington sought a phased introduction, or transition, to the new requirements. I have done that by providing a long lead-in time. The cat owners and local governments have more than two years, until November 2013, to prepare themselves and their cats.

The member for Warnbro also raised a number of issues relating to cat breeding and clauses 35 and 36. I will address those in consideration in detail, but I am sure that you, Madam Acting Speaker, will be very supportive of the requirement for cats to be bred in a safe and ethical way. I and this government want to ensure that, under this legislation, no cat equivalents to puppy farms will be able to operate.

Another issue raised by the member for Warnbro was the concern raised by the Feline Control Council of Western Australia that local governments could refuse to give members approval to breed, which would force them to move elsewhere or to close down. This concern has been specifically addressed in clause 36(5), which states that the local government is not to refuse to grant or renew an approval to breed cats if the applicant is a member of a prescribed organisation. I think the member for Gosnells stated that that was a good idea and I think the member for Forrestfield also specifically asked that these organisations be recognised. Cat breeding organisations with a code of conduct that is in line with the intent of this bill, such as the Cat Owners Association of WA, and that monitor the activities of their members, will be prescribed in regulations. This will put the onus on the organisations to ensure that their members are compliant and will remove concerns that some local governments, through the use of this legislation, will limit the activity of those organisations.

The member for Forrestfield also raised concerns about local governments limiting the number of cats a person can own, as they will be able to do under the local laws, and that people will therefore be unable to take on a cat. I think he mentioned the example of his mother-in-law's cat when she was unable to look after it. A number of local governments already have local laws in place to limit the number of cats at each premises. These local laws allow for cat owners to apply for a permit to have more than the set number of cats. The member would be able to take in his mother-in-law's cat under those local laws. Another concern expressed by the Feline Control Council is that the limit on the number of cats kept could be used to force people to get rid of a much-loved pet that is not within the limited number of cats. In fact, these laws cannot be retrospective and local governments will issue a permit for all existing cats. These protections will be in regulations.

The member for West Swan, as did the member for Cannington, asked about pounds and expressed concern that cats would be euthanased too soon, without the owners being notified. Clause 29 obliges the operator of a cat management facility to make every reasonable attempt, including scanning, to identify the cat owner. The requirements for registration, collars and tags and microchipping facilitate that identification. Clause 31 requires the manager of the facility to take all reasonable steps to ensure that the owner is notified. The owner will then have seven working days to collect their cat. After this time, obviously the cat can then be rehoused, offered for sale or euthanased. Arrangements may be made in the metropolitan area for a few central facilities operated, say, by the Cat Haven or the RSPCA. We will be investigating that in the coming months.

In response to the member for Victoria Park's comment that the Cat Bill did not go through the regulatory gatekeeping impact assessment process, it did go through the process, which assesses whether the legislation can be justified in terms of the benefit it brings. As members opposite have asserted, this bill will have an overall positive effect on cats, the environment and society. The option for the lifetime registration of cats will be discussed with local government and other stakeholders as the regulations are prepared to assess the relative costs and benefits.

I welcome the member for Cannington's comments on the need to make parents responsible for the cats they buy for their children. He also talked about approaches to him by his constituents regarding damage that cats do to native animals in regional parks. The member for Kalgoorlie raised the issue of the huge negative impact that cats have on the sandalwood industry in his electorate, and I must say that that is quite a big concern. The member for Maylands acknowledged the value of this piece of legislation in improving the welfare of cats and being able to address hoarding.

Mr Roger Cook; Mr Martin Whitely; Mr Fran Logan; Mr David Templeman; Mr Frank Alban; Acting Speaker;
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The member for Gosnells provided some very relevant figures. A survey, I think, from the City of Armadale showed that both cat owners and non-cat owners support such legislation, including the requirement for desexing. Eighty-five per cent of cat owners stated that they supported registration. I thank the member for his valuable contribution.

The member for Kwinana said that the breeding of cats had gone unregulated for too long. He spoke about the protection of the local environment. He is the owner of two Burmese cats and he said there was a need to regulate cats. He said he supported the principle of the bill and talked about costs. He raised the issue of additional costs for people who already do the right thing; however, I strongly suggest that that concern is the result of a misleading statement made to the media by the member for Warnbro. The only additional cost for people who already have their cat sterilised and microchipped is the very small cost of the registration, and I have already outlined some examples of what applies to dogs and what the City of Joondalup proposed for cats.

The member for Collie–Preston said that he thought that the number of cats would rise because they were not being used as craypots! Maybe he should have been referring to marron pots, I am not sure. I am not sure what he was getting at there, so I will just leave it!

The member for Cockburn talked about maximum registration charges. The maximum registration charge will be set in regulations the same way that they are for dogs. He also talked a lot about penalties in the bill. These are all maximum penalties; they are court imposed. If a local government imposes or issues an infringement notice, the fine is a maximum of 10 per cent of the maximum penalty in the bill; that is, local government can only impose a penalty of a maximum of \$500.

I think the member for Bassendean said he was a member of the dog faction. He talked about good intent and was worried about unintended consequences. He questioned the impact of cats on the environment. He also questioned the impact of sterilisation costs on low-income families. I have already mentioned what I hope to achieve with the subsidisation of sterilisation costs for low-income families.

The member for Mandurah said that this bill was a landmark decision!

Mr D.A. Templeman: It is a landmark decision!

Mr G.M. CASTRILLI: It is a landmark decision! I think the member for Rockingham also said that it was a very politically courageous decision and therefore it is a landmark decision. The member went on to mention events in 1998 or 1999; I think I remember those. I was not in this place at the time but I remember something about that. No-one had the courage to bring it on. The member for Mandurah and some other members also spoke about the Dog Act. The member for Mandurah is right about the Dog Act. He also mentioned that it has been in place for some time. When the Labor Party was in government, it started that process in 2002 and went as far as drafting a bill, but never got anywhere after that.

Mr D.A. Templeman: Except the kennel!

Mr G.M. CASTRILLI: Except the kennel; the member is right!

I hope that I will do something about the Dog Act. At the moment we have a Dog Act, but we do not have a cat act. I want to get this bill through and then I will concentrate on the Dog Act.

There was also mention of fines being quite high. I say again that local governments can impose penalties of only 10 per cent of the maximum figure in the bill, which would be \$500.

As I was saying, the member for Rockingham talked about 1999. He supported the legislation for the cats, as it exists for dogs. He talked about his concerns about the effect that unowned and feral cats were having on the environment. He also mentioned that they breed in large numbers. I think I went through that issue and I absolutely agree with him. We have to start somewhere, and I think this is the right place to start.

I think I have covered just about everything members raised in their contributions to the second reading debate. In conclusion, I thank all members in the chamber for their contributions to the debate. Although some issues were raised, support was expressed for both the intent and the content of the bill. It is important to ensure responsible cat ownership and to give local governments the power they need to deal with irresponsible owners and stray cats. This bill is supported both by people who do not own cats and responsible cat owners. There were 235 cat owners who contributed to the discussion paper. Ninety-five per cent supported sterilisation, 97.9 per cent supported microchipping and 98.8 per cent supported registration. I believe that this shows that the bill reflects a well-balanced policy position. I venture to say that some members on the other side have attempted to paint this bill as if it were a piece of Big Brother legislation, and one day a seven-year-old or a pensioner will wake up and find themselves and their precious pet at the whim of an evil cat-hating ranger. I doubt that very much. During the extensive consultation we carried out, there was overwhelming support from Western

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Australians, in particular from responsible cat-owning Western Australians, for the measures in this bill. This bill is flexible enough for those who for genuine reasons might find some aspects of the legislation difficult to comply with, and the bill provides checks and balances to guard against excesses of enforcement. The only people who in reality will be adversely affected by this bill will be those who are not prepared to care for their cats in a responsible way. I think this bill is a well-balanced approach; it presents a well-balanced approach to dealing with problems that arise from the inadvertent introduction to this country many years ago of a creature that is both a delightful companion to many and at the same time a nuisance and a threat to our environment.

Question put and passed.

Bill read a second time.

Consideration in Detail

Clause 1: Short title —

Mr W.J. JOHNSTON: It may not come as much of a surprise to the minister that, although the Labor Party has indicated its principal support for the bill, we have outlined to the minister, both outside and inside the chamber, that we are of the view that the bill could do with some improvement.

Debate interrupted.

[Continued on page 7290.]

Referral to Community Development and Justice Standing Committee — Motion

MR W.J. JOHNSTON (Cannington) [7.22 pm]: I move —

That the Cat Bill 2011 be referred to the Community Development and Justice Standing Committee to examine and report on the bill by 1 December 2011.

The ACTING SPEAKER (Ms L.L. Baker): I draw members' attention to the fact that this is a motion. My understanding is that we will have to ask the advisers to leave and then put the motion to the house.

Mr W.J. JOHNSTON: I will not speak for 60 minutes; it is all right!

This device is designed to have the bill referred to a committee. I understand that the appropriate committee is the Community Development and Justice Standing Committee. This referral means that the principle of regulation of cats is not subject to review by the committee but, rather, only the terms of the bill are subject to review. We will not labour the point, but we believe that this would be an appropriate way forward for this legislation, because it would give the community a broad opportunity to understand not the principles involved in the bill, but the provisions of it. For example, the minister has indicated that there is 97 per cent support for registration of cats. I am sure that there is no question of that, but does that mean that people support the particular provisions on the microchipping and registration of cats and all these sorts of things? In this way, we can examine the provisions of the bill. So I commend the resolution to the house.

MR G.M. CASTRILLI (Bunbury — Minister for Local Government) [7.24 pm]: I totally oppose this motion. Obviously, I will not support it. There has been widespread consultation, with 590 submissions received. All those elements have been consulted on. Only four per cent of all the respondents said that they do not agree with those elements. There is widespread support for this bill and I just want to see it proceed.

MR A.J. WADDELL (Forrestfield) [7.25 pm]: That broad consultation has occurred, but the reason that we are seeking to have this bill referred to the Community Development and Justice Standing Committee is that clearly there is a fair difference of opinion on several elements of the bill. I note the comments the minister made in his speech. Certainly, many of the concessions that he has made in the amendments that he proposes to bring to the bill are as a result of the contributions of all other members to the second reading debate. I congratulate the minister on that.

Some fundamental differences still need to be resolved. This is not the forum in which we can really get down to the nitty-gritty of some of the mechanics of how the bill will operate. I do not believe that this proposal will put in jeopardy the concept behind the bill in any way; it will merely allow us to look at the mechanics of how the bill will operate. We are seeking a forum in which we can work out the nitty-gritty and how the bill will work to ensure that we do not get it wrong and that we are not back here in six months to amend this bill.

Question put and negatived.

Consideration in Detail Resumed

Clause 1: Short title —

Mr Roger Cook; Mr Martin Whitely; Mr Fran Logan; Mr David Templeman; Mr Frank Alban; Acting Speaker;
Mr Mark McGowan; Mr John Castrilli; Mr Bill Johnston; Mr Andrew Waddell; Ms Lisa Baker; Mr John
Quigley; Mr John Kobelke; Deputy Speaker; Mr Paul Papalia; Mr Joe Francis; Mr Mick Murray

Debate was interrupted after the clause had been partly considered.

Clause put and passed.

Clause 2: Commencement —

Mr W.J. JOHNSTON: I know that that the minister says that clause 2 is a transition provision. We have had an email exchange with the minister's office and I must say that I appreciate that the minister was so generous in having his staff talk to me. I was able to put in writing some of my thoughts and receive a serious and proper response from the minister. I thank the minister's staff member Sheryl Siekierka, and I appreciate the minister taking the time to respond.

I want to make it clear why I think this is not a proper transition provision. I imagine that the bill should have a clause that says, "In the next two years, these are the arrangements for cat ownership", and something would take effect in the future. If we go through the bill, we see some illogical consequences in the way that the provisions apply. The microchipping provision applies except to a certain extent. I would argue that the clause is not really a transition provision. I know that the minister will stand up in a moment and say that he considers it to be so. As I said in my second reading contribution, a committee review would work because we could ask, "What provisions do we want to have in the short term while we educate people about where we want to get?"

I draw the minister's attention to the powers that this bill gives to local councils to make local laws. For example, clause 78(3)(g) reads —

- (g) requiring that in specified areas a portion of the premises on which a cat is kept must be enclosed in a manner capable of confining cats;

Local governments will therefore be granted that power on 1 November 2012. That is not really a transition period. That is just saying that will happen on the passage of the bill. The minister need not look up that specific provision. I am just giving that as an example. I am saying, though, that it is not a transition period but just a delay in the introduction of the system; whereas, I am saying that there should be an arrangement that says, "This is our current arrangement for cat ownership, these are the provisions that we are going to apply for the next two years, and that's then the provision we apply after that." Although I understand that this provision does not mean the act will not come into effect until next year and a range of specific provisions will not apply for a year after that, it is not actually a transition provision.

Mr G.M. CASTRILLI: A full 12 months will elapse before any provision—except for proposed sections 1 and 2—comes into effect after assent, and some provisions come into effect a full two years after assent. The member mentioned clause 78.

Mr W.J. Johnston: Yes. I was just using that as an example.

Mr G.M. CASTRILLI: Yes, but it is an example of giving power to local government to make local laws that will not come into effect until 2013. Therefore, in the first 12 months after assent, there will be plenty of educational opportunities and all sorts of things, including consultation with stakeholders on costs, as I mentioned in my second reading speech. Therefore, after proposed sections 1 and 2 come into effect there will be a full 12 months before other provisions come into effect, and, of course, paragraph (c) provides that the rest of the provisions will come into effect on 1 November 2013. I therefore think that there are adequate transition periods.

Clause put and passed.

Clause 3: Terms used —

Mr A.J. WADDELL: On behalf of the member for Warnbro, I move —

Page 4, lines 10 and 11 — To delete the lines.

The purpose of this amendment is to delete the definition of "registration tag" in the clause, which reads —

"registration tag, in relation to a cat, means the registration tag given to the owner of the cat under section 11(1)(c)".

This is part of a series of amendments that the opposition foreshadows moving. This amendment probably goes to the fundamental nature of the disagreement the opposition has with the government on this legislation, that disagreement being the impost of a cost that will lay at the feet of cat owners. Ninety-three per cent of cat owners have been acknowledged as doing the right thing; 93 per cent of cat owners are not the problem; 93 per cent of cat owners are not creating feral cats; nor are they in any way contributing to the problem, yet the very mechanics of this bill will require that 100 per cent of cat owners will carry 100 per cent of the cost of the

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whole system. If the nature of this bill is to deal with the feral cat problem, we are essentially saying to the 93 per cent of people who have done the correct thing, “It is your responsibility; it is your problem.” The difficulty we have is that 93 per cent have been acknowledged as not having created any of the problem and therefore should be no more responsible for bearing the cost of the problem of feral cats than non-cat owners or non-dog owners would be in this instance. We therefore foreshadow a series of amendments that essentially at their heart go to the idea of removing from this bill the provisions for control by local government of the registration process. We do that with the absolute acknowledgement that we support the points of the bill that seek to bring in compulsory sterilisation and microchipping. There is no doubt in our mind that those points will go a long way to correcting the problem that exists in the community. They will allow rangers and other people to identify through microchipping whether a cat is owned and properly controlled by an owner, or whether it is a feral cat, and sterilisation is an obvious step. If the majority of cats are sterilised, those that do find themselves in the wilds of suburbia or in rural areas are less likely to contribute to the ongoing feral cat population. We are therefore fully supportive of those points. Those are the points on which we have been saying we substantially support this bill. However, we do not believe that the cost of mopping up this problem needs to be laid at the feet of the 93 per cent of cat owners who are doing the right thing, and we do not believe that we should be contributing to the overall cost of living to those families who own cats and do so responsibly. We will therefore move this and other amendments to remove the registration process with the full knowledge that cats will be microchipped; that those microchips will be recorded against a database; that by virtue of that microchipping they will be held on a database; and that there will be a central register—or registers if there are multiple microchipping companies—of cats owned by a person. I have therefore moved this amendment and recommend it to the house.

Mr G.M. CASTRILLI: I thank the member for Forrestfield for that explanation of the amendment. I think he is right in that what he has said about registration is probably what the majority of his amendments are about. I cannot agree with him, as I believe registration is a crucial element in the management of domestic cats. A registration tag will enable us to distinguish between owned and non-owned cats and will enable the return of lost cats to their owner. I have said before that 87 per cent of the 590 submissions on this bill supported the registration of cats, and 98.8 per cent of the 235 respondents who identified themselves as cat owners supported registration. Another benefit of registration is that it will give an authorised person—in this case a local government ranger—the visual means to identify a cat that is wearing a collar and tag so that they can return it to the owner. They will then be able to concentrate on the ones that do not have collars and tags, prevent them from wasting time and become more efficient. It is all about the visual aspect and whether a cat is owned or not owned. Another key benefit of registration is that it provides a checking process. Before a cat can be registered, it has to be microchipped and sterilised. I talked in my second reading speech about the fee for registration. Although the fee that local governments can charge has not yet been set in regulations, it will be a maximum fee. That will be a safeguard. I mentioned, for example, that some local governments charge a registration fee of \$10 a year for sterilised dogs with a 50 per cent discount for pensioners. In the City of Joondalup it is roughly \$10 a year for sterilised cats. That is the fee the City of Joondalup proposed when it considered its local law on cats. I think it is \$25 for three years with the same 50 per cent discount provisions applying to pensioners. These are the sorts of fees those local governments charge. I think the City of Albany charges \$18 for a three-year registration. I am therefore thinking of similar fees. When we add that sort of fee to the \$1 772 a year that the Bankwest social index reckons it costs a family to own a cat, that is a little amount extra that they will need to pay.

To me it is fundamental that registration remains for the reasons I have stated. The Cat Haven and the RSPCA have supported elements of registration, and I just cannot support that registration factor coming out of the bill. I point out that that is a minimal cost. I make the point that it has not been set yet, but the regulations will set the maximum fee that local governments can charge. However, if we are talking about the sorts of fees those local governments that have cat laws, or that are looking to introduce cat laws, have suggested, they are a foundation that I think we can work around.

Mr A.J. WADDELL: It would be virtually impossible to see a registration tag worn by any long-haired cat. The minister has acknowledged that there will be defences for those people whose cats have slipped their collars, so presumably there will be a number of registered cats out without collars. Does that not then suggest that every cat will have to be caught at some point? If the rangers were to have scanners, what is the difference between the cat wearing a visual tag and the ranger waving the wand to scan the microchip?

Mr G.M. CASTRILLI: Member for Forrestfield, I suspect that not every cat is a long-haired cat.

Mr F.A. Alban: There will be far fewer after this bill!

Mr G.M. CASTRILLI: I really do not need those sorts of interjections, member for Forrestfield.

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Mr A.J. Waddell: I disown them too!

Mr G.M. CASTRILLI: Not every cat is a long-haired cat. I suspect that it will be only those cats without a collar that the ranger or authorised person will concentrate on. I would not see why they would bother with anything else.

Mr A.J. WADDELL: My final point, minister, is that I am not a dog owner and this may be an issue that is resolved under the Dog Act. However, what therefore would stop somebody from letting their cat's registration lapse but having the cat continue to wear the collar and the tag, it thereby becoming an unregistered cat that is still visually tagged?

Mr G.M. CASTRILLI: It is an offence to do that. Of course, the local government would know through its register whether the registration had run out: there is a double check. If, as the City of Joondalup proposes, it costs \$10 a year or \$25 for three years to register a cat, and pensioners are entitled to a 50 per cent discount, I do not think pensioners would risk a fine or penalty for that amount of money. Although it is a charge, it is not an exorbitant charge for anybody. If, for instance, the fee is \$10, a 50 per cent discount is \$5 a year or \$12.50 for three years. I think it is enough to ensure that people keep up their cat registration.

Amendment put and negatived.

Clause put and passed.

Clause 4: Term used: owner —

Mr A.J. WADDELL: I move the amendment standing on the notice paper in the name of the member for Warnbro, which reads —

Page 5, line 6 — To delete the words “In the case of a cat that is not registered, but is microchipped, a” and substitute —

A

The intention of this amendment is, as I previously indicated, to remove the compulsory element of the registration and to rely on microchipping. The amendment implies that microchipping would be sufficient in this instance. I am of the view that the majority of cat owners do not want their cats caught up in a system in which rangers grab or trap them and check them. Those who are doing the right thing and microchipping their cats, indubitably go to the extra step of ensuring that there is a form of identification on the cat so that they can be easily returned home. I think that would go some way to assisting anybody who wanted to determine the ownership of a cat. I think it is a mistake to get caught up in the view that there is something wrong with the cat if it is not recorded against a local government register. The local government register is an end in itself. The end is simply to create a financial stream to allow local government to enforce this proposed legislation, and that is something that could be dealt with in a variety of ways and that we believe should be shared equally by the community and not necessarily borne entirely by a small group of what has already been acknowledged to be compliant cat owners.

Mr G.M. CASTRILLI: I hear what the member for Forrestfield is saying; however, I think this argument is a reflection of the earlier argument on the previous clause, which goes to the heart of registration. I have outlined exactly why we need registration and that sort of stuff. In terms of the other amendments proposed, they all go to the core of clause 3, and clause 4. I think I have outlined the reasons why I cannot accept that we should not have a register. I do not think there is any more to say. It is the same argument.

Amendment put and negatived.

Mr A.J. WADDELL: Subclause (2) of the substantive clause states —

In the case of a cat that is not registered, but is microchipped, a person whose name is recorded as the owner of the cat in a microchip database is to be taken, in the absence of evidence to the contrary, to be a person who ordinarily keeps and cares for the cat.

In other words, a cat that has been microchipped and that has had its name recorded. At this time, I own three cats: one of which I have inherited, as I have spoken about earlier, and that I believe is microchipped, in which case the owner is my mother-in-law; and the other two which are microchipped probably in my wife's name. Those cats are obviously, in the absence of any regime, not registered at the moment. If one of my cats were to go missing next week, never to return to my company, presumably that would be the very cat that would be caught by this clause. That is, if the cat were found by somebody else, kept and cared for by somebody else and was in good health, and this legislation came into being and for whatever reason the cat became embroiled in an offence against the act, I, or my wife, as the last person recorded on the microchip as the cat's owner, would be

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the person deemed to be responsible for it. My questions are: How do I go about, as an owner, proving that my cat had been lost or stolen? What evidence do I need to provide that the cat was in fact out of my control?

Mr G.M. CASTRILLI: In relation to subclause (2), without the tags the ranger would have to pick up every cat and scan them to identify the owners. Without the tag, that is what they have to do. But an owner can notify the local government that their cat has gone—stolen, lost or whatever it is—and that will be their defence. It is a defence as long as the local government is told exactly what has happened. The local government would have the owner's details and the owner would have the microchip number, I presume. If not, it would be on the register.

Mr W.J. Johnston: You said that would be your defence. Where would that defence be provided for?

Mr G.M. CASTRILLI: The owner tells the local government they no longer have the cat, or the cat is no longer in their possession. That is what the owner does until the cat is returned—"It was roaming around somewhere." They scan it, find out who the owner is and return it. If the cat has lost its collar, it would have to be scanned to identify the owner.

Mr W.J. Johnston: This is the point the member for Forrestfield is making. This provision says that despite the fact of who actually owns the cat, it is deemed to be owned by the person who is recorded on the database. That is what this provision says. If I lose my cat but the microchip is still in it—I think it is dead but it is not; it is actually living in the park—I am potentially guilty of an offence.

Mr G.M. CASTRILLI: The local government should be notified that the cat is no longer in the owner's possession and it should be taken off the register. The cat is taken off the register, as the owner has notified the local government that they no longer have the cat. Like the member says, it could be dead or it could be in the middle of Australia somewhere; I do not know. Somebody could have snaffled it and taken it somewhere else. If the local government is notified that the cat is no longer in the owner's possession, and the owner asks the local government to take it off the register, that is the owner's defence.

Mr A.J. WADDELL: My cat is not on any local register at this point because no register exists. Presuming this bill passes intact through both houses, at some point that register will exist, but there are no doubt thousands of cats in existence at this moment which have been microchipped and which will probably still be alive at the time those registers are put in place. Is the minister saying that every single person who has owned a cat that was microchipped and lost possession of that cat will have to notify every local government authority that they have lost that cat in order not to be prosecuted under this legislation?

Mr G.M. CASTRILLI: My information is that it applies only once it is registered. Owners have until 1 November 2013 to do it.

Mr A.J. WADDELL: That confuses me even more. In other words, if I have a cat now that is microchipped, that cat will never come under this regime because it was never registered, but if, at a future time, I register that cat and then lose it, it does come under this regime. How does this clause deal with that? It says "in the case of a cat that is not registered"; clearly if it is not registered it is not registered—that does not make sense, sorry.

Mr G.M. CASTRILLI: If a person owns a cat, which is microchipped, they have until 1 November 2013 to register the cat. If a person loses their cat—it disappears or dies, and is no longer in the owner's possession—the owner notifies the local government that he or she no longer has the cat and then it gets taken off the register.

Mr A.J. Waddell: Let us say that the cat I own today goes missing but I have never let a local government know that that cat existed in the first place. In 2014 someone knocks on my door and says, "Your cat is not registered—why?" I am deemed to be the registered person of it—what is my defence? I never registered a cat that I never had in my possession when this act was in effect.

Mr G.M. CASTRILLI: The member is saying he has a cat that is microchipped now and it disappears; it goes missing for five years. He has until 1 November 2013 to register the cat.

Mr A.J. Waddell: Let us say five years; go on.

Mr G.M. CASTRILLI: And it comes back to him in, say, 2015–16—what is the member saying?

Mr A.J. Waddell: I am saying that it might be found by a ranger in 2016, and they do the scan and say, "That's controlled by Andrew Waddell; you didn't register your cat." How do I demonstrate that I did not have possession of that cat prior to this bill being enacted?

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Mr G.M. CASTRILLI: I would suggest the easier way would be, if the member had a cat that went missing, and it could not be registered by 2013, he should play it safe and tell the local government that he had a cat but it has gone. The local government should put the member on the database because it is gone. That is his defence.

Mr W.J. Johnston: No, it is not. The problem here is that the words in the bill are —

In the case of a cat that is not registered, but is microchipped, a person whose name is recorded as the owner of the cat in a microchip database is to be taken, in the absence of evidence to the contrary, to be a person who ordinarily keeps and cares for the cat.

Mr G.M. CASTRILLI: I would presume if it is microchipped, it would be on a microchip database. An entry would be put on the microchip database to say that the cat is missing or it died, or whatever it is.

Mr A.J. WADDELL: My question relates to who the owner of a cat is. It is stated in the bill —

... in the case of a cat that is not registered, a person who, or an owner of a business or organisation that, ordinarily keeps and cares for the cat ...

Mr G.M. Castrilli: Where is that?

Mr A.J. WADDELL: This is at clause 4(1)(a) and (b). Paragraph (b) is precisely the part I am looking at. There are many cats out there that are community cats; they simply live at the local church and get fed by whoever is around, particularly at retirement homes. I know of schools that have a community cat. These animals are not particularly owned by anybody. If anything, the community is owned by the cat in the way the cat behaves. How do we deal with cats that are community cats?

Mr G.M. CASTRILLI: If it is an unowned cat—I think that is what the member is alluding to—this relates to the whole essence of the act. We are trying to encourage responsible cat ownership. If it is an owned cat, the cat has an owner. If it is an unowned cat, that is the whole point of this legislation because that cat feeds into a population of feral cats. Estimates have been bandied around from 650 000 in Western Australia to anything up to 18 million in Australia. Some people think it is even more than that. I do not think anybody has tried to count feral cats. That is the whole point of this legislation.

Clause put and passed.

Clause 5: Cats to be registered —

Mr W.J. JOHNSTON: I asked the minister a question offline regarding fines provided by this clause, and then later on in other clauses. The fines provided here are \$5 000, whereas in the Dog Act they are \$1 000. I wonder if the minister could confirm for *Hansard* the reason for the significantly higher fines in the proposed Cat Bill compared with the Dog Act.

Mr G.M. CASTRILLI: My intention is that in the review of the Dog Act I will look at similar penalties, so that dogs and cats will be in the same penalty range.

Mr A.J. WADDELL: Minister, I do not know if this is an appropriate time to start talking about the classes of cat that are defined in the bill, but subclause (2) states —

Subsection (1) —

Which talks about cats to be registered —

does not apply if —

...

(c) the cat belongs to a class of cats prescribed as exempt from registration.

Presumably this class of cats will be defined in regulations. Can the minister give us some guidance as to precisely what he has in mind as to the class of cats that will be exempt from registration with local government?

Mr G.M. CASTRILLI: The member has referred to subclause (2)(c). At the moment, we do not foresee any class of cats that will be prescribed as exempt. This provision is there just in case something comes up at a future time that we have not thought about, basically. I do not foresee any class of cats at the moment. It is just in case something unforeseeable comes along for which we have to prescribe a class of cats.

Mr A.J. WADDELL: I move the amendment standing in the name of the member for Warnbro —

Page 6, lines 6 to 8 — To delete the lines and substitute —

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- (1) The owner of a cat that has reached 6 months of age must ensure that the cat is registered by ensuring it has been microchipped in accordance with Part 2 Division 2.

I move this amendment probably as a last gasp in our attempt to remove the compulsory registration elements from this bill. I foreshadow that should this amendment not survive the vote, we will not be pursuing the remainder of the amendments that seek to deal with that particular element of the machinery of the bill.

Mr G.M. CASTRILLI: Can I just go back to the previous question about subsection (2)(c) before I respond to this amendment? Regulations will be introduced to prescribe that cats are exempt from registration if they are in facilities such as the Cat Haven or the RSPCA waiting to be re-homed. That answers that question. Sorry about that.

To move on to the member's amendment, I cannot accommodate the member in that, I am sorry, because that goes to the core of what our discussion was at the beginning. I do not think I need to go through all that again. I just want to say that I think it is essential that we have registration.

Amendment put and negatived.

Clause put and passed.

Clause 6: Cats to wear tags —

Ms L.L. BAKER: I would like a bit of an assurance here. Subclause (1) states —

The owner of a registered cat must ensure that when the cat is in a public place the cat is wearing its registration tag.

This I might say is a rather personal question. I have two Burmese cats.

Mr G.M. Castrilli: Not another one with Burmese cats! What's going on here?

Ms L.L. BAKER: Yes; they are very popular around these parts! Both my cats are 17 years of age; they are brother and sister. The old cats are very comfortable and very happy with dogs. However, when we brought puppies into the house two years ago, the puppies were not used to having cats around them. My cats always had collars and bells on them, because we live in a forested area—not that it stops them doing things they should not do, I might add, but we tried. But the bells and the tags and the collars tinkle and make a noise, and they attracted the attention of the puppies, and what we had happen was that the puppies were attacking our two cats because of the noise that they were making. This clause that provides that I need to have registration tags and collars on my cats will kill them, because I cannot do that until my dogs are older and have grown out of their obsession with tinkling, dangling things around my cats' necks. These cats are in my house all the time. They do not roam. We have a 20-acre property, and they do not go off the property, basically. But what is a "public place"? I am trying to work out whether I will be in breach of this legislation in trying to save my cats from being attacked.

Mr G.M. CASTRILLI: Member, it says "in a public place". That is anything outside the member's property.

Ms L.L. Baker: So my property is not a public place?

Mr G.M. CASTRILLI: No.

Ms L.L. Baker: That is what I need clarified.

Mr G.M. CASTRILLI: But if the cat gets out from the member's property, the member is then liable. I think what the member said is that the bells drive her dogs crazy. Well, there is no requirement in the bill for a cat to wear bells. That is a personal thing of the member's.

Ms L.L. Baker: Minister, I am sorry. My cats have registration tags and identification tags and whatnot, and when the tags are on a collar, they tinkle and make a noise, and it attracts the attention of the dogs. But I thank the minister; his explanation of "public place" is a good response.

Mr A.J. WADDELL: The minister indicated in his second reading reply that cats that are shown in cat shows would be a prescribed class of cat that would be exempt from the requirement to wear a registration tag. Obviously a show cat is quite different from a household moggie. But a household moggie is just as likely to be shown at a cat show, as that is a particular class of companion cat that is often shown. Presumably any cat that is shown would fall into the class of cats that is at a show. But do cats fall in and out of that class when the show is on and when the show is not on? Would a cat when it is away from a cat show cease to be in that class of cat; and, if so, what timing is involved for somebody to have to ensure that the registration tags are reapplied to the cat?

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Mr G.M. CASTRILLI: The exemption will apply only when the person is showing the cat. So, when the person has finished showing the cat, the collar will need to be put back on. However, while the cat is being shown, obviously the person is exempt from that requirement.

Mr W.J. JOHNSTON: In respect to clause 6, this is one of the items on which the minister and I had an exchange of correspondence, and again I want to thank the minister for doing that. I want to draw the minister's attention to this issue, because I do not know that I properly explained myself in my email. I will explain what I am trying to get at here. Subclause (3) states —

It is a defence to a charge under subsection (1) if the accused establishes that —

That makes it clear that it has to be the accused person who establishes the facts. It continues —

(a) the contravention in respect of which the proceeding was instituted was due to —

It then lists the things that the person has to prove —

(i) the act or default of another person; or —

In other words, the person has to be able to say, "I saw Fred Nerk take the tag off". It continues —

(ii) an accident; or

In other words, the person has to be able to say, "It came off because of X". It continues —

(iii) some other cause beyond the accused's control;

The person has to prove one of those three things. However, the person might not know why the cat lost its tag. The final one is —

and

(b) the accused took reasonable precautions and could not by the exercise of due diligence have prevented the commission of the offence.

The problem is that the person has to provide evidence of how the cat lost its tag. I draw the minister's attention to section 33B of the Dog Act. It is headed "Defences applicable to sections", and it then lists various sections. It goes on to say that it is a defence to a charge of an offence of contravening any of the sections listed if the person charged satisfies the court —

(a) in the case of any person, that he took all reasonable precautions and exercised all due diligence to avoid the contravention;

Does the Minister see the difference? There is a very significant difference. Under the Dog Act, all I have to show is that I did the right thing. In this legislation the wording is different. I think that the wording in this legislation is actually harder to prove because I have to prove not only proposed paragraph (b), which is that I did the right thing, but also proposed paragraph (a), what went wrong. I have no idea how any cat owner will ever be able to prove what it was that caused the problem. Does the minister understand the point I am making? The Dog Act is pretty simple; a person just proves what they did. In this legislation, a person has to prove what happened as well as what they did. Therefore, I do not think that is as good a provision as that in the Dog Act. By the way, that still reverses the onus because, as the minister said in his reply, the offence is proved because the cat was in the public place without the collar. What I am getting at is the defence. So what? That does not prove that the cat owner did not pay due regard to the obligations. They have to prove all these different things and they are the people who have to prove it. If the provision stated, "The council has to prove why the collar fell off", it would be very difficult to get a conviction. I do not understand why we do not have the same provision as in the Dog Act. That would be nice and simple with easy words that everybody understands, and as the owner of a cat I would not have to prove what happened; I would have to just prove that I tried my best.

Mr G.M. CASTRILLI: It is quite a difficult argument. I do not imagine for one minute that local government would go out and prove why a cat did not have a collar and a tag.

Mr W.J. Johnston: And I'm not saying it should either.

Mr G.M. CASTRILLI: The member is saying that the onus of proof should be reversed onto the local government and I doubt very much whether that should happen. This defence applies only to clause 6(1). Clause 6(3)(b) states —

the accused took reasonable precautions and could not by the exercise of due diligence have prevented the commission of the offence.

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I think that local governments would not be—how can I put it—so stuck in the mud if a cat owner brought up a plausible reason and proved the cat was registered and that it had a collar, but now the cat does not have the collar and the owner does not know why. If there is a plausible excuse as to why, I suspect that reasonable local governments—I presume they all would be, because why would they go through all that hassle?—if an owner proves the cat was registered and microchipped and they were doing the right thing, would think that surely that in itself was a demonstration of good faith.

Mr W.J. JOHNSTON: I do not want to labour the point any longer but I do make the point that the minister said “reasonable local governments”. That is the problem. Going back to my old days as a union official, the secretary always said, “Don’t give the boss something in an agreement if they don’t need it.” This is the same. If local governments do not need the provision, why should they get it? If the minister put in the defence that is provided in the Dog Act, there would be no trouble. The problem is that it is not just proposed paragraph (b); it is proposed paragraphs (a) and (b). The person has to prove that it was either the act or default of another person, an accident or some other cause. They have to prove that; they have to lead evidence to prove that that happened and that they did the right thing. That is the problem with the clause; it is not just “do the right thing”; it is that people must do the right thing and prove what went wrong. No cat owner will ever be able to defend themselves under that provision unless they specifically saw the circumstances in which the collar or tag fell off.

Mr G.M. CASTRILLI: That clause, member for Cannington, states “reasonable precautions”, which gives the owner of the cat sufficient leeway to prove that he took reasonable precautions.

Mr W.J. Johnston: No, it is “and”. Do you see the word “and” above proposed paragraph (b)? So they have to prove both elements.

Mr G.M. CASTRILLI: Yes; well —

Mr W.J. Johnston: What happens if the owner doesn’t know how the tag fell off? What do they do?

Mr G.M. CASTRILLI: It is an accident.

Mr W.J. Johnston: How do you know?

Mr G.M. CASTRILLI: The owner can say that it was an accident and it is any “other cause beyond the accused’s control”.

Mr W.J. Johnston: But how do I establish that it was an accident? How can I possibly do that?

Mr G.M. CASTRILLI: I think the owner would make a statement in good faith. If a person makes a statement in good faith to the local government, surely it would not be unreasonable.

Mr W.J. Johnston: But that’s not what that says.

Mr A.J. Waddell: Surely every single person who is ever going to be prosecuted under that clause is going to say, “Yes, I had one on and it fell off.”

Mr G.M. CASTRILLI: The point is that if the owner offered to local government a statutory declaration to say those things, surely that is enough evidence.

Mr W.J. Johnston: How could I possibly provide that if I don’t know how the tag fell off?

Mr G.M. CASTRILLI: In a statutory declaration, what a person does is make a truthful statement of all those things. Providing a statutory declaration, I think, is more than adequate.

Mr W.J. Johnston: I’d be interested in my learned colleague the member for Mindarie looking at this because it does not say that. I have to establish one of those three defences and then the provision in proposed paragraph (b). I can’t swear a stat dec if I don’t know what happened; I can only swear a stat dec about the things that are in my knowledge.

Mr G.M. CASTRILLI: I think that the clause states that a person does not have to prove what the cause was; it is just that there was another cause.

Mr W.J. Johnston: No, that is not what it says, minister. It says I have to prove proposed subclauses (1) or (2) or (3) and proposed paragraph (b).

Mr G.M. CASTRILLI: The clause states “some other cause beyond the accused’s control”. If a person did a statutory declaration to that effect, with proposed paragraph (b) as well, I personally believe that is more than enough to get them through; I really do.

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Ms L.L. BAKER: Just before we leave the cat tagging argument, I think that it is necessary for me to pass on comments made to me by Margaret Pearce from Lesmurdie, who has a lot of experience in rescuing and providing refuge for cats. She said —

Collars are not a reasonable expectation for older cats. They will not tolerate them and the collar will cause the cat stress and further injury as it will try and remove it.

That is if a cat is not used to having a collar. She also made the point, which I think vets would also substantiate, that collars can be dangerous. Cats, because they climb and jump up and down things, put themselves at risk of being strangled in trees or on fences by being hooked up. Indeed, I think the only thing that one of my cats has ever done to herself to cause her to go to the vet—apart from to be sterilised and microchipped—was to jump off something and get a little puncture wound from landing on a nail. Cats jump and fall off things quite a bit, so there is a danger that their collar can hang them. That would be a very grave consequence, which has been raised by Margaret Pearce.

Mr G.M. CASTRILLI: Member for Maylands, I am informed that special collars are available that come undone. I think that the Cat Haven and others support the wearing of collars and tags. There has been a lot of, as I said, consultation on this. Basically, that is all I can say to the member at the moment.

Mr J.R. QUIGLEY: Just to clarify the defence, so that we can have it on the record, if the accused establishes—at law that would be on the balance of probabilities—there was some other cause beyond the accused’s control, first, my question is: would that include the cat pawing off the collar itself? Second, does “the accused took reasonable precautions and could not by the exercise of due diligence have prevented the commission of the offence” mean that the accused would have to establish on the balance of probabilities only that they put the collar on the cat and that something happened beyond the accused’s control?

Mr G.M. CASTRILLI: Member for Mindarie, the answer is yes, as I am informed.

Mr J.R. QUIGLEY: Does that mean, therefore, that under clause 6(3)(b), “the accused took reasonable precautions and could not by the exercise of due diligence have prevented the commission of the offence”, to which the minister has said that that would constitute the owner having put the collar on the cat, that is as far as the person would have to establish it, because we could never establish on the balance of probabilities what caused the cat not to have its collar on once the owner had put the collar on the cat?

Mr G.M. CASTRILLI: The answer is yes, as I have been informed.

Clause put and passed.

Clause 7: Interference with tag —

Mr A.J. WADDELL: This probably follows on from clause 6. Clause 7 states —

A person must not, without reasonable excuse, remove or interfere with a registration tag worn by a cat.

I presume, for the record, that a reasonable excuse is that the person is grooming a cat or something to that effect when they are preparing it for a show or that they are merely grooming the cat. Would that be a reasonable excuse?

Mr G.M. CASTRILLI: Yes. That clause is mostly to do with forging a tag or placing a tag on an unregistered cat as well.

Clause put and passed.

Clause 8: Application for registration —

Mr W.J. JOHNSTON: I want to again thank the minister for having had some conversation with me on this topic. Clause 8(2) relates to an application for the grant or renewal of the registration of a cat, which is to —

(c) comply with such other requirements, if any, prescribed.

What sorts of things might be prescribed? Are there things that a council might be able to ask of a person on registration other than the matters that are in the act or prescribed by regulation?

Mr G.M. CASTRILLI: In clause 8(2)(c), the application for registration is about, before registration, being able to provide the proof of sterilisation and of microchipping.

Mr A.J. WADDELL: What happens in the event that the application is refused? What happens to the animal? I am probably slightly ahead of myself there. Clause 8(2)(c) states it must “comply with such other requirements, if any, prescribed”. I am concerned that a local government may put arduous requirements on what somebody

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needs to do in order to register the cat; and moving onto clause 9, what would happen in the event that the registration was refused for the animal?

Mr G.M. CASTRILLI: The other requirement will be set under regulations, so it will not be up to local government; it will be prescribed in regulations.

Clause put and passed.

Clause 9: Registration —

Ms L.L. BAKER: My question relates to clause 9(2)(e). This is probably very obvious to people with a legal background, but I am not sure why the applicant must not have been convicted of an offence against this act, the Dog Act or the Animal Welfare Act within the previous three years. Can the minister explain why a three-year term has been set? Is that something standard in legal terms? I imagine that if somebody had committed and been convicted of a crime under any of these three acts for any amount of time, we would not want them owning another animal.

Mr G.M. CASTRILLI: I think three years is a reasonable time to go back through people's history. This clause promotes responsible ownership. We are trying to achieve responsible cat ownership. If they have committed an offence, as the member says, against this act, the Dog Act or the Animal Welfare Act, the bill says registration needs to be refused. The three years is, I think, a reasonable period.

Ms L.L. BAKER: I seek more clarification. I understand that matter in relation to registration, which this clause refers to, but I do not think there is anything about registration of a cat under the Animal Welfare Act, so why would the minister turn that down as a criminal act? As this clause says the applicant "has been convicted" of a crime under one of those three acts, including this one, it might be related to registration, but under the other two acts, particularly the Animal Welfare Act, it is likely to be for cruelty or abuse. I am well aware that the RSPCA constantly has to bring people back into court over a long time frame who continue to be banned from ever having a cat, a horse or a dog. Three or four years later they turn up back in court being convicted of exactly the same sorts of crimes of abuse or neglect. I think there is very clear evidence that these kinds of crimes do not just disappear after three years—that people are quite likely to reoffend. I wonder how much veracity three years has in respect of protecting these animals.

Mr G.M. CASTRILLI: If I am not mistaken, penalties can be imposed under the Animal Welfare Act in relation to not owning animals —

Ms L.L. Baker: Ever.

Mr G.M. CASTRILLI: Yes. So there is a protection under that act. That is a double protection, if you like. Three years was a reasonable period in terms of the other legislation, but also under the Animal Welfare Act, being mindful of what I have just mentioned.

Mr W.J. JOHNSTON: Clause 9(5) relates to the application process. The local government can ask to verify the information by statutory declaration. I understand—again, I thank the minister and his office for the communication—that this is about, for example, proving that a cat is sterilised in cases in which there is no certificate for the cat being sterilised. For instance, my own cats were sterilised before the operation of this act. I do not understand why we want to give local governments an obligation to have potentially complex procedures, particularly with a statutory declaration, when a provision that the application form be prescribed by regulation is all that is needed. Clause 8(2)(a) provides that the application "be made in the manner and form prescribed". The application form has to be in the form that is set out—that is a good provision. Now, having created a good provision that is simple, straightforward and transparent, this extra thing has been added: notwithstanding that a person completes all the information required by the forms that everybody recognises as appropriate, the council can still ask for all this extra information subject to its bureaucratic procedures, which we do not know. Nevertheless, there is also this question about statutory declarations. If the minister is saying that somebody might not tell the truth about the sterilisation status of a cat, they would be guilty of an offence and subject to a penalty of up to \$5 000.

I do not know what additional penalty the minister really wants for someone who has registered a cat as being desexed when it is not desexed. There is already a \$5 000 penalty anyway, which is pretty significant, in my view; five grand is a lot of money in my language. Why does the minister then say that he wants statutory declarations so that people will be honest? If they are going to be dishonest, they are going to be dishonest. The statutory declaration does not actually change the opportunity for dishonesty; it just adds another set of procedures. Indeed, in the correspondence we exchanged, I asked why we should not just make the provision of false information on the application prescribed an offence as well. That would fix that problem, because if a

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person signs a declaration saying that their cat is sterilised, and it is not, they have provided false information for which they will be fined five grand. Also, the cat is not be sterilised, for which they can be fined a further five grand. I do not know why the minister would want to give extra rules to the councils; I do not see the benefit.

Mr G.M. CASTRILLI: If someone gave false information, as the member says, it is there. But I look at it like this: if someone knowingly signed a statutory declaration with a false statement being that that is the legal precedence of a statutory declaration, I for one would suggest that a statutory declaration has a hell of a lot more power in people's minds about making them do the right thing than just signing a normal form and then saying, "Gee, I didn't know what I signed." When a person has to physically read the statutory declaration and get it witnessed and everything else, it gives them absolutely powerful evidence to not do the wrong thing.

Mr W.J. JOHNSTON: I am happy to follow that up. I understand what the minister says, but the problem is also that 99.99 per cent of people who will not provide false information will now have to run around getting statutory declarations signed, and what should just be a nice simple thing of getting a cat registered suddenly becomes a performance. Why do that? Why not just have a provision that is nice and simple? If the problem is people providing false information, make the penalty a \$50 000 fine, but let all the people who will do the right thing have a nice, simple system. There is one form, they sign it, end of show.

Mr G.M. CASTRILLI: This will not be widespread. This provision is for people who do not have the evidence.

Mr W.J. Johnston: Like me.

Mr G.M. CASTRILLI: Most people would have evidence that the cat has been sterilised and microchipped.

Mr W.J. Johnston: Microchipping yes, but sterilisation?

Mr G.M. CASTRILLI: I think most people would have evidence. If they do not, because they cannot remember which vet did the sterilisation but they are absolutely sure the cat been sterilised, they need a statutory declaration. I think most people would have that evidence anyway.

Mr W.J. Johnston: I don't.

Mr G.M. CASTRILLI: That is what I believe.

Mr F.M. LOGAN: Just on the same point regarding clause 9(5), I give an example. There is the example I referred to in my contribution to the second reading debate. Our family inherited the cat; it wandered in. I have no documentation to show that it has been sterilised apart from the fact that it has a tattoo in its ear, which shows it has been sterilised. What do I do? Take the cat down to Claremont Council, bung it on the counter and say, "Look, the cat's sterilised, for crying out loud! Register my cat?" The clause states that I have 21 days to get the documentation. According to what the minister has just said to the member for Cannington, I should go to the Swanbourne vet and get documentation to show that the cat has a tattoo in its ear. I know how much the vet would charge me; they would not do it for free. Then I still have to go back down to Claremont council and provide a statutory declaration —

Mr C.J. Barnett: With your cat!

Mr F.M. LOGAN: — with the cat, plonk the cat on the counter—it is deaf anyway; it does not know where it is; it does not know why it is there—and I pass the cat and the statutory declaration over the counter for the purposes of registering the blooming thing. If I do not do that within 21 days, according to clause 9(6), the council may refuse my application and will probably put the cat down. They will come around, bust my door down, as under the other provision, wreck the joint, grab my cat and kill it!

Mr G.M. CASTRILLI: The member will not have the cat put down; he can just give it to the member for Collie–Preston and he will use it for cray bait! That is what his concern was.

Mrs C.A. Martin: I reckon he would, you know!

Mr G.M. CASTRILLI: Or I should say, as I said before, marron bait!

If the cat has tattoo on its ear that is sufficient proof that it has been sterilised.

Mr F.M. Logan: I know, but it is not documentary proof, which is what clause 9(5) requires.

Mr G.M. CASTRILLI: Take a photo of the cat with its tattoo and take it to the local government!

Mr F.M. LOGAN: That is the whole point we are making. It is a fairly esoteric debate we are having in this place, because we do not really know how councils will implement this provision in practice. It would have been helpful if the Minister for Local Government were able to tell us that.

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Mr G.M. CASTRILLI: The Department of Local Government will put out guidelines.

Clause put and passed.

Clause 10: Cancellation of registration —

Mr W.J. JOHNSTON: I draw the minister's attention to an inconsistency. Again, I raised it with the minister's office but I do not think that the people there quite understood what I was getting at. Clause 10(b) relates to circumstances in which the registration is cancelled. I understand clause 10(a), do not worry about that, but subclause (b) states —

if the owner of the cat has been convicted of 2 or more offences against this Act in the period of 12 months before the cancellation.

Therefore, if the owner of the cat gets two convictions, the registration is cancelled. However, clause 9(2)(e) states that if the applicant has been convicted of an offence within the previous three years, they cannot re-register their cat. They need to commit only one offence to be denied the right to re-register the cat, but two convictions are needed to cancel the registration. If someone had two convictions, they would not get the cat re-registered anyway, because they would be refused under clause 9(2). Why would clause 10(b) not state "if an owner is convicted of an offence against this act in the period of 12 months before the cancellation?" If they are convicted for one offence, they will not get the cat re-registered. Does the minister understand the point I am making?

Mr G.M. CASTRILLI: This provision covers not only the registration but the renewal of registration. Therefore, if the owner has been convicted of an offence in the previous three years, the cat will not get re-registered. But if the owner is convicted of two or more offences in 12 months, the registration can be cancelled immediately, as I understand it. They do not wait until November for re-registration.

Mr W.J. Johnston: But what is the public policy reason that after the first offence, when the bill states that by being convicted of just one offence an owner cannot get their cat re-registered? Why would the registration not be cancelled as well? If it is good enough to refuse registration based on one offence, why not cancel registration based on one offence? Why is there a difference? If someone is convicted of one offence the registration is not cancelled, but they cannot get the cat re-registered anyway. Therefore, even if it does not happen, it will happen in a year or two or three, depending on how long the period of registration is.

Mr G.M. CASTRILLI: If the person has committed a first offence, they have up to the time of renewal of registration to get rid of the cat; it gives them a chance, I suppose. But if someone is convicted of two offences within 12 months, the cancellation will happen straightaway. I think it is just giving the person the time, if it is one offence, up to re-registration.

Mr W.J. Johnston: They get a chance to dispose of the cat.

Mr G.M. CASTRILLI: Yes, they get a chance to dispose of the cat or to give it away.

Mr W.J. JOHNSTON: Again, if the intention of the provision is to give the cat owner time to get rid of the cat, why does the bill not simply provide that if the owner of the cat has been convicted of an offence under this act in the period of 12 months before the cancellation, the cat is forfeited to—fill in the space? Why does the minister not just make a provision that shows how the cat is disposed of? Then everybody is happy. The cat owner cannot keep the cat—we both know that—because they cannot get it re-registered. If they are not going to keep the cat, why not have a provision to deal with how the cat is disposed of? The current arrangement does not seem at all logical to me.

Mr G.M. CASTRILLI: If someone has been convicted twice within 12 months, they are not a responsible owner. Therefore, we do not think that the cat should stay with that person. I do not think that in clause 10(b) we need to describe exactly how the owner gets rid of the cat. The registration is cancelled and the owner can choose what they do with the cat.

Mr W.J. JOHNSTON: I do not want to labour the point, but we know they are not a responsible person if they are convicted once. Otherwise, clause 9(2)(e) would read, "the applicant has been convicted 2 times within the previous 3 years of an offence against" et cetera. We know that one conviction makes a person irresponsible. We know that because it is in a provision for which we have already voted. Therefore, why is it irresponsible in clause 9 to have one conviction, but it is responsible in clause 10 to have one conviction? It simply does not make sense. If the minister is saying that it is okay for the owner to have a chance, how come the registration provision, which we have already voted on, does not give anyone a chance? It does not make sense to not have the two provisions line up.

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Mr G.M. CASTRILLI: The whole point of clause 10(b) is that two offences within 12 months is much more serious than one offence.

Mr W.J. Johnston: But the consequence is the same.

Mr G.M. CASTRILLI: The owner has to get rid of the cat now, not wait; we are saying that the cancellation of the registration is now. In promoting responsible pet ownership, I do not want an irresponsible owner who has committed two, three or four offences within six or 12 months—whatever it is—to still have a cat and be waiting for the re-registration to come. I want the registration cancelled there and then to promote responsible pet ownership.

Mr A.J. WADDELL: An offence against this legislation can be something as simple as not notifying the local council of a change of detail, which is required under clause 12, within seven days of that change. When someone moves down the street, contacting their local council within seven days to let it know about their change of address probably will not be top of their list of things to do; that does not in any way make that person an irresponsible cat owner. It does not put the cat at risk or do anything that adversely affects the objectives of this act. Someone has seven days to update the register and if they do not do so, that is an offence under this act with a \$5 000 fine. Presumably, if someone owns two cats, they have committed two offences and those registrations are therefore revoked instantly; those cats are unregistered. What happens to the cats? Are they taken away and destroyed? Is our objective to destroy cats simply because somebody failed to fill in a piece of paper?

Mr G.M. CASTRILLI: Clause 10 provides that a local government “may” cancel the registration of a cat —

- (b) if the owner of the cat has been convicted of 2 or more offences against this Act in the period of 12 months before the cancellation.

It depends on the range of offence.

Mr W.J. JOHNSTON: I am very happy to conclude on this topic. The minister’s argument would be right, except we have already voted on clause 9. Clause 9 provides —

- (2) A local government must refuse an application for the grant or renewal of the registration of a cat if, and only if, the local government is satisfied that one or more of the following apply —
 - ...
 - (e) the applicant has been convicted within the previous 3 years of an offence against —
 - (i) this Act;

The minister is saying to us, “Well, if the offence was only that the cat owner did not report their new address within seven days, a local government will not cancel the registration because the offence is not so severe.” Guess what? It does not matter because at the end of the registration period of the cat, that person cannot re-register their cat because clause 9 will not allow them to do so. There is an undoubted illogical connection between these two clauses. I make a suggestion to the minister: why does the minister not undertake to look at this bill before it gets to the other place, so that the government can bring something back to us to fix it?

Mr G.M. CASTRILLI: I am happy to look at the clause and to tighten it. It is a legal explanation, basically, of what we are trying to achieve. I will undertake to do that, because the clause provides for offences against the Dog Act and the Animal Welfare Act, and against this act with the cancellation of registration under clause 10. I will undertake to do that. If that is okay, we will pass this clause as it is and I will keep in touch with the member for Cannington about an explanation before the bill goes to the other place.

Clause put and passed.

Clause 11: Registration numbers, certificates and tags —

Mr A.J. WADDELL: The minister indicated that there is some leniency in this bill for a cat that slips out of its collar. The defence, as we discussed earlier, is that that is an accident beyond the owner’s control. A cat that slips its collar will lose its registration tag, and it has been well established that a number of cats will continue to do that over and over again. Presumably, people could go to local governments on a weekly basis to say, “I lost my tag; could I have another one please, sir?” Is there any provision in this bill or has any thought been given to the regulations on whether we will allow for local governments to charge for that replacement and impose a punitive element for when a person goes back again and again to seek a replacement tag?

Mr G.M. CASTRILLI: Regulations can be prescribed under clause 75(2). Local governments can make local laws on the fees under clause 78(3)(k). That is with regulations, which we will prescribe. In those regulations we

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will prescribe maximum fees and a range of things. Under clause 75(2), regulations can be prescribed and under clause 78(3), local governments can make local laws, which we will prescribe.

Mr J.C. KOBELKE: My question relates to the costs of issuing the registration numbers and the tags. I will also raise this issue when we look at clause 12. I am sure that in his discussions with local government about this whole process, the minister would have received some feedback on the cost of the registration process and the issuing of tags and certificates. If there is a cost involved in that, what is the likely cost to owners?

Mr G.M. CASTRILLI: I have already mentioned that the registration fee will be set in regulations and it will be a maximum fee. The local government is therefore there as protection. The fee has not been set yet, but we can only go on examples I have mentioned before. When the City of Joondalup brought in its own cat legislation, it set a registration fee for cats of \$10 a year and \$25 for three years, with a 50 per cent discount for pensioners, as they get for dogs. I am aware that some local governments have a fee for a replacement collar in the range of between \$2 and \$2.50. Obviously there will be regulations for registration costs and we will be setting a maximum fee that local governments can charge, so there is a protection there.

Mr F.M. LOGAN: Further to that, I am glad the minister said that the local government registration charge with a cap on it will be included in regulations. Did he say that local governments would also charge for issuing the tag, or will that be included in the registration fee?

Mr G.M. CASTRILLI: No, it is only if the tag is lost and needs replacement.

Mr F.M. Logan: So, the tag will be issued as part of the registration.

Mr G.M. CASTRILLI: Yes.

Clause put and passed.

Clause 12: Register of cats —

Ms L.L. BAKER: Again, in relation to some feedback I received from concerned cat owners and cat lovers around the register of cats, subclause (1) states that a local government is to keep an up-to-date register of cats et cetera, and subclause (5)(a) states that the local government is to make the register available for public inspection.

Mr W.J. Johnston: The minister has moved an amendment.

Ms L.L. BAKER: The minister has moved an amendment on that one?

Mr G.M. Castrilli: Yes.

Ms L.L. BAKER: Has the minister done that already?

Mr G.M. Castrilli: No.

Ms L.L. BAKER: I will sit down and let the minister do that.

Mr G.M. CASTRILLI: I move —

Page 10, lines 6 to 25 — To delete the lines.

I move this amendment because it will remove the subclause relating to the register being made a public document.

Mr A.J. WADDELL: I pass my congratulations to the minister for moving that amendment. That was certainly a major concern to many cat breeders with whom I have had consultation. I am certain they will be very appreciative of that amendment. I would also like to reflect on the fact that if more ministers were as flexible as the Minister for Local Government has been in listening to our speeches during the second reading debate, a lot more healthy legislation would pass through this place. However, the minister having moved that amendment, I ask: how will a local government ranger who captures a cat determine that the cat is not on the local government's register because it may be from a neighbouring jurisdiction, and what exchange of data provision will be allowed between local government authorities?

Mr G.M. CASTRILLI: The microchip company database will be available to all local governments, so they will be able to see the name of the owner, the registration details and so on, and they will be able to contact the owner in that way.

Ms L.L. BAKER: On the subject of the microchip database, just a couple of weeks ago someone lost a dog. It crossed into Karragullen and got picked up in Lesmurdie or Kalamunda or somewhere. The rangers said that

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they did not have access to a database or a swiping machine that allowed them to read the dog's microchip, so they did not know where it had come from. What provisions are there for us to make sure that local government authorities do indeed have the equipment necessary to read these microchips?

Mr G.M. CASTRILLI: I mentioned in my second reading speech what I am trying to do to assist local governments with the capital costs of not only cat management facilities, but also items such as readers, training and all those sorts of things, which we will need to talk to local governments about. That will obviously form the basis of the costs, so they will be able to do that.

Amendment put and passed.

Mr W.J. JOHNSTON: I want to get an assurance from the minister that the provision in subclause (2) does not give a council power to record additional information other than the information prescribed in subclause (3). Again, this goes to the question of how the registration system works. The bill gives power to councils to get additional documents other than just the registration form. Subclause (3) prescribes the information that needs to be recorded, which is a good thing and I support that. I just want to make sure that the provision in the clause that the register is to be kept in such form as the local government thinks fit is about the manner in which it is to be recorded—electronic or paper—and not about letting local government have more information other than the information prescribed in subclause (3).

Mr G.M. CASTRILLI: Subclause (2) states the form in which the register is to be kept and subclause (3) prescribes what information will be kept.

Clause, as amended, put and passed.

Clause 13: Notice to be given of certain decisions made under this Subdivision —

Mr G.M. CASTRILLI: I move —

Page 11, lines 1 and 2 — To delete the lines.

Amendment put and passed.

Mr G.M. CASTRILLI: I move —

Page 11, line 13 — To delete the line.

Amendment put and passed.

Clause, as amended, put and passed.

Clause 14: Cats to be microchipped —

Mr A.J. WADDELL: On behalf of the member for Warnbro, I move the second of the two amendments that stand on the notice paper in his name —

Page 11, after line 23 — To insert —

- (3) The Department of Local Government shall provide a rebate scheme to ensure pensioners and other low income earners are shielded from the full costs of microchipping cats.

I have moved the amendment in the knowledge of a comment made by the minister that he will seek a budget allocation to assist in the implementation of this bill. I will not make any presumption on what may be the minister's intention for those moneys. However, this is certainly a matter of significant concern to many members of the community, particularly low-income earners who own multiple cats. Contrary to the minister's assurances that low-income earners are already spending \$1 000 a year per cat, if the minister were to speak to them, he would find that their budget is quite considerably smaller, as they feed their cats on scraps from their own table and do a number of other things themselves to keep the costs as low as possible. This amendment indicates the intention of this place to ensure that low-income earners are impacted upon as little as possible and to enshrine in the legislation a rebate scheme.

Mr G.M. CASTRILLI: It is my intention to seek to assist low-income earners with the sterilisation and not the microchipping of their animals; therefore, I cannot support the amendment. However, some local governments offer about \$30 assistance for microchipping—for example, the City of Bunbury's desexing in the city program. Sorry, I am getting a bit confused; that is support for sterilisation. I am sorry; I was getting a bit confused about what the city offers. I think some local governments offer support for sterilisation every year. I intend to look at assisting low-income earners by subsidising sterilisation, but not microchipping. It is not my intention to look at microchipping.

Mr Roger Cook; Mr Martin Whitely; Mr Fran Logan; Mr David Templeman; Mr Frank Alban; Acting Speaker;
Mr Mark McGowan; Mr John Castrilli; Mr Bill Johnston; Mr Andrew Waddell; Ms Lisa Baker; Mr John
Quigley; Mr John Kobelke; Deputy Speaker; Mr Paul Papalia; Mr Joe Francis; Mr Mick Murray

Amendment put and a division taken with the following result —

Ayes (20)

Ms L.L. Baker	Mr M. McGowan	Ms M.M. Quirk	Mr A.J. Waddell
Mr R.H. Cook	Mrs C.A. Martin	Mr E.S. Ripper	Mr P.B. Watson
Mr W.J. Johnston	Mr M.P. Murray	Mrs M.H. Roberts	Mr M.P. Whitely
Mr J.C. Kobelke	Mr A.P. O’Gorman	Mr T.G. Stephens	Mr B.S. Wyatt
Mr F.M. Logan	Mr J.R. Quigley	Mr C.J. Tallentire	Mr D.A. Templeman (<i>Teller</i>)

Noes (24)

Mr P. Abetz	Mr T.R. Buswell	Dr K.D. Hames	Mr P.T. Miles
Mr F.A. Alban	Mr G.M. Castrilli	Mr A.P. Jacob	Ms A.R. Mitchell
Mr C.J. Barnett	Mr V.A. Catania	Dr G.G. Jacobs	Dr M.D. Nahan
Mr I.C. Blayney	Mr M.J. Cowper	Mr R.F. Johnson	Mr M.W. Sutherland
Mr J.J.M. Bowler	Mr J.M. Francis	Mr A. Krsticevic	Mr T.K. Waldron
Mr I.M. Britza	Mr B.J. Grylls	Mr J.E. McGrath	Mr A.J. Simpson (<i>Teller</i>)

Pairs

Mr P.C. Tinley	Mrs L.M. Harvey
Mr P. Papalia	Dr E. Constable
Ms R. Saffioti	Mr J.H.D. Day
Dr A.D. Buti	Mr D.T. Redman
Mr J.N. Hyde	Mr W.R. Marmion
Ms J.M. Freeman	Mr C.C. Porter

Amendment thus negatived.

Mr A.J. WADDELL: My question to the minister is about the nature of the certificate given by a veterinarian. I presume that there may be health circumstances in which it may be inappropriate to microchip an animal at a given time. However, the animal’s health may change. Will the certificates be time limited or will they be perpetual certificates that the veterinarian writes once, thereby exempting an animal from microchipping forevermore?

Mr G.M. CASTRILLI: The vet will specify in the certificate whether it is for a specific time.

Mr F.M. LOGAN: I understand why cats need to be microchipped, but I have a couple of questions for the minister. Firstly, what specific information will be recorded on the microchip? Will it reflect only the information to which the minister referred earlier that will be required to be held by the council, or will more information than that required by the registration process be recorded; and, if so, what information? Secondly, during my contribution to the second reading debate, I raised the issue of the penalty provisions in this bill and indicated that there are penalties of \$5 000 for each and every offence that transgresses this legislation. By way of interjection, the minister indicated that it was up to \$5 000, to which I replied that some penalties might be up to \$5 000 but most of them are specifically fines of \$5 000. This is one such example. Once again, I put to the minister that an owner who does not have a cat microchipped has not committed a criminal offence. This is a social issue and a social offence against this legislation. I put it to the minister that a \$5 000 penalty is a complete aberration for a social offence against the legislation. I ask that the minister consider amending the penalty to bring it into line with something that is far more acceptable.

Mr G.M. CASTRILLI: In terms of the first question about the information on the microchip, we will prescribe that under clause 15. We will look at things like the microchip number, the owner’s name and contact details, the cat’s name and sex. Under the penalties of \$5 000, that means up to \$5 000. I said in my second reaching speech that is to be court imposed. Local governments will not be able to impose any penalties more than 10 per cent of the maximum fine.

Mr F.M. Logan: When did you say that?

Mr G.M. CASTRILLI: I said that in my second reading speech. If a local government imposes a penalty, the maximum is \$500, or up to a maximum of 10 per cent of the maximum fine. That fine is a court-imposed fine of up to \$5 000.

Mr F.M. LOGAN: Normally in an act, as the minister knows, if it is a fine of up to \$5 000, it actually says that because it is clearly indicating that the fine will be up to \$5 000. This clause is not saying that; it is saying a fine of \$5 000. If the minister is saying it will be up to \$5 000, I acknowledge that can be said by way of commentary in the second reading speech, but if it goes to court, that is not how a judge will interpret it.

Mr G.M. CASTRILLI: I am told that is exactly what it means—up to \$5 000. That is the legality of it; that is what I have been told. It is up to \$5 000. That is the way they do it. For example, under the Dog Act 1976,

Mr Roger Cook; Mr Martin Whitely; Mr Fran Logan; Mr David Templeman; Mr Frank Alban; Acting Speaker;
Mr Mark McGowan; Mr John Castrilli; Mr Bill Johnston; Mr Andrew Waddell; Ms Lisa Baker; Mr John
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section 47 is entitled “Causing harm to dogs”, which has a penalty of \$10 000, or 12 months’ imprisonment, or both. That is how it is described there as well. That means “up to”. That is what I have been informed.

Mr F.M. Logan: Can the minister reiterate what he said earlier about the penalties he would expect the council to impose; that is, the 10 per cent?

Mr G.M. CASTRILLI: A local government-imposed penalty can only be to the maximum of 10 per cent of the maximum penalty, which is \$500. I have also been informed that it will probably be a lot less than that because it will be prescribed in our regulations.

Mr A.J. WADDELL: My question is a question of jurisdiction. Presumably a number of people see a vet who is outside a local government catchment area. My vet, for instance, is in a different city than where I live, so the vet may not have a relationship with the local government. What would be the capacity of, say, the City of Belmont to bring a prosecution against a microchip implanter who was based in the Shire of Kalamunda? How do we deal with cats that are microchipped out of the state, for instance, when the proper records are not put onto the database?

Mr G.M. CASTRILLI: I am struggling to understand or to think of a reason, can I say, why anybody would want to take legal action against a microchip implanter.

Mr A.J. Waddell: That is what the fine is for; it is against a microchip implanter.

Mr G.M. CASTRILLI: Because they do not update the register; that is why. Is the member talking about a local government taking action against a microchip implanter who is not in its jurisdiction?

Mr A.J. Waddell: Are we on clause 15 at this stage?

Mr G.M. CASTRILLI: No; we are on clause 14.

Mr A.J. Waddell: That would probably be the confusion. I am talking about clause 15.

The ACTING SPEAKER (Mr P.B. Watson): Stand up, please, member; or one of you stand up.

Mr G.M. CASTRILLI: I understand we are still on clause 14.

The ACTING SPEAKER: Yes, minister.

Clause put and passed.

Clause 15: Microchip implanter to give information to microchip database company —

Mr A.J. WADDELL: I am interested to know what would happen if local government wants to take action against a microchip implanter for not providing the information in the appropriate prescribed form, and that microchip implanter is outside the jurisdiction of that local government area. What provisions are there to deal with animals that are microchipped in foreign jurisdictions, such as other states? In the case of people acquiring a pedigree cat, it is quite possible that they will import them from other states.

Mr G.M. CASTRILLI: The member makes a point. If the member leaves it with me, as with an earlier question, I will check that out and give some feedback before the bill goes to the other place. Is he happy to leave me with that?

Mr A.J. Waddell: Yes.

Mr W.J. JOHNSTON: I appreciate the minister doing that. This is not related to the issue that has been raised by the member for Forrestfield; it relates to an issue we have exchanged correspondence on. What happens to cats that are already microchipped? The reason I am raising this is to get a picture. Some time after the passage of the legislation, the minister will prescribe, through regulation, the information that is required to be kept by microchip companies. Thousands of cats have already been microchipped, so how do we then line up those two sets of information? There is already information recorded for those microchips; and this provision will have this information recorded. There may not be an exact match between those two sets of information. I wonder what is intended to apply for existing cats.

Mr G.M. CASTRILLI: When this bill goes through, one of the things we will be doing is having strong consultation with, say, local governments and microchip companies. If I remember rightly, there are about five microchip companies.

Mr A.J. Waddell: Four now; one just went under.

Mr Roger Cook; Mr Martin Whitely; Mr Fran Logan; Mr David Templeman; Mr Frank Alban; Acting Speaker;
Mr Mark McGowan; Mr John Castrilli; Mr Bill Johnston; Mr Andrew Waddell; Ms Lisa Baker; Mr John
Quigley; Mr John Kobelke; Deputy Speaker; Mr Paul Papalia; Mr Joe Francis; Mr Mick Murray

Mr G.M. CASTRILLI: We will be talking to those microchip companies to make sure we have a fair medium of that information that suits them all. Basically, we need to know the microchip number—that will be standard; the owners' names and contact details—that will be standard; the cat's name; and the sex of the cat—I imagine that will be standard. Having the core information that suits us all will be part of the consultation.

Mr W.J. JOHNSTON: What is the minister going to do? This is a provision that says, "You must do this." The registration information should line up. Will there be some arrangement? Will there be a form on which it is specified that a cat is already chipped and which microchip company holds the information? How will information be exchanged to make sure it all lines up?

Mr G.M. CASTRILLI: At the time of registration, they will advise the microchip number to the local government. Obviously there will be access through that. If I remember rightly, there is one common website that goes off to different database companies. They will be able to access that. Plus we will have consultation with local governments and the database companies anyway.

Clause put and passed.

Clause 16: Microchip database company's obligations —

Mr A.J. WADDELL: Is it the intention to prescribe which microchip companies can be used, or will a new microchip company be able to set up shop and have its own independent register? I ask this question because obviously we will be prescribing certain information that needs to be kept. The potential exists for a microchip company to go bankrupt at a future time. Therefore, we need to know what will happen to the record that is kept by that company. I am pondering whether there will be a mechanism that says that people can use only companies A, B, C, D and E, because those companies have agreed to meet our standards and so forth. We need to keep in mind that a number of the existing microchip companies are not based here in Western Australia and would not be subject to Western Australian legislation.

Mr G.M. CASTRILLI: If a new microchip company wanted to set up shop, it would need to apply to be a recognised company.

Mr A.J. Waddell: So the companies will be prescribed?

Mr G.M. CASTRILLI: Yes.

Mr W.J. JOHNSTON: Has there been any contemplation of the circumstance that has been described by the member for Forrestfield; namely, what would happen if a microchip company went broke? Has any thought been given by the department to how we might recover the information? I cannot imagine that the minister would include that in the bill, and I am not asking him to, but I am wondering whether the minister has thought about what would happen if a microchip company went broke.

Mr G.M. CASTRILLI: We have thought about it. I will read this to the member: there is not a single administrative list or process or method to manage the collapse of a microchip data storage organisation/company. Victoria has introduced regulations whereby recognised and accredited operators are licensed. The licensing process requires the organisation/company to have well-established protocols for data management in the event that the business folds. In the event that the organisation/company does fold, the Bureau of Animal Welfare, which is in the Department of Primary Industries, will take on the task of administering the database. So those organisations that are affiliated will have that bit of protection. Also, they are national companies, and that gives us further protection.

Clause put and passed.

Clause 17 put and passed.

New clause 17A —

Mr A.J. WADDELL: I move the amendment standing in the name of the member for Warnbro —

Page 12, after line 9 — To insert —

17A. Privacy provisions

It is an offence under this Act for a microchip database company to reveal details of its database without prior approval of the cat owner or an authorised person under this Act.

Penalty: a fine of \$5 000.

Mr Roger Cook; Mr Martin Whitely; Mr Fran Logan; Mr David Templeman; Mr Frank Alban; Acting Speaker;
Mr Mark McGowan; Mr John Castrilli; Mr Bill Johnston; Mr Andrew Waddell; Ms Lisa Baker; Mr John
Quigley; Mr John Kobelke; Deputy Speaker; Mr Paul Papalia; Mr Joe Francis; Mr Mick Murray

The purpose of this amendment is to ensure that the same privacy provisions are applied to the microchip database companies as the minister has now implemented in this bill by the amendment made earlier to clause 12 to remove from the bill the open register for local government. The purpose of that amendment is to protect the identity of cat owners. I believe we should ensure that the microchip database companies are subject to the same privacy provisions that local government is subject to.

Mr G.M. CASTRILLI: I do not support this amendment, only for the reason that the database companies are national companies and as such are captured by the national privacy principles and obligations under the commonwealth Privacy Act. Therefore, proposed new clause 17A is unnecessary, because it is captured by the provisions of the commonwealth Privacy Act.

New clause put and negatived.

Clause 18: Cats to be sterilised —

Mr A.J. WADDELL: I move the amendment standing in the name of the member for Warnbro —

Page 12, after line 24 — To insert —

- (3) The Department of Local Government shall provide a rebate scheme to ensure pensioners and other low income earners are shielded from the full costs of sterilising cats.

The minister indicated that he was unable to provide any assistance on the microchipping. However, he said that he would certainly give some consideration to schemes that would enable low-income earners to be given some assistance with the sterilisation of their animals. This amendment will enshrine that in this legislation.

Mr G.M. CASTRILLI: I cannot support the amendment, and the member knows that I cannot—okay! However, I have indicated in my second reading speech, and again in the debate on previous clauses, that my intention with sterilisation is to seek some assistance for low-income earners in the form of a subsidy, together with some assistance to local government. I am looking to do that. So although I cannot put it into this bill, I am sure the member understands my intentions.

Mr A.J. Waddell: And you understand also that we tried!

Mr G.M. CASTRILLI: Absolutely!

Amendment put and negatived.

Clause put and passed.

Clause 19: Sterilised cats to be identified by tattoo —

Mr G.M. CASTRILLI: Mr Acting Speaker, I seek your guidance on the order that we should follow here.

The ACTING SPEAKER (Mr P.B. Watson): Do both the member for Forrestfield and the minister want to oppose this clause?

Mr A.J. WADDELL: I would just ask the minister to explain the intent of his proposed amendment to insert a new clause 19, particularly on the question of tattooing. I think there may be agreement about what the minister is proposing in his amendment.

Mr G.M. CASTRILLI: The proposed amendment that local governments are to make arrangements with microchip database companies to ensure sterilisation of a cat is noted on the microchip database is supported in principle but not as drafted in the amendment standing on the notice paper in the name of the member for Warnbro. The requirement for an ear tattoo is to be removed. I therefore intend to move a new clause 19 to replace the existing clause 19. That is because the ear will no longer need to be tattooed to provide visual evidence that sterilisation has occurred; and there is a need for an offence for people who identify their cat as sterilised when it is not. On top of that, I propose to insert new clause 19A, which will state —

19A. Notice of sterilisation to be given to microchip database company

A veterinarian who sterilises a microchipped cat must, within 7 days after sterilising the cat, give notice in writing in the form, if any, prescribed of the sterilisation of the cat to the microchip database company for that cat.

Penalty: a fine of \$5 000.

Mr Roger Cook; Mr Martin Whitely; Mr Fran Logan; Mr David Templeman; Mr Frank Alban; Acting Speaker;
Mr Mark McGowan; Mr John Castrilli; Mr Bill Johnston; Mr Andrew Waddell; Ms Lisa Baker; Mr John
Quigley; Mr John Kobelke; Deputy Speaker; Mr Paul Papalia; Mr Joe Francis; Mr Mick Murray

Therefore, I am trying to do the same thing that the member wants, but it is in two separate new clauses, if the member is happy with that.

Mr A.J. WADDELL: I indicate that we will not pursue our proposed amendments on the basis of the minister's explanation.

The ACTING SPEAKER (Mr P.B. Watson): First of all, we need to deal with the original clause 19.

Clause put and negated.

New clause 19 —

Mr G.M. CASTRILLI: I move —

Page 12, after line 24 — To insert —

19. Identifying as sterilised a cat that is not sterilised

A person must not identify a cat as sterilised in the manner prescribed if it is not sterilised.

Penalty: a fine of \$5 000.

New clause put and passed.

New clause 19A —

Mr G.M. CASTRILLI: I move —

Page 12, after line 27 — To insert —

19A. Notice of sterilisation to be given to microchip database company

A veterinarian who sterilises a microchipped cat must, within 7 days after sterilising the cat, give notice in writing in the form, if any, prescribed of the sterilisation of the cat to the microchip database company for that cat.

Penalty: a fine of \$5 000.

New clause put and passed.

Clause 20: Certificate of sterilisation to be given —

Mr W.J. JOHNSTON: I will be very brief. There is no provision to allow a veterinarian to certify that a cat is sterilised if they did not do the sterilisation themselves. My two cats are both sterilised and this would not be a problem because we still use the same vet who sterilised them. But in the case of our previous cat, when we moved from the northern suburbs closer to the city, we did not continue to use the same vet who did the sterilisation. I understand that in our exchange of information, the minister said that it is not always possible to tell from a physical examination of a cat, even by a vet, whether the cat is sterilised. That may or may not be true, but of course there are circumstances in which the vet can tell. Sadly, one of the great things I did was to act as a nurse for a friend who is a vet in Canberra, and I can tell members that I know when a male cat is desexed. The only two times I have ever fainted was when I used to help my friend working at the vet clinic with sterilisations of male animals. Some things are pretty clear. A vet will not issue a certificate if they do not believe a cat has been sterilised, but there is no provision to issue a certificate. It might be very handy for a person to get a certificate from the vet in the circumstance I described because of the registering issue when a cat owner will need to prove that the cat is sterilised. At the moment a person can sign a statutory declaration to state that the cat is sterilised, but would it not be better to have a certificate from a vet? Given that it might be an option that people want to use, I think that the legislation should contemplate that proposition.

Mr G.M. CASTRILLI: Member, this clause states that the vet who does the sterilisation must give a certificate; it does not stop any other vet from giving a certificate to say that the cat is sterilised if the vet knows or can prove that the cat has been sterilised. It does not stop a vet from doing that, but this clause specifically states that the vet who does the sterilisation must give a certificate.

Mr W.J. Johnston: And so that certificate that's given by the vet, other than in accordance with that provision, is going to be accepted by the council and they're not going to have to get a stat dec as well?

Mr G.M. CASTRILLI: Yes, if a vet gives a certificate to say that the cat is sterilised, it should be accepted by local government.

Clause put and passed.

Clause 21 put and passed.

Mr Roger Cook; Mr Martin Whitely; Mr Fran Logan; Mr David Templeman; Mr Frank Alban; Acting Speaker;
Mr Mark McGowan; Mr John Castrilli; Mr Bill Johnston; Mr Andrew Waddell; Ms Lisa Baker; Mr John
Quigley; Mr John Kobelke; Deputy Speaker; Mr Paul Papalia; Mr Joe Francis; Mr Mick Murray

Clause 22: Transfer of ownership of cats —

Mr A.J. WADDELL: This goes to the question of vouchers for sterilisation. I have been informed that a number of vets will not issue vouchers for sterilisation for a range of reasons, but presumably people will be able to shop around to find somebody who will. Certainly, the Cat Haven and so forth probably no doubt sell a voucher for sterilisation. However, my concern is what happens in the event that somebody is given a voucher for the sterilisation of a cat. What checks will there be that that voucher is used at some time in the future, such as when the re-registration of the cat comes up, that the cat was sterilised at six months or whatever age the cat will need to be? Also, what happens in the event that a vet refuses to honour a voucher for sterilisation?

Mr G.M. CASTRILLI: Obviously, the cat cannot be registered unless the owner has a certificate from the vet to say that the cat is sterilised. They have to do it; it is as simple as that. As to the other question about whether a vet would not honour the voucher, that is basically a contract, I suppose, between the cat management facility, the seller or the breeder and the vet. I presume a breeder would have a very good relationship with a vet, and it is a matter of contract. I suppose the situation could occur, but I doubt that it would be a regular occurrence.

Clause put and passed.

Clause 23: Notice to be given of transfer of cat —

Mr W.J. JOHNSTON: Again, we have had conversations offline and I am happy, if the minister wants, just to put it on record. If I sell my cat, I have to tell the local government and the database company that I have sold the cat, which is fair enough. However, I live in Victoria Park and if I sell the cat to someone in the City of Canning, there is no provision in this clause that the Town of Victoria Park must tell the City of Canning that a cat is coming. It would seem to be pretty simple in this modern age of data and technology that councils could let each other know that the cat is coming over, so that councils can continue to monitor its registration et cetera; otherwise, there will potentially be cats in a council area that are not known to the council.

Mr G.M. CASTRILLI: The obligation is on the new owner to tell their local government where they live, to make sure it registers it and puts it on the database. I would not imagine the local government would go from one to the other, because people change all the time, plus there would be more red tape for local government. The provision leaves it up to the owner to notify of any change.

Clause put and passed.

Clause 24 put and passed.

Clause 25: Cat control notice may be given to cat owner —

Mr W.J. JOHNSTON: Clause 25(2)(b) relates to cat control notices. I am not sure why it is important that the notice indicate where the cat or cats are, or are suspected to be. I can understand that the notice is to be in a prescribed form; that is a good idea. I know that the cat would have to be identified; that is good. I understand all the other provisions, but I am not quite sure why we have to add in where the cat or cats are, or suspected to be. Is that aimed at people who are trying to hide their cat? Again, that would not matter because the cat control notice would still have effect anyway. I am not quite sure how that provision adds anything. If the description of where the cats are is wrong, does that mean that the certificate can be challenged? Can the person who receives the notice then say, “I want to examine the ranger to see how they created the suspicion that the cat is somewhere else”? What is it that we are opening up here?

Mr G.M. CASTRILLI: This provision is just telling the owner of the cat, if the ranger or an authorised person has picked up the cat and it is in a pound somewhere, where it is. It is an obligation of the authorised person to tell the owner where the cat is so that they can go and pick it up—whether it is at the vet’s or wherever it is suspected to be. It might have “Last seen at X place”. It is about the owner reconnecting with his cat and picking it up wherever it might be. That is what it is about.

Clause put and passed.

Clause 26: Cats may be seized —

Mr W.J. JOHNSTON: I just want to make it clear that this provision is an opportunity for neighbours to have an argument. An authorised person, a ranger, can seize a cat if it is in a public place—blah, blah, blah; that is fine. Clause 26(b) states that an authorised person may —

- (b) in any premises lawfully entered by the authorised person, seize any cat —
 - (i) at the request, or with the consent, of the person who is, or appears to be, the owner or occupier of the premises;

Mr Roger Cook; Mr Martin Whitely; Mr Fran Logan; Mr David Templeman; Mr Frank Alban; Acting Speaker;
Mr Mark McGowan; Mr John Castrilli; Mr Bill Johnston; Mr Andrew Waddell; Ms Lisa Baker; Mr John
Quigley; Mr John Kobelke; Deputy Speaker; Mr Paul Papalia; Mr Joe Francis; Mr Mick Murray

I want to make clear what could happen. Say I do not like my neighbours; I am having an argument with them. I leave out a bowl of milk so that their cat comes to my house. I stick the bowl of milk in the shed. The cat goes in the shed and I shut the door. I ring the ranger and say, “There’s a cat here that does not belong to me. Come and seize it.” The ranger comes out and seizes it. They run the wand over it and say, “Oh, my god, it belongs to your neighbour.” The neighbour has their cat seized by the council and then they go through the provisions that we are going to deal with later on. They have to pay a bill to get back their cat that their neighbour drew into their property. That provision allows that to occur.

Dr K.D. Hames: Very sneaky.

Mr W.J. JOHNSTON: The Minister for Health interjects. That is the problem. These are things that actually happen in neighbourhoods. How long has the minister been in the Parliament? He has probably had some pretty crazy people come to him and make representations about all sorts of issues, and I do not even know any of them, because that is the nature of the business we are in. These things do happen. I think it goes back to this question that will come up later about there being no actual obligation in the provisions for the council to return the cat. That seems to me to be the first thing we should be doing. I highlight this because it does have effect later on as we read through the further provisions of the bill.

Mr G.M. CASTRILLI: I am not sure how to answer the member for Cannington. His mind must work pretty well in certain circumstances, but I am a bit worried about him sometimes. Yes, it is a possibility that it would happen. The cat would probably have a collar and a tag on it, so if the ranger came around and picked it up, he would see that the owner was next door and drop it next door. The other thing, too, is that it would not take too many times for that to happen before the ranger got smart and wised up about what was really going on. I say there may be consequences for the other person next door. I understand where the member is coming from, but I hope that that is a very rare occurrence, if it happens at all.

Clause put and passed.

Clause 27: Disposing of seized cats —

Mr W.J. JOHNSTON: None of us is trying to unnecessarily delay this legislation, but there are provisions here. This is an important provision. It says that when the council seizes the cat, it has two choices. It can take it back to its owner or it can impound it in a cat management facility. The moment it goes to the cat management facility, the bill starts running up, and that is the problem. I am saying to the minister that, if the council knows who owns the cat, surely the provision should be that it is returned to the owner. We could have a provision that says, “If these bad things are happening, it can be put into the cat management facility.” I have no trouble if it is hard to tell who owns it—that is cool; I understand that. If the owner of the cat is known, the principal provision should be to return the cat to its owner, otherwise the bill is going to start running up and we are going to end up with all sorts of other problems down the track.

Mr G.M. CASTRILLI: First, clause 27(a) says “taken to its owner”, so I presume that is the first option that the council should take, unless of course the cat has not got a tag and the council has to scan it, and they do not know because they do not have the implanter with them. I would assume that most local governments, or all local governments, would be trying to get the best outcomes. I think in the course of goodwill with their constituents, they would take the first option and take it to its owner. As has been pointed out to me, it is the same provision that is in the Dog Act, section 29(4) of which states —

Where a dog is seized pursuant to subsection (3) the authorised person may —

- (a) cause it to be returned to the owner; or
- (b) detain it,

I would imagine that the first thing would be to take it to its owner.

Mr W.J. Johnston: But a cat can climb a fence and the dog cannot. That is why it is a big difference.

Mr G.M. CASTRILLI: Yes, I know, but it is still the same sort of provision. I would suspect that if the ranger picks it up, the first thing they would do would be to take it back to its owner, if they could identify it there and then.

Clause put and passed.

Clause 28 put and passed.

Clause 29: Obligation to identify a cat’s owner —

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Mr W.J. JOHNSTON: The minister is proposing an amendment to clause 33 that deals with words similar to the ones in clause 29(2). I wonder whether he intends to move an amendment to this clause so that it has the same sort of words as those proposed for clause 33.

Mr G.M. CASTRILLI: No, I am proposing to leave it as it is with an amendment to clause 33.

Ms L.L. BAKER: In this clause, “Obligation to identify a cat’s owner”, I ask from experience whether anyone has tried to take a pet cat to the vet. Quite often the cat has to be wrapped up in a towel because they do not like being moved and they get very stressed and very frightened. Under clause 29(2), if a cat behaves aggressively towards a person, the person does not have to scan the cat. The problem with that provision is that cats that have been frightened or stressed are very likely to be very aggressive. I have seen both domestic cats and wild cats, and I have seen both stressed, and a wild cat is very cranky and scratchy, but a domestic cat can react very badly as well. My concern, and indeed the concern of some of my constituents about this, is that it must be mandatory for every cat seized or every cat that comes into a cat management facility to be scanned. If there is that much of a problem, perhaps all that is needed is a little bit of sedation or some sort of calming drug to be administered so the cat can be scanned. I do not think a clause giving a cat facility an out because a cat is behaving aggressively is acceptable. If a cat is giving someone a particular problem, it is far too easy to do the wrong thing under those circumstances. I am very concerned, and indeed my constituents have raised that problem with me as well.

Mr G.M. CASTRILLI: Would it make it any easier for the member if under clause 29(2)(a) after “other person; or” we changed “or” to “and” as an extra level?

Ms L.L. Baker: I guess that would help.

Mr G.M. CASTRILLI: Clause 29(2)(b) is really about feral cats. Of course, the other thing is that rangers will need to carry out training for this. Therefore, if we can change “or” to “and”, I think that will go a lot of the way towards accommodating the member.

Mr W.J. Johnston: I am a unionist, and health and safety are important issues.

Ms L.L. Baker: I think it will help; it will not solve the problem for my constituents entirely, but it will help.

Mr G.M. CASTRILLI: At least it will help. I move —

Page 17, line18 — To delete “or” and substitute —
and

Amendment put and passed.

Clause, as amended, put and passed.

Clause 30: Cat owner liable to pay costs to cat management facility —

Ms L.L. BAKER: Another point that has been raised with me is that I understand that this bill, I hope, will do good things for cat management and cat husbandry or wifery or whatever, but it occurs to me that under this clause, there are now financial penalties if a cat has been impounded and has not had certain things done; the owner has to pay to pick it up. I would like to put on the public record that that is a disincentive to some people who cannot afford to pay the costs incurred. For low income or vulnerable people it is more likely to mean that their animals will just be put down because the owners cannot afford to pay the fees for impounding the cats. I do not know that I want the minister to do anything different from what is stated in the clause, but I put on the record that the clause will effectively be a disincentive for people to pick up their animals.

Clause put and passed.

Clauses 31 and 32 put and passed.

Clause 33: Dealing with unidentified and unclaimed cats —

Mr G.M. CASTRILLI: I move —

Page 20, lines 5 to 8 — To delete the lines and substitute —

- (a) if the operator believes on reasonable grounds that the cat —
 - (i) is feral, diseased or dangerous; and
 - (ii) has caused or given, or is likely to cause or give, serious injury, or serious illness, to a person, another animal or itself; or

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Mr A.J. WADDELL: Again, minister, congratulations. I was very concerned. I saw this as the mouse clause, under which a cat could be known for killing mice and therefore every cat would potentially be up for immediate destruction. The only real question I have remaining is: What will be defined as dangerous? Is that dangerous to a person or is that dangerous to another animal, in which case, obviously, a cat is dangerous to a mouse?

Mr G.M. CASTRILLI: It is serious illness to a person, another animal or itself. I think the clause is linked to both. Is that what the member wants?

Mr A.J. WADDELL: Cats were originally bred not as companions but because they took care of rodents, and I doubt that there are many cats at all within our society that are not a physical and imminent danger to any mouse that runs across their path. Is the minister's intention then to say that if a cat is dangerous to a mouse, it can be destroyed?

Mr G.M. CASTRILLI: I am basically trying to tighten up the provisions to ensure that a domestic pet that exhibits normal cat behaviour is not destroyed.

Amendment put and passed.

Clause, as amended, put and passed.

Clauses 34 and 35 put and passed.

Clause 36: Approval to breed cats —

Mr A.J. WADDELL: This comes very much to a very central concern by many of the cat fanciers. They are concerned that this bill potentially gives local government authority to create all sorts of hoops that people will have to jump through and circumstances that people have to meet in order to be registered as a breeder, and their fear is that they will ultimately be pushed further and further out of the city. I focus primarily on clause 36(2)(b) which states —

the applicant has no, or insufficient, facilities to breed cats in a safe and ethical way;

I also focus on clause 36(2)(c), which states —

the applicant has no, or unsuitable, premises where cats can be bred in a safe and ethical way;

There needs to be a definition of “facilities to breed cats in a safe and ethical way”. The question comes down to whether this will be defined in the minister's regulations or whether local governments will be allowed to determine it, in which case, presumably, we could face 139 different definitions of “safe and ethical breeding facilities”.

Mr G.M. CASTRILLI: It will be specified in guidelines. We are looking at the codes of conduct that Victoria and New South Wales have implemented already; we will base the guidelines on that.

Mr W.J. Johnston: While the minister is on his feet, is the decision to refuse an application subject to any external review, such as the State Administrative Tribunal or any other system?

Mr G.M. CASTRILLI: Yes, it is.

Mr A.J. WADDELL: We now have guidelines. Earlier in consideration in detail, the minister indicated recognition of certain cat societies that recognise breeders. Will those societies have some input into the definition of proper “facilities to breed cats in a safe and ethical way”? The key question here is: what will be put in place to prevent a local government from simply putting the bar too high to stop any cat breeders existing within its boundaries?

Mr G.M. CASTRILLI: The Australian Companion Animal Council and other such organisations have codes of conduct and guidelines to monitor whether their members are doing the right thing. They will be prescribed in legislation as certified cat breeders. They will be in regulations. The local government looks at only the registration, not the other bits to do with cat fanciers such as breeds and that sort of stuff. Local government will not have anything to do with that at all. Clause 36(2)(b) is about the premises and safe and ethical standards; that is it. Those organisations will be prescribed, providing they keep within the context of the act, and have all those codes of conduct and self-administer, if we like.

Mr A.J. Waddell: The organisations set the standards and if somebody meets those standards, the local government has to approve them as a breeder.

Mr G.M. CASTRILLI: We will be talking to those people and making sure that those standards will be prescribed in regulation so those members can be automatically recognised as cat breeders.

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Clause put and passed.

Clauses 37 to 39 put and passed.

Clause 40: Cats not to be offered as prizes —

Mr A.J. WADDELL: Why? The only question I have is: why are we legislating that cats cannot be a prize in a raffle or something like that? It seems very odd. Certain cats are extraordinarily valuable. Assuming that they go to an ethical owner, why would we prohibit that behaviour?

Mr G.M. CASTRILLI: This clause is about promoting responsible cat ownership. If somebody wins a cat in a raffle, it does not necessarily mean that that person really wants that cat. After a week or two, the person might want to dispose of it. That does not promote responsible cat ownership.

Mr W.J. Johnston: Are you going to do the same for dogs?

Clause put and passed.

The DEPUTY SPEAKER: Does anybody have any clauses from 41 to 47?

Mr P. Papalia: I am just trying to catch up a bit.

Ms L.L. Baker: Clause 47.

Mr W.J. Johnston: Clause 47.

Mr P. Papalia: I am looking at clause 44.

Clauses 41 to 43 put and passed.

Clause 44: Delegation by local government —

Mr P. Papalia: No, I will let it go through to the keeper.

Clause put and passed.

Clauses 45 to 47 put and passed.

Clause 48: Authorised person may cause a cat to be destroyed —

Ms L.L. Baker: Clause 47?

The DEPUTY SPEAKER: I just put that clauses 41 to 47 stand as printed.

Mr W.J. Johnston: I called out that I wanted to deal with clause 47.

The DEPUTY SPEAKER: I have put the clause. I clearly asked members and I was told that the next clause was clause 48.

Mr W.J. Johnston: Could I ask that the clause be recommitted?

The DEPUTY SPEAKER: You can move that at the end of the process, if you wish to.

Mr W.J. Johnston: Okay. This is a very critical provision.

Mr P. Papalia: It was one with which I was also concerned.

The DEPUTY SPEAKER: You can move that at the end of the process, member for Cannington.

Ms L.L. BAKER: Clause 48 provides —

- (1) An authorised person may cause a cat to be destroyed ...
 - (a) if the person believes on reasonable grounds that the cat has caused, or is behaving in a manner that is likely to cause, serious injury to a person, another animal or itself;

This provision seems pretty loose. The provision could give grounds for the seizure of a cat if it is involved with an altercation with another cat or a sibling cat. Under these circumstances, does that mean both creatures would be seized and euthanased or would the provision apply to any cat in the vicinity of a bird or a smaller animal? We could reasonably assume that a cat might look at a bird or a small animal. Where is the right of appeal? Where are the protections?

Mr G.M. CASTRILLI: In response to the member for Cannington, who raised some issues on this, I propose an amendment to clause 48. I am proposing on page 27, lines 26 to 29, to delete those lines and substitute —

- (a) if the person believes on reasonable grounds that the cat —

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- (i) is feral, diseased or dangerous; and
- (ii) has caused or given, or is likely to cause or give, serious injury, or serious illness, to a person, another animal or itself; or

That tightens up the provision so that, as I mentioned to the member for Forrestfield, a cat exhibiting normal cat-like behaviour does not get destroyed.

Mr P. PAPALIA: I think that resolves it because the minister will make the focus on feral cats and the provision applies only to feral cats. I am comfortable with that.

Mr G.M. CASTRILLI: I move —

Page 27, lines 26 to 29 — To delete the lines and substitute —

- (a) if the person believes on reasonable grounds that the cat —
 - (i) is feral, diseased or dangerous; and
 - (ii) has caused or given, or is likely to cause or give, serious injury, or serious illness, to a person, another animal or itself; or

Amendment put and passed.

Clause, as amended, put and passed.

Clause 49: Persons found committing breach of Act to give name on demand —

Mr W.J. JOHNSTON: I seek to draw the minister's attention to the question of a person from whom information is requested. I put to the minister offline some comments about a council officer. Bearing in mind that the authorised person in clause 47(1) could be a volunteer, such as a person appointed from a local community group, there is no specific training for that person. The authorised person could be someone who has no particular training.

Mr A.P. Jacob: It would have to be an employee.

Mr W.J. JOHNSTON: No, not at all. Where does it say that, member? Perhaps the member could draw my attention to the provision.

Several members interjected.

Mr W.J. JOHNSTON: I am sorry, member, which provision was that?

Mr A.P. Jacob: Section 47(2).

Mr W.J. JOHNSTON: No. Clause 47(2) refers to a person who is not an employee, and then it gives a restriction in respect of proposed section 61. No provision in clause 47 requires a person to be an employee of the local government—none whatsoever. The member for Ocean Reef should not interject on me when he does not read the provisions of the bill. It is not helpful to anybody in the chamber when he does those things.

Mr F.A. Alban: It's all right for him but not for you!

The DEPUTY SPEAKER: Members, members, members!

Mr W.J. JOHNSTON: There is a difference, member for Swan Hills. I read the bill.

The DEPUTY SPEAKER: Member for Cannington!

Mr W.J. JOHNSTON: I might be unique on the backbench.

Several members interjected.

The DEPUTY SPEAKER: Members!

Mr F.A. Alban interjected.

The DEPUTY SPEAKER: Member for Swan Hills.

Mr W.J. JOHNSTON: Thank you very much, Mr Deputy Speaker. If members on the other side read the bill, perhaps they can interject with some relevance and intelligence.

The DEPUTY SPEAKER: Member for Cannington, come back to the point!

Mr W.J. JOHNSTON: Instead, they flap their gums and waste our time.

The DEPUTY SPEAKER: Member for Cannington!

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Mr W.J. JOHNSTON: They are wasting our time here by constant interjection.

The DEPUTY SPEAKER: Member for Cannington!

Mr W.J. JOHNSTON: Thank you very much, Mr Deputy Speaker. I do not want to have my time wasted and waste the chamber's time by interjections.

Several members interjected.

Mr W.J. JOHNSTON: They are continuing to interject now, Mr Deputy Speaker. I cannot believe this!

The DEPUTY SPEAKER: Member for Cannington.

Several members interjected.

Mr W.J. JOHNSTON: Members opposite either want to interject and waste the time of the chamber or they do not. If they want to be silent, let me get on with what I am trying to say; I am happy to do that.

The DEPUTY SPEAKER: Member for Cannington, come back to the point!

Mr W.J. JOHNSTON: I am very happy to do that, Mr Deputy Speaker.

The DEPUTY SPEAKER: Right.

Mr G.M. Castrilli: Member for Cannington, I am happy to work with you.

Mr W.J. JOHNSTON: I thank the minister. I know that he has been making a number of comments.

Dr K.D. Hames interjected.

Mr W.J. JOHNSTON: I am sorry, I did not hear that, Minister for Health.

Dr K.D. Hames: I wasn't talking to you.

Mr W.J. JOHNSTON: That is right.

What the Minister for Local Government said in reply to my comments is that if local governments do not have the power to require a person committing an offence to identify themselves, they will have no ability to enforce the act. That is fair enough. However, the provision actually goes beyond that to request a person's name, place of residence and date of birth. I make the suggestion to the minister that rather than subclause (2) stating that "A person from whom information is requested under subsection (1) must not refuse without lawful excuse to give the information", it should state "without reasonable excuse". A "reasonable" defence is actually provided to people appointed under clause 47(1), for example in clause 42. I therefore do not understand why it is not fair enough to give cat owners the same defence. After all, clause 47 allows untrained volunteers to exercise the powers under this bill and we could easily understand how a situation might arise when there is conflict because of the behaviour of one of these untrained people appointed under the bill. I think there should be a "reasonable" provision for cat owners. After all, it is another provision extended to the authorised officers.

Mr G.M. CASTRILLI: I know where the member is coming from; however, I respectfully suggest that "lawful" would be a better word than "reasonable". "Reasonable" could mean just about anything. A lawful excuse is about people who are not authorised persons and who do not identify themselves as authorised persons; there has to be some sort of lawful excuse, therefore, not to give information. Also I do not believe local governments employ volunteers to do anything about dogs; I suspect they use employees and contractors. When people act on behalf of local governments, as the member said, they are covered by occupational safety and health provisions on "lawful duty", as local governments can be sued et cetera. It would be highly unlikely that a local government would use volunteers, and if it did happen I would probably have serious comment to make to the local government about protecting itself in carrying out its lawful duties to its constituents. I do not suspect that local governments would employ anybody to do the job unless they were trained employees or contractors. I think the member is drawing a bit of a long bow in that I do not suspect at all that local governments would employ anybody who does not fit that bill, as I would think there would be ramifications at stake for local governments.

Ms L.L. BAKER: Given the minister's comments about the training of authorised persons and given that he has raised the issue, I would like to pursue it a bit more. What does the minister envisage that training would comprise? I am interested in the minister's view about whether these people ideally would be general inspectors under the Animal Welfare Act.

Mr G.M. Castrilli: No.

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Ms L.L. BAKER: That would seem sensible in some respects, as they would be trained to understand the circumstances in which animals are kept and whether they were healthy and well. There are also issues around the use of firearms. I cannot imagine that rangers would be called to shoot many cats. However, I do know that rangers have a requirement to carry guns and to euthanase or shoot stock that are injured. Having had experience with some rangers on my property who I called in to put out of its misery a kangaroo that had broken its leg falling over a gate, it was a bit like having Homer Simpson with a high-calibre gun on my property! It was not a good thing! Rangers are not well trained in many respects and do not get much practice with firearms. Could the minister talk a bit about how he might go about that training?

Mr G.M. CASTRILLI: Local government rangers can be authorised under the Animal Welfare Act, so there is provision there. Also TAFE courses on handling animals are available. I suspect for the sake of local governments themselves that any local government worth its salt would ensure, before appointing someone as an authorised person, that the person had appropriate skills and knowledge to do the job, otherwise I presume they could be open to all sorts of claims.

Clause put and passed.

Clause 50: Power to enter premises —

Mr G.M. CASTRILLI: In response again to the concerns of the member for Cannington, I move —

Page 29, after line 8 — To insert —

(d) specifying how the objection may be made.

This amendment is in response to the member for Cannington’s concerns.

Mr W.J. JOHNSTON: Mr Deputy Speaker, we want to deal with the amendment and then turn to the clause. Do you want to deal with that amendment first?

The DEPUTY SPEAKER: Yes, I think we should deal with the amendment first.

Mr A.J. WADDELL: I think there is a slight drafting problem in the minister’s amendment in the sense that he has inserted a paragraph (d), but has not modified (c) to include “; and”.

Mr G.M. CASTRILLI: I moved to insert paragraph (d) which specifies how the objection may be made.

Amendment put and passed.

Mr W.J. JOHNSTON: I draw the minister’s attention to subclause (5), which states —

Entry under this section may be made with such assistants and equipment as are considered necessary for the purpose for which entry is required.

In my commentary, I suggested that the subclause might allow a council to break down a door, and the minister responded that he did not think that it did. I therefore wonder about the extent of the powers provided by this subclause.

Mr G.M. CASTRILLI: Subclause (5) is about “assistance”. They might call in the RSPCA to help or whatever to make entry “with such assistants and equipment as are considered necessary”.

Mr W.J. Johnston: Are you saying they could not open a locked gate?

Mr G.M. CASTRILLI: No; it is saying that entry “may be made with such assistants and equipment as are considered necessary for the purpose for which entry is required”. For instance the RSPCA may help them gain entry to the property to help capture a cat.

Mr W.J. Johnston: If there is a locked gate, can they open a locked gate?

Mr G.M. CASTRILLI: There are provisions for entry; namely, notice has to be given and a warrant has to be obtained—all that sort of stuff. However, on the very rare occasion of a serious condition in an unforeseen circumstance, I suspect that they would be able to go in. It would be very rare circumstances. Otherwise, there are set procedures for which entry can be gained with the permission of the owner, including writing to the owner to give them 24 hours’ notice and up to seven days’ notice. If that does not work, a warrant is required and for that a justice has to be convinced about the cause or the need to enter.

Mr W.J. JOHNSTON: So the appeal is the rub; that is, an authorised person wishing to enter premises under subclause (2) gives the person notice and the person objects. A later provision deals with the objection—that is, by way of a committee of the council. A committee of the council judges whether the entry permit should be allowed. The person has had notice for 24 hours. The council officer turns up. The person objects. The objection

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goes to the council's committee and the committee says the need to enter the premises is justified. The council officer turns up again —

Mr G.M. Castrilli: What clause are you talking about?

Mr W.J. JOHNSTON: I am talking about clause 50.

Mr G.M. Castrilli: But you are talking about a council committee.

Mr W.J. JOHNSTON: It is an authorised person. An authorised person is a person authorised under clause 47. That is what it means.

Mr G.M. Castrilli: Sorry, member for Cannington; I am just trying to work out where it says that it has to go to a council committee.

Mr W.J. JOHNSTON: That is what the objection process is. The objection process that we have just talked about specified how the objection may be made.

Mr G.M. Castrilli: Okay.

Mr W.J. JOHNSTON: Is the minister happy? I am on the right page, am I? I am dealing with it. Yes, clause 69 deals with objection and outlines how the council committee is to deal with the objection.

I refer to clause 50 again. The officer turns up with his authorisation—it is not a warrant; it is an authorisation—and wants to get in. Subclause (5) appears to say that they can turn up with a set of boltcutters, cut off the lock from the gate and enter the premises. Is that right?

Mr G.M. Castrilli: I think that if the member has a look under clause 68, “Objection may be lodged”, a person is to be given notice under clause 13 or clause 39.

Mr W.J. JOHNSTON: Where does the objection go then? Is the minister saying that if a person objects under subclause (2), the council can never enter the premises unless it gets a warrant?

Mr G.M. Castrilli: They have to get a warrant.

Mr W.J. JOHNSTON: Here is the rub again, minister, because under clause 47(2), a person who is not an employee of the council can exercise any of the powers of an authorised officer except for the one under clause 61.

Mr G.M. Castrilli: That is only about the issuing of infringement notices.

Mr W.J. JOHNSTON: That is right; all the other powers of an authorised officer, including turning up to do a raid, can be exercised by a person who is not an employee of the council.

Mr G.M. Castrilli: Yes; it is a person who is an employee or a contractor.

Mr W.J. JOHNSTON: It could be anybody, because there is no provision in that regard. If clause 47(1) stated that it was to “appoint persons or classes of persons” being an employee or contractor, I would not have a problem, but there is nothing in clause 47 to say that it cannot be just anybody. Let us assume it is a contractor. A contractor can turn up with a warrant and raid a person's house. Give me a break! This is about cat management. This is not right.

Mr G.M. CASTRILLI: I just say that it is to be an authorised person or contractor who turns up; that is, it is either an employee or a contractor. When the member uses “raid”, it is a pretty —

Mr W.J. Johnston: That is what it is about.

Mr G.M. CASTRILLI: It is a pretty long bow to draw. They still have to have a warrant. They have to show just cause why the warrant should be issued. The justice will not issue a warrant without just cause. The authorised person must show just cause before the warrant is issued.

Mr W.J. Johnston: Yes, but—

Mr G.M. CASTRILLI: A person cannot simply ask for a warrant because they want to bust into somebody's house.

Mr W.J. Johnston: No, of course not. But why would we want to give people who are not rangers those powers?

Mr G.M. CASTRILLI: Conditions can still be put on a warrant. They have to show cause and justify to the justice why they need a warrant.

Clause, as amended, put and passed.

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Clause 51: General Powers of authorised person —

Mr P. PAPALIA: At the outset, I offer my apologies for not being here earlier. I was in Sydney conducting some briefings for a Navy clearance diver trust that I have been participating in establishing. As members know, we get very little notice about what bills will be brought on during the week. We were told on Thursday that the Cat Bill was listed as order of the day 3. The arrangement for the briefing was made some weeks ago and I had no idea that we would be considering this bill today.

A member interjected.

Mr P. PAPALIA: I know that I was well represented by a number of members on this side who have a deep interest in the subject. Members on this side of the house feel that there is no justification for clause 51(c) in its entirety. It appears to be an incredibly onerous and aggressive subclause that cannot be justified on the grounds that the minister has sought to justify this legislation. I apologise; I missed the debate today and I have missed a lot of the preamble to this particular clause and the consideration that has gone before now. If the minister's justification, as he has articulated here and in public, is to attempt to somehow reduce the number of feral cats and control domestic cats, I cannot see the minister's justification in providing these powers to local governments. The minister is allowing local governments, in my opinion, to apply the sorts of powers and compulsion that one would expect to be applied to a drug dealer or someone such as a bikie. It seems as though we have taken a bit of a leap out of the Cat Bill and into the Corruption and Crime Commission and we are trying to focus on organised crime! I cannot for the life of me see why we would expect it to be necessary to examine, seize, copy or take extracts from any document relevant to the offence. That is a fairly liberal use of terminology, I would think. "Relevant to the offence" will be in the minds of the individuals who have just entered the house and are demanding these documents. We have had cat fancy people approach us, really concerned because they have such things. They spend a lot of money and put in a lot of effort to import special cats from the United States and other places overseas. They get DNA databases, they have passports and all manner of documentation that they would be very loath to relinquish to an authorised person from local government. They would be very frightened that they may lose one-off, unique documents, never to see them again. That is a reasonable concern. That is something that should not be given as a power.

The provision refers to taking photographs, films and audio, video or other recordings relevant to the offence. I can see where the minister is probably coming from. That is to provide evidence in the event that a person will be prosecuted or a matter will be pursued later, but if we step back for a moment from the person's intention, and assume that the person has done wrong and is somehow in breach of the Cat Bill, and consider what this allows, we see that it allows someone to walk around and photograph, film and record the owner in their house—over a cat; over someone's moggy! It sounds Stalinist! It is about cats. This is the one that really gets me—we are enabling the local government authorised person to compel persons to answer questions. They do not do that to bikies down at the CCC! They try to but they cannot force them to. That CCC legislation was introduced to target organised crime and corruption in the public sector. Here we have the Cat Bill allowing local governments to go in and monster people and demand that they answer questions. It seems extraordinary to me, minister. The minister is a reasonable man. I cannot imagine that it was the minister's idea to put this sort of incredibly powerful authority in the hands of a local government authorised person.

Mr A.J. WADDELL: I certainly will reflect on that —

Mr P. Papalia: I have got more to say!

Mr A.J. WADDELL: I understand that.

Mr G.M. Castrilli: It is a roundabout way of saying he wants to give you more time!

Mr A.J. WADDELL: I reflect on how difficult it is to tie any of the offences that exist in this bill to the need for any of these things. I would be fascinated to hear more from the member for Warnbro as to how he sees that playing out.

Mr P. PAPALIA: Indeed, that is the issue. In the context of the rest of the bill, which deals with moggies, why do we need to give these incredibly powerful authorities to local government? The bill states, "Take any other action that the authorised person believes, on reasonable grounds, is necessary". Considering they can already compel a person to answer any question they choose to ask, they can already seize any document they feel like seizing and they can already film and photograph the owner and the inside of their house, these people might not be very reasonable! If they think this is okay, they will employ these powers that this Parliament is giving to any person deemed to be an authorised person by a local government. If they reckon it is okay to employ these powers, and if they get to the point of employing these powers—we have no idea who this person will be—what is this person going to think is "on reasonable grounds"? What will they think "any other action" might be? I

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hope that the minister considers removing this subclause because I do not think it is relevant to the bill. It is not essential to make the bill workable. It will not prevent people from enforcing the law by not having these incredibly powerful authorities given to them. I ask the minister to reflect on that. If he does not agree with us, perhaps he could justify why he will empower the local moggy enforcement patrol to come into people's houses, demand that people hand over every single document that the patrol wants to look at, make people consent to being photographed and filmed and take those images away and then direct people to answer the questions that it chooses to ask and also take any other action that the moggy patrol thinks is necessary on reasonable grounds. I would like the minister to justify those actions if he will not accept our proposition that we just get rid of this entire subclause.

Mr G.M. CASTRILLI: Clause 51(c) relates to somebody who has committed an offence. When we start talking about cat breeders, I am sure that they come under the prescribed organisations that we talked about before. The organisations themselves would always carry out checks and balances on their members. That is what their code of conduct says. The member should forget about the cat breeders. I do not suspect that anything will happen to the cat breeders. First, a warrant is needed to get onto a person's property. Second, I think the member for Maylands made a point about hoarders in her speech at the second reading stage. Some people might have 30, 40 or 50 cats —

Mr P. Papalia: Are you suggesting that this law is about hoarders?

Mr G.M. CASTRILLI: It is about that sort of situation.

Mr P. Papalia: Can hoarders not be dealt with under animal welfare legislation?

Mr G.M. CASTRILLI: I am saying that evidence has to be collected and all that sort of stuff. We need to be able to do those things in those circumstances. The authorised person has to be reasonable about that. If somebody has 30 or 40 cats and half of them are diseased and that sort of stuff, the authorised person may need to “take any other action that the authorised person believes, on reasonable grounds, is necessary”. The subclause encapsulates those sorts of circumstances that need to be dealt with. I am not suggesting that if a person has an unregistered cat in their yard, an authorised person will come in and take photos and knock down fences and that sort of thing. That is not what I am talking about. I am talking about being reasonable in the circumstances in which an offence has been committed. If the authorised person is going to do something about it, they must have the ability to collect evidence to prove their case. That is what this subclause is about; it is about being reasonable.

The member for Maylands asked whether we were going to fix up hoarders. Plenty of people hoard things, not only cats, but a whole lot of stuff.

Mr P. Papalia: I would have thought that animal welfare legislation would enable you to deal with hoarders.

Mr G.M. CASTRILLI: Yes, but if local governments are going to control the act, they need to have some leeway to look at those circumstances that may arise from time to time. Hopefully, those situations never arise. As we all know, there have been circumstances in which those situations have occurred, so authorised persons need to be able to take that sort of evidence if they see fit.

Mr P. PAPALIA: I am not satisfied with that response. The minister has suggested that this is only going to occur in the event that someone has committed an offence and the authorised person is gathering evidence. That is not what the clause states. Clause 51(c) states —

in any premises lawfully entered, as is reasonably required in order to investigate or collect evidence that an offence is being, or has been, committed against this Act —

By the sounds of this legislation, members of the moggy patrol will probably be wearing long black boots that come up to just below the knee, little peaked caps, maybe some neatly tailored trousers and nice brass buttons on their jackets. What if the moggy patrol is not acting lawfully?

We will be going back to the words “authorised person”, because we have a lot of questions about who is an authorised person. But it has been suggested to us that it might not necessarily be an employee of local government. It could be any type of person. We not sure about what thresholds will be applied to determine whether a person is eligible to be an authorised person under this legislation. Therefore, there is no guarantee in this legislation as it is currently worded that an authorised person might not choose to say, “I am investigating my suspicion that these persons have committed an offence against this act”, without any evidence, and might not go into the house with the intent of creating evidence or of harassing people who might not have committed an offence. What we are doing here is giving the authorised person the power to go into the house on the pretext of investigating a potential offence under the act. We are giving the authorised person the power to seize any

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document in the house. We are giving the authorised person the power to photograph, film and take audio of the people in the house. We are giving the authorised person the power to demand that the people in the house answer any questions that the authorised person—this moggy patrol with the shiny boots—wants to ask; and, according to this legislation, the people in the house will have to answer those questions. We are then giving the authorised person the additional power to take any other action that the authorised person—this person with the jackboots—believes, on reasonable grounds, is necessary. The words “reasonable grounds” could be fairly flexible, depending on why the authorised person has entered the premises. I think we need to be given greater justification for why we need these laws. It is not enough to just say that we need these laws to enable the gathering of evidence. I am not willing to concede that the authorised person needs to be able to seize any document in the house, film and record any person in the house, and demand that the person answer questions, or do anything else that the authorised person feels like doing, just so that the authorised person can end up pleading a case against a person whom the authorised person suspects may have committed an offence.

Mr G.M. CASTRILLI: I think the member for Warnbro is painting quite a dramatic picture here. Paragraph (c) states, “in any premises lawfully entered, as is reasonably required”. I am not a lawyer. But I am told that “reasonable” is well established in case law. The authorised person needs to have reasonable grounds. The authorised person cannot just burst into somebody’s house because they like doing that—far from it. As I have said, in order to talk about the circumstance of 30 or 40 cats being in the premises, the authorised person will need to produce some evidence of whatever the circumstance may be. It is on reasonable grounds. I think it is well established in the legal system what “reasonable grounds” means. The authorised person must enter the premises lawfully, number one. The authorised person must have permission of the owner, and give notice of at least 24 hours, or up to seven days, and/or obtain a warrant from a justice of the peace. The authorised person must convince the justice about why they want that warrant. So I believe there are sufficient safeguards in the bill; I really do. I think the member is stretching the point a bit too far about all that. I do not think that what the member is saying will happen. This is about giving local government the tools to be able to prove something if they need to prove something. That is what it is.

Mr P. PAPALIA: As I say, I missed the previous debate today and I am sorry about that. I make the observation that, in the course of the debate last time we sat and in subsequent media commentary from the minister and the member for Jandakot, the minister frequently employed the argument that this legislation focuses on feral cats and mention was made of people such as hoarders. Those are extremes that may or may not be dealt with by this legislation. I do not believe that this legislation does anything to deal with feral cats. The point is that the law will not just apply to the extremes; the law will apply to everyone who owns a cat. Whether the government likes it or not, I think we are obligated to consider what might happen in anything below that threshold of the extreme of someone who has 40 cats. It has been suggested to me that some councils have employed an aggressive-focused campaign against people who comply in just about every way with the requirements of this legislation and beyond that. These people do not allow their cats to wander outside, they contain their cats and keep them on their property, but they feel that there has been either individual or council-led targeting of them as owners who have a number of cats in their house. I think that they have reasonable concerns to suggest that if we empower individuals, who will act on behalf of local government, with these sorts of powers, there will be no stopping them. There is no absolute guarantee that these powers will not be used in a way that will seek to move people on, to shift them, to compel them to move their activity of cat hobby breeding or whatever they do from the council that may have determined that it does not want that or from within an area that this individual, the empowered person, has determined that they do not want them to remain, or even if that person for whatever reason acts in a vexatious manner. I think that when the minister and other people who advocate for the law suggest that we are being outrageous and scaremongering, they need to consider that they are talking about extremes when they justify it. I think that the government has to consider that there might be extremes of the application of this law against people who have no resemblance at all with someone who is a hoarder or who is cruel to cats or who creates a problem for their neighbours.

Mr W.J. JOHNSTON: In answering the member for Warnbro, I draw the minister’s attention to a couple of things. If there was a provision that the authorised officer can come into a place if the person agrees or if it was authorised by a warrant, many of the issues raised by this clause would cease to be of conflict. However, of course, we have that middle ground whereby a council can decide to come onto the property, which is what this clause states. Further, in almost every act of this Parliament and any other Parliament in Australia, if a provision states that a person is compelled to answer questions, there is a limitation that the information gained cannot be used against the person being interviewed. There is no such provision in this legislation to prevent self-incrimination. For the “moggy law”, the government is giving it extreme power. If clause 47 had a better provision for who is an authorised officer and limited the circumstances in which the powers that are prescribed in clause 51(c) can be used, the government would have no trouble. The problem is that the power is wide, which

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is what the member for Warnbro was saying. If we made the power less wide, we would not have so many troubles.

Mr G.M. CASTRILLI: An authorised person can enter premises only by agreement or with a warrant.

Mr W.J. Johnston: Or by notice—it says so.

Mr G.M. CASTRILLI: But if the person objects to the notice, the official must get a warrant.

Mr P. Papalia: Let us say that an elderly woman has an authorised person arrive on the front doorstep and she invites him in because he tells her that he wants to check whether she is committing an offence. You are empowering the person to do all these things to her. Why would you do that?

Mr G.M. CASTRILLI: The member talked earlier about extreme cases. The provision states “as is reasonably required”. From my reading, this provision gives the authorised officer the ability, depending on the circumstance, to do a range of things, but the authorised person has to be reasonable about it. This is about giving local government the tools, if required, after they have gained lawful entry, to take photographs and do all those things, depending on the circumstance. However, the officers must be reasonable about it. I think there is enough there; I honestly do. I think members opposite are painting a distorted picture. If people are hoarding 30 or 40 cats, the authorised person needs the power to gather evidence.

Mr P. Papalia: Can they do that under the Animal Welfare Act? Are you telling me that the Animal Welfare Act does not empower people to collect evidence?

Mr G.M. CASTRILLI: I cannot answer that specifically, but I think the officers have to show that there has been a case of cruelty under the Animal Welfare Act. I think I have talked about this for long enough. I will put it this way: if I came across evidence that local governments were being totally unreasonable, I would look at making amendments to the act. I will give members opposite that assurance. The member for Warnbro talked about extreme cases. There will be extreme cases, but in that event, we need the provisions in clause 51(c)(i) to (iv) to gather the evidence.

Mr P. Papalia: Do they have that power for dogs? Do they have the power to go in and force people to answer questions?

Mr G.M. CASTRILLI: I am advised that they do.

Mr P. Papalia: Do they have every provision in clause 51(c)(i) to (iv)? Under which acts? Can they seize any documents, take film, audio and photographs and direct a person to answer questions?

Mr G.M. CASTRILLI: I understand that the wording is different, but these provisions are in the Food Act, the Tobacco Products Control Act and other acts.

Mr P. Papalia: But none of those involve animals.

Mr F.M. LOGAN: I think the minister was just getting to the point of answering the question I was just about to ask him, which is where this provision came from. If it is in the Food Act and the Tobacco Products Control Act, there are very good reasons for that. It would certainly be in the Fish Resources Management Act, too. It is usually in those types of acts for which there is a need to act quickly to prevent a criminal offence or a health problem for society as a whole. The authorised officers under those types of acts must have the same powers as the police to enter premises. We can understand this provision applying in those circumstances to prevent an outbreak of a health contagion, the possible commission of a criminal act, or a breach of taxing provisions under the Tobacco Products Control Act. We can all understand this provision applying in those circumstances, but we are talking about cats! That is the point I made in the second reading debate. The question I am coming to is: who would be the authorised person? Would the minister expect that person to be a ranger, for example?

Mr G.M. Castrilli: Yes.

Mr F.M. LOGAN: The minister is seriously considering handing over to rangers the powers that we have identified in clause 51(c)(i) to (iv). As the member for Cannington has pointed out, a ranger only has to give notice of his wish to enter premises.

Mr G.M. Castrilli: They can object to it, but then they have to get a warrant.

Mr F.M. LOGAN: That is right, but that objection is up at the end of seven days; they have seven days to object. That ranger can come on in any case and has these types of powers. These types of powers do not exist under the Dog Act and they are more closely related to those acts of Parliament which have sanctions that have to be applied quickly because of possible criminal behaviour, public threat or a public nuisance. We are not talking about the same type of provision here. We are talking about people who may well be in breach of the act because of something they have not done about their cat.

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Mr G.M. CASTRILLI: Let me give an extreme example; we are talking about extremes. Say there is a hoarder of 40 or 50 diseased cats.

Mr P. Papalia: You have said the Animal Welfare Act can deal with it.

Mr G.M. CASTRILLI: But I am just saying that they are diseased.

Mr A.J. Waddell: There is nothing in this bill about 40 cats. You could have 100 cats under this legislation. There is nothing to stop people doing that. That is not an offence.

Several members interjected.

Mr P. Papalia: The extent of these powers is inconsistent with the bill.

Mr G.M. CASTRILLI: I honestly do not think so, because, in terms of that extreme circumstance we need something to be able to prove that.

Mr P. Papalia: Why then does it not say “in extreme circumstances”? There is nothing relevant to the comment that the minister just made.

Mr G.M. CASTRILLI: It is because we have talked about reasonableness. I have tried to answer it, and I do not know how many times I need to say this over and again. In extreme circumstances we need some sort of capacity for the authorised person to be able to collect evidence. I very much doubt that a local government is going to let someone have 100 cats in their house. It just will not happen.

Ms L.L. Baker: That is cruelty, minister.

Mr G.M. CASTRILLI: The member for Maylands raised this point in her second reading contribution about hoarders. I know it is an extreme circumstance, but we need something there in case something extreme happens, to be able to deal with it, to at least be able to give local governments some powers to be able to collect the evidence to do it. It will only be in rare circumstances that that sort of stuff will be used; however, we just need something in there to give local governments the tools in case they are needed.

Mr W.J. Johnston: Why not, minister, then tie it to a warrant?

Mr G.M. CASTRILLI: It is.

Mr W.J. Johnston: No, it is not.

Mr G.M. CASTRILLI: It says “lawfully entered”. “Lawfully entered” means on permission. If they object, the authorised person would have to get a warrant. I think I have said enough on this one, quite frankly.

Mr P. PAPALIA: Minister, it is not an outrageous suggestion to say that a lot of cat owners are elderly, single women who may be vulnerable to the suggestion by an authorised person to enter their house lawfully; without a warrant but just come into their house.

Mr G.M. Castrilli: What are they going to charge them with?

Mr P. PAPALIA: Once they get in the house, they are empowered to do all this stuff. It does not matter why they got in there. It does not matter why they entered the premises. Once they get in there, the minister is empowering the individual to seize any document, film and photograph —

Mr G.M. Castrilli: They can only enter if they have reasonable grounds to suspect that an offence has been committed.

Mr P. PAPALIA: The clause states —

... any premises lawfully entered, as is reasonably required in order to investigate or collect evidence that an offence is being ...

Mr G.M. Castrilli: “Investigate or collect evidence”.

Mr P. PAPALIA: “I am going to go in. I do not like cats.”

Mr J.M. Francis: Why not?

Mr P. PAPALIA: No, this is a scenario; I do like cats.

Mr D.A. Templeman: He is role-playing now.

Mr P. PAPALIA: I am role-playing. I am on the moggy patrol; I have got up in the morning and put on my long boots; I am wearing my peaked cap and tailored trousers and jacket with the brass buttons; and I have gone around to an old lady’s house because I heard she has a cat. She answers when I knock on the door and I look

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authoritative and stand taller; I am much bigger and younger than she is. I say to her, “I’m the moggy patrol, can I come into your house?”

Mr G.M. Castrilli: Tattoos everywhere, long hair, knuckledusters on! Go on; keep going!

Mr P. PAPALIA: She says, “Oh, yes you can”, because as someone of her generation, she is a reasonable person who wants to comply with the request of someone in authority. I go into the house and say, “Right, any document I want in this house I can seize; I want to film you; I want to take your photograph; I want to audio-record you; I want to compel you to answer any questions I ask of you; and I want to do anything else that I think is reasonable.” Once the authorised person is inside her house lawfully, this bill empowers such a person to do that. It does not matter whether the lady has done anything wrong.

Mr G.M. Castrilli: It has to be on reasonable grounds.

Mr P. PAPALIA: Listen; it does not matter whether she has done anything wrong. If the minister does not want an officer to do that; he should change the law. He has not given us any justification for this provision. All he has said is that local government people need powers if someone has 40 cats and is a hoarder. There is nothing in the bill about that, but the minister always throws it out there because he wants to suggest that somehow this law is targeting only people with 40 cats who are hoarding. There is nothing in the bill about that.

Mr G.M. Castrilli: I used that as an example.

Mr P. PAPALIA: The minister uses that as an example all the time. The member for Jandakot talks about feral cats all the time. There is nothing in the legislation about feral cats. We are asking the minister to consider the consequences of empowering people unnecessarily. He does not have to include this provision to make this law reasonable and enforceable. He is empowering someone unnecessarily, and I think that is fraught with danger. He even suggested that in the event the provision is used inappropriately, he will step in and take action. I have a suggestion for him: rather than doing that and trying to shut the gate later, why not consider not giving the power now, but provide laws with reasonable power rather than extraordinary powers to deal with moggies? We have problems with amphetamines, and the government has been talking about how it will deal with them, but when it comes to moggies, the minister seems to be able to roll out all the powers available to the state and unleash them on single, elderly women who have a cat as their only companion. Let us be reasonable about it. Make the change now. Do not simply say, “Oh, we want this power, and that is the justification and every guy we empower will be reasonable.” The minister must understand that when he passes a law like this, he will give those powers to local government to pass on to anyone they consider is appropriate as an authorised person. The minister will be the one who is responsible for it. I do not think it is appropriate; I do not think the minister can justify it.

Mr J.M. FRANCIS: I am not going to answer the question for the minister. I am trying to think of a situation in which these laws might be useful.

Several members interjected.

Mr J.M. FRANCIS: If I can be indulged. In all seriousness, we have all heard of puppy farms in the eastern states. If members google “kitten farms”, they will have a selection of historical information about this topic in Western Australia. I will read from my iPad some information about kitten farming in Western Australia —

Kitten farming is thought to be a growing problem in Australia, —

An opposition member interjected.

Mr J.M. FRANCIS: Bear with me. It continues —

so follow these steps to make sure your next cat comes from a reputable source

‘Puppy farming’ has received a lot of media attention and we all know about the horrific conditions some unscrupulous breeders inflict on their animals ... and now there is new evidence that this kind of thing is happening with cats as well.

On April 22nd, *Perth Now* newspaper published an article about a litter of Persian kittens dumped at the Cat Haven shelter in Perth.

This was in 2010. To continue —

The kittens were in an ‘appalling condition’, according to staff, with many experiencing breathing difficulties and suffering from severe cat flu and mite-infestations.

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The article reported that this is the third case in 12 months of Persian kittens being dumped at shelters in Perth, and staff are fearful that this indicates the presence of a kitten farm or backyard breeder who is engaging in neglectful and irresponsible breeding practices.

Kitten farms, like puppy farms, keep their animals continually pregnant and living in crates. The cats are often diseased, mistreated and, if the kittens are unwanted, killed. With so many cats without a home already, it is nothing short of barbaric to bring a kitten into that world of neglect and abuse

Cat Haven in Perth is fighting to save the lives of these Persian kittens, who will then go into foster care until they can be adopted into ‘forever homes’. The staff of Cat Haven are vehemently against kitten farming.

It mentions how staff at the Cat Haven gave *Cat Diaries* some tips on how to avoid this situation. There are a number of stories about kitten farms, just as there are about dog farms, in Western Australia and across Australia, and it is obviously a pretty appalling practice. My question then is that surely this clause would allow local government authorities the power to do something about people who turn their houses into kitten farms.

Mr G.M. CASTRILLI: The short answer is yes. It is about those situations. We could go through a million scenarios.

Mr A.J. Waddell: You can give us another one. Give us one more.

Mr G.M. CASTRILLI: I am just saying that that is an example. We could go through a heap of scenarios, like the member is doing with connotations and variations.

Mr P. Papalia interjected.

Mr G.M. CASTRILLI: I have spoken enough on this. I think this is reasonable and I have gone over and over why I think it is reasonable. I cannot really say any more than that.

The SPEAKER: Before I give anyone else the call, I ask the member for Warnbro whether he wants to move his amendment, because we have not moved this as an amendment.

Mr P. Papalia: No, but I want to hear from other members on my side. Can we do that?

The SPEAKER: Member for Cockburn.

Mr F.M. LOGAN: I do not often get an opportunity to speak on such important legislation! I can probably acknowledge the point that has just been made by the member for Jandakot about the need for serious powers of entry for authorised persons in a situation the member has just described of cat breeding and particularly horrendous forms of kitten farms or whatever he referred to. I said in my contribution to the second reading debate that if the provision being debated now, particularly the powers under clause 51(c)(i) to (iv), was included in part 3, division 4, “Breeding of cats”, I would understand the application of, not all those provisions, but the powers of entry relating to the issues highlighted in division 4. However, this provision is not under division 4. It will deal, I presume, with the powers of entry for the types of incidents referred to by the member for Jandakot, and it will also deal with every single other cat owner in their own home. I take members to clause 51(c)(iii), “direct a person to answer questions”. Those are the same powers that are available for the Corruption and Crime Commission! The police do not have those powers. Come on; let us be serious. These are powers that go way beyond the normal capabilities of a police officer in gathering evidence for criminal behaviour. The minister tells us that he has spoken about this long enough and wonders why we are jumping up and down about the clause. We are jumping up and down because we are trying to point out to the minister that extraordinary powers are being placed in the hands of people who are not even sworn police officers of the Crown of this state. These powers are being placed in the hands of rangers of local government. It is unacceptable, and we will vote against this.

Mr A.J. WADDELL: This is the Al Capone clause, I suspect, in the sense that Al Capone was done for tax evasion, not for organised crime, and this probably is the government’s attempt to deal with the amphetamine problem and all the other problems it has! It can just allege that there is an illegal cat in the house and then it can do whatever it wants.

Mr P. Papalia: That’s what’s driving it!

Mr A.J. WADDELL: This is the great Trojan horse on this issue. If we go through the scenario that the member for Jandakot just outlined, we must ask how this bill prevents what he talked about. If the people involved in the kitten farm are registered as breeders, what is their particular offence? As long as they are selling the kittens in accordance with this act—for example, the kittens have a certificate and are microchipped, and the farm has the ability to microchip—people could quite potentially be running the kitten farm without any breach of this

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legislation whatsoever. There is nothing in this bill whatsoever about hoarding. There is nothing in this bill whatsoever about the welfare of cats, other than the suggestion that in some circumstances owners can get their cats registered only if they are fit and proper persons. If we go through this bill clause by clause, we read that cats must be registered; cats must wear tags; tags cannot be interfered with; people must have certificates; they have to notify the local government if they move addresses; cats will be microchipped; people have to fill in a form if they transfer a cat; and cats must be sterilised—it goes on and on. People must receive approval to breed cats; they cannot give a cat in a raffle, and so on. What justifies someone coming into my home and videotaping what is going on in my home? What justifies someone coming into my home and photocopying my personal records? What justifies someone coming into my home and compelling me to answer questions? This is not a clause aimed at cat owners; this clause is in no way restrictive. It says that in the performance of a function under this act—that is, “I am concerned that your cat is not microchipped”—an authorised person, who is the volunteer that the local government has appointed, may do any one or more of a number of things, such as set traps et cetera. Then paragraph (c) refers to any premises lawfully entered. Knock, knock! “Can I come in?” “Yes.” An authorised person can lawfully enter any premises as is reasonably required in order to investigate or collect evidence that an offence is being, or has been, committed against this act. They can now have a look at anything they want to. They can take any photographs, record anything, direct a person to answer any questions or take any other action that they, as an authorised person, believe, on reasonable grounds, is necessary. This is a bridge too far. The minister has been extraordinarily reasonable so far—drop this one; it is insane. We do not need this kind of legislation in Western Australia.

Mr G.M. Castrilli: And I still think I am being reasonable.

Mr P. PAPALIA: I move —

Page 30, lines 1 to 11 — To delete the lines.

I reiterate that all the points made by my colleagues are fair. The minister appears to be adopting the stonewall approach to our protestations over this clause.

Mr G.M. Castrilli: Only with this clause because I was accommodating with a lot of others.

Mr P. PAPALIA: The minister has been accommodating, but he must understand that all of us on this side of the chamber feel this is completely unreasonable and unjustified. When the minister stood to justify this clause, the only thing he said was that this will be handy for people who are hoarders. The opposition’s view is that the government can deal with hoarders under the Animal Welfare Act; it does not need this legislation to do that. The only other justification given by any member opposite is that someone might have a kitten farm and that this will somehow sort that out. Clearly, having a kitten farm is not illegal under the bill, so that will not be the justification for this clause. This clause can be employed against any cat owner—or it could be someone who does not own a cat, because the government is able to investigate in accordance with this legislation. The minister might have some intelligence from someone three doors down who hates cats or hates the person who occupies those premises, and the moggy patrol might be sent down. Those people will knock on the door and ask, “Can we come in?”

Mr R.F. Johnson: The person says no.

Mr P. PAPALIA: What if they say yes because they are elderly and single? What if it is an elderly woman whose generation feels obliged to comply with requests from people in authority and who is being helpful? Once those people are in the door, they can do all of these things. The minister is empowering people to go into a single elderly woman’s house and grab any document in the house that they choose, take any photograph that they choose, film anything that they want to film and audio record that person and demand that that elderly woman, the sole resident of that house, answer any question they ask of her. The real clincher, the one that is the beautiful element to all of this, is subparagraph (iv), which says that an authorised person may take any other action that the authorised person believes, on reasonable grounds, is necessary. Considering this is a person who has come in there, grabbed documents, filmed and compelled someone to answer, their “reasonable grounds” might be a bit different from the legal reasonable grounds, because they are not necessarily a well-trained person. They are not a police officer; they may not be across all these requirements and what a legal definition of “reasonable” is, and they may apply what they think is reasonable. They can do that. The minister is empowering that to occur against people who are quite vulnerable. It may not occur, but the minister is empowering it to occur. Under the law we have at the moment they cannot do that. The minister is going to give them those powers. The minister has not justified this, and we would expect that the minister would consider adopting this amendment. If the people beside the minister are telling him that it is required because of hoarders, that is not true; we know that the Animal Welfare Act enables those people to be dealt with. If that is the only justification

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that the minister is receiving, maybe he should consider, while we are doing this, whether that is really a valid reason to impose these laws and this particular clause on the people of Western Australia.

Mr D.A. TEMPLEMAN: I have been listening to the debate on this particular matter now for several minutes. I caution the minister to not let this go to a vote tonight, quite frankly, because I think it is serious enough for the minister to consider adjourning the debate to again analyse this particular matter and the amendment to this clause. I would not like to see this amendment go to a vote and be voted down without the minister reconsidering. The minister has been very accommodating. He is a very accommodating man. I think the opposition has exposed a major flaw. This evening, arguments have been put very strongly and very effectively by a number of speakers about what this clause means if it remains as the minister proposes. It is a serious matter if once inside the door an authorised person has the powers that have been outlined. It is quite serious. As the member for Cockburn and others have highlighted, these sorts of powers seem to be almost exclusive to the authorised officer. References have been made to the Corruption and Crime Commission and to the police. In all sensibilities, we should look closely at what the opposition has been saying. I hope that the minister considers the merits of this, because the argument has been put very, very well.

I have heard some of the members opposite, including the member for Jandakot, say, “But that is not what is meant. That is not what we actually mean.” However, legislation is legislation and we know that it would be embarrassing for the government that introduced and ultimately passed the bill if a major flaw such as this, potentially a major loophole, were exposed. We are responsible for making sure that our citizens are not put in the position described in the example given by the member Warnbro. As the member for Jandakot and others have said, that is not what is meant to happen or that is an extreme example of what might happen. When I read the legislation and that clause, I think the member for Warnbro is exactly right. As soon as that authorised officer has entry into that home—I know that the Minister for Police said that they have to be asked—a range of powers are available. The person initially sees someone in a uniform from the council who says that they would like to come in and look or that they need to enter the home for a specific reason. “Okay, fine, come in.” I do not think many people who assent to that would be aware of the powers that are available to the authorised person who they let inside their house. Photographic evidence can be taken and the cat or cats or documentation can be seized. All of that is possible if this clause is allowed to be carried without amendment or consideration. I urge the minister, in the cold light of day as we move towards midnight, to understand and support the amendment. If he cannot do that tonight, he should adjourn the debate and give himself some time to look at this clause; otherwise, he will be making a grave mistake.

Amendment put and a division taken with the following result —

Ayes (19)

Ms L.L. Baker	Mr F.M. Logan	Ms M.M. Quirk	Mr P.B. Watson
Mr R.H. Cook	Mrs C.A. Martin	Mrs M.H. Roberts	Mr M.P. Whitely
Mr J.N. Hyde	Mr M.P. Murray	Mr T.G. Stephens	Mr B.S. Wyatt
Mr W.J. Johnston	Mr P. Papalia	Mr C.J. Tallentire	Mr D.A. Templeman (<i>Teller</i>)
Mr J.C. Kobelke	Mr J.R. Quigley	Mr A.J. Waddell	

Noes (22)

Mr P. Abetz	Mr G.M. Castrilli	Mr A.P. Jacob	Ms A.R. Mitchell
Mr F.A. Alban	Mr V.A. Catania	Dr G.G. Jacobs	Mr M.W. Sutherland
Mr I.C. Blayney	Mr M.J. Cowper	Mr R.F. Johnson	Mr T.K. Waldron
Mr J.J.M. Bowler	Mr J.M. Francis	Mr A. Krsticevic	Mr A.J. Simpson (<i>Teller</i>)
Mr I.M. Britza	Mr B.J. Grylls	Mr J.E. McGrath	
Mr T.R. Buswell	Dr K.D. Hames	Mr P.T. Miles	

Pairs

Mr P.C. Tinley	Mrs L.M. Harvey
Mr A.P. O’Gorman	Dr E. Constable
Ms R. Saffioti	Mr J.H.D. Day
Dr A.D. Buti	Mr D.T. Redman
Mr E.S. Ripper	Mr W.R. Marmion
Ms J.M. Freeman	Mr C.C. Porter
Mr M. McGowan	Mr C.J. Barnett

Amendment thus negatived.

Mr P. PAPALIA: Not wishing to labour the point too much, I want to record a comment on this clause and make a final observation. As identified by the member for Cockburn and others, we cannot walk into the house of a drug dealer, compel them to answer questions, film the answers, record them on audio and seize all their

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documents. Why does the minister need that power in the moggy act? It is just incredible. During my absence from the chamber, the minister has been reasonable in dealing with other parts of this legislation. I would suggest that is an indication that the legislation was poorly drafted in the first place, and at least the minister has been reasonable in trying to ameliorate its impact. However, paragraph (c) is incredibly unreasonable and unjustified. The minister has given no justification this evening for paragraph (c), and he will stand condemned for it. Sadly, he will stand condemned although I do not believe he is the driver behind it. He has been reasonable in regard to other amendments and I believe he is well motivated. However, it will not be the minister going in the door of these houses. It will not be the minister seizing documents from elderly single women who have a cat. It will not be the minister filming them, photographing them, recording them, compelling them to answer questions and doing anything else the person feels like doing as long as he considers it reasonable. It will not be the minister doing that; it will be a ranger or some other person to whom we are giving this power, and that is totally unjustified.

Mr F.M. LOGAN: The minister has not explained clearly the reasons for these powers. I ask the minister to explain to the house why, in a bill that deals only with the registration, sterilisation and microchipping of cats, there is a provision giving legal power to a ranger for a breach of the bill—presumably for any one of the three items I referred to—to direct a person to answer questions without any warning at all that the answers may be used in evidence against them? That is the usual police warning. Why is the bill giving a council ranger the same powers as an investigating officer of the Corruption and Crime Commission? Could the minister just answer why that power is needed?

Mr G.M. CASTRILLI: I think I have given enough explanations.

Clause put and passed.

Clauses 52 to 66 put and passed.

Clause 67: When this Division applies —

The SPEAKER: Let me provide members with some information on clause 67. I presume the member for Warnbro is not going to move the amendment standing in his name on the notice paper. I will give him the call if he is seeking the call.

Mr P. PAPALIA: I will explain that those amendments were in relation to other amendments that we moved and that I understand have been dealt with already this evening. The minister has not accepted our other amendments but has changed some things, so I do not intend moving the amendment in my name on the notice paper.

The SPEAKER: There is an amendment in your name, minister, with respect to clause 67.

Mr G.M. CASTRILLI: Yes, there is; thank you. I move —

Page 34, line 17 — To delete the line.

This amendment will remove the provision relating to public access, to which I have made provision at the request of the members for Cannington and Forrestfield.

Amendment put and passed.

Clause, as amended, put and passed.

Clauses 68 to 70 put and passed.

Clause 71: Suspension of effect of some decisions —

Mr P. PAPALIA: Again, my proposed amendment relates to our overall package of amendments. I will not be moving it.

The SPEAKER: Can I seek further advice from the member for Warnbro with respect to clause 74. Will you move your amendment to clause 74?

Mr P. PAPALIA: I believe it is the same.

Clause put and passed.

Clauses 72 to 77 put and passed.

Clause 78: Local laws —

Mr W.J. JOHNSTON: This is the provision that allows for the creation of local laws by councils. I will ask the minister a question; he can answer as he wants, but I am concerned about subclause (3)(a), which is about local

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laws for the registration of cats. It seems to me we are creating a system of regulation for cats and it should be the same everywhere. I agree that there should be a regulation power. We have extensively discussed a number of those issues, but I am concerned when I see this power given to councils to make different local laws about the registration of cats; therefore, we could end up with 134 different laws on cat registration rather than one. If we go down to paragraph (e) relating to “cats creating a nuisance”, I can see how that could end up generating conflict. It is stated at paragraph (g) —

requiring that in specified areas a portion of the premises on which a cat is kept must be enclosed in a manner capable of confining cats;

I have already spoken about this in my second reading contribution. Many people who live near the regional park in Canning are concerned about cats getting into the regional park. That is a genuine issue. I can understand there are specific areas around the state that even domestic cats need to be restricted from entering. One of the things that people might not realise is that a well-fed, desexed domestic cat has a very small range, perhaps 300 metres in any direction from a house. In a suburb away from a place like the regional park, a moggy is not going to cause much offence to the environment. This goes to the question I raised at the start of our conversation, minister, about transition arrangements. This is one of those provisions that from 1 November next year allows local councils to make these laws. I think there should be a transition provision relating to that aspect. Clarification of the particular provisions is needed. I do not think it is good to see a range of rules about the registration of cats, cats creating a nuisance, and then the specified areas in which they have to be enclosed. Perhaps the minister would like to comment.

Mr G.M. CASTRILLI: As the member for Cannington said, the registration of cats will come under local government laws. There would be the capacity to offer one-year, three-year, five-year or lifetime registrations for cats. I think that answers that question.

As to cats creating a nuisance, I think I mentioned in my second reading speech that this may occur in inner suburbia. Some of the laws might be generated by the community. Members of the community may ask their local governments to create a law because they might live next to a nature reserve and find that cats are destroying a lot of wildlife. The local people might say that this is not good enough and they would like their local authority to enact a local law. I think I mentioned the steps that the local government has to go through to create that local law. Consultation needs to take place when dealing with those sorts of issues. What was the other question?

Mr W.J. JOHNSTON: It relates to subclause (g). I was arguing that this is an example of a provision that needs a longer lead time for people to adjust.

Mr G.M. CASTRILLI: I think local governments will have just over 12 months to comply with that and to make their local laws. I think that is enough time. That gives local governments the power to respond to cases in which the local community might say it needs to be able to do certain things. I have just been informed that local governments can build a lead-in time into their own local laws. Hopefully, there is enough protection there.

Mr A.J. WADDELL: My concerns relate to a number of questions that I have asked the minister throughout consideration in detail. He has assured me that a lot of these elements will be dealt with in regulations, which is fine and dandy. However, clause 78 will give local governments specific powers to make their own laws. That will be separate to regulations. Although we may create a regulation which says that cat breeders need to deal with the standards set by certain associations et cetera, this clause specifically gives the City of Joondalup, for instance, the ability to define under subclause (3)(i) the establishment, maintenance, licensing, regulation, construction, use, record keeping and inspection of cat management facilities. It is important that a cat management facility is defined as a facility for keeping cats that is operated by a person or body approved in writing by a local government, which could quite possibly be used by a breeder. We are essentially giving local governments the ability to define the facility that a cat breeder must build. It has to be 20 metres from each boundary fence, it has to be enclosed in a certain sort of mesh, it needs to be soundproof and it needs to have so many British thermal units of air conditioning. Local governments can create whatever they want to define what needs to be put in place for a cat breeder. That will essentially allow them to price out and make it impossible for certain cat breeders to continue to breed cats. That is the fear that I have raised all along.

I am also concerned that the fees and charges are being provided to the local government in this instance. They will pick up any cracks that exist. There may be maximum fees set out in the regulations relating to things such as reissuing permits, inspections, maintenance, use and record keeping of management facilities. If local governments send out inspectors to determine whether these facilities are being maintained in a proper way, will they be able to levy a charge to the provider in order to do that, again creating a circumstance in which they could price somebody out of the industry? For all the positive comments that have been made about what the

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regulations will define and how they will keep it fairly open, this one section seems to give local governments carte blanche to pretty much do what they want and create the circumstances in which they can achieve what they want to achieve.

Believe me, some local governments are very friendly towards cat breeders and cat keepers. Others simply do not like cat breeders and cat keepers and will do everything in their power to push them out. A number of the cat breeders that we have spoken to have indicated that they have needed to move once, and sometimes twice, because local governments have essentially pushed them out from where they were, and they are now getting further and further out from the centre of the city, towards the outskirts. That is quite ironic if we think about it, because when we talk about feral cat populations, we are not particularly worried about what the feral cat populations are doing to Subiaco. We are worried about what they are doing to our native bushland, which of course is on the outskirts of the city, where the local governments are pushing the breeders. I am very concerned that the powers that will be given to local government under this clause are far too broad and will lead to a number of problems. If the minister could explain to me how the local laws will be balanced against the regulations that he is proposing, I would be very interested.

Mr G.M. CASTRILLI: Some of the things the member said might be right; some of these things might come up. Clause 76(1) states —

The Governor may make regulations that are to operate as if they were local laws for each district to which they apply.

That would override any local law. Clause 76(6) states —

If there is any inconsistency between a regulation made under this section and a local law made under this Act, the regulation prevails to the extent of the inconsistency.

So there are some safeguards. I suppose that if things get out of hand, we can make a regulation or a local law that will override the local government and bring back that consistency. I acknowledge what the member is saying. But I think enough safeguards in the clause enable us to keep a handle on that.

Mr P. PAPALIA: I share the concerns that have been raised by the previous speaker. But I also want to speak specifically to clause 78(3)(a), the registration of cats. This bill will empower local governments to make laws about the registration of cats. I want to elicit from the minister for *Hansard* some responses to some specific questions. The minister, and others on his side of the house—who seem to care about this matter and seem to do a lot more talking than the minister about it sometimes—have made the suggestion that this law will not result in any significant increase in the impost on cat owners. The minister has said that the impost will be limited, because the registration of dogs costs only \$10 a year, or something like that. I want the minister to answer these questions. If we assume that what the minister is saying is right, and that the only cost that will be imposed on cat owners is \$10, how on earth will an average size council, such as the City of Bayswater, with 55 000 people, be able to afford to enforce this law? If we assume that the City of Bayswater has the average number of cats—that is, that one in 11 persons owns a cat—the amount of money that the City of Bayswater will be able to raise from the proposed \$10 fee, for 11 000 cats, will be \$50 000 or \$60 000. What proportion of a ranger will the City of Bayswater be able to afford?

The real question is: how long does the minister reckon it will be before the City of Bayswater increases the cost of registering a cat fourfold, or tenfold, because that is the only way it will be able to afford to enforce the requirements of this law that the minister is introducing? The minister has suggested in just about every media outlet in this state that this legislation will not increase by any significant amount the cost of owning a cat. The minister has said to people, “Do not worry about it. It is all fine. Firstly, it will deal with feral cats”—which it will not—“and, secondly, it will not increase the cost of owning a cat.” How can the minister possibly say that, knowing full well that if a council charges only \$10, which the minister is suggesting will be the registration fee, it will not be able to afford even one half of one ranger to enforce this legislation? If we take out the costs that local governments will need to take into account to set up the registration, such as the need to buy 10 000 tags to have in stock so they can sell them to people, I reckon that would cost them; that would take away this \$50 000. Once local governments have the tags and collars that they will sell to people, they will not have any money left over from the money that they will raise in that first year anyway. How on earth can the minister possibly suggest that this will not dramatically increase the cost to cat owners? The minister knows that once local governments are empowered, they will increase the cost of registration because that is the only way they can fund the enforcement of these laws.

Mr G.M. CASTRILLI: First—I think I covered this before when the member was not in the chamber—I never said that the registration fee will be exactly \$10.

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Mr P. Papalia: But you've suggested a lot of times that it is going to be around \$10.

Mr G.M. CASTRILLI: I used an example. What I said, which the member for Warnbro's own members can verify, is that I have not set that fee; that will be done in consultation with local government. But if we use an example, the City of Joondalup, which brought in its own cat laws without this legislation, has brought in a registration fee of, I think, \$10 a year.

Mr P. Papalia: How many cats have registered in the City of Joondalup?

Mr G.M. CASTRILLI: I do not know.

Mr P. Papalia: How many people in the City of Joondalup —

Mr G.M. CASTRILLI: Hang on; let me answer the question. I do not know; let me answer the question. As an example of what it did —

Mr P. Papalia: Well, it's not a good example if you're not registering many cats. You're going to expect the registration of 93 per cent of cats, which you would hope to do because 93 per cent of them are sterilised. How many people are in the City of Joondalup? Is it 100 000?

Mr G.M. CASTRILLI: It is a bit more than that I think. I cannot give the member an exact figure now. Stirling is about 190 000; Wanneroo, I am not —

Mr P. Papalia: So 10 000 cats?

Mr G.M. CASTRILLI: There are 165 000 people, as I am informed.

Mr P. Papalia: Would there be 10 000 cats?

Mr G.M. CASTRILLI: I do not know. It does not matter. What I am —

Mr P. Papalia: It does matter, because it is \$100 000 at the most.

Mr G.M. CASTRILLI: What I am suggesting to the member is —

Mr P. Papalia: One hundred thousand dollars doesn't buy you a ranger!

The SPEAKER: Member for Warnbro, you have asked the minister a question; give him an opportunity to answer it.

Mr G.M. CASTRILLI: I can sit down and not answer the question if the member wants.

Mr P. Papalia: Stand up and answer it.

Mr G.M. CASTRILLI: What does the member think I am doing? He keeps interrupting. The member should go back to Sydney. I had a good relationship with these guys here before and I think I have been quite reasonable. Have I not been reasonable?

Mr F.M. Logan: You've been very reasonable, minister. I think he's being absolutely outrageous!

Mr G.M. CASTRILLI: I agree! I just want to make it clear: I never said exactly \$10.

Mr P. Papalia: No, don't be —

Mr G.M. CASTRILLI: Hang on! I said to the member's colleagues that, based on the City of Joondalup example when it brought in its own registration fees, it was talking about \$10 a year. Pensioners get a 50 per cent discount, as they would under this legislation, but the city was talking about \$10 for a sterilised cat and \$25 for three years' registration. In doing its analysis—however the City of Joondalup did its analysis—to have its own cat laws, the city estimated that that was what it would cost. The City of Albany, for a sterilised cat —

Mr P. Papalia: Minister, could you say that last bit again? They estimated that's how much it will cost them or the cat owner?

Mr G.M. CASTRILLI: No, that is how much the City of Joondalup put in the figure that it wanted to charge for the registration of a cat—namely, \$10 a year or \$25 for three years.

Mr P. Papalia: But now with this law, you're asking them to compel people to comply with the law and to police this law. So how are they going to fund policing the law at \$10 a cat? There's only 10 000 cats.

Mr G.M. CASTRILLI: There are 19 local governments and I suspect that most of those local governments would be operating at a loss now. They did it because they thought it was a community obligation that they had to do. For example, Albany charges \$18 for three years or \$10 a year for registration of a sterilised cat and \$75 for three years or \$30 a year for the registration of an unsterilised cat. That is current. Busselton charges \$18 for

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three years or \$10 for one year for registration. I am suggesting that local governments are there now. Capel charges \$18 for three years or \$10 for one year to register a cat.

Mr P. Papalia: Now you are obliging everyone in the state who owns a cat to register their cat. You are hoping there will be a lot more registrations.

Mr G.M. CASTRILLI: We will consult very broadly with local governments on this. It is my intention to assist them with the costs of implants and some capital costs. There will be very broad consultation with local government. I think the fee will be about the same as it is for dogs. A similar figure like that may be appropriate. I am not saying that it will be that figure, but it may be. I have told the member for Warnbro's colleagues in here that through regulations we will limit the amount local governments can charge for registration.

Mr P. Papalia: At what?

Mr G.M. CASTRILLI: We have not determined that yet; we are in negotiations. I just wanted to make that point clear.

Mr M.P. MURRAY: I am concerned about the checks and balances of the regulations and the welfare of the animals. Some years back people were allowed to keep a couple of chooks in the backyard but because the roosters made too much noise that has been gradually phased out in many shires. People can no longer keep a rooster because they get up too early for some and there were a few problems during daylight savings as well because roosters cannot tell the time! The issue I have is that the regulations do not spell out the sizes of the cages and cat runs and those sorts of things that are in suburbia. Some councils might require someone to have X amount of room for a cat or to keep the cat in a cage. Similar regulations were passed under the Dog Act when the Labor Party introduced different types of dogs that people were not allowed to keep or that had to be restrained or kept in a cage. That would be detrimental to a cat. I am not a cat fancier by a long way, but I am certainly concerned about their welfare.

Mr G.M. CASTRILLI: I agree. Guidelines will be established. Victoria has a code of conduct that includes regulations relating to the operations of breeding and rearing establishments. We will work very closely with that code of conduct and we will give local governments guidelines. The member for Maylands talked about trying to get consistency across the board. I acknowledge what the member for Collie-Preston said. We will give guidelines to local governments on those issues.

Mr P. PAPALIA: I want to get a couple of comments from the minister on the record. He has reiterated the suggestion that there will be only a very minor impost for the cost of the registration. As a consequence, the minister must acknowledge that there is no way any of these councils will fund a single additional ranger with the money they will raise from cat registration. One in 11 households in Australia has a cat. That is the national average. A council could not fund a ranger for \$100 000. The City of Joondalup, which is a big council, will not fund one extra ranger. Assuming that no council will be able to fund an additional ranger out of the current suggested impost for registration, how does the minister expect any council in the state to enforce this law? If the councils do not enforce the law, what is the point of the law? The minister has suggested over and again that this law will deal with feral cats, control domestic cats and stop cats from preying on native fauna. I have seen no suggestion about how that will be achieved unless the councils can impose and enforce the law. Is the minister expecting the councils to fund rangers to police the cats that might be preying on natural fauna at night-time, because that is the cat's natural instinct, as opposed to during the daytime when the rangers are up and about?

Mr G.M. CASTRILLI: Member for Warnbro, I have tried to be serious in this place.

Mr P. Papalia: It is a serious question.

Mr G.M. CASTRILLI: I just want to answer it. Number one, I have not acknowledged anything from how the member put the question. Number two, it will be up to each local government to determine how their rangers operate. I am not going to enforce any code and stand over each local government and enforce how they run their own staff. It is up to the CEO how they manage their own staff. What was the third question?

Mr P. Papalia: Are you expecting councils to fund arrangements to operate at night time?

Mr G.M. CASTRILLI: The third question was about enforcing the act. It is up to local government how they operate.

Mr M.P. Whitely: But you've got to think about it, though. You have got to have thought it through.

Mr G.M. CASTRILLI: I do not tell local governments how to run their staff.

Mr P. Papalia: But you are going to put a ceiling on what they can charge for registration.

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Mr G.M. CASTRILLI: Absolutely; yes. That is different from telling local governments how they run their own staff. If they do not enforce the act, I am sure a lot of community pressure will be brought to bear by their own communities to ask them to do certain things.

Clause put and passed.

Clauses 79 to 82 put and passed.

Clause 83: Creating offences and prescribing penalties —

Mr F.M. LOGAN: Clause 83(1) relates to the previous discussions we had about the penalties applied under this act. This provision in the legislation is giving local authorities the ability to set their own penalties, bearing in mind what the minister said earlier, that more than likely a person would not be penalised for a breach of the act by more than 10 per cent of the \$5 000 that is stated. This provision states —

... contravention of a provision of the local law is an offence, and may provide for the offence to be punishable on conviction by a penalty not exceeding a fine of \$5 000.

Will this penalty be applied by local authorities under their local laws in the same way that the minister has suggested the local authorities should apply the penalty provisions elsewhere in this act?

Mr G.M. CASTRILLI: Clause 62(3) states —

A modified penalty for an offence must not exceed 10% of the maximum penalty for that offence.

That applies to local laws as well—an infringement notice under the local law.

Mr F.M. Logan: By way of interjection, minister, how is that specified in the act? How are we as a house expected to know that and how are local governments expected to know that? Will it be by way of regulation?

Mr G.M. CASTRILLI: It is black and white in clause 62 that a maximum penalty for that offence is 10 per cent of the maximum, under an infringement under a local law.

Mr F.M. Logan: Again by way of interjection, I asked the minister about the penalties in the body of this bill. We are dealing now with a provision that gives local governments powers to set their own laws and apply their own penalties, but it does not say it applies to that part as well.

Mr G.M. CASTRILLI: Yes, it is under this bill and has to comply with the bill, which is under clause 62(3). It still has to comply with that legislation. It is in the legislation; it still has to comply with the legislation.

Mr P. PAPALIA: The minister may have covered this earlier when I was absent, so he can excuse me if that is the case, and I welcome him to interject and tell me if that is the case. The minister rejected our amendments with regard to getting rid of registration in addition to microchipping. Assuming that a cat owner has their cat microchipped and the cat is registered and has a tag, but it slips its collar and is captured by the ranger, does this part of the legislation enable the local government to issue an infringement of \$500 to that owner?

Mr G.M. Castrilli: We have covered that. There is a degree of defence in this bill, so we have covered that.

Mr P. PAPALIA: There is a defence?

Mr G.M. Castrilli: Yes.

Mr P. PAPALIA: Therefore, the person will receive an infringement and then has to go to council and defend themselves against that infringement notice?

Mr G.M. Castrilli: No, we have covered that. There is defence to the local government as to why those things happen. I forget the number of the clause, but it has been covered.

Mr P. PAPALIA: But the minister is saying that the individual can defend that infringement.

Mr G.M. Castrilli: Yes, he can.

Mr P. PAPALIA: What if the cat continually slips the collar and is caught more than once? As a repetitive offence, does that mean that the owner is then vulnerable? The concern would be that a lot of cats slip their collars. They are not like dogs, which remain collared all the time. The concern would be that someone would infringe on a number of occasions and be seen as a repeat offender and have to continually go down to defend themselves. It would then have to be asked whether the suspicion might be aroused in the local government that the person is not complying anyway and the credibility of the defence over time may be eroded.

Mr G.M. Castrilli: No; we have covered that.

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Mr P. PAPALIA: What did the minister say; sorry?

Mr G.M. Castrilli: We have covered that; there is still a defence. All the owner has to do is pay for a replacement tag if the cat loses its collar.

Mr P. PAPALIA: If the collar goes entirely, there will not be any tag; the owner will have to get another tag then.

Mr G.M. Castrilli: They will have to get their own collar, but the tag will be replaced.

Mr P. PAPALIA: Therefore, is the minister's expectation that no local governments will be giving \$500 infringements to people whose cats have slipped their collars?

Mr G.M. Castrilli: If there is a reasonable defence.

Mr P. PAPALIA: That is their defence: "My cat slipped its collar."

Mr G.M. Castrilli: If it is a reasonable defence, that is their defence.

Mr P. PAPALIA: Is that a reasonable defence—that a cat slips its collar?

Mr G.M. Castrilli: Clause 6(3)(b) states —

the accused took reasonable precautions and could not by the exercise of due diligence have prevented the commission of the offence.

Mr P. PAPALIA: Can the minister say on *Hansard* that a cat slipping its collar, because a cat constantly slips its collar, is a reasonable defence against that infringement? I think that that is a regular occurrence.

Mr G.M. Castrilli: Yes.

Clause put and passed.

Clauses 84 and 85 put and passed.

Title put and passed.

Reconsideration in Detail — Motion

On motion by **Mr W.J. Johnston**, resolved —

That the bill be reconsidered in detail for the further consideration of clause 47.

Reconsideration in Detail

Clause 47: Authorised persons —

Mr W.J. JOHNSTON: I apologise to the house for doing this; I was being distracted when the clause was initially called. This is quite an important clause.

Mr G.M. Castrilli: I told you I was a reasonable man!

Mr W.J. JOHNSTON: Absolutely, minister; I keep saying that to everybody. In fact, the minister could turn around and give some suggestions to the Leader of the House about how to be reasonable, but let us not go there right now. We are all being reasonable!

If we had a provision that said that an employee of a council or a contractor of a council could be an authorised officer, that would be fair enough. Personally, I do not support contracting out, but I can understand the position that the government has. However, the clause does not actually state that; it states —

A local government may, in writing, appoint persons or classes of persons ...

What happens when a local group lobbies the council and says, "Listen; appoint our members as authorised officers"? This provision allows that to occur.

Further, subclause (2) states that a person who is not an employee of the council cannot issue infringement notices, which clause 61 provides for. But I suggest that there should be some general restrictions on a person who is not a ranger exercising powers under, for example, clause 50. Given the long debate we had—I do not want to go back over it—the powers under 51(c) should also be restricted for a person who is not an employee of a council. If the minister also wants a provision that says a police officer or this sort of person is an authorised officer under the act, obviously there would be no question about that; but I think there should be some sort of restriction about who can be an authorised officer. I am relaxed about employees and contractors, although I have reservations about them, but I do not think volunteers should be included. If someone is not an employee,

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so a contractor and not the ranger, then I think there should be provisions, other than clause 61, and they should not have the power to act. I refer the minister to clauses 50 and 51(c).

Mr G.M. CASTRILLI: I think I mentioned before that in this day of litigation local governments would not get a volunteer to do a job that would give rise to a claim or anything against local government. Local governments are probably the most risk-averse organisations that I know of. That is just as a general statement. Under clause 47(3) an authorisation may be made on such conditions as the local government determines, in writing given to the authorised person. Under subclause (5) the local government is to issue each authorised person a certificate stating that the person is an authorised person for the purposes of the act. I understand where the member is coming from, but I believe it would be a ranger or employee of council. The mere fact of the legal liability that local governments could attract if a person is untrained and not an employee or an appropriate person like a contractor I think would be too much to bear. The member for Cannington is probably talking about an extreme case, so I am putting that general picture to him. Under section 29(1) of the Dog Act 1976 a local government shall in writing appoint persons to exercise on behalf of local government the powers conferred on an authorised person by the act. This bill has the same wording as section 29(1) of the Dog Act.

Mr P. Papalia: There is nothing in the Dog Act that gives those additional powers that we see here.

Mr G.M. CASTRILLI: Nothing in the Dog Act has created a big kerfuffle where those additional powers are concerned. That is the best response I can give to the member. I understand where the member is coming from, but what he is talking about is highly unlikely.

Mr W.J. JOHNSTON: I do not intend to labour the point very much, but I think that if we can reasonably foresee something we should deal with it. I just looked at the provision in the Dog Act and section 29(2) authorises police officers under the Dog Act, so perhaps the minister will look at that.

Finally, I return to clause 47(2). The minister has already recognised in the terminology in the bill that a person who is not a ranger does not get all the powers; they cannot issue an infringement notice. Why not take that to its logical conclusion and say that they cannot be authorised to enter premises? That is the provision about which we are most concerned. I think it is good that some people are restricted from being given the powers under clause 61. Why not also restrict who can be given the powers under clauses 50 and 51(c)? That would tie a bow around it and we would have no trouble at all.

Mr G.M. CASTRILLI: The definition in clause 3 reads —

Authorised person means —

- (a) a police officer; or
- (b) a person appointed under section 47(1);

How about if I give the member the undertaking that I will establish some guidelines on who would be an authorised officer? Is the member happy with that? I take the point that the member is making about who the authorised officer may be, but I will undertake to establish some guidelines, if necessary, about who can be an authorised officer.

Mr W.J. Johnston: Stay on your feet, minister. That is fair enough, but it does not go to that question. The minister has recognised the question through clause 47(2).

Mr G.M. CASTRILLI: I just want to allay the member's fears; that is all I am trying to do. I give the member that undertaking.

Mr P. PAPALIA: I raise an issue that was brought to my attention by some hobby cat breeders. They were concerned about the number of separate authorities that might be empowered to come and inspect them. This particular clause enables another such authority to inspect. They state that health authorities and the Royal Society for the Prevention of Cruelty to Animals can already come and inspect them. I wonder whether the minister might consider a guideline or something to ensure that hobby cat breeders do not get multiple, repetitious inspections as a result of this clause creating another authority that can inspect. If a number of authorities will be authorised to inspect hobby breeders in particular, can there not be some coordination in guidelines to ensure that they do not one week get the health authority, one week get the RSPCA and subsequently get the local government?

Several members interjected.

Mr G.M. Castrilli: I am trying to understand where the member is coming from. Why would the RSPCA go and inspect —

Mr P. PAPALIA: They might have received a complaint, which may be vexatious, from a third party.

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Mr G.M. Castrilli: You are talking about inspecting premises on a regular basis.

Mr P. PAPALIA: It would be regular if three different authorities do it within a short time frame. Is there any intention to ensure that we do not get inadvertent repetition because multiple authorities are doing exactly the same task? One authority inspects one week without talking to the other authorities, another authority does the next week, and the third one does the week after. All the authorities would be doing the same thing.

Ms M.M. Quirk: It is harassment.

Mr P. PAPALIA: It becomes harassment. We get vexatious complaints. In the City of Stirling, people have already come to see us with quite legitimate complaints about their experience. This is not a hypothetical.

Dr K.D. Hames interjected.

Mr P. PAPALIA: That is what I am trying to elicit.

Dr K.D. Hames interjected.

Mr P. PAPALIA: Yes, but will that be regulated to ensure that they do coordinate and that it is a concerted effort? I can understand that maybe a group that came to see members on the government side of the house did not get represented very well in this place on this legislation, but we met with people and we undertook to represent their concerns. It is a legitimate concern, and I would just like the minister to respond.

Mr G.M. CASTRILLI: As a general statement, I do not think it is within my power to restrict the number of people who can lawfully inspect anything. Only an authorised person from the local government area in which the hobby breeder is located can inspect, because local governments do not have jurisdiction outside their boundaries for this sort of stuff. If there is a health issue, the Department of Health and the local council would inspect, but it would still be one body inspecting the premises of the hobby breeder. I cannot see how I can restrict anybody from doing their lawful duty.

Clause put and passed.