

Hon Ken Travers; Hon Simon O'Brien; Hon Jon Ford; Hon Dr Sally Talbot; Hon Robyn McSweeney; Hon Lynn MacLaren; Hon Ed Dermer; Hon Linda Savage; Hon Ljiljana Ravlich; Deputy Chairman

CAT BILL 2011

Second Reading

Resumed from an earlier stage of the sitting.

HON KEN TRAVERS (North Metropolitan) [5.08 pm]: As I was saying before question time, I support the Cat Bill 2011. In doing so, I believe we need to be realistic about the likely impacts of this bill. In considering this bill we need to put into context the costs that we will impose on people and the excessive powers that will come into operation as a result of its passage. I will complete my comments by putting on the record some comments I found on the website of the American Society for the Prevention of Cruelty to Animals, which is the American equivalent to our RSPCA. The article states —

Does Eradication Work?

Eradication, the deliberate and systematic destruction of a feral cat colony, by whatever method, almost always leads to the “vacuum effect”—either new cats flock to the vacated area to exploit whatever food source attracted the original inhabitants, or survivors breed and their descendants are more cautious around threats. Simply put, eradication is only a temporary fix that sacrifices animals’ lives unnecessarily, yet yields no positive or beneficial return.

What Is Relocation and Why Doesn’t It Work?

Many communities have rounded up colonies of feral cats either for euthanasia or to relocate them to another area. This never works. Feral cats are very connected with their territory. They are familiar with its food sources, places that offer—shelter, resident wildlife, other cats in the area and potential threats to their safety—all things that help them survive. “Relocation of feral cat colonies is difficult to orchestrate and not 100-percent successful even if done correctly. It is also usually impossible to catch all of the cats, and it only takes one male and one female to begin reproducing the colony,” Oldham states. “Even when rounding up is diligently performed and all ferals are removed, new cats will soon move in and set up camp.”

Although this bill will deal with the number of unwanted cats to be euthanased every year, it will not deal with the broader problems of feral cats and their impact on our community.

I want to finish by reiterating the comment I made earlier. I again refer to the article on the website —

Don’t Feral Cats Kill Birds?

While feral cats do kill some birds, they prefer to kill rodents. Other issues, such as the decline of natural habitat and use of pesticides, have a greater negative impact on bird populations.

I should say what is not mentioned there, but is clearly the case, is that introduced species also have a dramatic impact. I remember many years ago hearing there were a couple of breeding pairs of eastern rosellas in Perth and that one day they would take over and dominate the bird life in and around Perth. We used to see a couple of them around Parliament House. Now when members go outside they will see from time to time whole colonies of eastern rosellas as they have taken over and driven out the native habitat. Nobody should seek to suggest this bill will solve the feral cat problem in any way, shape or form, or be the saviour of our native wildlife such as birds. There is probably an argument that cats maintain a balance in keeping introduced rodent species down. That is not to say there are not some merits in it, but again I make the point that we have to do that from a position of balance with regard to the impact it has on the community, particularly those who can least afford it, and we do not need to have the excessive powers that this bill contains. We can talk about that in more detail when we get to that clause.

HON SIMON O’BRIEN (South Metropolitan — Minister for Finance) [5.12 pm]: Mr Deputy President, I am speaking as a private member, obviously.

Hon Ken Travers interjected.

Hon SIMON O’BRIEN: You have just sat down, so you have had your say.

I wanted to offer some personal observations about the Cat Bill that are not inconsistent with some of the observations that Hon Ken Travers has just made. It is important that members understand the proposed law—about what it is and what it is not. I have noticed opposition members not only in this chamber but more so outside this chamber, whether it is another place or the general public domain, wrestling with their party position that they support this bill and then telling us all the things that are wrong with it. I notice that the member for Warnbro was particularly vociferous about it and yet the official opposition tell us they support this bill.

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Nonetheless, Hon Ken Travers is right when he talks about feral cats. This is not a bill about feral cats, it is a bill about domestic cats that are kept as part of households, and nurtured and loved by their owners. I have not heard it said for many years of the household cat that Tiddles is a good “mouser”. I used to hear that term all the time. People would see the cat and say, “This cat is a good ‘mouser’.” They would talk about cats that present their mouse “kill”. The last cat we had that used to do that was named Jason. It was a bit of a psycho. I remember Jason once presented me with a live mouse at the back door. It was presumably some present I could play with and do whatever cats do with it! It was quite a gesture to present me with this live, if somewhat traumatised, mouse. So I took said rodent, because I like all sorts of God’s creatures—I do not play favourites—and said, “Thank you very much, Jason.” I took the mouse out the front of the house and released it. The cat was quite outraged and darted around the front of the house to retrieve this awful incident. I do not know if the poor old mouse got away but at least he was in a little bit of a trance and had a bit of a head-start. On another occasion when Jason presented me his —

Hon Robyn McSweeney: A cat called Jason!

Hon SIMON O'BRIEN: I did not name it, actually; this cat adopted us.

Jason presented me with another gift, again of the mouse variety, except this time he had made sure it was not going anywhere and it was actually only the back half of the mouse with its innards steaming out onto the back mat as it meowed to announce its gift had been presented! We do not hear about cats being good “mousers” any more. Someone else recently commented that cats may have the effect of keeping down the vermin problem in a particular place. Of course the stereotype of cats hunting and catching mice gives way to the reality that they also hunt other small fauna that may not be seen as vermin, such as small native animals and birds. Most responsible cat owners mitigate this in a number of ways. Firstly, many owners apply a bell to a cat’s collar in the belief-I think it works to some extent—that a cat, no matter how stealthy, will allow its bell to sound when it is sneaking up on its prospective prey. But the more substantial thing that responsible cat owners do is not allow their cats to be abroad at night hunting, and do all they can to dissuade the animals by containing them to ensure —

Hon Ken Travers: This bill does not by right automatically require cats to be kept in at night.

Hon SIMON O'BRIEN: No. My contribution to this debate, which will be brief, is really about contemplating the situation that already exists and how it might be augmented by this bill. Hon Ken Travers helps bring me to my point, which is this: most responsible cat owners—which most cat owners are—already do the sorts of things that this bill intends to achieve. I do not know what the percentage is offhand, I believe it is something like 93 or 97 per cent; whatever it is, the minister might know. But a very high percentage of cat owners already have their cats sterilised so that they are not breeding at random and producing feral offspring or other unwanted offspring that may be put down; offspring that may go out and attack native fauna and so on. Almost the totality of cat owners in Western Australia already do that.

Microchipping, which will be made compulsory by this bill, is also a useful tool for identifying cats. It will be welcomed probably by many cat owners as a protection in case Tiddles gets lost or is hit by a car and injured or whatever. I do not know how widespread microchipping is now; perhaps we will find out in the course of debate on this bill. The bill contemplates that all cats, with some limited exceptions, will be microchipped in future. The point is that most cat owners are responsible and are in large part already doing the things in spirit that are contemplated by the bill. The passage of the bill will therefore prompt questions such as: why have this if we are already doing it, and why give us an additional impost, perhaps microchipping, when we are already doing all the other things that we do?

Hon Ken Travers: I think the significant cost is actually the licensing if you’ve already microchipped. Once you put a microchip in the head of a cat, which identifies it to anyone who finds it, as it is on a database, why do you also need to register it and pay an annual fee on top of that?

Hon SIMON O'BRIEN: That is a very good point that the member raised: is it a doubling up?

Hon Ken Travers: Yes. Do you need both or is one sufficient?

Hon SIMON O'BRIEN: Do we need both or would one suffice? That is an interesting question. Again, I am a minister but I am not the minister with responsibility—beyond the cabinet process—for this operational matter; therefore, I do not know the answer to a question that I have not explored. However, it is something worth considering and worth discussing at this time.

Hon Ken Travers: Your opening comments were that our members in the other place oppose this bill. We don’t oppose the bill in this place or in the other place. Our concerns are around that very matter of why we need both.

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Hon SIMON O'BRIEN: I simply say that the functions of opposition were taken up with a great deal of enthusiasm by one or two members of another place in a way that was not necessarily consistent with supporting the bill. However, that is sometimes the nature of opposition.

Hon Ken Travers: If we were an irresponsible opposition, we'd just oppose it and appeal to those people that are opposed to this legislation—and there's plenty of them.

Hon SIMON O'BRIEN: That is a valid point and I acknowledge that. One of the reasons I am standing is to get on the record an understanding so that members know when they pass this law that not everyone will be happy about it. Although members might support the principles and the end results that the bill is seeking, there will be some short-term pain. That includes short-term pain for those who support this bill from people who object by perhaps saying, "We are responsible cat owners. Why should we have to have this extra impost upon us?" There is likely to be, in the short term, a rise in the number of cats abandoned. There will be individuals or families who decide that they are not prepared to participate in this regime and, therefore, when their kitten gets to six months, they will dispose of it rather than have it registered, microchipped, sterilised and whatnot. Ultimately, all that will militate in favour of achieving some of the other stated aims of the proponents of this course of action. I agree also with Hon Ken Travers that this bill is not about controlling feral cats; there will still be feral cats. This bill is about domestic cats, not feral cats. This is about capturing those cats which are in the domestic environment and which actually have owners who have commonsense, goodwill and environmental awareness.

An operation carried out by government for restraining the predations of feral animals on our native wildlife that most impressed me was an operation that commenced some years ago called Western Shield. I became aware of it during the time of the Court government. From memory, it was an operation that dealt specifically with feral foxes and cats. I believe that it was very effective in the south west land division. If members cast their minds back 10 to 15 years, they would recall that they did not see the native birds of Western Australia that they used to see; there seemed to be an absence of them. That to a large extent has been corrected. These are the sorts of outcomes that need to be obtained when feral animal eradication is contemplated. I am not saying that this directly is what the bill is about. In due course, I believe the regime proposed in this bill will have a depressive effect on the number of cats that become feral. In the meantime, there might be an increase in the number of cats that are allowed to run unrestrained. Members therefore need to understand that there will be opposition to some of the measures in the bill. That is often the case with laws that are passed. We may find that people will take exception to some part of the bill, but that does not necessarily mean that we should not proceed with it.

I have been a cat owner. I am not a cat owner at the moment, because all our cats have passed on. I will not, like some members, go through the names of all the cats I have had, because I am also the minister with responsibility for consumer protection and one of the problems with various types of fraud is identity protection. One of the frequent ways for financial institutions to protect the identity of a customer is to record something that should be known only to the customer, such as the name of the first pet or something like that. I have therefore been appalled at the laxness with which some members of this place have given away the important information that the name of their first cat was Tiddles or Pussy.

Hon Max Trenorden: Or Diva or Shiva.

Hon SIMON O'BRIEN: Yes.

Hon Ken Travers: I think you are breaking the tradition and custom of the house here by not naming your cat's name.

Hon SIMON O'BRIEN: I will not tell the house the name of the first one, then. The more recent ones were Roxanne, Rhonda, Jason, Christopher and Priscilla. There have been a few, and they were obtained from —

Hon Ken Travers: They're very boring cat names. Did they get upset with you?

Hon SIMON O'BRIEN: No, these are pretty exciting cat names actually. They had many adventures but I will not seek to regale the house with them. I just mention them, as many other members have, to reinforce the fact that this bill and the behaviours it seeks to govern are not only about cats but also about people. People own cats as part of their household and indeed as part of their family. The value of animal companions to humans and the special relationship they have with humans is recognised by all of us. This bill, therefore, will be keenly observed and in some cases will be received with alarm by some members of the community. It is important that the safeguards of transition be included, which I believe are exhibited in the bill. A spirit of transition also needs to be exercised when the provisions of the legislation are placed in the hands of local government to administer. I offer those observations on the value of animal companions because, as many other members have said, they touch us personally and we feel constrained to comment on them.

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HON JON FORD (Mining and Pastoral) [5.28 pm]: For the record, my first three cats were Tiger, Buster and Bunt. In particular, Tiger's regular gifts to the household were red-bellied black snakes.

Hon Ken Travers: They are the characters of children really!

Hon JON FORD: I had nothing to do with the naming of them; I was too young.

Interestingly, when I was Minister for Local Government and Regional Development, I had responsibility for animal welfare, including responsibility for the Dog Act. It was brought to my attention from time to time that a similar bill should be brought to the house to deal with the issues of cats. I can remember all my advisers, departmental and political, would use the words often used in *Yes Minister* of, "That would be courageous." As we have watched the passage of this bill through the other place and now in this place, we can see perhaps why. Minister O'Brien has just said that there will be people who will not be happy with this bill, and that is too right. But, then again, I always had thrown in my face this disparity: why was there provision for rules and regulations to deal with dogs and not for cats? That is an equity issue, and I think that is true also.

As the explanatory memorandum states —

The key features of the Cat Bill are:

- a) Providing for all cats that have reached 6 months of age to be microchipped, sterilised and registered with the local government where they are usually kept;
- b) Providing for all cats to also be microchipped and sterilised prior to transfer;

Then the last three, which I am particularly interested in, are —

- c) Providing for local governments to administer and enforce the provisions of the Bill;
- d) Providing for local governments to be able to seize cats; and
- e) Providing for local governments to create local laws for the control of cats within their district.

I will deal with some practical issues, and perhaps the minister might be able to explain to me in the second reading response, or at the table later in committee, how we are going to deal with some of these issues. I want to talk about remote and isolated communities. If I talk about a remote community, I will be talking about perhaps Jigalong, which is an Aboriginal community, or Punmu; and an isolated community would be any one of the many communities and towns in my region, such as Newman, Tom Price or Paraburdoo. They are isolated in that they are like a metropolitan suburb, but they are just plonked out in the countryside, surrounded by either mining tenements, which is something I would like to touch on, or allocated crown land or pastoral leases. We heard Hon Simon O'Brien say that this bill deals specifically with domestic cats and not with feral cats, but, unfortunately, in my region, those lines are blurred and there is ongoing interaction. So I might just talk about that first.

Some time ago, a vet from Newman came to see me and told me about a specific issue that he was concerned about, and that was that unowned cats, either feral or within the community, were causing an outbreak of feline chlamydia in the Newman town cat population. His suggestion was very similar to this: that we create a scheme—he asked me where to go to make it happen, and I advised him that it was the local government—whereby, upon identifying that a cat was unowned, he could euthanase it. There were costs associated with that. I cannot remember the actual cost, but I think it was about \$170 a unit. That was for the chemical used to euthanase the cat and the vet's services. He was offering his services for free, but it was the cost associated with euthanasing a cat. If the cat was identified, it would be inoculated against chlamydia. He got absolutely no support from the majority of the shire. One shire councillor has tried to raise this issue with him now. I have some empathy for both parties in this issue. I have some empathy for the vet and what he was trying to achieve, and some empathy for the local government, because it is the Shire of East Pilbara, which is the largest shire in the state and covers vast areas.

I want to raise some practical issues about that. One is how we deal with domestic cats that go out onto mining tenements. A lot of those animals are kept as pets in workshops. Hopefully, everyone has seen that fantastic film *Red Dog*.

Hon Wendy Duncan: Supported by royalties for regions.

Hon JON FORD: If only royalties for regions and similar schemes had been around in Red Dog's time. Anyway, I should not be distracted.

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That animal was not only welcomed into and around those workshops, but also given honorary membership of the Transport Workers Union; it was made a union member. I have seen similar animals within the mining tenements and in the workshops—indeed, just recently—that are fed and encouraged by the workers in those workshops. Therefore, to all intents and purposes, those animals are pets. The minister might tell me what authority this bill gives local government to go onto tenements and deal with that situation and whether some of the more draconian powers, in particular, cover that. That is important because, with these cats, it is all care and no responsibility. So the cat gets fed, but nobody takes the cat to get it spayed, and nobody gives it inoculations. If it survives, it survives. If a cat gets pregnant and multiplies, or if it is a tomcat and it is interacting with other cats—Newman is a good example because the tenement, which is large, abuts the town, and there would be an interaction between them—how is that dealt with under this bill? Does the bill give the local government the ability to go into those areas and deal with those animals?

The other example I will talk about is remote communities, and I will go into some of the clauses in detail. However, in a remote community such as Jigalong, there are lots of dogs, and there are lots of cats. Currently, one of the problems in dealing with the dogs is that it causes a great deal of emotional grief for the people in that community to have the health surveyor—to them, the dog catcher—come into town and grab a whole lot of dogs that, honestly, really need to be put down because they are sunburnt and carry disease. A lot of these dogs are struggling, and they transfer disease to other dogs, and in fact contribute to disease within the general community when they reach large numbers. The way in which the health surveyors cope with that is that they often wait until the majority of the community is involved in a cultural event, or a wedding or a funeral, and they gather up the excess animals, take them away and euthanase them out of sight. When the people come back, they know what has gone on, but they have not been affronted by it. I am worried about whether the shire will still have the discretion to take that sort of approach in dealing with cats, or whether it has to be a bit more heavy handed in dealing with those issues.

There are also some provisions in this bill that I want to deal with. Perhaps I will just go by clause and I will get through it quicker. I refer to clause 18, “Cats to be sterilised”. The explanatory memorandum states —

Subclause (1) requires a cat owner to ensure the cat is sterilised by a veterinarian, by 6 months of age. This will reduce the number of unwanted cats entering the cat population.

In a practical sense, if one is living in the Shire of East Pilbara and resident in Nullagine, where there is no vet, given that there is a maximum penalty of \$5 000 for failure to comply with this requirement, how does one deal with the need to have a domestic cat sterilised when there is no vet available to do that? It is particularly compounded for people who want to do the right thing but who are living in poverty and do not have a car. Nullagine is a good example, because there are a lot of people like that there. Interestingly enough, there are a lot of old bushies who have cats as pets as they become less and less mobile in the autumn years of their lives. It seems to me that the responsibility of local government in such situations is to deal with the issue of making a vet available, or some service available. But that would result in extraordinary costs to local governments. There is an issue for local government, in complying with the bill, in how it can recoup those costs unless there is a funding source from royalties for regions or some other source that local governments in such situations can apply for, to overcome those sorts of problems.

Clause 26 allows local governments to issue a cat control notice, which will enable them to provide a formal notice to cat owners to direct them to comply with a particular provision under this bill, regulations or local law. If a cat owner is noncompliant with a cat control notice, local governments can then refer to the particular provisions being breached—clauses 5, 14 or 18—and consider issuing an infringement notice or proceeding with a court action. This gets back to the example I just gave of a person or a cohort of persons living in Nullagine, of limited means and owning a cat or cats. Another example is Jigalong, where there is a double-whammy effect, because for many of those people, English is not their first language, and they do not understand current road regulations and constantly find themselves in trouble with the law because they do not actually understand that they have lost their licence. How could a notice be given to people in communities where there are multiple people living in a house and cats are obviously part of the domestic household? What sort of education would be needed, what costs would be associated with providing that education, and how would it be dealt with in a practical sense; or has that not been envisaged? If the minister could give the house some advice on that, I would be particularly thankful.

Clause 42 provides that a local government is to administer its local laws and all other things necessary to perform the functions of the bill. It is intended that the executive function of the Local Government Act will apply to local governments in administering this bill. That is a clause that I am particularly concerned about because, as I said before, there is an obligation on local government to deal with those animals. Local governments in my region have large mine sites, tenements and work camps, and the question is how they can

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practically administer that. It is a simple issue of whether they have right of access; I would think that they have right of access into an accommodation work camp, because they actually carry out health surveying issues. It is when we get to actual mining tenements and the workshops that there is a problem. There are also practical issues with sending someone out 140 or 200 kilometres to visit a remote community and deal with the issue of cats and the administration of this law.

I suspect that, unfortunately, the same thing will happen as happens in a lot of these communities. I gave the example of Jigalong in respect of the dog population. When the dog population gets too large, it is dealt with there. But that is not the case in places like Kiwirrkurra, Punmu or Well 33 because they are very, very remote. We could also go through a lot of communities down through the eastern Goldfields; local governments are going to have this impost put on them, but how practical will it be for them to apply this legislation? Will any assistance be made available to them, either through government agencies like the Department of Agriculture and Food, or specifically through cash grants in situations in which they can demonstrate a case? I think what will happen is that the law just will not be applied; it will be ignored. Some people might ask why that matters; well, it gets back to a number of the issues that members have talked about. I support this legislation because there is an equity issue. Responsible dog owners are required to keep their animals in check and make sure they are kept healthy and well looked after, and this legislation will just apply the same rules to cats. There are particular practical issues in my region in respect of the interface between feral animals and domestic animals. I therefore actually think this bill is a good thing, because if we do not make a start, we are just admitting defeat.

That brings me onto another point, which is: where there are practical lessons to be learnt through regulation, will there be a program of reviews to see how the administration of the legislation is working in practice? It would be nice for the minister to respond to the house and let us know how that is going to go. Will local governments have regulatory powers to deal with those matters individually, or will they need to provide feedback to the state government, if the state government needs to make changes so that the practical outcomes are easier to deal with?

I read through some of the more strident parts of the legislation, which includes compliance. Persons found committing a breach of the legislation are to give their name on demand. The legislation also provides power to enter premises. There are also the general powers of authorised persons. It seemed to me that there is potential here for a lot of misunderstandings in communities where, again, people are less educated, English is not their first language, they are getting on in years, they will not even be aware that this legislation has been passed, and they will not understand why somebody is knocking on their door. I am sure, in a practical sense, nobody in the first instance is going to charge into somebody's house to seize a cat; we would hope not! However, misunderstandings can occur. I talked about sensitivities in Aboriginal communities when somebody says, "Look, you have to get these cats fixed or I'll be back next week. We'll bring a vet in next week and we'll have all these cats fixed, so we will make the service available to you." It may be that those people will not even turn up, probably because they do not understand anything that has been said to them. How, then, can officers practically exert this?

We have talked about the maximum penalty of \$5 000 for failing to comply with this requirement. That penalty is for persons in breach of the legislation. What discretion can be applied in that defence?

Hon Robyn McSweeney: They'll know the vet is in their community. It's a very small community, so when the vet comes, they will know. They would organise for a vet to be there because it is so small. They would go through a corporation, and the corporation chair would tell them that the vet was there.

Hon JON FORD: I understand what the minister is saying, but currently Aboriginal people are being taken long distances to deal with fairly common driving issues, such as driving without a licence or driving an unregistered car. They lose their licence and they repeat it, and they are carted into town to the Magistrates Court and either have a fine whacked on them or end up being incarcerated. I am just wondering how we can ensure that there are no unintended circumstances in the communities that have those issues. We have to pace ourselves in those areas. I do not think anyone in this house can argue that we do not have problems with people who should not go to jail.

It was never the intention of this house for them to go to jail. Those people might have found themselves in jail as a result of misunderstanding the requirements of the legislation. I would not mind understanding what checks and balances will be put in place to ensure that those problems do not arise under this legislation.

That is really the end of my commentary. I have finished with my biggest concern, because that is what I can see happening. We do it time and again in this house—I have been at fault in the past—when we do not bring to the house these concerns about remote Indigenous communities and older people in isolated communities. We do it all the time, particularly on licensing issues. We talk about dealing with a specific problem in populated areas such as Perth, Bunbury and Albany with all the right intentions in the world, but we give scant thought to the

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practical outcomes that might occur in remote areas. As a consequence, we end up with a whole bunch of people fronting up in the Magistrates Court basically through a misunderstanding. They need the opportunity to have an interpreter explain why they are standing before a judge in a court. I can remember when I was empanelled on a jury in Karratha years ago and seeing the look of bewilderment on this fellow in the court who had been charged with driving offences; he did not understand why he was there. I have raised that point to seek the minister's response. I imagine that there will be some form of defence or discretion, given that someone can seize an animal. I would rather an animal be seized and have that misunderstanding than for a fine to be imposed that someone will never pay. They will not even understand that they have been given a fine. With those comments, I, along with my colleagues in the opposition, support the bill. We just need those issues clarified.

HON SALLY TALBOT (South West) [5.54 pm]: Obviously, cat owners should take responsibility for both looking after their animals and ensuring that their animals do not impinge on the wellbeing of their neighbours or the environment and the creatures that inhabit that environment. I have certainly put that into practice for many, many years. We have a very chequered history of owning domestic cats. We decided to acquire a cat first of all when my son was about four years of age. We lived on a fairly busy road in the hills, and the first couple of animals we got met a very sticky and unpleasant end thanks to the traffic outside. At first my son was quite sanguine about it. I will never forget the day when the first cat was run over. A friend rang me at work and said, "I've just found your squashed cat outside. Would you like me to get rid of it before your son comes home?" I said, "Yes, that would be fantastic." I got home with my son and told him the bad news and he said that he would like to see the body. So I then had to exhume the cat, at least as far as we could see that it was his cat and the cat was no longer breathing, and I then filled in the hole. I thought it was going to be much more complicated than I had ever envisaged. The second cat came to a similar end, by which stage my son was a little older and was well and truly upset by what had happened. We then got two cats at once, thinking that if we lost one, at least we would have one left. What happened then, of course, was that one of the cats ran off with a workman who was doing some work on the house and the other cat virtually pined to death. I do not know which was worse—trying to deal with my son's anguish at losing cat 1 or with the grief because cat 2 turned out to be quite neurotic and wrought her own particular feline form of destruction on the household.

Hon Robyn McSweeney: What were their names? Everyone else has given me names. You're just saying cat 1 and cat 2.

Hon SALLY TALBOT: A friend at that stage remarked that if we stopped naming the cats after breakfast cereals, we might have a bit more luck. We had Toasty and Munchie and all that sort of thing. By the time we got the fifth or sixth cat, we were well and truly thinking that we needed to do something a bit more responsible, not so much, I must say, at that initial stage to protect the environment, but mainly to protect the household from this constant emotional roller-coaster of losing these animals. At that stage, we built a small enclosure and we had a cat flap so that they could go in and out. However, I will never forget the day when there was a knock at the door and the neighbour, who I think was probably slightly demented in both the literal and the metaphorical sense, said that she had a large collection of prescription drugs, I assumed in her house, and that if we did not control the behaviour of this one particular cat in destroying the wattlebirds, she was going to lace some food with all the drugs she had in the cupboard and that would be the end of the cat. By that stage, my son was absolutely 100 per cent in love with this particular cat. The cat was called Claudius. I worked out that if the neighbour went ahead with this threat, it really would cause significant emotional turmoil in the household. So I bit the bullet and built a proper cat cage. I will not go into all the details of that. Suffice it to say that if anyone has ever had the experience of building a cat cage, they will know that it is by no means a straightforward process. Cats are born Houdinis. It does not matter how small the gap is, the cat will find it.

After many weeks of being absolutely certain that the cat was enclosed in this cage, I would find it at the back door outside the cage. After many weeks of this, I stationed the family around the cat cage and we were on shifts to watch for where this cat was getting out of the cage. In the end we won, because there were more of us than the cat, and we safely enclosed this animal. We then moved house and had to do the whole thing again! This still causes some considerable amount of amusement among the family and very traumatic memories among the rest of us. In the end, we got ourselves to a point at which we successfully enclosed our cats, and that was a pretty good outcome for everybody concerned.

During the time either when the cats were fighting their confinement or before we built the first cat cage, we certainly had our share of the products of the destruction of wildlife that many honourable members have talked about in connection with this bill. I note that Hon Max Trenorden referred to, I think, the 200 million animals a year that are destroyed by cats in the wild. We certainly had our share of those 200 million animals. The cat used to bring them in and lay them very delicately on our beautiful Turkish rug, where they blended perfectly with the pattern, until we trod on them and then we knew what we were involved in. To this day, every time my son sees

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a red Turkish rug, he walks around the edge of it. I think it is so ingrained in his head that he does not want to step on anything yucky.

Sitting suspended from 6.00 to 7.30 pm

Hon SALLY TALBOT: Before the dinner break I was pointing out that we on this side of the house agree with the government that people who own a cat should be responsible for their cat's wellbeing and for controlling their cat's behaviour. I was giving the house a little flavour of the fact that I have bent over backwards over many years to ensure that that is what happened with our cats. Therefore, we ended up with all our cats being enclosed, and with an end to mangled wildlife being brought into the house, and that was without doubt a very good thing.

I would now like to talk about a couple of points that occurred to me when I was reading the details of this bill. I am not sure that this bill will work quite as smoothly as the government imagines it will work. In the case of my family and I, we were highly motivated, by things such as crazed neighbours and by the traumatic experience of losing some of Claudius's predecessors, to keep our cats enclosed, and that had the happy effect of protecting the local wildlife. But I must say that it was a great surprise to me to find that sterilising a cat does not necessarily modify its behaviour, certainly not in the short term. I want to share with the house one more anecdote before I go on to make some more substantive points about this bill. My family experienced a curious instance of mistaken identity. A cat walked into our house that was the spitting image of Claudius, and he was duly given the care and attention that Claudius was always accorded, until, after a period of several days, someone noticed that we were dealing with two cats named Claudius, one at each end of the house. So we then worked out that Claudius mark 2 was actually an interloper. We did not know where he had come from. He had the tiniest little white moustache that distinguished him from Claudius mark 1, the real Claudius. I subsequently noticed, on much closer inspection, that there was another very conspicuous difference between Claudius mark 1 and Claudius mark 2, and that was that Claudius mark 2 had not been sterilised and was indeed sporting very generous evidence of not having been sterilised.

Hon Sue Ellery interjected.

Hon SALLY TALBOT: I would point out, Hon Sue Ellery, that this is absolutely true!

Because I was a responsible member of the community, I then did my best to find out where Claudius mark 2 had come from, and, when I drew a blank, I duly took him to the vet and had the deed done, at my own expense. I then took the cat home, only to find as the days went by that he was becoming more and more aggressive, until he ended up attacking me and sinking his fangs into my forearm, which then cost me another inordinate amount of money to have a tetanus injection. I then had to put the cat back into the vet, not for the ultimate solution, I might say—I still maintained a modicum of feeling for him—but until I was able to post pictures of him all around the neighbourhood. At that point his owners actually 'fessed up to the fact that they had lost such a cat, and it was with a certain amount of trepidation that I had to give them back a bit less of their cat than I had actually taken into my house. That is an absolutely true story. So let us not assume that if we get a cat sterilised, we automatically can predict its behaviour from that moment on. This was one wild beast, perhaps because he was suffering a grave sense of injustice about having chosen to make his second home with us!

There is one other aspect of the bill that slightly concerns me, and that is clause 6, which provides that cats must wear a tag. I guess we can go into this more at the committee stage. Having gone through the saga of my family's history with cats, alive and dead, and vicious, I have always been a bit apprehensive about putting a collar on a cat, knowing that cats can get their collars caught on trees and other things and then hang themselves. I have always imagined that one of the worst experiences a small child could have would be to find a cat hanging from a tree outside their back door. So I am not sure how this clause is going to work. The simple fact is that a cat is not a dog. We can put a collar on a dog and it is perfectly happy. If we put a collar on a cat, it will either get very adept at removing the collar, or it will be in quite a degree of danger if the collar does not fit properly.

This is a complete change of subject, but one further point is that I noticed during question time that Hon Robyn McSweeney was expressing grave concern about the penalties that are associated with parenting orders. Those penalties are nothing, even in the original draft of that bill, when compared with the penalties that are contained in this bill, which seem to be —

Hon Robyn McSweeney: Those penalties are for disadvantaged parents. These are for cat owners. You are drawing a long bow.

Hon SALLY TALBOT: I am sorry, Hon Robyn McSweeney, but what are we saying now? Are we saying that disadvantaged families cannot have cats? That is absolutely ridiculous. Cats are one of the easiest domestic animals to own, because they essentially look after their own hygiene and their own exercise routine and all that sort of thing. I would imagine that a family that was not well off and that wanted to have a pet would look at

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getting a cat before they would look at getting anything else. If local government employees, rangers or whoever they are going to be, will be able to go around and slap \$5 000 fines on people, I think that will be a big problem. What will happen in the case of an unpaid fine? Will this be yet another instance in which low-income and disadvantaged people will find that they have contravened the law in a much more substantial and serious way, because, unbeknown to them, their driver's licence has been taken off them and they have been driving without a licence? We need to get some clarification of that matter, perhaps when we get into the committee stage.

The explanatory memorandum states that 93 per cent of cats have already been sterilised. I wonder what the government is aiming at here. As with all statistics, surely we get to a point of no return. What are we aiming for here? Are we aiming for 100 per cent of cats to be sterilised? Clearly not, because that would be the end of the cat population. I was actually very surprised to read that. I would think that 93 per cent means that we were doing quite well. So I would like to know what the government's target is there.

The substantive point I want to make on this bill is to put on the record the opinions of the very well-motivated and effective group of people in the Urban Bushland Council. The Urban Bushland Council has written to me, first of all to ascertain whether Labor will be supporting the bill, and I was able to tell it that, yes, we will be, which it is very pleased about. But the council made some other very important points, and I want to put these points on the record. It says that the mandatory registration, microchipping and sterilisation of cats will be a good thing. It expresses its hope and its expectation that local governments will employ some degree of flexibility in getting all these measures implemented in their jurisdictions. The council also points out that their support for the legislation is based on the fact that it will result in a fall in what they call cat predation of native animals, and that will bring about substantial long-term benefits for all wildlife in Western Australia. The Urban Bushland Council also said that the Cat Bill will reduce the number of domestic cats that become feral.

I was interested in the points Hon Ljiljanna Ravlich raised in her speech about the link between domestic and feral cats. Clearly this has been well canvassed in the debate. A lot of cats become feral because their owners simply abandon them or, for some reason, are unable to care for them. This measure will obviously result in a reduction of the number of domestic cats that become feral.

The Urban Bushland Council also points out that because feral cats will become less of a problem, more resources will be freed for government to put towards other important conservation management needs. The council also points out that domestic cats will be better cared for. I guess, all in all, the bill is most definitely a good move for wildlife in Western Australia and, hopefully, for the care of domestic cats. The Urban Bushland Council finishes its message to me by stating —

It has been almost 20 years since WA legislation to control cats was first intended. Feral cats in bushland continues to be a major threatening process to native animals in natural areas and we —

That is the Urban Bushland Council —

support responsible cat ownership with the measures proposed.

Labor adds its support for this measure.

HON ROBYN McSWEENEY (South West — Minister for Child Protection) [7.47 pm] — in reply: I thank all members for their contributions to the Cat Bill. Seventeen members spoke: Hon Ljiljanna Ravlich, Hon Max Trenorden, Hon Lynn MacLaren, Hon Matt Benson-Lidholm, Hon Linda Savage, Hon Giz Watson, Hon Michael Mischin, Hon Alyssa Hayden, Hon Kate Doust, Hon Alison Xamon, Hon Ed Dermer, Hon Sue Ellery, Hon Helen Bullock, Hon Ken Travers, Hon Simon O'Brien, Hon Jon Ford and Hon Sally Talbot. In the 10 years I have been a member of this place I do not know of any other bill on which there have been so many speakers.

Hon Donna Faragher interjected.

Hon ROBYN McSWEENEY: I think my memory might be dimming, but yes, there have been a few bills on which many people have spoken.

Hon Sue Ellery: Do you remember the debate in which you told us the story about your dog?

Hon ROBYN McSWEENEY: Yes; I do. I did not expect that 17 people would speak on the Cat Bill. Some of the cats' names have been very interesting, to say the least. Hon Ljiljanna Ravlich just had plain old Pussy.

Hon Peter Collier: Puss Puss Puss.

Hon ROBYN McSWEENEY: That is right, Puss Puss Puss; there was also Mr T, Cleo, Tiger, Bunty, Malcolm—who calls their cat Malcolm?—Pandora, Jellico, Priscilla and Jason. Jason is the name of my son. Jason for a cat; I do not know!

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Hon Simon O'Brien: A pretty virile and active cat he was too!

Hon ROBYN McSWEENEY: There was also Rudolph, Roy, Muffins. Oh, my goodness, here we go. Others were called Rosie and Millie.

Hon Peter Collier: That's my new cat—both my cats.

Hon ROBYN McSWEENEY: Your new cat! Then there was Bruiser, Gray One, Lovey—I think that was Michael's cat—Dory, Shoki, Noam, Lulu.

I thought I had better tell members about my old cats. I have two cats; one is called Mimi and the other is called Mow-mow—very original to say the least!

Hon Simon O'Brien: Mimi is a Kiwi word isn't it?

Hon ROBYN McSWEENEY: I do not know. I suppose it got that name because one of the little ones could not say pussy cat and starting calling it Mimi. I forgot Claudius. Hon Simon O'Brien said how he used to hear how cats were called "good mousers". Mine was a good old ratter in his younger days. He is 16 now and has even been known to bring a rabbit to the backdoor. He had an unusual habit of bringing a rat or a mouse to the backdoor and meowing like mad, as cats do to show their mothers what they have brought home. He used to flay the mouse, but he would leave the head, the skin and the tail, and he must have not liked eating the kidneys, because that is all he would leave at my backdoor, so I used to scream for someone else to pick up the mess.

I think cats are very important to people's mental wellbeing. It has been recorded over many, many years that owning a cat can help lower our blood pressure. It is good for people who live alone to own a cat because it means they have something to come home to and look after. A cat is just there unconditionally, very much like a dog, except probably a bit quieter. We do not have to put a collar on a cat and take it for a walk, although some people do. I have seen cats being walked, but I find that very unusual. Unfortunately, there are people who are very nasty to domestic cats that are not their own cat that come into their yards and do their business and a lot of people get very angry with cats that do that. They put out a saucer of milk with a certain analgesic in it—I will not name the analgesic because someone might copy it—and if the cat drinks that milk, it cuts its stomach to shreds and it dies a horrible death. That happens in country areas and I have heard of it happening in the city. I strongly condemn those people.

I thank members for their support of the bill. As I said, most members said that they own a cat and therefore certainly had an interest in the Cat Bill. Hon Ljiljanna Ravlich indicated her support for the bill and said she certainly encouraged responsible ownership. She talked about the penalties being in the upper limit of \$5 000. The maximum is \$5 000 but the court will determine the appropriate level of penalty. Under clause 63(3) of the bill local government can impose a fine of only a maximum of 10 per cent of this, but regulations will cover maximum penalties that are likely to be less than that. The maximum of \$5 000 will allow bill penalties to remain applicable over a number of years without the legislation needing to be amended. Clause 63 provides that a modified penalty for an offence must not exceed 10 per cent of the maximum penalty for that offence.

Hon Ljiljanna Ravlich asked why both registration and microchipping should apply. They form two different, although related, functions. Microchipping is a means of electronically identifying animals through the insertion of a grain of rice-sized microchip into the scruff of a cat's neck. It is wisely considered to be a foolproof method of identifying the owner of microchipped animals. It will, however, require the cat to be caught and scanned to determine its ownership status. Registration will provide a visible means of determining whether the cat is owned, as cats will be required to wear a collar and registration tag similar to that required for dogs. This means that authorised officers—rangers—will be able to more effectively use their time by focusing on cats that are likely to be unowned or stray. Another key benefit of registration is that it provides a checking method to ensure owners are complying with the microchipping and sterilisation requirement. The legislation proposes that at the time of registration, cat owners must provide proof that both microchipping and sterilisation have been done. Additionally, the payment of a registration fee to local governments will provide a source of revenue to at least partly offset the cost of managing and enforcing cat control. It is considered desirable that cat owners contribute to the cost of cat management. This position is supported by cat owners themselves.

Two hundred and thirty-five cat owners responded to the public consultation paper on the proposed cat legislation, with 97.9 per cent supporting microchipping and 98.8 per cent supporting registration.

The member asked about powers to enter premises. Clause 52 of the Cat Bill allows a ranger to enter the property with the permission of the owner or with a warrant, and only when it is necessary for the ranger to investigate an offence. Then, only when the ranger is lawfully on the property can the ranger examine or copy documents if they are relevant, for example, registration papers; take photographs or video relevant to the offence, such as the living conditions of a caged cat; direct a person to answer questions, for example, ask

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whether the cat is sterilised and registered; or take other necessary actions such as seizing a diseased cat. Similar provisions—power to enter, videotape, collect evidence or require answers—exist in the Food Act 2008, the Building Act 2011 and other bills currently before Parliament. There are other acts with similar or greater powers: the First Home Owner Grant Act 2000, which is much more onerous; the Health Act 1911, which gives powers to local governments; and the Welfare Act 2002.

The member asked about funding and the Minister for Local Government stated in the other place that the state government would be assisting with the capital costs of the introduction of this legislation and a lot of members have spoken about the costs. Over the next few months, once this bill is passed, there will be extensive consultation about implementation. Part of this will lead to an assessment of the cost and the minister will then be seeking an allocation in the budget. He is looking at assistance for lower income earners, which many members asked me about, towards the cost of the sterilisation, as well as financial assistance to local governments. There will also be an education and awareness raising campaign so that cat owners are aware of their responsibilities. Cat owners are likely to be charged between \$45 and \$70 for microchipping, with the Australian Veterinary Association advising that the average price charged by a vet is about \$56 in the metropolitan area. If local government offices become authorised implanters, this cost may fall. The cost of the materials to the vet for the implant is approximately \$30, including the initial registration on the database. This will impact most on low income earners, particularly those with multiple cats, but as I said, we are looking at making that cheaper. Cat owners will be required to pay for a collar and tag and they will cost approximately \$15. Just as a guide, the following fees are of relevance when considering the impact of registration on cat owners, and I will use the current dog registration fees. For an unsterilised dog, a one-year registration is \$30; a three-year registration is \$75. For a sterilised dog, a one-year registration is \$10 and a three-year registration is \$18. The City of Joondalup, with its proposed local cat laws, will charge \$10 a year and \$25 for three years for the registration for a sterilised cat. Those costs are not particularly onerous.

Hon Max Trenorden talked about the size and ferocity of feral cats. I just recently went up to Warburton and I visited a playgroup with the Aboriginal women—they wanted to show me where the kids go to playgroup. They have written a book about hunting for rabbits, cats and foxes and how it helps take the pressure off bilbies. There are pictures in this book—if members want to look at them they are quite welcome to—of some Aboriginal ladies and men who had been out hunting these feral cats, and the cats are huge. I asked them what they did with the feral cats and they replied that they ate them. I said I hoped I had not eaten any, because I would not like to eat cats, but they said that they tasted like rabbits. The Aboriginal people do not touch the domestic cats, but they certainly go out hunting. As I said, if anyone wants to have a look at this book, I will pass it around, because I will go and give the book back. Hon Max Trenorden talked about the feral cats and the cats I saw in those photos were absolutely huge; they were more like little tigers than cats. The member talked about cats on farms. Some farms have shed cats because they kill the mice in the haystacks. Most farm owners are pretty responsible; they do not have hundreds of cats running around. They have a few cats on their properties though. The member said that desexing cats was important and he certainly supported the bill.

Hon Lynn MacLaren asked a few questions. I think she had Cleo and Mr T. Regarding the need for a tattoo, if the cat has no collar, the ranger needs to catch the cat. Instead of looking at the ear for a tattoo, the ranger will scan the cat and the microchipping database will give information on sterilisation. I know that the member was particularly concerned about that, as she was about the age of desexing. According to my notes, when there are inadvertent pregnancies before 12 weeks, the owners can get the cat sterilised earlier and it is in their interests. Cats have to be sterilised by six months of age, but they can be sterilised earlier if their owners want them to be; that is what it says in the bill. If the cat is pregnant before 12 weeks, it will become evident when the owner takes the cat into the vet to be sterilised. The owner can then apply for a breeding permit for that cat. The member asked about retrospectivity; there is none. She also asked about foster cat owners. Clause 5(2)(c) provides for cats with organisations such as the RSPCA and the Cat Haven to be exempt from registration. This could possibly be extended to cats under foster care. If they were sponsored by one of the above organisations, no change would be needed to the bill. Cats will be microchipped and sterilised by the time they are six months old and this is fully supported by the RSPCA and the Cat Haven. If a cat is too ill or frail, a vet can provide an exemption certificate. People who adopt stray cats, but who are unwilling to take responsibility for them as far as sterilising and microchipping them, are just the people that this legislation is intended to deal with. Although well-intentioned, those people do not act in the best interests of the cat or other wildlife. If people cannot afford or do not wish to take on more responsibility for the cats, they should relinquish them to a cat welfare organisation or to the local government, who will attempt to re-home them. The member asked about the measures of success of the Cat Bill. The measure is the improvement in responsible ownership as measured by the number of cats and kittens that have been dumped and the increased awareness of responsible ownership as measured by community demand for additional controls over cats and the number of councils with local cat laws. I have just been through the fees and charges. I found the member's speech very interesting.

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Hon Matt Benson-Lidholm had a cat called Malcolm. He was also concerned about feral cats and he wanted to see that a culture of responsible cat ownership is developed. He spoke about the social and economic impacts and he said something I did not know; namely, that 5 000 cats were euthanased each year. I know about the dumping, but do not think I had ever heard a figure of 5 000 cats being euthanased each year. He had concerns about providing local government with the ability to go onto properties. Rangers and fisheries officers certainly do that now. He was asking about business premises, catteries and breeders. There is no distinction in this bill between commercial and domestic cat breeders. Commercial cat breeders and catteries may be subject to planning controls under town planning schemes, and all breeders need to apply for a permit to have an unsterilised cat.

Hon Jon Ford also talked about remote communities. A mobile service will visit remote communities and offer low-cost sterilisation and deal with any health issues. I do not know whether Hon Jon Ford was in the house when I said I had recently been to Warburton. I saw the size of the feral cats out there. They said that they ate the feral cats; they hunted them down. When I was in Warburton, I saw one or two domestic cats, but the domestic cats are not a problem. Then I went out to Ngaanyatjarra. There were a lot of dogs out there, but I did not see too many cats. That is a very small community. I would hope that people would be very respectful if we had a vet go out there. I assume that they would be. I cannot imagine any vet not being respectful; vets are not cruel people in general.

Hon Jon Ford: I was more concerned about a misunderstanding.

Hon ROBYN McSWEENEY: Yes. If members go out to remote communities, they will really understand about the misunderstanding, because English is definitely these people's second language. They do not speak English; they speak their language. It is really nice to sit back and listen and talk to them. I spoke to some women who understood what I was saying, but they did not have the language to speak back to me; they spoke in their own dialects. I can see that misunderstandings could happen, but I think that the communities are small enough to not have a misunderstanding. I think they would go to the Aboriginal corporation head before the vets came into the community and speak to them and then go about their business, because that is what everyone does. Everyone goes and speaks to the head of the Aboriginal corporation who runs that community.

I return to Hon Matt Benson-Lidholm's queries on catteries. Clause 29 exempts catteries in which the cat is held temporarily at the request of the owner. Clause 33 outlines the microchipping and sterilisation obligations of catteries. He was concerned about names and addresses on the register, as it was a public document. They have been removed.

Hon Linda Savage also supported the Cat Bill and encouraged cat ownership. She talked about children bringing cats home. I, too, had a daughter who used to appear very regularly with a little kitten under her arm, saying, "Mum, can we keep this? I found it." I did not have the heart to say no, so we kept the cat. I do not know whether the country is a bit different from the city, but I have never, ever paid money for a cat in my life. None of my cats has ever seemed to need a vet.

Hon Ljiljanna Ravlich: Did you steal them?

Hon ROBYN McSWEENEY: No, the kids would just bring them home or the cats would find me. I do not know anybody who has actually bought a cat, except Hon Peter Collier; he goes out and buys cats. I have never paid money for a cat. I have never taken my cats to the vet, because my father was a dab farm hand. All the farmers sterilise their own animals, and cats just got done as a matter of course. Many farmers are the same; there is no need for a vet. However, dogs are different. Like Hon Linda Savage, I found that cats just used to appear at my door.

A member asked a question about limits on the numbers of cats.

Hon Ed Dermer: I certainly did.

Hon ROBYN McSWEENEY: Okay, I will certainly answer that. When a limit on cat numbers has been introduced under current local cat laws, a permit system is put in place for cats owned at the time of the local law coming into effect. These permits are automatically granted and cease to apply as the cats die or are otherwise permanently removed from the premises. Any attempt to apply limits retrospectively—that is, to require cats over the limit to be dealt with—would almost certainly be disallowed by the joint standing committee. Regulations developed under the Cat Act will set out transitional matters in relation to existing local laws if necessary—for example, to prevent retrospectivity.

Hon Ed Dermer: Can the minister specify what she is quoting from?

Hon ROBYN McSWEENEY: As a minister, I do not have to.

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Hon Ljiljanna Ravlich: Don't be difficult.

Hon ROBYN McSWEENEY: I am not being difficult. It is just a piece of paper. It is nothing I am quoting from. Obviously I am quoting from a piece of paper, but it is out of its cover. I am not being obtuse or difficult. It was given to me by the Minister for Local Government. It was in a file previously, and I have taken it out of the file.

Hon Ed Dermer: I am just trying to establish whether that is an official position that the minister has just shared with the house.

Hon ROBYN McSWEENEY: I hope so, because it came out of all the notes I have on local government. It is an official position.

Hon Ed Dermer: So it is not stated in the bill.

Hon ROBYN McSWEENEY: They are notes that I have been given by Hon John Castrilli. They do not have a clause number on them. Perhaps when we go through the bill in committee, I can give the member a bit more of an explanation.

Hon Ed Dermer: I am just trying to establish the authority of what the minister is saying, because it is very important.

Hon ROBYN McSWEENEY: It comes from the local government minister.

Hon Ljiljanna Ravlich: That is why we're trying to establish it!

Hon ROBYN McSWEENEY: You used to be the local government minister.

Hon Ed Dermer: I am not at all reflecting on the local government minister.

Hon ROBYN McSWEENEY: And I am not trying to be difficult, but I pulled it out of the local government file. I will certainly get the advisers to go into it further, if the member would like me to.

Hon Ed Dermer: I would appreciate that, minister.

Hon ROBYN McSWEENEY: Hon Linda Savage asked about feral cats. The Department of Environment and Conservation has feral cat eradication programs. This bill will hopefully result in fewer cats joining feral cat populations.

Confining cats in backyards will be up to local governments, if this is the wish of their communities. They can make local laws for this under clause 79 of the bill, especially clause 79(3)(g). There are powers there for them to do that.

Hon Giz Watson tried previously to get a Cat Bill in the eight years of the Labor government and was unsuccessful. Her bill was similar to this bill. It must have been Hon Ljiljanna Ravlich or Hon Jon Ford who would not bring in the Cat Bill; they were both local government ministers. Now they have both seen the light, I am very pleased to hear.

Hon Giz Watson once again raised the issue of feral cats. She told us about a feral cat on a farm that she was looking after. She talked about the sales of kittens from pet shops, which I will have to answer when the bill goes into committee stage. Local government can make local laws that include no cats in particular areas, such as near national parks, A-class reserves, and new subdivisions near bushland. Some areas have this now. If a local government has those laws in operation, the cats in that jurisdiction must be fully confined. That is up to the local government. The minimum purchase price of cats will be the cost of the microchipping and sterilisation that local governments and organisations such as the Cat Haven and the RSPCA offer. Cat breeders will charge more. It will be up to local governments to decide whether to set a curfew for cats, taking into consideration the community's wishes.

We saw a soft side to Hon Michael Mischin, just like we saw for Hon Ken Travers. I think there was a competition between them to see who had the softer side! That is what I like about these types of bills; members tell stories about their pets, which makes for very good listening.

Hon Ljiljanna Ravlich: We listened to them only because we had to!

Hon ROBYN McSWEENEY: Hon Ljiljanna Ravlich walked out; I had to listen to 17 members talk about their cats, and very enlightening it was too!

Hon Ljiljanna Ravlich: What number are we up to now?

Hon ROBYN McSWEENEY: I do not know. Hon Ljiljanna Ravlich's cat was called just plain old Puss. The member did not have much of an imagination, I must say! Hon Michael Mischin talked about the risk to native

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wildlife and feral animals, and about a group that provides subsidised vet fees. He also said that cats play an important role in society, which they certainly do. The member was worried about someone losing a domestic cat altogether. A cat breeder permit will be available for domestic and commercial breeders. Ordinary breeds and special breeds will be bred. The Cat Owners' Association of WA has members who own moggies as well as special breeds. There will continue to be a strong demand for and availability of the humble moggy. If a cat does not have a tag, under clause 30 its microchip must be scanned. The microchip will identify the owner. A cat will not be destroyed just because it has lost its collar.

I will provide answers to Hon Kate Doust's questions, even though she is away today. The member spoke about council pounds and the recovery of costs. In reference to clause 31(1), the member stated that it was a significant oversight for a local authority to not be able to hold a cat until outstanding penalties and costs are paid. She said that the longer a local government holds the cat, the more the cost will mount and the more burdensome it will be to the owner. However, clause 34 of the bill enables local governments to deal with an owned cat if it has not been reclaimed within seven days or the date specified as the end of the holding period if that is later. The regulations will be prepared over the coming year in consultation with stakeholder groups, including local governments, cat organisations, vets, the RSPCA and the Cat Haven. The regulations will be in place for the commencement of the first phase of the legislation on 1 November 2012.

Hon Sue Ellery referred to the requirements for cat registration to be prescribed. She described this as being within the local law of a particular local government authority. "Prescribed" means prescribed within the regulations made under the act. The regulations are developed by the government in consultation with key stakeholders and are laid out in the subsidiary legislation. "Prescribed" in the regulations does not mean that the regulations are up to individual local governments. The explanatory memorandum states that under clause 12, prescribed information on the register will include the cat owner's name and address, and the cat's breed, colour and sex. A microchip does not have all this information. The microchip has an identifier that links to the database holding that information.

Hon Kate Doust certainly supported the Cat Bill, as did Hon Alison Xamon. Hon Alison Xamon talked about responsible pet ownership and, like most members, referred to the Cat Haven and told us about her cats and the impact that domestic cats can have on their neighbours, which sometimes can be particularly annoying.

Hon Alyssa Hayden has an indoor cat that does not go exploring outside. I think three out of the 17 members who spoke on the debate have indoor cats. Does Hon Michael Mischin have an indoor cat?

The DEPUTY PRESIDENT (Hon Michael Mischin): No; he goes roaming, but he always comes home.

Hon ROBYN McSWEENEY: Hon Michael Mischin lets his cat outside. Like most members, Hon Alyssa Hayden talked about her cats and dumped cats. As I said earlier, I was not aware previously how many cats were euthanased and how many cats are dumped.

I have some more information for Hon Ed Dermer. The member asked whether the act would be reviewed. Under clause 86 a review will be carried out as soon as practicable after 1 November 2018—I do not think he and I will be here then!—five years after the main provisions of the act come into force. The review will assess the effectiveness of the act in meeting its objectives and whether there have been any unforeseen consequences. I think Hon Ed Dermer and Hon Jon Ford suggested that there might be. The review will determine whether changes will need to be made to the proposed act, especially to cater for any changes in community attitudes. There will be a review.

I have talked about costs. The Minister for Local Government recognises the important role cats play in the life and health of many in our community and he stated in the other house that he will be seeking support for low-income earners to assist with the cost of the sterilisation of their cats to enable them to comply with the provisions of the bill. If I have missed anything, we can go through it in committee.

Hon Ed Dermer: I raised concerns about dealing with cats in a holding facility and the potential for the cats to be distressed when someone tries to check their microchip.

Hon ROBYN McSWEENEY: I think they wait until the cat calms down. Most rangers and people are sensible. Cats get upset when they are shifted from place to place but after a while they calm down. I envisage that if a cat is in a cage, a machine can scan the cat and it will pick up the information on the microchip.

Hon Ed Dermer: From outside the cage?

Hon ROBYN McSWEENEY: Yes. I will check on that because it is an interesting point.

Hon Ed Dermer: If everyone was sensible, we would not need to legislate.

Hon ROBYN McSWEENEY: That is true. Hon Ed Dermer also talked about a lady who wrote to him.

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Hon Ed Dermer: That is right; the cat fancier.

Hon ROBYN McSWEENEY: I got an answer back from the Minister for Local Government. Minister Castrilli has been attentive to the needs and concerns of cat fanciers in the development of the Cat Bill. Specifically, organisations such as the Cat Owners' Association of WA and the Feline Control Council of Western Australia encourage responsible cat ownership and have codes of ethics for their members. This has been recognised in clause 37(5), which prevents a local government from refusing to grant or renew an approval to breed cats if the applicant belongs to an organisation prescribed in the regulations. Similarly, the FCCWA's concern about public access to the cat register was addressed by the minister, who removed the provision from the Cat Bill. Nothing in the bill would lead to a drop in the number of breeders of pedigree cats. Consequently, the fears about the impact on cat shows seem to be unfounded.

Hon Ed Dermer: I think there was a distinct concern about possible local government restrictions on the number of cats, hence the importance of your earlier comments, I think, minister.

Hon ROBYN McSWEENEY: Yes, and that lady wrote to Hon Michael Mischin, who went to the Minister for Local Government, and I think her concerns were allayed. They said they were reasonably satisfied that there will be some protection afforded to breeders.

Hon Ed Dermer: The lady was particularly concerned that she would be allowed to continue to keep the six cats that she made clear she was looking after very well. She was concerned that if her elderly cat was to pass away, she would like to still acquire a sixth cat. She saw the association that she belonged to with the appropriate registration and code of ethics as being one where they could quite responsibly look after six cats or a multiple number of cats, and I think she was seeking a degree of exemption from the imposition of what she would regard as an inappropriate maximum number of cats on people such as herself who are linked to her association. That's my endeavour to try to put her argument in a nutshell.

Hon ROBYN McSWEENEY: I think that she would still have to get a breeder's licence. As we go along in the Cat Bill —

Hon Ed Dermer: The concern with the breeding licence is that she was talking about sterilised pedigree cats, rather than breeding cats.

Hon ROBYN McSWEENEY: I think that I said there is an exemption in the bill.

Hon Ed Dermer: If that exemption could be spelled out, I think it would bring comfort to the lady and other people in her circumstances.

Hon ROBYN McSWEENEY: I think that will be dealt with in the regulations, but I will put it aside and when we come to that in committee, if the member asks me that question when the advisers are with me, I will be able to answer that.

Hon Ed Dermer: Okay, thank you. The other concern I have was about collars and the potential danger to cats.

Hon ROBYN McSWEENEY: Yes, and I understand where the member is coming from because I have had cats with collars and they certainly do not like them. They can get their paw caught in the collars or they can get collars caught on other things.

Hon Ed Dermer: I think it is more than a matter of just not liking the collars; they actually can be lethal to cats.

Hon ROBYN McSWEENEY: True, they do not, but they are going to have to learn to like them, I think, under this legislation.

Hon Ed Dermer: It's very unfortunate, and I don't think cats are open to changing millennia of how they've come to live.

Hon ROBYN McSWEENEY: Yes, true. If there is anything that I have not addressed, we will do so in committee. I am very happy to go further into that.

Hon Ed Dermer: If you want to complete the list, the other concern was about the capacity of rangers to enter a person's home. It seemed excessive, particularly in comparison to the powers of a sworn police officer.

Hon ROBYN McSWEENEY: Yes, I read out what other acts they could do that under. When we make legislation, I think we make it for those people who have 67 cats in their home and are not looking after them. Most people will just go about their business, but for the ones who really are not looking after the welfare of the animals and somebody has told the local government, the rangers will go in and do that. I do not envisage rangers knocking on every house saying, "I'm going to come in and photograph what you've got". That is not what the provision is for; we make it only for those people who are cruel to and neglectful of their animals.

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Hon Ed Dermer: The difficulty, of course, is that once you legislate to allow it and you're giving the rangers that power, they may not always be responsible.

Hon ROBYN McSWEENEY: I understand where the member is coming from but I do not think that that will happen in reality.

Hon Ed Dermer: I certainly hope not.

Hon ROBYN McSWEENEY: I certainly hope not, too.

Hon Jon Ford talked about the authority to go on to tenements and the right of access. Clause 27 deals with the seizure of cats. Clause 27(a) provides that a ranger can deal with cats in a public place. A ranger can deal with cats with the consent of the owner of the premises, which is provided for in clause 27(b)(i), or with a warrant as provided by clause 27(b)(ii). Clause 3 defines "premises" as including vacant land. Local government has the right of access to carry out its lawful duties. Therefore, I guess it raises the point of the moggy in the shed, does it not? Once again, although rangers will, in fact, have right of access, I do not envisage they will be very heavily-handed with one moggy that is in a mining tenement that everyone is looking after.

Hon Jon Ford: In the early 1980s at Hamersley Iron, they used to close the mine site on a Saturday once a year and let the local gun club in. I don't know what the gun club was supposed to be doing, but there were far less cats on the Sunday.

Hon ROBYN McSWEENEY: One of my mob says that that is what should be done with cats, but I will not say their name! I am not looking at anyone. I guess we have covered dealing with cats in remote communities. Local governments currently have environmental health services and responsibility in these remote communities to deal with dog population problems, so they will be able to deal with cats at the same time. From what I can see with the feral cats, I do not think there are too many domestic cats around either, or is the member saying that there are? I did not see a lot of them; I never see a lot of domestic cats when I go to remote areas. Is the member saying that he does?

Hon Jon Ford: It depends on the community. In a lot of Pilbara communities there seems to be lots of dogs, but if you go up in the northern Kimberley communities, there are no dogs and lots of cats.

Hon ROBYN McSWEENEY: They must have different tastes according to different areas, do they? I was surprised about the feral cats and the eating of them; I had never ever thought of that.

Hon Jon Ford: I find it awkward—uncomfortable—using the word "taste" and "cats" in the same sentence!

Hon ROBYN McSWEENEY: I felt very uncomfortable when I saw these huge cats, so I will show Hon Norman Moore.

Hon Norman Moore: I saw them!

Hon ROBYN McSWEENEY: He saw them. I will pass it around.

Hon Helen Morton: You might not even be able to taste the difference.

Hon Ljiljanna Ravlich: How many more people have you got to go?

Hon ROBYN McSWEENEY: How much have I got to go? If I had to listen to it, the member can listen to me! That is the member's punishment; I had to listen to her, she can listen to me.

Hon Jon Ford: Have consideration for the staff!

Hon ROBYN McSWEENEY: I am trying! There are just a few more bits and pieces. The local government register is not a public document; that has been removed from the bill. Lifetime registration is possible and will be canvassed with stakeholders during the development of regulations. I have gone through the costs and the education program. Local governments can use the same database that they use for dogs. Regulations are to be developed once the bill is there. The explanatory memorandum clearly sets out what the regulations will cover. Regulations will be ready prior to 1 November 2012 when the first provisions come into effect.

Clause 41 is about cats as a gift. I certainly wondered about that myself. We do not usually give cats as gifts. It is part of responsible ownership, as a prize does not take into account whether the winner wants the cat or whether they will be a responsible owner. It is an animal welfare issue. It was just part of responsible ownership, saying that one cannot give a cat as a prize.

Turning to clauses 51 and 52, documents must be relevant to the offence, as set out in clause 52(c)(ii).

I think I have covered most things. If not, I will cover them during the committee stage. I ask that the bill be read a second time.

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Question put and passed.

Bill read a second time.

Committee

The Deputy Chairman of Committees (Hon Michael Mischin) in the chair; Hon Robyn McSweeney (Minister for Child Protection) in charge of the bill.

Clause 1: Short title —

Hon LYNN MacLAREN: I wanted to make some comments on the short title to give members some idea of my proposed amendments and also to indicate that I have no intention of moving all the amendments following the very comprehensive second reading debate and the minister's response to the issues that have been raised. I wish to flag a few of the clauses that I have amendments to and the reasons for those amendments. I will go into more detail when we debate those particular clauses.

Members would be aware that I have a point of view that the age at which cats are sterilised is too high. Requiring sterilisation at six months is not the best way to initiate any kind of legislation that will be effective in controlling cat numbers. I draw the minister's attention to the Gold Coast City Council, which mandated sterilisation at 10 weeks. Further, Victorian local government requires desexing of cats at three months. I am aware that this government tried to start with sterilisation at three months and lost ground and is now at the age of six months. I would be interested to hear the minister's defence or explanation as to why that six-month period was chosen when we know that cats can be pregnant at 10 weeks and that is the most sensible time to require sterilisation.

The amendments that I have flagged to clauses 14 and 18 are interconnected because clause 14 deals with microchipping and clause 18 deals with sterilisation. I would like the minister to consider amendments that seek to move those time periods to 10 weeks. When somebody gets a young kitten from a breeder, they most often get that kitten at 10 weeks. It is appropriate that we require both microchipping and sterilisation at the point of transfer from the breeder to the new owner. This has been proven to be the time when it is most effective to get registration as a complete package. Somebody will not go back to the vet a couple of months later to ensure that sterilisation is done at the right time. If they are going to see a vet at all, it will be at that one point in time. That is the time that we need to capture the microchipping, registration and sterilisation. I have not proposed an amendment to change the registration to 10 weeks. The minister may wish to consider that if she is compelled by the arguments that I intend to make on those clauses.

The minister will be making some amendments that are pursuant to some of the changes that I saw were required in the bill. I will be supporting the amendments relating to giving reasons for not sterilising a cat and the vet providing a certificate. We felt that reasons needed to be provided for that. The minister has proposed some amendments, which I will support. The amendments that I do not intend to move are to clauses 23 and 24 because they are to do with the purchaser of a cat. The definition of a purchaser includes things such as gifts and transferring so there is no need for me to move those amendments. I do not intend to do that during the committee stage.

I remain concerned about the issue of keeping multiple cats. Under division 4, a couple of clauses have been mentioned that deal with the issues raised by the Feline Control Council of Western Australia, which is the registering body for pedigree cats. The minister went some way towards acknowledging that that is an issue. The issue is that these people are not breeders; they are showers of fancy cats. They do not seem to strictly fall into the clause that the minister has pointed to—clause 37, I believe—which deals with the breeding of cats. We need a bit more clarification on people who have hobby cats who may have more than two cats and who might be required to limit those by local laws, and who may not be breeding them. There is this unusual category. It would be interesting to see whether there is a permit system or something in the bill that deals with that unusual category in which someone is clearly managing and looking after the welfare of those animals but not haphazardly breeding them or abandoning them. It would be interesting to see whether the bill has the capacity or whether the minister anticipates that there may be capacity through the regulations to enable people who look after their cats as hobby cats to be accommodated.

I further ask that the minister canvass the notion of amendments to subdivision 2 of division 3, "Particular powers of authorised persons". This has come up time and again in this debate. When looking at the powers that are given in this act, I was advised by the minister's adviser that similar provisions exist in the Food Act 2008, the Building Act 2011 and other bills currently before Parliament. There are other acts with similar or greater powers such as the First Home Owner Grant Act 2000 and the Health Act 1911 and, even more relevant to this issue, the Animal Welfare Act 2002. In reviewing those powers of authorised persons, which in this bill are under subdivision 2, it appears to me that the powers of those other acts are quite similar to those in the bill

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before us. It will be good to hear the minister's view when we come to that. Although I do not have an amendment for that at this stage, the minister may wish to consider one.

When we look, for instance, at the relevant provisions of the Food Act 2008, we see that the powers of entry, inspection and seizure are quite considerable. Section 38(1) states —

For the purposes of this Act, an authorised officer may, at any reasonable time, do any one or more of the following —

- (a) alone, or with the police officers or other persons the authorised officer considers necessary, enter and inspect any premises that the authorised officer reasonably believes are used in connection with the handling of any food intended for sale or the sale of food, or any food transport vehicle;

It goes on to say that an authorised officer can look at documents used for that purpose, can examine or open any package, and can examine equipment. Basically, the powers of search, inspection and seizure contained in this bill seem to be similar to those in other acts, and there are many examples of that, including, for instance, entering premises and an application for warrant to enter premises in section 41 of the Food Act. It strikes me—I will be interested to hear the minister's views on this—that when we assess and compare the powers contained in this act to those contained in other acts, what we have heard might be a little extreme. If indeed this bill is conferring extraordinary powers, it would be good to look at some potential amendments. As I said, the powers that I investigated that are contained in the Health Act and the Food Act seem to be incredibly similar to the powers we are considering in this bill.

Finally, in part 5, clause 79, “Local laws”, and perhaps I was not paying enough attention to the minister's second reading speech, but I do not believe that I heard how existing local laws will be taken into account once this new statewide system is in place. In particular, I draw the minister's attention to the City of Albany's local laws. The Greens were contacted way back when the City of Albany put in place cat management laws. I will conclude my remarks very shortly. The Sporting Shooters' Association of Australia has a branch in Albany called hunting and conservation. The chap down there was very concerned because when the local laws controlling cats went through, he found that there was an increase in the number of abandoned cats in the area in which he normally hunted foxes. At that point, in January 2010, there was not really any empirical evidence of the increase in abandoned cats, but people were finding it very difficult because they could no longer deal with the cats. The City of Albany would no longer take them and there was an issue, and people were noticing the number of cats seen in bushland over a three or four month period; huge numbers of cats were being dumped. I wonder, particularly because the minister is from that area, whether she would be able to update the house about what is happening in Albany because that local law has been in place for over 12 months now. Has the number of abandoned cats gone down? Once this new law is put in place, will the people of Albany be in a stronger position to manage abandoned cats?

With those comments, I welcome further debate in the committee stage.

Hon ED DERMER: I was interested to hear Hon Lynn MacLaren's most recent comment, which was a matter that I raised during my contribution to the second reading debate that was connected to the difficulty and most particularly to the cost of complying with this bill and the fear that some people may respond by dumping cats. It had an interesting resonance with the suggestion that a local requirement in Albany may have led to an increase in the dumping of cats there. I would be very interested to hear the minister's response in dealing with the probability that people who have difficulty with or who choose not to comply with the provisions of the bill may respond by dumping cats.

Hon ROBYN McSWEENEY: Clearly, if they are dumping cats, they are not responsible cat owners. I hope that people will not dump their cats. If people have a cat and their children love the cat, the cat is a part of the household. It would be only those very, very irresponsible people who would dump a cat.

Hon Ed Dermer: Or very, very poor people.

Hon ROBYN McSWEENEY: The member heard me say that the minister was going to look at the cost with a view to keeping it very low. I did read out the figures of \$18 for three years to register a sterilised dog, and in Joondalup I think it was \$10 a year for a sterilised cat. That is three cans of Coke.

Hon Ed Dermer: That is registration.

Hon ROBYN McSWEENEY: If we look at it in that context —

Hon Ed Dermer: There is also the sterilisation at the moment.

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Hon ROBYN McSWEENEY: Yes; there is also the cost of sterilisation, but as I said the minister was looking to keep those costs down and at ways of doing that. That is what we will be doing, because we do not want to see cats dumped. I cannot stand here in all honesty and look at the member and say that will not happen, because some people may just do that.

Hon ED DERMER: I have heard the minister's response, and I think that it was very important to hear the minister's response. It is an area in which we need generosity of assistance in meeting the costs, of which the registration is probably the lowest of the major cost components; and other costs include sterilisation and microchipping. There may also be costs entailed if there are local requirements to constrain a cat to the yard. That could be at considerable cost to people. However, we are yet to see what the level of financial support will be, and what the level of a person's income would need to be before they qualified for that assistance. If we take into account providing support for people who may not be at a very low income but at a reasonably low income and for people who are on a modest but not exceptionally low income, both those factors would mitigate the likelihood of people responding to the cost burden by dumping their cats. Again, I encourage the minister and the government to be generous in that support.

Hon LINDA SAVAGE: I would like to use the opportunity allowed in clause 1 to make a more general comment because, on the evening this bill was debated and after I had finished my contribution to the second reading debate and left the chamber, at 10.22 pm, I received an email from someone who had been listening to the debate. It says something that at that time of the night people are listening to us as we debate. The email was from Linda Horton, and Hon Ed Dermer referred in part to what she wrote in her email. I want to take this opportunity to make a few comments about what she wrote, because I think it admirable that someone was still listening to the debate at 10.22 in the evening. I will not speak to all the issues she raised, because Hon Ed Dermer has already raised some. The email that I received was about the comments I made about the term "cat fancy". That was a term that I had certainly not heard of until I read the debate in the lower house about this bill and I did some research and referred to a magazine by that name. I found the way that term is used quite interesting. I want to refer to just part of what Linda Horton said in her email, because I think it is very relevant to this debate. She said —

The Cat Fancy knows that to achieve real cat control, any laws must include the following provisions to be successful:

- Cats and kittens not in registered breeding programs must be sterilised.
- Pet shops should not be allowed to sell un-desexed cats and kittens as this adds to the problem of unwanted animals. Efforts must be made to prevent the sale of cats by impulse.
- Cats must be confined to their owners' property, identified via microchip and not allowed to roam. For the general community this is a significant cultural shift and would need to be phased in over a number of years.
- Education in responsible pet ownership must be provided to change the cultural acceptance to roaming cats.

I know that a number of these issues have already been raised; I raised a couple myself during the second reading debate, and other members did, too. But I wanted to put those comments on the record, and no doubt some of the issues that were raised in that email will come up during the course of the committee stage of the bill.

Hon LJILJANNA RAVLICH: Although we have indicated that we will be supporting this legislation, I want to take this opportunity to once again put on the public record our main concerns about this legislation. I had not intended to get up at this time. However, the minister said a number of times, in response to the comments of Hon Ed Dermer, that the government is trying to keep down the cost to families in respect of this legislation, and that it will cost only \$40 for registration. That is not a lot of money. However, I want to take this opportunity to remind the minister that this will be an additional cost to families. It will be on top of the very significant cost-of-living imposts that the Barnett government has put on families in Western Australia. This is yet another example of the lack of sensitivity about what Western Australian families have had to bear under the Barnett government. The key issues for us in respect of this legislation are costs to families, and right of entry.

The minister has also said that the register will not be a public register. I seek some assurances from the minister in relation to this issue, because the other day I received an email from a person who does not want her name to be put in the public arena but who says —

I would like to express my concern regarding the new legislation in the local councils that require cat owners to have their names held on a publicly accessible register. Has the issue of victims of domestic

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violence been considered? Some women have gone to great lengths to conceal their whereabouts from the perpetrators of violence, only to be thwarted by an unnecessary local government requirement. Unless the councils can guarantee that there will be provision for “unlisted” owners, then they will be adding to the already overwhelming stress experienced by these victims.

I would like some assurance from the minister so that there can be no misinterpretation about the requirement for local governments to ensure that that information in relation to individuals is kept private.

Hon ROBYN McSWEENEY: I need to answer that, because the opposition has a way of twisting words. Hon Ljiljanna Ravlich said that I said only \$40. I did not mention a figure of \$40. I actually said, “Like in Joondalup, where they have a fee of \$10 for a sterilised cat a year, which would be equivalent to a couple of cans of Coke.” I certainly was not dismissive about charges for desexing or charges for registration. What I said was that the minister will take that into account. I said that very clearly.

The second issue that the member mentioned has gone. It is not in the bill any more. There will be no public names and addresses. That has gone.

Hon LJILJANNA RAVLICH: Can I just quickly pick up this point, because we have only the minister’s word about what these costs might be. At the end of the day, all of this will be done via regulation. Parts of this legislation will not be enacted until 1 November 2013, because the drafting of the regulations will be a huge job. The minister said that the City of Wanneroo has a fee of \$10, equivalent to a couple of cans of Coke —

Hon Robyn McSweeney: It was Joondalup. You weren’t listening.

Hon LJILJANNA RAVLICH: Joondalup—sorry—it was equivalent to a couple of cans of Coke; and so on and so forth. But what I am asking from the minister is an assurance that this is the sort of cost that we are talking about, and that cat owners will not be hit with fees that are 10 times as much. The minister has given us no idea of what the regulations will look like in terms of fees and charges. The only thing we have to go on is the minister’s say-so. The minister does not seem to have any indication of what realistically might be some of the fees and charges that will be imposed on Western Australian families. All we ask for is a bit of certainty around that. I do not think that is too much to ask.

Hon ROBYN McSWEENEY: Hon Ljiljanna Ravlich is very good at twisting. I think I made it very clear that people would be charged between \$45 and \$70 for the microchipping. The Australian Veterinary Association advised that the average price charged by a veterinarian is about \$56 in the metropolitan area. I have said that before. If local government officers—rangers—become authorised implanters, this cost may fall. The cost of the materials to the vet or implanter is approximately \$30, including the initial registration on the database. This will impact most low-income earners, particularly those who have multiple cats. But I also put a qualifier on that; namely, that the minister is looking at those low-income families as to how he can make it cheaper for them. I have said that before.

Hon Ljiljanna Ravlich: Could the minister just provide us with that information about these costs?

Hon ROBYN McSWEENEY: It is actually in *Hansard*. Can the member remember \$45 and \$70?

Hon Ljiljanna Ravlich: Yes, but it would be helpful for us, minister, so that I am not getting it wrong all the time, if we could have this information at hand so that we could look at these costs, because there seems to be quite a significant variance in some of these categories between the lower end and the higher end of the potential costs that will need to be paid. If the minister could provide that information, she could stop me from making silly mistakes and we could speak with some certainty in relation to the sums of money that we are talking about. So, could the minister please provide that information to us?

Hon ROBYN McSWEENEY: I am quite happy for the member to have what I have just read out and what has been recorded in *Hansard*, if the member would like it. It refers to the City of Joondalup’s proposed cat law, \$10 per annum or \$25 for three years for a sterilised cat, and it is also talks about the costs of sterilisation. I am happy for the member to have a copy of that.

The DEPUTY CHAIRMAN (Hon Col Holt): The minister can either give a copy to the member, or seek leave to table it.

Hon ROBYN McSWEENEY: I seek leave to table it.

Leave granted. [See paper 3967.]

Hon JON FORD: During the second reading debate, I talked about discretion in regard to penalties and infringements. I am raising this issue during the debate on clause 1 because it goes over a number of clauses and parts of the bill. According to clause 45, “Delegation by CEO of local government”, with the exception of sections 63, 64 and 65, the CEO of the local government has discretion about whether an infringement payment

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can be extended or, indeed, wiped out. Will the delegated officer have discretion? If a ranger is faced with a cat owner who fails to comply for whatever reason—the owner cannot hear what the officer is saying or misunderstands what is said—will the ranger be obligated to issue an infringement notice? Is \$5 000, as stated in some of the clauses, a maximum, a minimum or part thereof, or will it be up to the discretion of the officer, or will only the CEO have the discretion?

Hon ROBYN McSWEENEY: The ranger can decide whether it is an offence, so it will be up to his discretion.

Hon JON FORD: I thank the minister for the answer. What redress does a person have if they receive an infringement notice? Will they have recourse to the Magistrates Court?

Hon ROBYN McSWEENEY: Yes, they will.

Clause put and passed.

Clause 2 put and passed.

Clause 3: Terms used —

Hon LJILJANNA RAVLICH: Given an authorised person will possibly be a police officer, has any additional funding been given for police officers to undertake this function?

Hon ROBYN McSWEENEY: Not that I know of.

Clause put and passed.

Clauses 4 to 8 put and passed.

Clause 9: Registration —

Hon ROBYN McSWEENEY: I move —

Page 8, line 9 — To delete “an offence against” and substitute —
2 or more offences against any of the following

The amendment is to make it consistent with clause 10, so it is a tidy-up.

Hon Ljiljanna Ravlich: A technical tidy-up.

Hon ROBYN McSWEENEY: Yes, a technical tidy-up.

Amendment put and passed.

Clause, as amended, put and passed.

Clause 10: Cancellation of registration —

Hon ROBYN McSWEENEY: I move —

Page 9, lines 9 to 11 — To delete “of 2 or more offences against this Act in the period of 12 months before the cancellation” and substitute —

within the period of 12 months before the cancellation of 2 or more offences against any of the following —

- (a) this Act;
- (b) the *Dog Act 1976*;
- (c) the *Animal Welfare Act 2002*.

This is to provide consistency.

Amendment put and passed.

Clause, as amended, put and passed.

Clauses 11 to 13 put and passed.

Clause 14: Cats to be microchipped —

Hon LYNN MacLAREN: Before I move my amendment on the supplementary notice paper, I will give the minister an opportunity to discuss why the age of six months was chosen as the time when microchipping was required.

Hon ROBYN McSWEENEY: As I explained in my reply to the second reading debate, it is because the vets suggested six months. That does not mean it cannot be done a little earlier, but if a cat is very young, most vets would not sterilise it. The appropriate age for desexing varies with individual cases and the age of desexing cannot be specified for all dogs and cats collectively. I guess up to six months was the time arrived at as a result of talking to a lot of vets. People can make up their minds whether they want it earlier, but that is what vets said

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they will accept. The legislation must be practical. Cat owners must have a reasonable chance of complying with it, no matter where they live, without having to resort to exemption certificates. For that reason, it was decided to make sterilisation mandatory by the age of six months. That is not the same as saying it cannot be done before six months of age. Responsible cat owners should have their cats desexed as soon as they are mature enough, or when a vet is willing to undertake the operation. That will be a focus of the education and awareness campaign. I think most people would be happy with up to six months.

Hon LYNN MacLAREN: Thank you, minister; I appreciate that. I move —

Page 10, line 22 — To delete “6 months” and substitute —
10 weeks

I have not seen anything from the Australian Veterinary Association that says that six months is the perfect time for microchipping or sterilisation; in fact, quite the opposite. The research I have seen shows that at 10 weeks, animals are young enough to develop post-sterilisation. It eliminates problems for cats that mature early and get into the terrible fighting stage in the case of male cats. In fact, female cats can have litters well before they are six months old. Therefore, I would like to ask that the minister and members in this chamber consider moving the age of microchipping in this clause to 10 weeks, because it is the most likely time of the transfer of ownership of the cat from the breeder to the next owner, and the cat will therefore be at the vet or there will be an opportunity to have the young kitten sterilised, and I will just flag a subsequent amendment to the sterilisation point. That is why this amendment is proposed for microchipping at 10 weeks.

Hon LJILJANNA RAVLICH: The Labor Party will not support this amendment. Our local government spokesperson has had the same advice and that is that most vets will not microchip prior to six months. We will just go with that and because of the advice we have received, we will not support this amendment.

Hon ROBYN McSWEENEY: The government will not support this Greens (WA) amendment. We think 10 weeks is far too young for a cat to be microchipped and it is much better to have the age of six months in the legislation. Cat owners can have their cats microchipped before six months of age if they can find a vet that will do it, but six months is what we have in the legislation.

Amendment put and negatived.

Hon LYNN MacLAREN: I move —

Page 10, line 27 — To insert after “stating” —
(with reasons)

Clause 14(2) deals with exemptions from microchipping and a veterinarian is empowered to exempt a cat from microchipping, but the drafting of the clause does not allow an opportunity for the veterinarian to explain why they have chosen not to microchip a cat. At this point we are talking about a cat that is six months of age and microchipping must be done by that time, even if it is done earlier. Therefore, if for some reason a veterinarian has chosen not to microchip a cat, the Greens (WA) think that it is fair enough to get the reasons for the exemption.

Hon ROBYN McSWEENEY: The government will not accept the amendment, because just by a veterinarian stating that he is exempting a cat, he is giving his reasons. If someone is stating something, they are certainly arguing their reasons, therefore there is no real need for Hon Lynn MacLaren’s amendment.

Hon LJILJANNA RAVLICH: The Labor Party will not support this amendment either. In fact, we think it adds ambiguity to something that seems more straightforward without the amendment. We do not think inserting the words “with reasons” adds any clarity to the clause.

Amendment put and negatived.

Hon ROBYN McSWEENEY: I move —

Page 10, after line 29 — To insert —

(3) A certificate referred to in subsection (2) cannot apply in respect of a cat that is under 6 months of age.

The DEPUTY CHAIRMAN (Hon Col Holt): Would the minister like to give some reasons for that amendment?

Hon ROBYN McSWEENEY: The reason for the amendment is so that cats are not given the certificate just because they are too young. Therefore, the amendment states —

A certificate referred to in subsection (2) cannot apply in respect of a cat that is under 6 months of age.

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Amendment put and passed.

Clause, as amended, put and passed.

Clauses 15 to 17 put and passed.

Clause 18: Cats to be sterilised —

Hon LYNN MacLAREN: I move —

Page 11, line 19 — To delete “6 months” and insert —
10 weeks

This amendment requires cats that are fertile to be sterilised. Part of the intent of this bill is to reduce the population of unwanted and abandoned cats and to reduce the number of cats that are euthanased because they have been left to fend for themselves or because no-one is looking after them properly. By enabling a cat to not be sterilised up to 6 months of age, we are perpetuating the problem that we are trying to eliminate through this legislation, which is unwanted cats and a huge population of them.

Kittens that are healthy can be desexed at one kilogram and even at 800 grams. It is my understanding, from the research I have done, that sterilising a cat at 10 weeks is acceptable. In fact, in other jurisdictions in Australia it is required. I mentioned in my earlier comments the Gold Coast council local law that requires a cat to be sterilised at 10 weeks. The Gold Coast is one of those places where the Australian Veterinary Association exists; as we know, it exists throughout the country. The information I have from the submission of the Australian Veterinary Association during the consultation on this bill is that at no time does it specify that six months is the preferred age for sterilisation. We want to see this bill succeed and see the number of cats being euthanased fall. It is worth reminding members at this point, when we are talking about the sterilisation of cats, that vets in Western Australia quite often sterilise cats younger than six months of age and, in fact, the Cat Haven—which is one of the places where many cats are euthanased—finds itself in the position of sterilising cats much younger than six months; we know that vets do it.

One of the concerns that I have about trying to reduce the number of cats being euthanased is reducing the stress on those vets, because they fall into a very high suicide risk demographic. Vets in Australia have an extremely stressful job. I cannot imagine how it would be for a volunteer at the Cat Haven or one of the other benevolent veterinary institutions to have to put down thousands of animals, week after week. I am sure these vets would be much happier operating on a young kitten that is going to survive and go on to live a long and very healthy life as a cared-for kitten, than to see thousands of animals being euthanased because of the overpopulation of cats. I urge the minister and members of the government to reconsider their earlier position of not supporting early sterilisation of cats, and to think about the number of cats that can be born during the first six-month period, and the number of cats, especially male cats, that will go out to mate during that time, causing unwanted litters. Those are the reasons for this amendment, and I urge the minister to accept it.

Hon ROBYN McSWEENEY: We will not be accepting this amendment for the reasons I have explained. However, for the member's information, I indicate that the first draft of the bill had three months of age and the vets would not accept it. So it is much better to leave it at six months, and then the sterilisation can be done earlier than six months if someone wants to do so, but six months is the cut-off.

Hon LYNN MacLAREN: I have not seen the vets' submission that says they would not accept three months. I wonder how extensive the consultation was. Was a particular vet spoken to? The vets to whom I have spoken have certainly supported earlier sterilisation. For the record, if we could get some indication of the opposition to the original age of three months, that would be good.

Hon ROBYN McSWEENEY: It was the Australian Veterinary Association, and it was verbal. As we do, we go out and talk to the associations. We are very firm on six months. We are not changing it, and we will not accept this amendment.

Hon LYNN MacLAREN: What about the Cat Haven? Did the government ask the Cat Haven about its views on the age of sterilisation?

Hon ROBYN McSWEENEY: Yes, we did. The Cat Haven sterilises its cats when they are younger than six months. But that is the Cat Haven; this is for the general population.

Hon LJILJANNA RAVLICH: We will not accept the amendment. From my experience as a former local government minister, I know that there are also veterinarians in the Department of Local Government, and I am sure that their advice would have been sought too. I do not see any reason why we would not support the provisions that are already in the bill.

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Hon LYNN MacLAREN: What did the Royal Society for the Prevention of Cruelty to Animals say about the age of sterilisation?

Hon ROBYN McSWEENEY: I think the RSPCA is quite happy with this bill, so, overall, I suggest that it was happy with the six months also.

Hon LYNN MacLAREN: I want to put on the record that many animal welfare organisations around Australia support a lower sterilisation age. I look forward to the time when the vets who currently have the minister's ear think about perhaps lowering this age from six months.

Amendment put and negatived.

Hon LYNN MacLAREN: I move —

Page 11, line 25 — To insert after “stating” —

(with reasons)

The reasons for this amendment are the same as for the previous amendment moved. A vet who provides a certificate of exemption should also indicate the reasons. I know that some of the amendments on the supplementary notice paper may address the issue that I have highlighted here, which is that we should have a bit more information other than the fact that sterilisation may adversely affect the health and welfare of the cat. The minister has gone some way to identify the age. This certificate cannot apply to a cat that is younger than six months. However, at this point we do not know that those amendments would be accepted.

Hon ROBYN McSWEENEY: No. We do not accept inserting “with reasons” after “stating”, because, as stated before, if one states something, one is putting one's reasons.

Amendment put and negatived.

Hon ROBYN McSWEENEY: I move—

Page 12, after line 2 — To insert —

(3) A certificate referred to in subsection (2)(a) cannot apply in respect of a cat that is under 6 months of age.

This amendment is to make it consistent with the microchipping.

Amendment put and passed.

Clause, as amended, put and passed

The DEPUTY CHAIRMAN (Hon Col Holt): Hon Lynn MacLaren, would you like to speak to any other clauses?

Hon LYNN MacLAREN: I just wanted to indicate at this point that I have no further clauses that I wish to speak to. I will not be moving any of the other amendments on the supplementary notice paper.

Clauses 19 to 29 put and passed.

Clause 30: Obligation to identify a cat's owner —

Hon ED DERMER: I would like to again refer to a matter that I raised in the second reading debate. If I remember correctly, I raised it again with the minister by way of interjection during her response to the second reading debate. I refer to clause 30(2) under division 3, “Dealing with cats at cat management facilities”. It states —

(2) Despite subsection (1), a person does not have to scan a cat if —

- (a) the cat behaves aggressively towards the person or any other person; and
- (b) the person believes on reasonable grounds that there is a danger to the health or safety of any person in attempting to scan the cat.

The concern I have raised and I would like to raise again is that a cat that has been removed from its normal environment by a stranger and taken to a facility that it is unfamiliar with is likely to behave in a manner that could be interpreted by some as being aggressive. The cat is likely to be in a highly stressed state. My concern is that that is quite natural. Many cats would be in a stressed state in such an environment. I would not like clause 30(2) to become an excuse—that is, for a person in the facility to use clause 30(2) as an excuse to set aside their obligation to endeavour to identify the cat by scanning its microchip. I recollect that the minister said earlier this evening that she believed that it is possible to scan the microchip of the cat by running a scanner past the cage in which a cat is located. Now that the minister has the ability to seek assistance from her advisors, I would like her

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to confirm whether that is the case and whether she can give me any further details to reassure me that a person in such a facility with responsibility to microchip a cat would be unlikely to use clause 30(2) as an excuse for not microchipping a cat.

Hon ROBYN McSWEENEY: I have checked whether an agitated cat can be scanned. If a person brings in a cat in a cage that is angry, clearly no-one would go near it. The bill provides that as soon as practicable the person responsible would scan the cat after making sure that the cat was in a calm state. A cat's microchip can be scanned from outside the cage. A cat in a cage can get out a little bit, but the scanning can be done while the cat is in the cage. That is the safest option. It is not a tiger and it will not get out of the cage —

Hon Jon Ford: You haven't met some of the cats I've dealt with!

Hon ROBYN McSWEENEY: There is a big difference between feral cats and domestic cats. Hon Ed Dermer is talking about a domestic cat, of course. A domestic cat that is brought into a facility in a cage might be very angry when it gets there. If that were the case, it would be left alone and, as soon as practicable, it would be scanned to see who owns it. Like Hon Ed Dermer, I am very fond of cats and certainly would not like anyone to use that clause as an excuse to get rid of a cat. That is not the intention of the clause.

Hon ED DERMER: I think I understand from the minister two points. Firstly, the minister believes that over time an aggravated cat would become calmer. That is a point on which I am not at all sure I agree with the minister. The minister's second point, if I understood her correctly, is that she is assuring me a scanner can operate from outside the cat's cage. I take more comfort from the minister's second point than I do from the minister's first point that a cat will calm down over time, because I am not at all sure whether that would be the case.

Hon ROBYN McSWEENEY: I understand what the member is saying. Whether the cat calms down would depend on the cat. The member can be assured that the scanner can be used from outside the cage.

Hon ED DERMER: Would a scanner work outside the cage if the cat was moving around or would the cat need to be still?

Hon ROBYN McSWEENEY: Not having a cat in a cage in front of me, it is pretty hard to tell. There are small cats and big cats and big cages and small cages. There are also tranquilisers.

Hon Ljiljanna Ravlich: We don't like the way you said that; you had a glint in your eye!

Hon ROBYN McSWEENEY: A cat can be calmed down by leaving in the cage a bit of mince with something in it. If it did not calm down, I presume that a vet could do that. I cannot answer the member's question because I do not know whether it depends on the size of the cat or the cage the cat is in. Presuming that it is a normal sized cat cage, the cat could be scanned.

Hon ED DERMER: I took comfort from the minister's confidence when she told me that she had received advice that a cat in a cage could be scanned from outside. I think that is quite a sensible solution. Given her confidence in giving that advice, I thought that it was quite reasonable to ask whether a cat needed to be still or whether a cat in an aggravated state could be similarly scanned from outside the cage. That is why I asked the question. I would appreciate the minister consulting further with her advisers and having another go at answering the question.

Hon ROBYN McSWEENEY: I certainly was not dismissing what Hon Ed Dermer said. I could not say exactly because I do not have the dimensions of either the cat or the cage. I was hypothesising about a cage that one ordinarily sees at a vet and I presume that if the cat was moving around, the scanner would pick up the microchip. My advisers are telling me that that would be the case. Even if the cat was moving, the scanner could be moved with it. I certainly was not being dismissive of what the member was saying.

Hon ED DERMER: I am very pleased to hear that a moving cat inside a cage could be scanned from outside the cage. I think it is a very important point, minister, and I hope that my concern will be made clear to those at the Department of Local Government who will be dealing with these matters to make sure that this clause is never used as an excuse for not appropriately scanning a cat for its microchip information.

Clause put and passed.

Clauses 31 to 34 put and passed.

Clause 35: Only approved cat breeders may breed cats —

Hon ED DERMER: I referred in my contribution to the second reading debate to an email that I received from Ms Linda Horton. I was talking about the cat fancy. I actually received two emails from Ms Horton, both of

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which I referred to earlier. To remind members, Ms Horton introduced herself as a member of the governing council of the Feline Control Council of Western Australia. In her second email, she referred to the exemptions on the restricted number of cats for registered cat breeders. She described her circumstances as a lady who owns six cats and who has an interest in pedigree cats and the showing of those pedigree cats. She referred to the structure whereby people are registered with associations such as the Feline Control Council of Western Australia. She stated that the organisations with which they register cats have very strict codes of ethics and directions for people on the responsible care of cats. In fact, from reading this email, in many ways it comes home as a model cat-owning level of care, so obviously she is very enthusiastic. In her first email, she raised the fact that she owns six cats and she stated that if her elderly cat were to pass away, she would be interested in acquiring another sixth cat, in addition to the five she would have once the elderly cat had passed away. In her second email to me, Ms Horton stated —

Fundamentally, I and my fellow Governing Council members agree with the intent of the bill. We've also been pleased with the amendments that were made in the Legislative Assembly and at this stage, we are reasonably satisfied that there will be some protection afforded to breeders, but it is not clear as to whether sterilised registered cats belonging to non-breeding cat enthusiasts will be included or how non-breeding cats owned by breeders will be dealt with. The issue of numbers is also of concern, and while I realise that this is local government business, it would be nice if the legislation provided some governing principles. Hopefully they will be included in the regulations, but it is too important for us to not at least raise it in case the issue arises during the passage of the bill.

My understanding is that Ms Horton is writing about her own circumstances whereby she owns pedigree cats that are sterilised. She is seeking, probably through regulations, a mechanism whereby people in that registered, tightly controlled situation can be effectively exempted from the maximum number set by a local government authority. Elsewhere in her email she makes the point that she has six cats that are very closely controlled and cared for and will create less havoc for the environment around them, perhaps, than a smaller number of cats that are less carefully cared for. I tried to spell out Ms Horton's concern by reading that part of the email and I invite the minister to comment on the possibility of a form of registration being available to cat owners such as Ms Horton that would allow them to have a similar exemption to local government restrictions on the number of cats that cat breeders have.

Hon ROBYN McSWEENEY: I did not quite get the member's concern before in the second reading debate. I have since checked and the Cat Bill does not set a limit on the number of cats a person can own. Some local government authorities have a limit on the number of cats a person can own and they have permit systems to allow people to have additional cats. Some of the local authorities that do that are Albany, Ashburton, Bridgetown-Greenbushes, Busselton, Capel, Donnybrook-Balingup, Kalamunda, Mundaring, Northam, Stirling and Swan. I said before that people need a breeder's licence but they do not because it works on a permit system. Therefore, if Ms Horton wants six cats, she can get a permit to have her six cats. Local government laws allow that permit system, so there is no problem there. If the state government becomes concerned about local government becoming unreasonable about limiting the number of cats, it can introduce regulations under clause 77 that will override the local laws. Therefore, Ms Horton is quite within her rights to get a permit.

Hon ED DERMER: If I correctly understand what the minister said in response to Ms Horton's request for clarification, if I wanted to have more cats than the regular maximum set by my local government authority, I could go to my local government authority and ask for a permit. The local government authority may grant me the permit or it may decide not to grant me the permit. That is the situation that I think the minister has suggested people such as Ms Horton would be in.

Hon ROBYN McSWEENEY: Yes. If an owner, such as Ms Horton, has a reason for having more than the set number of cats, they can apply for a permit for additional cats, even on death and replacement of a cat. Therefore, Ms Horton can do that and I just told the member the local governments that have a limit on the number of cats a person can own. I do not know what the limit is in those local governments, but certainly at the moment, Ms Horton could get a permit to have her six cats.

Hon ED DERMER: If I understand correctly, Ms Horton, who lives in the City of Joondalup, could go to the City of Joondalup and ask for a permit. There is, of course, no guarantee that the City of Joondalup would grant that permit, if I understand the minister correctly.

Hon ROBYN McSWEENEY: The City of Joondalup does not have a limit on the number of cats, so she can have six cats. The local governments that I read out have a permit system. Some local governments do not have a permit system because they do not have a set limit on the number of cats. Therefore, if Ms Horton is in the City of Joondalup area, she can have her six cats because it does not set a limit.

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Hon ED DERMER: I think that what would concern Ms Horton would be if the City of Joondalup at some future date was to decide to set a limit. If this bill is enacted, if I understand correctly, it will empower the City of Joondalup to set a limit on the number of cats at any time through its own decision-making process.

Hon ROBYN McSWEENEY: Yes, it can do that; it can have a permit system like the other local governments. If the state government becomes concerned about the local government being unreasonable, it can make a law under clause 77 that will override those local laws. At the moment, Ms Horton can be assured that she can have her six cats and presumably if the City of Joondalup goes down the route of having a permit system, she can apply to have her six cats.

Hon ED DERMER: If I continue to understand the minister correctly, in the event that the local government authority was to decide that —

Progress reported and leave granted to sit again, pursuant to temporary orders.