

**CAT BILL 2011**

*Third Reading*

Resumed from an earlier stage of the sitting.

**MR P. PAPALIA (Warnbro)** [2.58 pm]: Resuming from where I left off, I was disappointed to note that it did not appear as though the minister provided any evidence to back some of the extravagant claims that he made in the media. They may be accurate for all I know, but we do not know because the minister has not given any justification or outlined where the figures of 650 000 or 640 000 feral cats came from.

I note, though, that the minister made the point in his second reading speech that 93 per cent of cat owners in Western Australia already sterilise their cat. The minister made that point, which evoked questioning from this side of the house: if 93 per cent of domestic cat owners are being relatively responsible by sterilising their cat, which has an associated cost and impost, why did the government deem it necessary to insist that and compel those same people—those people we expect will comply with this legislation; the ones who already act reasonably responsibly—to also microchip and register their cat with local government? We pointed out in the course of our contributions that microchipping by its mere act results in the creation of a database of information about the cat and the cat owner. There is no reason the information required to be collected could not have been expanded and the microchipping companies could not have become the source of the registration database. That would cut red tape, reduce the cost and impost to the cat owner and achieve an identical outcome. Ninety-three per cent of cat owners are already complying with part of the legislation by having their cat sterilised. Why would the minister not go out of his way to try to reduce the impost on those same cat owners when he asks them to get their cat microchipped? It is the fair thing. We support compulsory microchipping, but if we are to compel microchipping, why would we also compel registration? Registration will duplicate that effort. There will be a microchip database, and microchip database companies will make money from managing the database. A one-off payment by the cat owners could pay to microchip their cat and all the data gathered could be recorded. The government is demanding that cats be microchipped, and the data gathered will be provided to a database management authority. In addition, cat owners will have to go to the local council and provide exactly the same information to another authority. However, they will be also required to register their cat with a local government on a regular basis. That will not be just a one-off payment like the microchipping would have been; it will be a regular, ongoing impost. Cat owners will also have to acquire a tag that they will have to attach to the cat. As we have already identified, the problem with that is that cats, unlike dogs, can easily slip their collars. In all likelihood, cat owners will not buy one tag every one or two years or once in a lifetime as is the case with dog owners who can renew the fee but retain the same old tag; cat owners will have to buy them every other week when their cat slips its collar. That will occur on a regular basis. If a cat is captured by a ranger or someone else from the council, the owner is hit with a \$500 infringement notice that the owner will have to defend. Fortunately, we elicited a response from the minister that was recorded in *Hansard* that a cat slipping its collar is a fair defence against an infringement notice. I hope that no-one who is hit with a \$500 infringement, once, twice, three times or 10 times, or however many times their cat slips its collar, will have to defend themselves in court. However, if anyone does, I hope that the councils will reflect that it is recorded in *Hansard* that the minister, when imposing this requirement and during the debate on the content of the bill at the third reading stage, conceded and assured everyone in Western Australia that it is a fair defence that if a cat slips its collar, the owner should not be subjected to either an infringement notice or a fine. A fine is a penalty of \$5 000 and the penalty for an infringement notice is only \$500. That is one good thing.

That leads me to another point I would like to make. I was prevented from engaging in too detailed a debate in response to the Leader of the House's outrageous claims earlier about the nature of the contribution from members on this side of the house. I will return to that point. The Cat Bill was debated for such an extensive time in Parliament yesterday and on other days because it was atrocious legislation that was incredibly poorly drafted. Fortunately for the government and the Minister for Local Government, the member for Cannington, with the assistance of the member for Forrestfield and others, went through every single clause —

**Mr W.J. Johnston:** Not every single one.

**Mr P. PAPALIA:** Most of them. They found and created a comprehensive analysis of the flaws and failures of the bill and they provided that information to the minister in advance of yesterday's debate so that the minister and his staff could do what they should have done in the first place, which was to correct the errors. That is why there was such a long debate on the bill. As the manager of opposition business pointed out when we were attacked so unjustly by the Leader of the House earlier today, the minister moved 11 amendments after he introduced the bill into the house. The bill was so poorly drafted that it had to be amended 11 times in consideration in detail. It is no wonder that we were here until 12.30 last night. In fact, we were pretty concise. We could have divided quite justly and rightly in opposition to the outrageous clause 51(c) as originally drafted, but we did not. We moved an amendment that was defeated, but, rather than extend the time of the house a little

more, I did not ask to divide on that point. It was and remains an outrageous and ridiculous clause. I would have thought that the Minister for Police would be concerned that the police do not have the powers that a moggy patrol member of the local council will have. Police officers are incapable of applying the sort of compulsion that a moggy patrol person from the council can —

**Mr R.F. Johnson:** That really is a stupid statement.

**Mr P. PAPALIA:** It is not. The minister has not even read the bill.

**Mr R.F. Johnson:** Don't argue with me about reading the bill, my friend. I will come to that later. To say that our police officers do not have —

**The ACTING SPEAKER (Mr P.B. Watson):** Members will get back to the bill.

**Mr P. PAPALIA:** I will read out clause 51 as originally drafted so that the Minister for Police can understand it. It states —

In the performance of a function under this Act, an authorised person may do one or more of the following —

I will skip to clause 52(c). That says —

in any premises lawfully entered, —

Lawfully entering a premises can be achieved by an authorised officer knocking on the front door and asking the elderly pensioner widow whether she allows the officer to enter the premises. That is lawful. Once the authorised officer has got past the door, he has entered lawfully. The officer does not need a warrant or any evidence that anything wrong is being done on the premises, because the officer is investigating a potential case. A case does not have to be proven and the officer does not need a warrant from a judge. The authorised officer just knocks on the door and the elderly single woman, who is from a generation that feels compelled to accord the proper respect to authorities and who will act in a respectful manner to someone in a uniform, will naturally invite the officer to come in if he asks her whether he can look at the premises. The lady will not necessarily say that the officer cannot come in. Once the officer is in there, he gets all these powers courtesy of this ridiculous clause. The original clause 51(c) empowers a worker from a council—it does not say anything about a ranger or a specific skill set; it could be a contractor who is employed by the council—to enter a premises in order to investigate or collect evidence. The case does not have to be proven and no evidence of wrongdoing is required at that stage because the officer is just there to investigate and collect evidence. The government is empowering an authorised person to —

- (i) examine, seize, copy or take extracts from any documents relevant to the offence; or
- (ii) take photographs, films and audio, video or other recordings relevant to the offence; or
- (iii) direct a person to answer questions; or
- (iv) take any other action that the authorised person believes, on reasonable grounds, is necessary.

I am sure that there are members of the WA Police who would love to have those powers over some individuals in our community who the police suspect are doing evil and acting in an unlawful fashion but from whom the police are unable to collect evidence. I am sure that the police would love to go into their homes and compel them to answer questions while they were being filmed and I am sure that they would love to seize documents.

**Mr W.J. Johnston:** And compel answers.

**Mr P. PAPALIA:** That is what the Corruption and Crime Commission does if it gets people down to the CCC. The police cannot do those things when they go into a house. The Minister for Local Government has given the local moggy patrol of every council in the state the authority to exercise powers that would be well at home in a Stalinist or fascist state; it is unbelievable! I made light of the suggestion in the house last night that perhaps these individuals from the moggy patrol might be dressed much the same way as some individuals in Nazi Germany—peaked caps, jackboots, and buttons all over their jackets. Instead of “SS” on their collars, they might have “FF”—feline fascists. It is outrageous! It is incredible that members can sit there and think that there is nothing wrong with reducing the freedoms available to cat owners across Western Australia in this fashion. Not only cat owners are subject to these laws. An authorised person can come into a person's house after the resident has made the mistake of allowing them to enter the premises. There is no requirement for a judge to have assessed it and provided the person with a warrant. If the authorised person from the council knocks on someone's door and asks to come in and the person allows them to come in, they have entered lawfully. That is a lawful entry. They therefore are allowed to exercise these powers.

**Mr M.J. Cowper:** Within reason.

**Mr P. PAPALIA:** An individual who is going to exercise these powers might think it is quite reasonable to do anything they want.

**Mr M.J. Cowper:** They may have to justify it afterwards.

**Mr P. PAPALIA:** They may have to, but why are we waiting? Why are we going to enable them to do this? The government has not given any evidence as to why these laws are at all connected to the objective of the law.

**Mr M.J. Cowper:** Someone going into a house wanting to gather evidence should be able to make videos or recordings.

**Mr P. PAPALIA:** In what scenario is the member suggesting?

**Mr M.J. Cowper:** The same as any other instance in relation to a search warrant, for instance. The standard operating procedure for search warrants—or not on a warrant even—if I invite you, is that you supervise search procedures. The procedures that are available here, the way I see it, are not any different from any other evidence-gathering exercise.

**Mr P. PAPALIA:** So police officers are allowed to enter someone's home and compel them to answer questions.

**Mr M.J. Cowper:** They are not compelled at all. Where does it say “compel”?

**Mr P. PAPALIA:** The bill states —

any premises lawfully entered ... in order to investigate or collect evidence ...

...

(iii) direct a person to answer questions; or

**Mr M.J. Cowper:** It does not mean they have to answer.

**Mr W.J. Johnston:** Yes, it does.

**Mr M.J. Cowper:** No, it does not.

**Mr P. PAPALIA:** It states “direct a person to answer questions”—where is the Attorney General when you need him? What does “direct a person to answer questions” mean?

**Mr M.J. Cowper:** I want you to answer my question, but the member never does. That is the same thing that happens in this place every day.

**Mrs C.A. Martin** interjected.

**Mr P. PAPALIA:** Here is another scenario —

**Mr M.J. Cowper:** Show me in the bill where it says “compel”.

**Mr P. PAPALIA:** It says “direct a person”—

**Mr M.J. Cowper:** Exactly; you said “compel”.

**Mr W.J. Johnston:** That is right. “Direct” means compel.

**Mr M.J. Cowper:** No, it does not.

**Mr P. PAPALIA:** What does “direct” mean, then?

**Mr M.J. Cowper:** If “direct” means compel, they would put “compel”.

**Mr P. PAPALIA:** I will give the member a scenario. The member for Kimberley has interjected, which brings me to the point. I have referred to maybe single elderly women who come from a generation that feels obliged to exercise responsibility and respect for people in uniform or authority. What about an Indigenous family who may have been approached at the doorstep by —

**Mrs C.A. Martin** interjected.

**Mr P. PAPALIA:** There are a lot of people with pet cats. Not everyone in the Kimberley eats cats. A person may be approached by an individual on the doorstep who says, “May I come in because we have had a complaint?” If the person does not say no and the individual is inside the door, what is the difference between directing a person to answer a question —

**Mr M.J. Cowper:** You're telling me. You are saying that “direct” means compel. Show me where it says that.

**Mr P. PAPALIA:** I believe for the purposes of this law it does.

**Mr M.J. Cowper:** Let me put it this way: that is not my understanding of it. I can ask you to answer a question, and you do not have to. You have the right to remain silent. You do not have to say anything.

**The ACTING SPEAKER (Mr P.B. Watson):** Member, just get on with the third reading of the bill. I do not want interjections across the chamber. It is the third reading of the bill.

**Mr P. PAPALIA:** Thank you, Mr Acting Speaker, but I find it illustrative that government members feel that it is acceptable to get into semantic debates about whether “compel” is the same as “direct” in relation to vulnerable people who may be approached as a result of this law and made to answer questions. Does “made” mean the same as “compel”? Does “demand” mean the same as “compel”? How many other similar words might we employ in reference to —

**Mr M.P. Whitely:** Require.

**Mr P. PAPALIA:** “Require” means the same. They all mean the same thing. The authorised officer has gone into the person’s house. They have been invited there, so they are in there lawfully, and then they are going to ask that person questions. What happens if they do not answer? Are they in breach of the law if they do not answer?

**Mr M.J. Cowper:** No.

**Mr W.J. Johnston:** Yes, they are.

**Mr P. PAPALIA:** Yes, they are, because the law states that they can “direct a person to answer questions”. If they do not answer, there is a penalty of a fine.

**Mr M.J. Cowper:** They do not have to answer.

**Mr W.J. Johnston:** Yes, they do.

**Mr M.J. Cowper:** They are not compelled to. The only person who can compel you to answer a question is a judge in a court or a —

**Mr P. PAPALIA:** I apologise, Mr Acting Speaker. I understand your earlier directive, but I am truly stunned. I think this is a worthwhile contribution to elicit from the government, because it gives us an insight into just how little scrutiny has been placed on this bill prior to its introduction to this place. I can tell members that this legislation elicited a great deal of debate in our party room. There was a lot of discussion about this legislation. I know it is easy to make a joke about the Cat Bill, but 220 000 people own cats in WA. On average, one in 11 people owns a cat. There are 220 000 people who own cats in Western Australia. That is a lot of people to be impacted upon by an outrageous clause in this legislation.

This provision elicited a great deal of scrutiny in our party room. The minister heard in my absence significant, serious and reasoned contributions by a number of people in this place on this side of the house. All we have had from the government side is an indication that no-one even looked at the bill other than the member for Jandakot and the minister. It is frightening. It is not frightening because it is about cats; it is frightening because a number of people on the government side of the house would happily sign away hard-won freedoms in the Cat Bill. In the service of the Cat Bill, the government would sacrifice the freedoms of individuals in Western Australia to sit in their home and not be subjected to someone coming into their home, seizing their documents, filming them, recording them, asking them to answer questions and taking any other action that the authorised person believes is necessary.

I fear for the people of Western Australia, if that is an indication that—I almost swore—in debate on the Cat Bill government members deem it unnecessary to consider whether that is appropriate. That is a shocking indictment of the Liberal Party of Western Australia. The government should consider the origins of their party. I know there are very few government members in the chamber, but they should think about the origins of their party, the individual who established it and his view about the rights of individuals and whether or not this is anywhere near according with the principles of the Liberal Party. They were noble principles; they are worthy of respect, but it is a sad day when government members feel that it is okay to come in here and engage in a puerile argument about whether “compel” means the same as “direct” or “require” or “ask” or “demand” and suggest that that is not an important debate to have. That is a very sad thing to hear. I am disappointed that the member would be the one to raise it. I believe that there is no need at all for this clause to enable this law to be effective, insofar as it is going to be. I do not believe it is going to be an effective law, but there is no necessity for this particular clause to remain in the bill. I have not received any justification from the responsible minister. He has stood up in here in response to my question and said that it is needed for hoarders. That is not true. It is an untruth, a mistruth, a deception, a misleading of the Parliament. The Animal Welfare Act enables authorities to deal with those people. They can do it today. It is an unnecessary justification.

The member for Cannington made a quite reasonable suggestion for a way of dealing with this in a reasonable fashion. I suggest that the minister listen to this, because this is an important point. The member for Cannington suggested that a reasonable way of dealing with this clause would be to shift it behind a clause that dealt with entry under a warrant so that these clauses—these incredible, outrageous powers—would be approved only in the event of an individual entering a house with a warrant. The member suggested that we would probably be happy with that, because we would see that it will be subject to the scrutiny of a judge or a magistrate, and it would be fair. We felt that that would be a reasonable suggestion and it would potentially save the person who is going to be subjected to this pain, if it were subjected to scrutiny by no-one other than the moggy patrol from the council. There will be no great scrutiny from external authorities, no great transparency on behalf of the council or the individual concerned. The minister's response was, "No, I don't think that's necessary; if it happens, we'll deal with it; I promise you we'll deal with it." I do not think that is fair enough considering the type of people this bill is likely to impact on. It will impact on vulnerable people; someone who is vulnerable enough to allow an individual into their home after being confronted on the doorstep by the worker representing the cat patrol or the council. It will be someone who lets in those people, and, by doing so, empowers them because they have made a lawful entry, and who needs our protection now, not after it has occurred. They do not need our protection after that has occurred; they do not need the minister to come along and pick up the pieces. They want him to close the gate now. There is no justification for this.

Earlier, the member for Jandakot suggested across the chamber that the bill would deal with kitten farms. There was no evidence that kitten farms are a problem other than in one report in a suburban newspaper. Maybe it is true, but there is no reason for these powers to be provided to a council worker to tackle the problem of kitten farms. The problem of kitten farms can be dealt with elsewhere in the legislation through provision of a warrant, if that is what the minister is suggesting is necessary.

This is the last opportunity for us to plead this. I ask that the minister consider one more time the member for Cannington's suggestion that this clause be removed from this part of the bill and placed within the provision that requires a warrant, so that the powers are exercised only in the event that a warrant is issued. If he will not consider that, he is being obstinate for the sake of it. The minister is defending someone else. I know the minister did not write this legislation. I know he does not really believe it is necessary; he is a reasonable individual.

**Mr G.M. Castrilli:** Thank you for that. I thought it was reasonable.

**Mr P. PAPALIA:** He has demonstrated his reasonableness, even though his competence was in question due to his being unprepared when the bill was introduced into this place.

**MR A.J. WADDELL (Forrestfield)** [3.21 pm]: This has been an interesting debate. It has been an interesting process from when the Cat Bill was first mooted to now. I have certainly found myself on something of an emotional roller coaster, with, initially, enthusiastic support for the concept, to lukewarm support, to almost downright opposition and to being brought back into the tent, where I am happy to support 99 per cent of this bill today. I think, to some extent, that is a credit to the way this bill has progressed through the house and the conversations I have had with ministerial advisers and contact I have had with the minister. I have to acknowledge also the member for Jandakot, with whom I have had many a conversation. Perhaps a lot of that is due to the fact that the very beginnings of this bill lay in a decision that came through the Joint Standing Committee on Delegated Legislation. The delegated legislation committee had to deal with some regulations drafted by one of the local governments. In this instance, it was the Joondalup local government and its attempt to do precisely what this bill is in fact trying to do—regulate cats within the Joondalup area. There was a fairly interesting debate among members of the delegated legislation committee. I do not think I am speaking out of turn when I say it was pun-filled! But it was a conversation about the process of law rather than our respective views on cats.

Cats inflame people's passions for some reason. I suppose that is reflected in the community generally. More people have contacted me about this bill than have contacted me about the Prostitution Bill or the Retail Trading Hours Amendment Bill in its heyday. To pretend this is not something that a lot of people are paying attention to would be to kid ourselves. Last night I managed to get home about one o'clock in the morning after the debate, only to hear my phone ring about 10 minutes later. A constituent had also emailed me to let me know they had been following the debate quite closely and had a few extra questions to ask, which I did not respond to at the time because I wanted to go to sleep. That constituent emailed me again at 7.30 this morning seeking further clarification. That person had clearly spent most of the night poring through the uncorrected *Hansard* to read everything that had been said. I have not experienced anything like that before. I suspect that shows the depth of the feeling in the community on this matter.

It would be a mistake to characterise our views in this debate as opposing the bill or fully supporting it. I think, without question, we support the objectives of the bill. No-one here has argued against compulsory sterilisation; nobody here has argued against microchipping. It goes without saying that, universally, we and the

community—as the minister indicated in responses he has received from the community—see that these are very sensible ways forward for dealing with the problem.

However, we came into some conflict over the machinery of how to implement the bill. I think, philosophically, that came down to the concerns of us on this side of the house about putting an increased cost burden on low-income families. We believe that pets are not necessarily a luxury for many people; they are their sole companions, and a cost impost will make it that much more difficult for them. I worry about things we do that potentially criminalise people and put them outside the law when, for whatever reason, they do not have an opportunity or desire perhaps to comply with what they might see as an unnecessary law. I can very much imagine a scenario in which a person has a companion cat that lives inside their house, is somewhat aged, is not likely to wander, and has most likely been sterilised. Keep in mind that most people sterilise their cats, not necessarily out of a sense of responsibility but because sterilised cats are much nicer than unsterilised cats. Anyone who has had an unsterilised male cat in their house must be committed to the idea of breeding cats; they are not a particularly pleasant beast to live with. A lot of people go down the sterilisation path merely to ensure that their animal is a true companion animal. They might therefore take the view that this legislation does not apply to them; it is not something that is necessary: “My cat is not a risk to the community; it will never create a feral population. I’m not hoarding cats. I look after my cat, and it will never leave my house, so why do I need to bother?” From a moral and ethical point of view, they are probably correct. Their cat will not make a difference. But, of course, if they do not follow through in 2014 with registration and, of course notification that the cat has been sterilised and microchipped, they will fall outside the requirements of the act and be at risk of fines from their local authority of, say, 10 per cent, which will be \$500.

Let us not pretend to ourselves that local government will not take advantage of this legislation. It certainly will. On many an instance constituents have come to me about amazing fines that they have received. I dealt with one recently who had copped a fine of \$100 000 as a result of breaching a local government regulation. Councils pursue these things with maximum vigour if they get it into their heads to do so. When it comes down to it, that is probably the absolute crux of my concern. I do not trust local government. I will admit quite openly that I do not trust local government. I have watched the local government election process in my area and other areas, and I have seen an awful lot of local council positions go uncontested. The nominations for local government candidates have just opened. All people need to do to move into a position of authority is sign a piece of paper. It is not the same as being elected to Parliament. I cannot imagine one of us ever being elected to this place in an uncontested way; it would be unheard of.

**Mr W.J. Johnston:** It has been 25 years since it happened.

**Mr A.J. WADDELL:** Yes, and I am sure that that would have been a mistake.

I cannot imagine that any one of us would get away with it without being put up to a reasonable amount of scrutiny to ensure that we are in some way fit and proper people, and that scrutiny continues to this day. Government members have talked about the past of members of the opposition, and we often do the same with regard to government members. That scrutiny is good; it means that people in this place are open and that we are fit and proper people to make the laws of this land. Unfortunately, I do not believe that local government members pass that threshold. People with a single issue and people who have a particular agenda can very easily get themselves into a position of authority. When we arm those people with such legislation and when we arm people who will not necessarily be accountable with things like clause 51 of the Cat Bill, I worry that it is a weakening of civil liberties within our society, because we cannot necessarily trust that those people will do the right thing if we give them that power. Really, I am not entirely sure that the people of Western Australia want us to stand in this place and say, “We think it’ll work out all right; we think it’ll be okay. We trust them.” I have seen many times over the last couple of years the Minister for Police standing in here saying that he trusts the head of the police department, the head of the Fire and Emergency Services Authority or the head of whatever will do the right thing, yet time and time again we are disappointed when putting that trust in individuals, and we are disappointed when the system does not work as we expect it to work. It is our job, it is primarily the job of people in this place, to put in systems, regulations and rules that are as watertight as possible. I do not think we should simply rely on the good faith that good people will always be in the right position and that they will always do the right thing. Sometimes failure will occur through incompetence and sometimes failure will occur through conspiracy and sometimes failure of that trust will happen deliberately. We cannot guess what the future holds; we cannot possibly go through all the permutations of the people to whom we provide powers to exercise under this bill. That is really my fundamental problem—I have a distrust.

Therefore, I ask myself, if we put extraordinary powers into a bill, why? Let us go back to the fundamentals, and let us go back to what the problem is. Again, that takes me all the way back to when I first heard about the Cat Bill when I was dealing with matters in the Joint Standing Committee on Delegated Legislation. The City of Joondalup was concerned about stray animals straying onto protected areas of its land with very fragile native fauna. The city was concerned about the feral cat population impinging upon that land and damaging it. To a

person in this place, we would say that such land damage is not a good thing. We do not want to that damage to happen; how do we fix that? The end of the process was this bill, the passage of which we are finally bringing to a conclusion today. The question I think we need to ask ourselves when we look at the original identification of the problem and the solution we have come up with: what happened in between? This bill has only about four references to feral cats, and they were brought in via amendment as a result of the minister responding to matters that opposition members raised during contributions to the second reading debate. The original bill did not deal with feral animals to any extent whatsoever. That mention of feral animals is, again, a toning down. A clause in the original bill, which I called the mouse clause, stated that if a person in authority felt that a cat was a danger to another animal, they had the right to instantly destroy that animal. Name a single cat that is not a danger to a mouse. The minister saw the virtue in that argument and sought to amend the bill. He amended the bill to cover diseased and feral animals that are a danger to other animals. In other words, if there is a feral cat that is a threat to a mouse, it is the big house for it! If there is an owned cat under the protection of a human being, it gets a get-out-of-jail-free card, but it should not look at a mouse twice!

**Mr J.M. Francis:** Maybe you should bring in a mouse bill to protect some mice!

**Mr A.J. WADDELL:** No doubt, in 50 years people in this room will be arguing about things that we would consider to be most ridiculous today, but they will be the issues in 50 years.

My point is that that change was a response to, again, an overshoot in the bill. The intention of the bill was not to deal with feral animals. The assumption behind the bill is that if the number of fertile cats out there is reduced, obviously the feral populations will drop. But we have this strange disconnect happening. Firstly, we have a number of 650 000 feral cats out somewhere in the community, and that pet ownership is dropping and now only one in 11 people own a cat. If one in 11 people own a cat, there are about 200 000 owned cats versus 650 000 wild cats. Therefore, for every owned cat there are three feral wild cats out there. This legislation brings in compulsory microchipping of the owned cats, it brings in compulsory sterilisation of the owned cats and it brings in ongoing registration and recording of the owned cats, which the government has acknowledged 93 per cent of cat owners are already doing to the best of their ability. Of those 200 000-odd cat owners, seven per cent is about 17 000 cats. If that seven per cent of people choose to follow the law—of course we can assume that a percentage of them will not, but let us say for argument's sake that all seven per cent do the right thing—17 000 additional cats will be chipped, sterilised and registered as a result of this bill. This compares to the 650 000 that will not be affected whatsoever. How do we deal with the 650 000 feral cats? Presumably, the idea is that we have now created a complete separation between the good-guy cats and the bad-guy cats. The good-guy cats all have chips, collars and registration tags, and the bad-guy cats do not. If anyone finds one of the bad-guy cats, the bill says that if they are unidentified in three days, they can potentially be rehoused or destroyed, and presumably, again, they would be on the road to destruction. Who will be collecting 650 000 cats? Who will be rounding them up and bringing them to the cat management facilities? Significant resources will need to be put into play, and we assume that those resources will be brought into play by local government, but—here is the rub—the local government will only be funded to the extent of the registration fees provided by the cat owners whose cats are registered; namely, the 200 000-odd cats that are registered. If, as the government says, we are looking at somewhere between \$10 and the top end of \$20 for registration, that will give us \$4 million in total across all 139 local governments for cat management. Subtract the costs of setting up the cat management facilities, and, honestly, how many cat management facilities will we get for \$4 million? At best, we could get eight houses. If we divide those amongst 139 councils, I am not entirely sure how can get a proper cat management facility for that kind of money. Nevertheless, the cost of local government offering the registration scheme will of itself probably eat up all of that \$20. Tags will need to be provided, forms and paperwork will need to be filled in and administrative costs will accrue in maintaining the IT databases and dealing with telephone calls from people inquiring how they go about registering their cats. Every time someone needs to move house, they have seven days within which they have to notify the local government of a change of address. The \$29 000, roughly, that each council will raise for the cats that live within their areas will go absolutely nowhere towards fixing the problem. They will eat that internally. There will be no scope whatsoever for rangers to collect the 650 000 feral cats out there. We allegedly have a feral cat problem. In my 45 years I have not crossed a lot of feral cats. It is interesting to think that there is one feral cat for every three Western Australians; they are obviously very good at hiding.

**Mr J.M. Francis** interjected.

**Mr A.J. WADDELL:** I said that \$20 would give \$29 000.

**Mr J.M. Francis:** The question is: how much would you charge to register a cat or how much do you think the council would charge?

**Mr A.J. WADDELL:** I take the member for Jandakot's interjection. I was quite clear up-front that the amendments we attempted to insert into this bill would have taken out the registration regime altogether and reduced the cost to zero.

**Mr J.M. Francis** interjected.

**Mr A.J. WADDELL:** That is the point. The 650 000 feral cats out there are not the responsibility of cat owners or dog owners or Holden drivers or any particular class of people. It is a state problem and we should deal with it at a state level. I look at my friend the member for Kimberley; we do not say "Policing costs are higher in the Kimberley. Therefore, we are going to charge anyone who lives up there more for their share of policing." We do not do that.

**Mrs C.A. Martin:** We do not have a cat problem; we eat them.

**Mr J.M. Francis** interjected.

**The ACTING SPEAKER (Mr P.B. Watson):** Member for Jandakot, I am having trouble hearing you. If you are going to interject, can you talk to the microphone for Hansard, please?

**Mr J.M. Francis:** Sorry. Everyone is saying that the bill does nothing to address the feral cat population, but we know that the life of a feral cat is probably four years at most; the population is trickle-fed by dumped domestic cats.

**Mr A.J. WADDELL:** That is where I disagree. The 650 000 feral cats would be a self-sustaining population.

**Mr J.M. Francis:** I accept what you are saying, but part of the problem is the trickle-feed of dumped domestic cats and the oversupply of kittens because people do not do the right thing. Cats get dumped in the bush and we know about it. How do you think the feral cat problem happened in the first place? They were domestic cats.

**Mr A.J. WADDELL:** I thank the member for Jandakot for his interjection and suggest that perhaps he deals with that in his contribution.

The point is that the 650 000 feral cats would be a self-sustaining population without any question whatsoever. To wipe out all the feral cats at once will be the trick to stop them regenerating. The biggest issue is that the feral cat populations will expand to fill any niches within the environment. If feral cats are capable of feeding themselves within a particular environment, their populations will continue to expand to consume the resources. We either take them all out at once or reduce their capacity to survive in the area. Perhaps we are talking about a massive baiting solution, in which case we would not be able to differentiate between registered and unregistered cats unless we come up with a Monsanto-type solution by which we genetically modify cats.

My point is that, from the very beginning of this bill to where we are today, I do not think that we have addressed the problem of feral cats, and that is a real concern. We have imposed costs on our community yet again. We have imposed costs on some of the most vulnerable people in our society, who may not necessarily be able to afford them. We are potentially criminalising people who have done nothing more than have a companion cat. People who fail to hear about this debate or to learn about these regulations will ultimately fall foul of it. We have created barriers to some of the breeding groups.

Again, I congratulate the minister; a large number of the concerns that were put by the Feline Control Council of Western Australia and other groups have been addressed in the amendments. My fear, again, is in the regulations. We are yet to see a lot of the details of the regulations. We do not know what the cap will be for the registration fee. We do not exactly know which groups will be approved to have their standards adopted. We are certainly extraordinarily concerned about the potential for local government to make its own rules and for massive fragmentation from city to city with what is considered proper ethical standards for breeders. We are very concerned that people will be subject to one entirely different regime if they happen to move across the street into a different suburb. We are very concerned about those things.

Perhaps this is the great irony, but I suspect that it will yet again fall to me and my friend the member for Jandakot in our roles as members of the Joint Standing Committee on Delegated Legislation to review a lot of the changes coming through from local government. I suspect that we will go through these debates from the last few days with a fine toothcomb and say that it was clearly not the intent of the Parliament to allow local government to do (a), (b), (c) or (d), which it may want to do. We have been going through this bill line by line, clause by clause to get that on the record.

I find it shameful that somebody could stand in this place and criticise us for taking time to consider legislation that will affect every Western Australian. This is not a rubber-stamp place. This is the people's house. This is where we consider the laws that will affect people's lives. To suggest that going carefully through a bill is wasting the time of this place is an utter outrage. If the government feels that it does not have enough time to get through its legislative agenda with us carefully considering each bill, I challenge the government to increase the

amount of time that Parliament sits. Sit five days a week if we need to sit five days a week. Sit 40 weeks a year if we need to sit 40 weeks a year. I do not feel that we should abrogate our responsibility to carefully consider legislation so that somebody can get home early. That is an utterly ridiculous point of view to take. I felt I needed to make those final comments in response to the criticism that we took too long going through this bill.

I would be negligent not to make some short comment about clause 51 of the Cat Bill. It is peculiar to me that we had an environment of compromise—we were trying to craft legislation that essentially worked and did not impact too badly on people's lives—but then we hit the stumbling block of clause 51. The government is correct to say that if we are going to suggest that storm-troopers are marching through the streets in formations, kicking down doors, grabbing cats and inspecting them, that is a ridiculous scenario. I do not expect that to happen.

**Mr J.M. Francis** interjected.

**Mr A.J. WADDELL:** The member for Warnbro is hearing me and he is agreeing with me. He paints a scenario. That is what we do; we look for potential flaws in the legislation and we paint scenarios. We have also challenged the government to come up with the scenario in which it would need these powers. That is really where the problem lies. The scenarios that have been painted by the government are equally extreme, such as the crazy old woman with the 40 cats and the kitten farms. The difficulty I have with the original clause 51(c) is that those scenarios painted by the government are dealt with adequately under existing legislation. There is no need to put this provision in the bill to deal with the problem. The Animal Welfare Act is well and truly in place and operating to allow the government to deal with those problems. If there were any question that the Animal Welfare Act did not have enough teeth, I do not think we would have an argument from anyone on this side that we do not need to protect animals to a greater extent. Many on this side are literally foaming at the mouth to create greater rights for animals. I do not think that is a problem. Given that the scenarios that the government has painted seem unnecessary or dealt with by other legislation and given that the outlandish scenarios that we pointed out are possible—not necessarily likely, but possible—we have to ask: why are we doing it?

Ten years from now, will somebody look into this legislation and say that perhaps we stepped a little too far in making these provisions, when someone in local government gets it into their head that they do not like cats and goes door to door on a raid looking for cats, gathering all sorts of information and essentially damage peoples' civil liberties? I am a huge civil libertarian. I found the debate to be most interesting. I think that we could have almost flipped the chamber today. We are arguing for small government and civil liberties, and I heard the Premier, who has just come back from communist China, talk about how big government and monopolies are a good idea. I heard the good Labor member, the member for Warnbro, tell us that Menzies' principles are fine outstanding principles that we should live by. Clearly, we are in a bit of a topsy-turvy world today! I find it odd that members opposite have let their principles fly out the window during this debate.

I understand that many people are very passionate about the cat problem and I really hope that this bill goes some way towards fixing that problem; I just have doubts. I think that it will create pain for a lot of individuals; it will create costs for a lot of individuals; it will create a nightmare for local government; and that we will, at the end of the day, have the exact same problem that we have today. It is a shame that we have put in all this energy and effort to essentially spin our wheels.

**MR J.M. FRANCIS (Jandakot)** [3.51 pm]: I will keep this pretty short. A couple of issues came out of this. The first one is feral cats. Members opposite say that the Cat Bill 2011 will do nothing to address that. Obviously the bill is not a silver bullet; it will not solve all problems, but it will go some way towards a solution. The bill allows authorities to distinguish between an owned cat and a feral cat. Action cannot be taken against feral cats unless we can, hand on heart, isolate owned cats. This places the responsibility on cat owners to do the right thing. Obviously, they have to do the right thing and if they really care about their cat, they should be doing the right thing already. It also allows the authorities to find out, when they pick up a cat out in the bush, whether it is owned or feral. That will be easily done by identification through number of different provisions in the act.

My friend the member for Maylands went on during consideration in detail and I want to put members' minds at ease over one of the issues she raised. The member for Maylands spoke about cat tags dinging like bells and dogs, not being able to tell the difference, attacking cats. I have had a dog registered in Western Australia for the past 12 years and every single tag that I have been issued has been made of rubber. I have one here; this is what it looks like. It is easily visible and would probably be visible on a cat with long hair. However, on a majority of cats the registration tag would be easily seen.

**Mr W.J. Johnston:** Where is the dog?

**Mr J.M. FRANCIS:** The dog is locked in the house. It is okay.

**Ms L.L. Baker** interjected.

**Mr J.M. FRANCIS:** That is what we envisage the council will issue—a rubber tag, that will solve the problem.

Briefly, the only thing that has disappointed me during the debate of the past few weeks is the opposition's relentless fear campaign of negativity.

**Mr W.J. Johnston:** Tony Abbot!

**Mr J.M. FRANCIS:** Now you know what the Prime Minister must feel like!

The relentless fear campaign and the member for Warnbro's scaremongering of pensioners has been pretty disgusting political behaviour. And members opposite want to talk about cost of living! The one great hypocrisy in this Parliament is members opposite banging on about cost of living while they sit in this chamber supporting a carbon tax.

**Mr W.J. Johnston:** Because it has compensation built in.

**Mr J.M. FRANCIS:** You go and tell that to the —

**The ACTING SPEAKER (Mr P.B. Watson):** Member, this is the third reading of the Cat Bill. You will talk about the bill.

**Mr J.M. FRANCIS:** Absolutely, and the issue —

**Mr P. Papalia** interjected.

**Mr J.M. FRANCIS:** I am happy to move on.

**The ACTING SPEAKER:** I would be happy for you to move on.

**Mr J.M. FRANCIS:** This issue was raised by opposition members during the second reading debate.

**The ACTING SPEAKER:** This is the third reading and I want you to get on with it —

**Mr J.M. FRANCIS:** I know and I am not —

**The ACTING SPEAKER:** Otherwise I will sit you down!

**Mr J.M. FRANCIS:** I am moving on, but I make the point that the cost-of-living issue was raised a number of times during this debate and that I find it absolutely amazing that some members support other policies that will increase the cost of living but do not support this bill. Let us look at the cost. I can register my desexed dog for three years for \$18 or \$6 a year—\$3 a year for a pensioner. I have said publicly that is less than 10c a week. It is only right that cat owners contribute to the cost of administering the cat act because as a dog owner nobody subsidises the cost of my ownership. Non-pet owners should not have to subsidise the cost for pet owners. It is the right thing to do. Somebody has to pay that little, tiny bit it will cost to administer it, and I think it only fair that people who own the cats are forced to pay. I think it is a great bill. I think it is very balanced. As I have said, some people will say that it does not go far enough and other people say that it goes too far. I will be fascinated to hear —

**Mr M. McGowan:** Stalinist. It is Stalinist.

**Mr J.M. FRANCIS:** I find that offensive, member for Rockingham. I will be fascinated to hear the Greens' comments in the Legislative Council. It will be very interesting to hear what position the Greens take on this bill. I am confident and I understand that the Greens will support the bill, but I am guessing they will say it does not go far enough. I think the bill is fairly balanced and I commend it to the house; albeit, I will say that the opposition's campaign of fear and the tactic of trying to put the fear of God into senior citizens and the least fortunate people in this state has been absolutely disgusting and members opposite should stand condemned for that.

**MR M.P. WHITELEY (Bassendean)** [3.56 pm]: I began my contribution to the second reading debate by saying that I would try to do it in less than five minutes, and I am going to do the same for my contribution to the third reading.

I will say, at the outset, that this is a classic example of why we need an upper house—why we need a second chamber to review the rubbish that sometimes this chamber passes to the other place. During my contribution to the second reading debate I criticised the bill for being good in intent but poor in effect, in that it is likely to have the opposite effect to reducing the problem of feral cats. I think that a group of people—it will not be only those who cannot afford it or who are too poor to pay for the additional burden, but those who say it is not worth it—will, instead of returning their cats to the haven or giving them away, simply abandon them in the bush. I think there will be a worsening of the environmental impact of feral cats when cats are abandoned as a result of this bill. Frankly, I would not have risen to contribute to the third reading debate just to restate that point. The points that I heard the member for Warnbro raise about the original clause 51(c) during the consideration in detail debate, compel me speak on this occasion. These are extraordinary measures and I have to say that I think the minister has fallen into the old trap. He made 11 amendments to the bill, began to think the government was

**Extract from *Hansard***

[ASSEMBLY — Wednesday, 21 September 2011]

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Mr Paul Papalia; Acting Speaker; Mr Andrew Waddell; Mr Joe Francis; Mr Martin Whitely

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beginning to look a little ridiculous as a result of the number of amendments to the legislation and decided he would not make a twelfth amendment. Frankly, it would have been better had the minister swallowed his pride and made the twelfth amendment. This is probably the most important amendment of all, because the provisions in the original clause 51(c) that allow an officer once he has lawfully entered the premises to direct a person to answer questions, or to take photographs, films or video or other recordings relevant to the offence, are extraordinary, for all the reasons outlined by the member for Warnbro. I am not going to go through the arguments again because I think the case has been well made by the member for Warnbro. However, I want to put on the record the fact that I had noticed what an absurd situation it is to give powers under the Cat Bill that go way and above those conferred on the police. It is completely absurd. I heard the member for Murray–Wellington’s half-baked defence of clause 51(c)(iii)—the member for Warnbro had criticised it for compelling a person to answer a question—when he said “direct” does not mean “compel”. I suggest that a person who is not familiar with the law or who does not have a QC with them at the time the inspector comes round and says, “Look, section 51(c) of the Cat Act 2011 authorises me to direct you to respond” might have some difficulty.

Debate interrupted, pursuant to standing orders.

[Continued on page 7523.]