



PARLIAMENT OF TASMANIA

LEGISLATIVE COUNCIL

REPORT OF DEBATES

Thursday 24 September 2020

REVISED EDITION

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The President, **Mr Farrell**, took the Chair at 11.00 a.m., acknowledged the Traditional People and read Prayers.

TABLED PAPER

Response to Petition - Medical Services in Strahan

Mrs Hiscutt tabled the Government's response to the member for Murchison's petition regarding medical services in Strahan.

LAND USE PLANNING AND APPROVALS AMENDMENT (MAJOR PROJECTS) BILL 2020 (No. 26)

**Consideration of Amendments made in the
Committee of the Whole Council**

Resumed from 23 September (page 59).

Amendments agreed to.

LAND USE PLANNING AND APPROVALS AMENDMENT (MAJOR PROJECTS) BILL 2020 (No. 26)

Third Reading

[11.08]

Mr VALENTINE (Hobart) - Mr President, I appreciate the power of work done on this bill by officers of the department concerned. They have done a significant amount of work to deliver what the minister wants in regard to the major projects bill. However, I really find it difficult to support this bill given that no state planning policies are in place and therefore it is an open book as far as focus.

No donation declaration legislation is in place as a check against any influence. There is no merits-based review in respect of a primary administrative decision, except for a review that is basically on a point of law known as a judicial review. There is no parliamentary scrutiny by way of a disallowable instrument on the declaration by a minister of a major project. One fundamental thing that concerns me is that a planning scheme can be altered to ensure it aligns with the major project.

For those reasons I really cannot support this, and I will be voting against it.

[11.09 a.m.]

Mr DEAN (Windermere) - Mr President, I compliment the Leader on the way this bill has gone through this place. I also want to compliment the staff; in many instances they are left out when we look at and process these matters. The briefing sessions they provided were

well done, well prepared and answered all our questions; they then sat in this Chamber for a long time and provided quality answers to our questions. They were absolutely exceptional, and I want to pass my strong support on to them, which they do not get often. I thank the staff for their work on this case.

The Council divided -

AYES 10

Ms Armitage
Mr Dean
Ms Forrest (Teller)
Mrs Hiscutt
Ms Lovell
Ms Palmer
Ms Rattray
Dr Seidel
Ms Siejka
Mr Willie

NOES 2

Mr Valentine (Teller)
Ms Webb

PAIRS

Ms Howlett

Mr Gaffney

Motion agreed to.

Bill read the third time.

**MARINE-RELATED INCIDENTS (MARPOL IMPLEMENTATION)
BILL 2019 (No. 37)**

Second Reading

Resumed from 23 September (page 95).

[11.15 a.m.]

Mr VALENTINE (Hobart) - Mr President, I have put on notice some questions I will ask in the Committee stage of this bill. I have asked the Leader to clarify what a ship is and whether it includes certain things. I have completed my contribution. I basically support the intent of this bill.

Mr DEAN (Windermere) - Mr President, this is an important bill that is about protecting one of our greatest assets - our waters. As an island, we know how important that is.

Like many other people, I am disappointed when I walk around our beaches and see the debris that has washed up on the shorelines. The plastics and the other refuse that washes up is very upsetting and annoying. Importantly, this bill covers all those issues.

I am not sure whether our penalties for some of these activities are severe enough -

Ms Rattray - One million dollars.

Mr DEAN - Yes, in some cases.

Ms Rattray - I know that is the extreme.

Mr DEAN - The second reading speech of this legislation and the amendments made to the bill by the member for McIntyre and others are consistent with legislation in place in other states, and possibly in the Northern Territory.

When you travel overseas, you see the shocking conditions of shorelines and beaches. Indonesia is a good example - it is incredibly soiled with debris and plastics; it quite cruel.

However, you do not have to travel very far here at times to see many debris issues. The member for Launceston may have mentioned the Tamar River area. Some of our waters there are pretty ordinary and we have a lot of work to do.

Are we really in a position to condemn other places when we have a long way to go ourselves? At last year's Estimates, the Environment Protection Authority Tasmania advised us that cleaning up the Tamar River was going to cost too much and therefore there was some reluctance to issue the clean-up. I have some concerns about that.

The second reading speech says -

... if enacted, will play a fundamental and vital role in protecting Tasmania's environment and interests.

I hope it will do so. With more cruise ships now using Tasmania as a destination, there is a risk of pollution on a larger scale, hence the necessity for strong legislation.

The bill provides for a ship's owner, master and charterer to be charged with pollution events, which is likely to see much more care regarding these offences. The member for McIntyre referred to some of those issues as well.

An individual penalty of \$1 million and jail for four years should be a deterrent to any would-be offender. When we are talking about these big companies, the penalty has to be severe. They talk in millions of dollars, and we need to ensure that is the case.

In debate on legislation recently, I said that penalties are only a deterrent if the chances of being caught are real. The investigations, the policing - all that - has to be there. There has to be every reason for people who pollute, and do it deliberately, to know they will be caught. That is where the deterrent is, not necessarily in the penalty in itself, but whether they will be caught.

Having said that, I wish the State Marine Pollution Committee all the best in its functions under the bill.

I will be supporting the bill.

[11.20 a.m.]

Ms ARMITAGE (Launceston) - Mr President, the member for Windermere is right. I was going to mention that we all share it. I really think it belongs to the member for Rosevears because it probably fits within her electorate more than in ours.

I support this bill and any bill that looks at replacing the Pollution of Waters by Oil and Noxious Substances Act 1987, which is quite outdated. This bill is something we need - as the member for Windermere said, we only have to look at the shores of the Tamar or any beach to see the substances that are washed up.

I should declare a bit of an interest here. I am the patron of the *Rhona H*, which I think is classed as a ship. I know a question was asked yesterday about what is a ship and what is a boat. I am pretty sure the *Rhona H* is registered as a ship. It used to belong to my husband. I am now its patron. She sits at the docks down here.

I remember holding tanks being an issue at one stage. I am sure the Leader is quite aware that when you go out on a boat, toilet facilities - holding tanks - are necessary. Where people empty their holding tanks is certainly now regulated, too. It is a certain distance out to sea. I asked a question - either earlier this year or late last year - about where cruise ships dump their holding tanks or where they dump their rubbish. Many large cruise ships come into port here. From memory, I was told cruise ships dump their rubbish a certain distance out to sea. We hope they all conform to regulations.

I am pleased to see penalties in the bill for anyone who does the wrong thing. It is a large and comprehensive bill, but this is such a large issue.

I was interested to see the recent beaching of whales. Obviously, we do not know why they beached. We do not know what the reasons are. There could be a myriad different reasons. Perhaps it has something to do with the pollution of the oceans and seas that caused them to do such a strange thing. At last count, 470 whales beached on the shores, between the ones that have gone back out and the ones that had died.

There are problems in our oceans and our seas. We need to do everything we can to ensure they are as clean as they can be, not just for us but also for the marine animals that live in them. It is very important we look not just after ourselves but also after the marine creatures of our world.

I support the bill.

[11.23 a.m.]

Mrs HISCUTT (Montgomery - Leader of the Government in the Legislative Council) - Mr President, I have an answer about what a ship is. The member for McIntyre posed most of the questions, so most of the answers are here for her. She talked about the liability of prosecutions, clause 61(2) -

Proceedings for an offence may be taken against all or any of the persons liable for the offence.

This includes the master, owner, leaseholder, agent or other parties found to be liable for the offence.

Clause 67 deals with criminal responsibility of corporations. When we are talking about penalties, the penalties will be applied by the courts. The magistrate or judge will impose a penalty relevant to the offence. Clearly, an incident that could have been prevented and has

caused a large environmental impact should have an appropriate penalty applied if the person is found guilty, whereas a lesser offence will attract a lesser penalty.

While the number of examples in Tasmania is very small, there are national and international cases that provide appropriate sentencing case history for the judiciary. It is important to note that there are extensive defence provisions in the bill. For example, clauses 3, 4 and 12.

We talked about the State Marine Pollution Committee, which is in clause 43. The committee's role is laid out in clause 43(6), which covers providing advice to the state Government, preparing incident response plans, making recommendations on training and equipment and, when an incident occurs, providing the function in clause 48.

The role of the committee is to make recommendations to the director or incident controller, to coordinate advice to the state Government, to monitor decisions taken by the state Government and make further recommendations and to facilitate communication. The role of the director or the incident controller, who would be an appointed inspector under clause 7, is to manage the incident and take responsibility for the incident under the authority of the director, which is under clauses 52 and 53 of the bill.

This functionality is similar to that provided for bushfires where the State Fire Management Council provides advice and leadership and the incident is managed by the incident controllers at local, regional and state level. The roles are separate and discrete. The committee is a standing committee of people with expertise, while an incident response team will be short-lived and appointed for a specific incident. The incident control process will operate with a Tasmanian marine oil spill contingency plan which supports the National Plan for Maritime Environmental Emergencies and the Tasmanian emergency management arrangements.

You talked about the suspending legislation in clause 49. In (b) it is unlikely but in the potentially catastrophic event of a marine spill, it may be necessary for the responsible minister to declare an emergency so that the incident can be dealt with quickly and efficiently. The bill, therefore, allows the minister to suspend any state law or part of a law relating to the state's physical environment other than the Emergency Management Act 2006 for a period of up to two weeks.

The minister must have reasonable and urgent grounds for doing so, including a requirement that the situation poses a grave and imminent threat to the state and its waters. An important safeguard is that the law to be suspended must be inconsistent with the urgent action or would otherwise impede it. For example, it may be necessary to suspend wildlife laws during an emergency to ensure regulators and response crews can protect and treat fauna without the required permits during oil spills or other imminent threats. Another example is the suspension of waste management laws to allow for an effective storage and possible disposal of highly contaminated material. In the case of an incident that might be deemed a disaster, it is possible that a state emergency could be declared under the Emergency Management Act.

There were some concerns about discharge locations. The director requires the power to be able to authorise the discharge of certain wastes from ships in order to avert a larger problem.

For example, if a ship needs to discharge oily water to prevent it from sinking or breaking it up, it would be authorised.

Any decision taken by the director to authorise discharge would take into account the potential impacts of such a decision. MARPOL does allow the discharge of low-level contaminants, including treated sewage. There may be some locations where this is not appropriate, hence, the power provided under clause 30.

Now, the one we have all been waiting for from the member for Hobart - the definition of a ship. Currently, 'ship' is defined in the Pollution of Waters by Oil and Noxious Substances Act 1987 via Schedule 1, the International Convention for the Prevention of Pollution from Ships 1973, at Article 2(4) to mean -

... a vessel of any type whatsoever operating in the marine environment and includes hydrofoil boats, air-cushion vehicles, submersibles, floating craft and fixed or floating platforms.

The definition means the same and is now covered by clause 11, which provides that an expression used in the bill has the same meaning as an expression in the covenant.

Mr Valentine - That is confirming barges anchored are part of that.

Mrs HISCUTT - That is correct; it covers it all. Yes, a ship does include a feeder barge for the salmon industry, a recreational yacht and everything in between.

Mr Valentine - Not a salmon pen.

Mrs HISCUTT - Not a pen, no, it has to be a barge.

One of the other questions was: is fish poo sewage? Annexe IV of MARPOL deals with the discharge of sewage from ships. While this is targeted to human-derived sewage, which is defined in the current sewage management directive issued under the Pollution of Waters by Oil and Noxious Substances Act - PWONSA- by the director as -

Sewage means human faecal solid wastes and associated flushing water, whether or not mixed with urine or any other wastewater.

In some circumstances, MARPOL may deal with animal effluent discharge from a ship, for example, live cattle or sheep transport ships. Fish poo from fish farms is not sewage.

Another question from the member for McIntyre was about key concerns noted by stakeholders with the consultation draft. Stakeholders were supportive of the bill. There was continued consultation with stakeholders for five months from May to October 2019. On 12 July 2019, six suggested amendments from the Australian Maritime Safety Authority - MAST - were incorporated into the draft bill. For example, AMSA can now appoint inspectors under clause 7(1)(d) of the bill instead of noting the requirements of record books in all parts. This requirement was noted in clause 71 of the bill.

Huon Aquaculture, on 15 July 2019, requested that MARPOL regulations allow for consideration of the context of the spill quantity, so the infringement penalties reflect the

potential harm to the environment. The Tasmanian Salmonid Growers Association Limited, on 14 October 2019, reiterated HAC's concerns about ensuring the severity of a spill is taken into consideration with regard to the quantity and volume. The Local Government Association of Tasmania advised on 11 June that it had invited responses from all councils, but had received no direct response. The Department of Police, Fire and Emergency Management, in a letter dated 18 July 2019, requested that the Tasmania Fire Service be added to the State Marine Pollution Committee in clause 43(2)(d) of the bill, and this has occurred. TasPorts met with the EPA to address queries and concerns it outlined in a letter dated 1 August 2019. MAST provided comments on the bill on 27 June 2019, querying definitions such as 'ship', 'harbourmaster' and 'port'.

In summary, stakeholder engagement ensured the bill before parliament reflects concerns about definitions, appointment of inspectors and that there would be consequences in the event of pollution events to ensure our marine environment is protected.

Bill read the second time.

**MARINE-RELATED INCIDENTS (MARPOL IMPLEMENTATION)
BILL 2019 (No. 37)**

In Committee

Clauses 1 and 2 agreed.

**Clause 3 -
Interpretation**

Mr VALENTINE - Under this clause Australian ships are defined as -

- (a) a ship registered in Australia; or
- (b) an unregistered ship having Australian nationality ...

I go to a lot of citizenship ceremonies, but I do not see ships there very often. Will the new Antarctic vessel, built in Poland or wherever, that will operate in Australia as an Antarctic vessel be considered an Australian ship or not?

In this clause 'foreign ship' means a ship that is not an Australian ship. Is this about where a ship is flagged or otherwise? It may have been built elsewhere, but it is flagged as Australian. I want to clarify what Australian ship and foreign ship mean under those definitions.

Mrs HISCUTT - It is irrelevant where the ship is built or where it operates if it is flagged.

Mr Valentine - So, it is about flagging?

Mrs HISCUTT - It is about where it is flagged. If it is a ship - an unregistered ship having Australian nationality, if it is flagged Australian is how it operates.

Mr VALENTINE - It does not say flagged and I wondered whether 'flag' means registered or not, which is why I am querying that.

Mrs HISCUTT - For clarity, this bill before us is nested in many other pieces of legislation.

Mr VALENTINE - Appreciate that, and they explain it.

Mrs HISCUTT - That is explained.

Mr DEAN - What are state waters? What does that actually mean? I do not think it covers the rivers and so on. If it does not cover the major rivers, how far into a river will it cover from the head of the river? Is there a distance? It is probably referred to in the bill, but I missed it if it was.

Mrs HISCUTT - There is a defined baseline. If you have the little creek running through your farm, it would be the shoreline because a boat cannot get up it. It depends on how far up the river a ship makes it, so the Tamar or the Derwent would be a better one, which would be a good river.

The Tamar is about the Batman Bridge. It depends on how far upriver ships can get.

Mr DEAN - So, it would be to about the Batman. That is what is right.

Mrs HISCUTT - That is correct with the Tamar.

Mr DEAN - For the Derwent, it would probably be to Bridgewater or New Norfolk.

Mrs HISCUTT - There is another piece of legislation called the Coastal Waters (State Powers) Act 1980 which actually defines what it is. I do not have a copy of that act here, but basically it covers how far upriver a ship can go.

Mr DEAN - It is interesting Batman Bridge is referred to for the Tamar, because ships fitting within this bill and the definition can get right into Launceston. They might have to use some mud floats, but they can.

Ms Rattray - So they have a barge-thing on the front of them?

Mr DEAN - On a high tide ships do get right into Launceston - in particular, Kings Wharf - not huge ships, of course.

Madam CHAIR - And they get stuck.

Mr DEAN - I am interested in why we say Batman Bridge. Surely we would have to have and know how far into a river this bill will cover. I would think we would have some clarity on this.

Mrs HISCUTT - We do know. It is not in this legislation; if you want to wait, we could look up the other legislation and go through it with you. It is defined -

Mr Dean - I would like to understand.

Mrs HISCUTT - I am getting there.

Mr Dean - While you are on your feet, I would like know because of the impact, in particular, on the Tamar River.

Madam CHAIR - Are you asking: Does this apply to the whole of the Tamar River up to Launceston? Is it relevant to this act?

Mr Dean - Absolutely. It is relevant to this act because we are told -

Mrs HISCUTT - I said we think it is; we do not have the legislation here, but I am just waiting for it to be able to tell you what it is. It is covered in another piece of legislation, the Coastal Waters (State Powers) Act 1980. We are just struggling to find what the member is looking for at the minute. The director can get it for you.

In light of moving this along a little, I am happy to postpone clause 3 to progress the bill, if members are agreeable. We can answer that question for the member or take the question on notice and provide it.

Madam CHAIR - It gives everyone time to consider it.

Mr DEAN - I would prefer the clause to be deferred at this stage. What we are trying to establish is every important. For this bill, the Tamar River will be a very significant issue, and I can assure you that it will be raised many times. It is important to know whether this bill covers right into the City of Launceston.

Clause 3 postponed.

Clauses 4 to 6 agreed to.

Clause 7 -
Inspectors

Mr DEAN - Madam Chair, this clause refers to inspectors under this bill, very important positions. It refers to a police officer. I assume that is all police officers irrespective of rank, status, position and service. From the day they receive the position of constable, they would become an inspector under this bill.

My other question is about clause 7(c) -

- (c) a person who is appointed in writing by the Director, on such terms and conditions as a Director thinks fit, to be an inspector for the purposes of this Act.

Who is it envisaged will be appointed as inspectors by the director? Will it be in certain areas or ports around the state? Who is it envisaged would fit into that position for the director?

Mrs HISCUTT - It will be people such as staff of the EPA. They could pull staff from the national parks, TasPorts or the Tasmania Fire Service. In answer to your first question about the policemen, yes.

Mr DEAN - As I understand it, 'conditions as a Director thinks fit', the director could simply appoint a person to be an inspector for a particular event or activity. They are not appointed for a 12-month period or what have you; they could be appointed on a short-term situation.

Mrs HISCUTT - It could be both for the short or the long term, depending on what they are being employed or asked to do. If there is an incident happening here and now, that group would be temporary.

Ms RATTRAY - In regard to clause 7(2) -

The Director is to cause to be issued to an inspector, other than a police officer, an authority in writing bearing a photograph of the officer.

Can I have some plain English clarification around that clause? I know what it is trying to say, but it seems an unusual way of saying it - 'is to cause to be issued to an inspector'.

Mrs HISCUTT - It is the Office of Parliamentary Counsel's way of saying that it is an ID.

Clause 7 agreed to.

Clause 8 -

Warships, &c., are exempt from Act

Mr DEAN - The issue here is that this bill will not apply to warships -

(a) a ship under the control of the Australian Defence Force

Are those ships subject to other Commonwealth regulations and laws in relation to pollution? Or can they simply debunk whatever and whenever they want, and it does not matter where they are?

Looking at clause 8(b) -

a warship, naval auxiliary or other ship engaged exclusively in the non-commercial government service of a foreign country.

Does a similar position apply? We have American warships and others coming here. Are they subject to another law that forbids them from getting rid of their refuse wherever they want? Surely there must be some control over warships, whether they be Australian or from another country.

Mrs HISCUTT - The Tasmanian Government does not have any control over overseas warships. Australian warships are under Commonwealth control. The MARPOL Convention is usually adhered to by foreign ships that come here. We as a state cannot control the nation.

The nation as a state cannot control the world. However, most of the world adheres to the MARPOL Convention.

Mr VALENTINE - Does this or some other legislation apply during a period of war?

Can we be assured that warships in peacetime, traversing between cities or countries, are controlled in terms of when they can disperse material? That material might be sewage or the like. I appreciate there are different speeds at which ships can disperse material. We need to be assured that any ship, regardless of whether or not it is a warship, is not going to be polluting our waters.

I am interested in how acutely warships are controlled in terms of what they can discharge.

Mrs HISCUTT - Tasmania has no control over warships, but during peacetime they all adhere to the MARPOL Convention, which is an international convention. Tasmania cannot control anything outside our state, and the nation cannot control anything outside our nation. We are a state. We cannot deal with it -

Mr Valentine - Whether or not it is in a period of war?

Mrs HISCUTT - We are a state and we cannot do it.

Mr DEAN - I recall an American warship - possibly the *Enterprise*, but I could be wrong - came here many years ago and there were complaints about releases from that vessel.

I understand this bill cannot be enforced if a warship is involved. Naval ships have come in reasonably regularly in the past and hopefully will do so again when COVID-19 passes. I take it absolutely no action can be taken?

Mrs HISCUTT - The state cannot control foreign warships. That is the end of it.

Clause 8 agreed to.

Clauses 9 to 11 agreed to.

Clause 12 -

Prohibition of discharge of oil or oily mixture into State waters

Mr VALENTINE - If actions involved negligence lead to a spill, as opposed to non-intentional, will that be covered?

Mrs HISCUTT - It can be charged for, if negligence can be proven.

Clause 12 agreed to.

Clause 13 -

Duty to report certain incidents involving oil or oily mixture

Ms RATTRAY - I am interested in the duty to report certain incidents involving oil or oily mixture. During my second reading debate contribution yesterday, I referred to timely

notice being given if there has been an incident. Given that significant penalties can arise, what time limits apply?

Mrs HISCUTT - The expectation is that it will be reported as soon as it is detected. Penalties apply if you do not report.

Ms RATTRAY - I know ships have crew on board on a 24/7 basis, but if an incident happened overnight, and the crew was not aware of it at the time, would notification the next morning be considered as the earliest possibility?

Mrs HISCUTT - Clause 13(5)(b) says 'notified as soon as possible', so if the incident was not noticed until 3 o'clock, then it should be reported at five past three.

Clause 13 agreed to.

Clauses 14 to 18 agreed to.

Clause 19 -
Interpretation

Mr VALENTINE - I refer to 'substance or mixture' under this clause. Does the issue of invasive species fall within 'substance or mixture'?

I also note a reference to 'unless otherwise provided by Annex II', which must relate to some other legislation or document because we do not seem to have an annex 2 here. Would the presence of invasive species be considered noxious?

Mrs HISCUTT - Annex II is about noxious liquids. You spoke about invasive species. That is not included in the bill. The issue of invasive species is managed under national biosecurity legislation.

Clause 19 agreed to.

Clause 20 -
Prohibition of discharge of substances re mixtures into State waters

Mr VALENTINE - Clause 20(4)(a) refers to a ship constructed on or after 1 January 2007. What is the significance of that date?

Mrs HISCUTT - I have been advised there was a change to MARPOL on that date.

Mr VALENTINE - Clause 20(4)(e) is interesting. It is about speed and therefore about concentrations. Clause 20(4)(f) -

the discharge was made below the ship's waterline through the ship's underwater discharge outlets at a rate not exceeding the maximum rate for which each underwater discharge outlet is designed ...

How is that measured? Are ships of a certain type or size required to have measurement devices that can be checked in some way and sealed so they cannot be tampered with?

I refer also to clause 20(4)(g) -

the discharge was made when the ship was in water at least 25 metres deep.

It is still polluting.

Mrs HISCUTT - Ships have technical information about how much oil, waste and untreated sewage each ship holds - for example, they have information about the sewage holding tanks. Ships equipped with a sewage treatment plant and holding tanks with a discharge pipeline must comply with the International Convention for the Prevention of Pollution from Ships from 1973.

Certification and compliance with all regulations means that ships are surveyed to show that the structure, equipment, systems and fittings of a ship are in a satisfactory condition and comply with the convention. Ships provide documentation relating to the discharge rate in the 'table of discharge rate'. The discharge rate depends on the ship's draught and speed, and is approved and endorsed by the Ships Classification Societies. The table and a letter of compliance is kept with the International Sewage Pollution Prevention Certificate. The ISPP certificate is issued under the provisions of the convention. Ships record their discharges in an official logbook to show compliance with approved rates. The logbook documents the ship's speed, its draught at the time of discharge, the time and position at the beginning and completion of discharge, and the discharged amount - for example, amounts of sewage in the holding tank before and after discharging. These calculations are kept by ships personnel to show compliance with the discharge rates.'

Clause 20 agreed to

Clauses 21 to 23 agreed to.

Clause 24 -

Power to require discharge of noxious liquid substance, or a mixture that includes a noxious liquid substance, at facility

Mr VALENTINE - This clause refers to a mixture that includes a noxious liquid substance to be discharged from the ship to a specified facility. What facilities does the state Government have for such an eventuality if they are using our state?

Mrs HISCUTT - The Tasmanian Government has no such facility. If it is needed, it is taken away by tanker truck and disposed of elsewhere. It negotiates with TasWater to use its facilities.

Mr Valentine - That is a facility really, isn't it - a tanker truck?

Mrs HISCUTT - The Tasmanian Government does not have a specific place.

Clause 24 agreed to.

Clause 25 agreed to.

Clause 26 -

Prohibition of discharge by jettisoning of harmful substances into State waters

Mr VALENTINE - Clause 26(1)(a) says -

a person engages in conduct that causes a harmful substance in packaged form, carried as cargo of a ship, to be jettisoned from a ship into State waters ...

What about a sinking yacht? Is that not a ship in this circumstance? Like the Sydney to Hobart catastrophe where so many yachts were lost - they would have been putting stuff into the water. Quite clearly, if it is an accident of that nature, there is no way one would expect them to be held responsible for what goes into the water. I am interested to know whether they are culpable.

Mrs HISCUTT - Part 4 talks about harmful substances, so it addresses things like fertiliser or ammonia nitrate.

Mr Valentine - Diesel.

Mrs HISCUTT - It could be diesel, but it is certainly not - it is not diesel because diesel is covered by oil.

Clause 26 agreed to.

Clauses 27 to 34 agreed to.

Clause 35 -

Interpretation

Ms RATTRAY - I hope this is the right place to talk about pipeline. It defines 'pipeline' and then 'specified marine pollutant'. Recently a piece of one of an aquaculture company's infrastructure was floating around and nobody could identify who it belonged to. It only had fishmeal in it. That is what I presume is inside it; it is not oil or a noxious liquid substance. Is that something I can talk about somewhere else? I think it might be in the wrong place. I am interested in understanding about those wayward pipelines.

Mrs HISCUTT - I think the member is talking about marine debris, as opposed to a pipeline that might be filling up diesel tanks from a ship to shore. That is something in use.

Ms Ratray - Where do I talk about that? I will have to find it myself.

Madam CHAIR - I do not think it is relevant to this bill. Debris is another story.

Ms RATTRAY - Thank you for that advice, Madam Chair. I will take that on board but I noted in the stakeholder consultation list that Huon Aquaculture was named. If that is not included, HAC must have had some sort of input into this process, because it also said that everything provided by stakeholders was taken on board to deliver what we have today. I will

take some advice from the Leader sometime during the Committee stage about what part Huon Aquaculture played in this bill.

Mrs HISCUTT - I can answer that now, but you can explore it further if you wish. It uses large ships, which is what this bill is all about.

Clause 35 agreed to.

Clauses 36 and 37 agreed to.

Clause 38 -

Prevention of discharge or spread of specified marine pollutant during transfer

Mr VALENTINE - Quite a simple question: clause 38(1)(d) states -

the occupier of the land on which a pipeline used in the transfer operation is situated

The lessee and the occupier might be different people or different companies. Which is to be considered here?

Mrs HISCUTT - It could be both.

Madam Chair, while I am on my feet we have found the answer to the member for Windermere's original question.

Madam CHAIR - We will go back to it when we revisit the clause.

Mrs HISCUTT - Happy to go back.

Madam CHAIR - Wait until we reconnect. I will go back to the postponed clause.

Clause 38 agreed to.

Clause 39 -

Transfer of specified marine pollutant at night

Ms RATTRAY - In regard to the transfer of specified marine pollutant at night, this clause talks about it being allowed only between sunset and sunrise. After that, you have to make a written request to the harbourmaster in charge; if there is no harbourmaster, to the director. Does something like that happen very often? Why would you do it at night? Is it because you need to be gone early the next morning or something like that?

Mrs HISCUTT - It is there because if you are doing it at night and there is a spill, there is a greater risk that you will not see it. It is just to cover it if something happens at night.

Ms Ratray - To make sure somebody knows what is happening.

Mrs HISCUTT - Yes.

Clause 39 agreed to.

Clauses 40 to 42 agreed to.

Clause 43 -

Continuation of State Marine Pollution Committee

Mr VALENTINE - Clause 43(4) says -

If the chairperson of the Committee considers that the circumstances of an incident warrant it, he or she may direct that, for the purpose of responding to that incident -

- (a) the person referred to in subsection (2)(b) is to be excluded from the Committee;

Is that to avoid a conflict of interest when a matter is dealt with later or is it an exclusion so they can attend to the matter? I am not 100 per cent clear what that means.

Mrs HISCUTT - The intent is that if it is a very small incident, you do not need everybody to be there. It is just that if it is not necessary for a particular person to be there, there is no need.

Mr Valentine - Okay.

Ms RATTRAY - How do you work out who is and is not required? Does the chair decide who does not get a guernsey on this one and who does? If you are on a committee, I would expect to be invited to all those, unless I had a conflict of interest and it was, say, the Tasmania Fire Service - well, they would not own ships. Who makes that choice - something small, something medium, something large? 'We do not need you this week but we will have you over there'. That looks a bit untidy.

Mrs HISCUTT - It all depends on the circumstances of the incident and is gauged by the director of the EPA.

Ms RATTRAY - In that case, there could be one person on the committee, and they do not need anyone else for a particular incident the director would consider as small?

Mr Dean - The word 'committee' would mean two or more.

Ms RATTRAY - Pardon?

Mr Dean - I reckon 'committee' would mean two or more, the definition of committee.

Ms RATTRAY - Thank you for that clarification, member.

Mrs HISCUTT - Clause 44(1) talks about meetings of the committee, while clause 44(2) defines that a quorum consists of six members.

Ms RATTRAY - Two or more.

Mrs HISCUTT - Yes. It is all covered in that clause. A quorum is six.

Mr Valentine - A quorum is six.

Ms RATTRAY - No, but it says - that is all right. I will get to there.

Clause 43 agreed to.

Clause 44 -
Meetings of Committee

Ms RATTRAY - Clause 44(1) says -

A meeting of the Committee may be convened by the chairperson of the Committee, or by any 2 or more members of the Committee.

Mr Valentine - Convened by.

Ms RATTRAY - Yes, convened. The chair - he or she - can call a meeting, but an individual member who is not the chair has to be -

Mr Valentine - It has to be two or more.

Ms RATTRAY - you have to get another person, another committee member, to have the same view as you to form a committee. Obviously, that is what it says so why just another committee person could not ask for a meeting but obviously, there will be a response. A quorum at a duly convened meeting of a committee is constituted by six members of the committee. How many is there all up? How many can you say do not come along to a meeting if there is a small incident? Some clarification on that, given my questions from previous clauses.

Mrs HISCUTT - For clarity, the director can call a meeting, he on his own - and it is a he at the moment so I will not say he or she - can call a meeting on his own or any two members can call the meeting.

Ms RATTRAY - You mean the chairperson, not the -

Mrs HISCUTT - Yes, sorry. Yes, the chairperson who is the director of the EPA at the moment.

Ms RATTRAY - Yes.

Mrs HISCUTT - So previously to that, clause 43(3) says 'the Director'.

Ms RATTRAY - That was in the second reading speech.

Mrs HISCUTT - Yes. What are you asking after that?

Ms RATTRAY - I am asking why it would take two members to call a meeting.

Mrs HISCUTT - This is standard meeting procedure. If the director or the chairperson does not call the meeting for some reason, members decide that perhaps they should have a meeting. That is a way forward. It is common meeting practice.

Ms Rattray - I am asking about the duly convened meeting of the committee 'is constituted by 6 members of the Committee' as a quorum. How do you choose who does not come along, given you can say that you are not required as a member of the committee today for this particular incident?

Mrs HISCUTT - All those people are listed in clause 43(2). If it is a small incident which happens upriver, you might not need the fire service so they will not be called. If it happened in the Hobart dock, you would not need the Nature Conservation people there, so the director will make a call about who is required.

Ms RATTRAY - How many of these are paid positions on this committee? Obviously, the director or the chairman will not have a salary connected to it as a public servant. Do they provide someone free of charge? I expect perhaps Australian Maritime Safety Authority, LGAT and MAST do; TasPorts, not sure; Fire Service, I expect so. Then there is the Australian Marine Oil Spill Centre Pty Ltd - it has given its ABN number so would probably get something. Who gets a payment for being on the committee and who does not?

Mrs HISCUTT - From clause 43(2)(d) onwards, for all those people listed, it is part of their role and they do not get any extra payment. There are no sitting fees or anything like that. It is part of their job.

Ms Rattray - But they get costs?

Mrs HISCUTT - If there are appropriate costs, like travel, the department will pick that up if deemed appropriate.

Ms Rattray - Can I be clear that there are no paid positions on this State Marine Pollution Committee?

Mrs HISCUTT - Yes, that is correct.

Mr VALENTINE - Clause 44(8) talks about the committee -

Unless otherwise specified in the Act, the procedure for the calling of, and for the conduct of business at, meetings of the Committee is to be as determined by the Committee.

Is it specified anywhere else in the bill? I cannot see it but I would think committee procedures would be a standard thing. Why are we not referring to a standard committee procedure which gives us comfort of knowing things will be run properly? Clause 44(9) says -

The Minister may direct the Committee to allow a person to be present ...

Why is the minister being dealt with here, not the director? I suppose the director is the chair, but why is the minister being dealt with in this clause?

Mrs HISCUTT - With regard to your first question, it is a standard meeting procedure for that to be there. With regard to the minister in your second question, the minister does not have any powers at all with this meeting, but if you need the government involved quickly, the minister needs to know about it and whether something else needs to happen.

Mr DEAN - I thank the member for Hobart for raising that issue. I was going to raise that point. This clause says

The Minister may direct the committee to allow a person to be present at any specified meeting ...

It does not matter about the committee, whether the committee wants that person present and/or not; if the minister becomes aware of a situation of a committee meeting, the minister can simply point the finger and say, 'I want this person on that committee' as simply as that.

It is a direction. A direction is a direction and the committee may, but not necessarily, be happy to carry out that direction, if you have a damn good reason not to. Why is it that the minister can interfere with - that is really what it comes down to - a committee and the way it is going to look at an issue? The minister's person, who he directs to be a part of that committee, can have a say in what happens - the clause says that clearly: 'that person may take part in the Committee's deliberations'. They can talk and put their position or the minister's position forward, but they do not have a voting right, of course. Why it is written in this way it? I can understand a committee wanting to invite another person to a meeting to get special advice from them or whatever it might well be, but not why a minister would be able to interfere with a committee.

Mrs HISCUTT - I do not think it is for interference, but the minister may, if it is some - I cannot think of an example -

Mr Valentine - State emergency.

Mrs HISCUTT - Yes, the secretary of a particular department - it might be Health or Agriculture, and it depends on what the incident is - who is appointed or asked to go to this committee could offer advice, or could discuss the pros and cons of the action to be taken. That person does not have any voting rights, but they will be there to inform the committee, if need be, with their particular departments.

Mr Valentine - They do not have voting rights?

Mrs HISCUTT - No voting rights.

Mr Dean - That is a committee function - a committee can invite anybody along if they have a special position they need information on.

Mrs HISCUTT - They may very well ask a minister to appoint someone. The Director of Public Health would be a really good example. That would be a very helpful person to have if there was one of those problems happening.

Clause 44 agreed to.

Clause 45 agreed to.

Clause 46 -

Director may provide waste reception facilities

Ms RATTRAY - Under this clause the director may provide waste reception facilities. Is that where there would be a request for costs for providing some sort of reception facilities? It says 'to receive marine pollutants'. Then it says -

enter into an agreement with another person in respect to the provisions of such facilities.

If they arrange for Veolia, for instance, to come along and take away some pollutants, who pays for that, given we are talking about cost recovery here and no impost on the community? How might this work under clause 46?

Mrs HISCUTT - Yes, costs can be recovered. It could be something like Veolia being involved or a waste management place like that, and, yes, costs could be recovered.

Ms RATTRAY - You said costs 'could' be recovered. Is it 'costs will be recovered'? I would like to hear 'will' not 'could', otherwise the state pays.

Mrs HISCUTT - Every effort can be made to recover the costs. Yes, they can be recovered and that is the intention.

Clause 46 agreed to.

Clauses 47 to 49 agreed to.

Clause 50 -

Powers of inspectors

Mr DEAN - My question is about clause 50(3), which refers to the powers of inspectors -

- (3) In the course of the exercise of his or her powers under this Act, an inspector may-
 - (a) use such force as is reasonably necessary, including the use of reasonable force to break into and open any part of, or anything on, a ship

There are some quite strong powers in this clause. There is no power I can read in here for an inspector in any way to use any physical force where their efforts might be obstructed. They are not able to force or move a person sideways, and I guess that is intentional in the bill. If it is, what is the position and where does that sort of situation occur?

The other point is that I can see nothing in this clause that provides for an inspector to be able to bring with them any other persons they might need to assist them in that process. If it is covered here, once again I have missed it, and perhaps it can be pointed out to me.

Clause 50(4) clearly says -

- (4) An inspector who goes on board a ship, or enters land, in accordance with subsection (2) may be accompanied by an approved interpreter.

It is making it clear they are identifying who can and who cannot go on under these circumstances. Then if we go to -

- (7) A person must not -
 - (a) without reasonable excuse -
 - (i) refuse to permit an inspector or the assistant of an inspector ...

Are we looking at that clause to cover this? Even that still does not say the inspector who is able to board a vessel or ship or what have you to carry out their functions, to be accompanied by any other person they may need with them. Could I be given some answers as to what is the position regarding these matters?

Mrs HISCUTT - Section 50 is the powers of inspectors, and the member is talking about physical force against people. The inspectors will make a good guess about what they need and who they will take with them. Police are inspectors, so they may decide that; if there is to be a bit of argy-bargy on the barge, if the inspectors need the police, they will take them with them. That is part of their role as inspectors. Police are named as inspectors. We are talking about the powers of inspectors?

Mr Dean - Yes.

Mrs HISCUTT - So the police are inspectors under this bill, so they will be able to go.

Mr Dean - I want to make it clear they are able to take an inspector with them. The singular is able to take any other person; is it only inspectors or any other person they might want to carry out those functions?

Mrs HISCUTT - Those people can come. If you thought you could be bodily endangered, you would not go on your own. You would take other inspectors to help you, and police are named under those inspectors.

Mr DEAN - My point is any number of inspectors are able to go on board. Are they able to take with them the other people they may need on board that ship? For instance, it says they can break open and do all those other things, take possession of stuff and so on. It may well mean they need the services of Veolia, for instance, or somebody else who is not an inspector. They might need to take somebody who is adept at some other activities on board the ship. Can they legally take those people on board? Is the inspector able to say, 'I want these other people on board.'?

Mrs HISCUTT - There is no specific power in the bill for your example, but there is no exclusion either. If the inspectors decide they need this, that and the other, they are more than welcome to do that or whatever is deemed necessary.

Mr DEAN - I hear what the Leader is saying - there is no exclusion, so we would say that they can. I think that is really what they are saying.

Inspectors are required to identify themselves. They must have some identification plus a photographic identification. If it is police, police, as I understand it, would have to be in uniform if they do not have to identify themselves. I suspect we have many plain-clothes police. I am not quite sure why they are not singled out as having to identify themselves as well. Police in plainclothes will normally identify themselves.

Mrs HISCUTT - That is the reason.

Mr DEAN - It is normally a requirement they do that. They do not have to, but they normally do it.

It does not stop them doing it; it does not say they can do it if a master of a ship were to say, 'I will let the inspectors on board. They have identified themselves to us. I know who they are but I am not allowing this person or that person because they are not inspectors under the act and I do not have to let them on my ship'.

Mrs HISCUTT - Clause 50(2) says -

- (2) For any reasonable purpose connected with the enforcement of this Act, an inspector may undertake any one or more of the following actions:
 - (a) go on board a ship or enter land with such assistants and equipment as the inspector considers necessary ...

Mr Dean - It is there. Thank you for that.

Recognition of Visitors

Madam CHAIR - Honourable members, before I call the clause on, I welcome the member for Rosevears' daughter, Lily Cornish, to the Chamber. It is really nice when family members take an interest in what we are doing. Some people do not find it all that interesting, but we are glad you do. So welcome. Enjoy your time here.

Members - Hear, hear.

Ms Rattray - We are pleased she found her way to Parliament House.

Madam CHAIR - That is right, and she was not stopped at the entry.

Clause 50 agreed to.

Clauses 51 and 52 agree to.

Clause 53 -

Powers of Director in case of maritime casualty

Mr VALENTINE - Another simple question. Clause 53(2) says -

- (b) direct the master, charterer, owner or a salvor to take critical action.

What is a 'salvor'? Clause 53(4) says -

make a reasonable attempt to obtain approval from the Minister ...

It is a bit undefined in some ways. What does it actually mean? Does it mean you write? You get refusal. You write again. What is a reasonable attempt?

Mrs HISCUTT - With regard to your first question, a salvor is an internationally used term. That is why it is there.

Mr Valentine - Yes, but what is it?

Mrs HISCUTT - A salvage operator.

Mr Valentine - That is all, thank you for the clarification.

Mrs HISCUTT - With regard to the member's second question, every reasonable attempt has to be made. If you ring the minister at 2.00 a.m., and you do not get an answer, and an emergency is happening, you have to act a bit and try. You have to go through the process, you have to make every reasonable attempt to get there. The minister may be out of the country for some reason. If an emergency is happening, you still have to get on with cleaning up the emergency, but every reasonable effort has to be made to contact the minister.

Clause 53 agreed to.

Clauses 54 to 58 agreed to.

Clause 59 -

Right to collect fees and charges

Ms RATTRAY - In regard to right to collect fees and charges, this clause reads -

service provider means -

- (a) a port operator;
- (b) a person in charge of a facility specified in a notice issued under section 14, 24, 31 or 34.

Can the Leader walk me through what that actually means? Is it talking about you seizing a vessel and putting it into the port? Would TasPorts, in the Hobart situation, then be able to charge fees and charges for that seized vessel to be there? Is that what we are talking about here? I need some clarification around that.

Mrs HISCUTT - Yes, you are right. If there is a foreign boat or any ship for which something has to be done, TasPorts can charge for that mooring fee. Is that what they call it?

Mr Valentine - It is more like mooring or berthing fees.

Mrs HISCUTT - Or berthing fee. If some other operation has to be done, like pumping some liquid out of the ship, yes, you have the right to collect the fees.

Clause 59 agreed to.

Clause 60 -

Liability for simultaneous discharges

Mr DEAN - When two ships are close by and there is a spill and it cannot be identified from which ship that came from, both shipmasters can be found guilty of that discharge. I wonder how shipping companies see this sort of clause in the bill. Were the major shipping companies consulted in this bill was drafted? Were Toll and all the others such as cruise ships and so on, a part of the process of putting this bill together? To me that seems a fairly difficult provision for a shipping company to accept. What was their position on this? If they were consulted, did they accept the bill in its entirety and in the way it was produced and provided to us?

Mrs HISCUTT - Toll was invited to comment but it did not reply. This is if there is a collision. It is based around if there is a collision.

Mr Dean - I see.

Ms RATTRAY - Toll and SeaRoad were invited. Was the cruise ship peak body invited? Who else was invited to comment in regard to this? Southern Shipping? There are many shipping companies and if we have chosen only one, how can we put something like this in the bill? The master of a ship that has a collision, which ends up with a spill, might not be at fault. Then you have to have someone determine who was at fault. I am interested in that particular scenario and a full list of those consulted.

Mrs HISCUTT - Mariner associations and Toll were consulted; TasPorts talked to the operators. I have already listed the others that were consulted.

Ms Rattray - In your second reading speech?

Mrs HISCUTT - In my summing up, it was all there. I am happy to run through it again.

Ms Rattray - No, that is okay. What about my scenario of who is in the wrong if there is an incident at sea?

Mrs HISCUTT - There would be an investigation, like anything.

Ms Rattray - Again, while the Leader is on her feet - I am happy to take the call if I need to - when it is identified that a particular ship was not at fault, but it caused the spill, what happens? Do the insurance companies come into it and then they have to pay?

Mrs HISCUTT - I will seek some advice, but it would be like any investigation into a car accident or anything. There would be a thorough investigation to determine who was liable and who was an innocent victim. There are international insurance provisions that deal with marine pollution.

Ms Rattray - I expect the premiums are pretty high in that one.

Mrs HISCUTT - Back to your consultation, I have listed quite a few, but that is not extensive. Are you interested if we follow up with a list of our full consultation process?

Ms Rattray - I would be very happy to receive that.

Mrs HISCUTT - Would you be happy if I tabled that at a later date when I have it and move on with the bill.

Ms Rattray - That is fine.

Mr DEAN - You have used the position of a collision of vessels, where it cannot be determined. What you are saying, and the matters raised by the member for McIntyre are real in my view, and I refer to insurance companies and investigations, as to why a clause like this could not include that for all intents and purposes a spill would be held against any ship found at fault. We are talking about huge fines here. We are talking about a \$1 million fine.

Ms Rattray - A \$4 million fine and imprisonment.

Mr DEAN - We are talking about some steep fines in this situation. I wonder why there would not have been that out here. If a ship is innocently doing the right thing and the master is complying, but is simply impacted by another ship and oil spills from the ship in the right, it could be identified to that ship if their tanks have been cut, fractured or whatever. Is there some reason as to why it does not include that?

Ms Armitage - It is in the next clause.

Mrs HISCUTT - It talks about the simultaneous marine pollutant spill and that it has to be reasonably practical to identify the spill; the rest is covered in section 61.

Clause 60 agreed to.

Clause 61 agreed to.

Clause 62 -

Immunity of inspectors and others

Ms RATTRAY - In regard to immunity of inspectors and others and, interestingly, there is:

- (1) No liability attaches to an inspector, or a person acting with the authority, or on the direction of, an inspector, acting in good faith.

I understand that and then it goes on. But in clause 62(2) -

- (2) Subsection (1) does not preclude the Crown from incurring liability that an inspector or other person would, but for that subsection, incur.

We can have an inspector or a person acting with authority - no liability - but they can be at fault, but the Crown incurs the liability. Can you walk me through that, Leader? I am no legal expert but I am interested in how that works in the practical sense of liability by the Crown.

Mrs HISCUTT - In such a situation the example has been given to me if an inspector goes onto a ship and wants to access a particular room looking for evidence but the door is locked, they can bash the door down. The inspector at this point is acting in good faith to get the information they believe is there. If at some stage in the future, the shipowner were to say, 'I want damages for that broken door', it is not the inspector's fault, because they were acting in good faith and then they could proceed with the case against the Crown. It would be something like that.

Ms RATTRAY - What about something more serious? That is probably taking the very light touch approach in regard to breaking down a door. What about something serious when some directions have been given, but a catastrophe happens, does the full liability of the Crown apply in regard to that? Is that how it operates? I understand people need protection, but if you do not have responsibility for your actions, are you going to always act in the most responsible way? I am interested in a more serious offence or action.

Mrs HISCUTT - A larger example might be if the director or the inspector - to save the vessel from sinking - discharged the ballast waste into, say, Macquarie Harbour and a whole pen-load of fish then die. That would be a bigger cost - it is not the inspector because they were acting in good faith so then the action could be taken against the Crown.

Ms RATTRAY - That is a much better example than the door.

Clause 62 agreed to.

Clauses 63 to 65 agreed to.

Clause 66 -

Time limits for prosecutions

Mr DEAN - With foreign ships, the time for prosecution is only up to three years. Looking at clause 66(3), these are probably the reasons for this but I would like to know more about this -

Law of the Sea Convention means the United Nations Convention on the Law of the Sea made at Montego Bay on 10 December 1982.

Do the time limits occur as a result of the international convention? Does that legislation override state legislation?

Mrs HISCUTT - Prosecuting international shipowners for breaches of MARPOL continues to be a worldwide problem. It is imperative that foreign flag vessels in Australian waters are prosecuted if they have falsified records on board. Shipowners and managers are responsible for enforcing environmental compliance programs, identifying and correcting improper discharge practices, and ensuring that vessel records are accurate and can be verified.

Although the three-year time frame for the institution of prosecution proceedings for foreign vessels appears to be a short period of time, it does not mean that the proceedings will be completed during this time frame. The time frame is for the institution of prosecution proceedings against the international shipowner, not the conclusion of these proceedings.

In Tasmania there are time limits of three to six years for instituting civil proceedings pursuant to the Limitation Act 1974; however, there is no such statute of limitations for criminal prosecution proceedings. MARPOL also specifies three years.

Clause 66 agreed to.

Clauses 67 and 68 agreed to.

Clause 69 -

Evidence of analyst

Mr VALENTINE - I am interested in the meaning and the reason for the inclusion of subclause (4) -

For the purpose of this section a document purporting to be a certificate referred to in subsection (3) is to, unless the contrary is proved, be taken to be such a certificate.

Is this a circumstance where something can be scribbled on a piece of paper and produced as a certificate? It appears to be an odd statement.

Mrs HISCUTT - If the certificate is issued in good faith and is issued by the appropriate people then it is not a defence that it did not happen. If someone is trying to say they do not have a certificate, but it is seen to have been issued in good faith, and is done by the appropriate people and can be proved in court, it is taken to be a certificate.

Clause 69 agreed to.

Clauses 70 to 72 agreed to.

**Clause 73 -
Orders**

Mr VALENTINE - Clause 73(5) notes that some sections of the Acts Interpretation Act 1931 apply in relation to orders made under this section as if the orders were regulations. Does that mean the orders come through the Subordinate Legislation Committee?

Mrs HISCUTT - I am advised that is the case.

Sitting suspended from 1 p.m. to 2.30 p.m.

QUESTIONS

Container Refund Scheme

**Ms RATTRAY to LEADER of the GOVERNMENT in the LEGISLATIVE COUNCIL,
Mrs HISCUTT**

What is the expected time frame for Tasmanians to finally see the container refund scheme implemented?

ANSWER

Mr President, I thank the member for McIntyre for her question.

The Tasmanian Government remains committed to delivering a Tasmanian container refund scheme in 2022.

Drug and Alcohol Testing of Hospital Employees

**Ms FORREST to LEADER of the GOVERNMENT in the LEGISLATIVE COUNCIL,
Mrs HISCUTT**

With regard to drug and alcohol policies across the Tasmanian Health Service -

- (1) Is any drug and alcohol testing of employees at the Royal Hobart Hospital, Launceston General Hospital, Mersey Community Hospital and North West Regional Hospital conducted? If not, does the minister believe that this should be undertaken?
- (2) If tests are conducted -
 - (a) How many tests are being conducted?

- (b) How many positive tests have been returned?
- (c) Of the positive tests returned, which hospitals have had employees returning positive tests and what category of staff have the positive tests related to - for example, nursing, medical, administration, planning and catering?
- (d) How often are random checks conducted?
- (e) What actions are taken if employees return a positive test?

ANSWER

Mr President, I thank the member for Murchison for her question.

(1) and (2)

Employees are obligated to take reasonable care of their health and safety under workplace health and safety legislation, including remaining fit for work and not attending a workplace if they are affected by drugs or alcohol.

Individuals must report any use of prescription or non-prescription drugs which may affect normal functioning, or which have specific warnings, to their superiors. Under the Australian Health Practitioner Regulation Agency drug and alcohol screening protocol, all health practitioners who have restrictions on their registration linked to past substance abuse have routine hair testing in addition to urine testing. This process is undertaken by APRA.

There is currently no widescale drug and alcohol testing of employees within the Tasmanian Health Service. Any consideration of introducing routine drug and alcohol testing would need to be based on strong advice from the Department of Health underpinned by contemporary work health and safety and employment advice, and in consultation with relevant stakeholders, including staff, professional organisations and the unions.

Executive Search Agencies - Location

**Ms ARMITAGE to LEADER of the GOVERNMENT in the LEGISLATIVE COUNCIL,
Mrs HISCUTT**

Would the Leader please advise -

- (1) Further to the answers provided by the Leader on 23 September 2020 regarding the list of executive search agencies used to vet and seek out candidates for board positions, can the Leader please advise where each executive search agency is located rather than the answer 'a mix of Tasmanian and interstate agencies'?
- (2) Can the Leader advise the total amount paid to these executive search agencies for the financial year from 1 July 2019 to 30 June 2020?

- (3) What is the Government's budget for the use of executive search agencies for the immediate past financial year? Was that budget met or exceeded? If it was exceeded, by how much?

ANSWER

Mr President, I thank the member for Launceston for her question.

- (1) The location of each executive search agent is as follows: Chapman Executive, Launceston; Cordiner King, Melbourne; Alan Wilson Consulting, Hobart; Watermark Search International, Sydney; and Searchlight Group, Melbourne.
- (2) Government businesses pay the executive search agencies directly. Questions on the details of the amount paid for a financial year may be put during scrutiny at government business enterprise hearings.
- (3) As government businesses pay the executive search agency no government budget is required.

Ms Armitage - I will follow it up at GBEs.

Tasmanian Palliative Care Policy Framework - Annual Reports

Dr SEIDEL to LEADER of the GOVERNMENT in the LEGISLATIVE COUNCIL, Mrs HISCUTT

[2.36 p.m.]

The Tasmanian Palliative Care Policy Framework from 2017-21 was released by the former Health minister, Michael Ferguson, in May 2017. The first annual report was published in September 2018, but no subsequent annual report has been released in the last two years. Does the Government intend to release the annual reports and, if so, when?

ANSWER

Mr President, I thank the member for Huon for his question.

The Tasmanian Palliative Care Policy Framework, Compassionate Communities, is a five-year plan for better access to palliative care in our community. In the time since the release of the plan, there have been many achievements, some of which are noted in the first progress report. A second progress report is currently in the final stages of preparation and the Government looks forward to releasing it in the near future. As with the previous progress report, the latest report will provide a summary of achievements to date.

The implementation of the Tasmanian Palliative Care Policy Framework and the preparation of progress reports is undertaken by the Department of Health in conjunction with the Partners in Palliative Care Reference Group. The reference group comprises representatives of palliative care stakeholders from across the state, including the peak body, Palliative Care Tasmania.

The minister would like to acknowledge the ongoing work and commitment of the reference group in working with the Department of Health to implement and report on the framework.

Tasmanian Palliative Care Policy Framework - Annual Reports

Dr SEIDEL to LEADER of the GOVERNMENT in the LEGISLATIVE COUNCIL, Mrs HISCUTT

[2.37 p.m.]

Honourable Leader, they are meant to be annual reports, not progress reports. Surely progress has been made in the last two years? They should have annual reports as promised in the framework.

ANSWER

Mr President, I thank the member for Huon for his question. Would the member like to redraft or resubmit the original question?

Dr SEIDEL - I wish to resubmit the question.

William Mainprize - Continuing Search Efforts

Ms ARMITAGE to LEADER of the GOVERNMENT in the LEGISLATIVE COUNCIL, Mrs HISCUTT

[2.38 p.m.]

With regard to the distressing sinking of the *Gulf Livestock I* near the coast of Japan in early September and the possible loss of Tasmanian man, William Mainprize, will the Leader please advise -

- (1) The Government has stated that the Premier's Office has been in contact with the Commonwealth departments of Home Affairs and Foreign Affairs and Trade, seeking their support for continuing search efforts. Can the Leader advise what the precise nature of this support entails?
- (2) Given the critical time factor in this case, can the Tasmanian Government make a commitment to lobbying the Commonwealth Government to undertake search and rescue efforts?
- (3) What ongoing commitments can the Tasmanian Government make to questions (1) and (2)?

ANSWER

Mr President, I thank the member for Launceston for her question.

- (1) The Tasmanian Government has sought information updates from the Australian Government, passed on the family's requests and advocated for the Australian Government to continue working with the Japanese government in relation to the sinking of the *Gulf Livestock I*.
- (2) The Tasmanian Government will continue discussions with the Australian Government in relation to this matter.
- (3) The Tasmanian Government will continue discussions with the Australian Government in relation to this matter as well.

MARINE-RELATED INCIDENTS (MARPOL IMPLEMENTATION) BILL 2019 (No. 37)

In Committee

Resumed from above.

Clause 73 agreed to.

Clauses 74 to 80 agreed to.

Schedule 1 -

Savings and transitional provisions

Mr VALENTINE - This is something for the vellum - 'authorised in Australia' is normally spelt with an S. In schedule 1, the words authorized and authorised are all spelled with Zs; maybe they could be changed to Ss.

Madam CHAIR - Some of them are Ss.

Mr VALENTINE - In the heading of clause 2, there is a Z; in subclause (1), 'authorized officer under paragraph (a) of the definition of *authorized officer*'. I know it is pedantic, but it is the Queen's English.

Mrs HISCUTT - I find that is extremely detailed of you, member for Hobart. We appreciate that. We will draw it to the attention of the Office of Parliamentary Counsel to see if there is any reason that is there and why that is not. I think it is following spelling in the original act, but we will draw it to the attention of OPC.

Madam Chair, I do wish to correct the record. When we were asked about who was consulted - asked by the member for McIntyre - I singled out Toll. That was not exactly right, so I would like to correct the record on who was consulted. There was the Australian Maritime Safety Authority; Tasmanian Salmonid Growers Association Limited - TSGA - which forwarded correspondence to its members and also responded on behalf of its members; Huon

Aquaculture, which responded to the EPA; the Local Government Association of Tasmania; the Department of Police, Fire and Emergency Management; Tasmanian Ports Corporation Pty Ltd; and Marine and Safety Tasmania.

The Tasmanian Seafood Industry Council is the peak body representing the interests of wild-catch fisheries, marine farmers and seafood processors in Tasmania. However, there was no response from this stakeholder group nor from the members of Marina Industries Association, the peak body for the marina owners and operators of berthing, mooring, storage and slipway/workshop facilities connected to sailing, cruising and general boating. However, there was no response from that stakeholder group, so my previous comment that Toll was directly consulted is not correct.

Schedule 1 agreed to.

Schedule 2 to 4 agreed to.

Postponed clause 3 -
Interpretation

Mrs HISCUTT - We were waiting on a response for a question posed by the member for Windermere. I have been informed it is very complicated, but I will work through this.

The member's question was about what are state waters; these are -

- (a) the waters of the territorial sea adjacent to the State that are within three nautical miles of the seaward side of the baseline of the territorial sea, by reference to which the territorial limits of Australia are defined for the purposes of international law; and
- (b) the sea on the landward side of that baseline of the territorial sea adjacent to the State that is not within the limits of the State, and
- (c) waters within the limits of the State.

Then it goes on to explain what it means -

- (a) those waters outside of the line from the coast of Tasmania or lines between major capes or coastal points being the baseline.

For example, across the mouth of Storm Bay or Great Oyster Bay, this is the area shown in the marine boundary's coastal waters layers on LISTmap. If the member is interested, I think he has access to that. This means those waters inside of those waters listed in (a) that are not within what is known as the limits of the state. In most large rivers there is a line that separates these waters from waters that are within the limits of the state. In the case of the Tamar River that line is at Haystack Point, specifically kanamaluka/River Tamar as follows -

... a straight line across that river between grid references E 508939 N 5416893 and E 509631 N 5416893 (extending from Haystack Point).

Subclause (c) refers to waters that are further inland than waters in (b). In the case of the Tamar River, these are the waters between Haystack Point, and the North Esk and the South Esk are covered by sea, as both are rivers.

The meaning of the definition of state waters means that all bodies of water out of the three nautical miles from the coast or baselines including internal waters, inland lakes and rivers are covered by this bill.

The complexity of the definition for state waters is governed by the Constitutional Powers (Coastal Waters) Act 1979, which implemented the Coastal Waters (State Powers) Act 1980, which in turn draws the original definition from the federal Petroleum (Submerged Lands) Act 1967, and the later Seas and Submerged Lands Act 1973.

The definition is used in a number of Tasmanian acts, with some variation to include specific matters related to fisheries, where there are agreements with the Commonwealth. It seems very complicated. I am happy to hand the member the answers so he can investigate it further if he wishes.

Mr Dean - It would seem, from what you said, that the Tamar River would be covered by this bill - and that was the reason for the question - right through to the heads of the North Esk and South Esk rivers.

Mrs HISCUTT - Yes.

Mr Dean - That is the point I wanted: that this bill will apply.

Mrs HISCUTT - Yes.

Ms RATTRAY - It talks about -

- (2) Unless the contrary intention appears, an expression that is used in this Act and in the Convention, otherwise than in an Annex to the Convention (whether or not a particular meaning is assigned to it by the Convention), has, in this Act, the same meaning as in the Convention.
- (3) In this Act, unless the contrary intention appears, damage to a ship or its equipment does not include -
 - (a) deterioration of the ship or equipment resulting from a failure to maintain the ship or equipment.

Madam CHAIR - There are a lot of subclauses in clause 3, which goes over a number of pages. The member might need to help the Leader.

Ms RATTRAY - Clause 3(2) on page 15 of the bill paper, Madam Chair.

I am interested in what happens to ships that rust where they sit. Is that not included? It says 'deterioration of the ship or equipment resulting from a failure to maintain the ship', but

yet it says that it does not include that. I am interested in how that is picked up, if they just rust away, which they do.

Mrs HISCUTT - The point is that if they are just sitting there and discharging oil or some pollutant, they will be subject to this legislation. I think you are talking about a shipwreck that has been there for 100 years or something - is that the case?

Ms Rattray - Not necessarily wrecked, just rusting away.

Mrs HISCUTT - If it is polluting, it comes back to the fact that in this bill it has to be a discharge of oil or sewage or sludge from pollution. What you are describing is not covered in here because it is not classified as a discharge or an oil spill.

Ms RATTRAY - Some in our community would argue that rust is a discharge into the water. I am interested in how that is picked up, if it is not under this legislation. I do not necessarily mean vessels sitting in the Tamar River.

Mrs HISCUTT - If it was deemed to be causing pollution other than what is covered under this bill, it could be picked up under the Environmental Management and Pollution Control Act.

Clause 3 agreed to and bill taken through the remainder of the Committee stages.

PERSONAL EXPLANATION

Tanya Battel - Voluntary Assisted Life Ending

[2.55 p.m.]

Ms RATTRAY (McIntyre) (by leave) - Mr President, in my contribution on Tuesday to the end-of-life bill debate I referred to Tanya Battel as being part of Go Gentle Australia.

When I looked at the resource that gave me that information, I saw that Tanya does not actually work for Go Gentle Australia. She runs her own Facebook page, which is called Voluntary Assisted Life Ending - VALE. Even though Go Gentle Australia was not necessarily concerned about the fact I had said that, I felt it appropriate to make the declaration that Ms Battel does not work for Go Gentle Australia, although she does work with them.

Thank you, Mr President, for allowing me to make this explanation.

CORRECTIONS AMENDMENT (ELECTRONIC MONITORING) BILL 2020 (No. 27)

Second Reading

Mrs HISCUTT (Montgomery - Leader of the Government in the Legislative Council) - Mr President, I move -

That the bill be read a second time.

This bill makes amendments to the Corrections Act 1997 to provide express powers for the Parole Board to impose electronic monitoring as a condition on a parole order. Electronic monitoring is widely used in Australia as a technological means to monitor whether offenders are complying with conditions that are attached to their release from custody.

Tasmanian courts currently have explicit powers in legislation to impose a condition requiring electronic monitoring when making a home detention order or a family violence order.

Other than Tasmania, all states and the Northern Territory have legislation that explicitly provides for electronic monitoring of prisoners who are released on parole. The Australian Capital Territory does not undertake electronic monitoring of offenders in the community.

In Tasmania, section 72 of the act empowers the Parole Board to make a parole order to release an eligible prisoner. Where the board makes a parole order, subsection (5) provides that the order is subject to such terms and conditions as the board considers necessary and as are specified in the order.

Decisions of the High Court of Australia have established that in exercising a broad power such as that contained in subsection (5), any conditions specified must be reasonably capable of being regarded as related to the purpose for which the function of the authority is being exercised and not inconsistent with that purpose.

While the Parole Board's general power under subsection (5) is considered sufficiently broad to authorise the making of conditions relating to electronic monitoring of parolees, following the approach of other Australian jurisdictions and confirming explicit legislative authority will provide certainty to the board that it can apply this condition in the future.

Mr President, the bill amends section 72 of the act to insert a new subclause 5A, which provides an explicit power for the Parole Board to specify conditions relating to the electronic monitoring of a prisoner when it makes a parole order in relation to that prisoner.

The bill clarifies that this power does not limit the general powers already available to the Parole Board under subsection (5). The new subsection provides for the Parole Board to impose a condition requiring the prisoner to submit to electronic monitoring, including by wearing or carrying an electronic device.

The Parole Board may also impose a condition that the prisoner must not remove, tamper or interfere with, damage or disable any electronic device or equipment used for the purpose of the electronic monitoring, and a condition that the prisoner must not knowingly permit an unauthorised person to do so.

Finally, the Parole Board may impose a condition that the prisoner must comply with all reasonable and lawful directions that are given in relation to the electronic monitoring, or an electronic device or equipment used for the purpose of the electronic monitoring.

The bill provides that such directions may be given to the prisoner by a police officer or a probation officer, or by a person authorised by the Director of Corrective Services or the Secretary of the Department of Justice to exercise powers in relation to electronic monitoring.

Electronic monitoring does not expand the range of controls or prohibitions that the Parole Board is already able to impose under the act. It simply provides a means to more effectively ascertain whether a parolee is complying with certain conditions of their parole order and to initiate an appropriate response if a breach is suspected. This may include an inadvertent breach, where the parolee can be quickly informed of their error and rectify it, to avoid the need for an enforcement response.

Parole continues to be a necessary and effective option to reduce the number of offenders in prison and promote rehabilitation and reintegration while still ensuring the protection of the community.

I would like to acknowledge and thank those stakeholders who made submissions in relation to the draft bill during the period of public consultation.

Mr President, I commend the Bill to the House.

[3.01 p.m.]

Ms ARMITAGE (Launceston) - Mr President, I will be supporting this bill, which amends the Corrections Act to provide express power for the Parole Board to impose electronic monitoring as a condition of a parole order. It is worth noting the review of the effectiveness of electronic monitoring for perpetrators of family violence. This review has, in the context of family violence orders, indicated that electronic monitoring is an effective tool for reducing reoffending among high-risk family violence perpetrators.

I note that as of November 2019, 58 family violence perpetrators, all identified as high risk, had electronic monitoring devices fitted. The data collected up to March of this year indicates that a number of perpetrators with repeat family violence breaches had ceased offending while participating in the trial. This indicates that electronic monitoring is useful and that if it works in this context, it has the potential to work in other cases such as parole.

I understand that section 72 of the act currently enables the Parole Board to make a parole order subject to such terms and conditions that the board believes to be necessary, but does not contain specific provisions relating to electronic monitoring. As a matter of delineating issues that the law actually has explicit powers to monitor, I consider this to be a positive step. By legislating the use of electronic monitoring for parolees, it also sets the boundaries of the law and minimises room for discretionary conditions to be placed on parolees.

While it is important that there is some level of monitoring of people on parole, it is also important to demarcate the boundaries and limit it only to what is necessary to ensure they are adhering to their parole conditions. It would be unusual and unnecessary to overstep what is actually being monitored. Legislating the use of electronic equipment for this purpose also indicates what can lawfully be monitored.

As has been indicated, this bill does not expand the range of controls or prohibitions that the Parole Board is already permitted to impose under the primary act. This bill provides a means to more effectively ascertain whether a parolee is complying with their conditions, and initiate an appropriate response if a breach is suspected or detected. It is important that the introduction of electronic monitoring does not unduly create further burdens or conditions with which the parolee must comply.

For example, preliminary data on the use of electronic monitoring devices for high-risk family violence perpetrators, suggests that there was an increase in low-risk breaches. This was in part attributed to issues unique to electronic monitoring devices such as not charging the device's battery. As electronic monitoring is used in more and more contexts, placing additional duties which could unfairly burden parolees will also have the effect of placing a greater strain on our parole system and police force. We do not want the cure to be worse than the disease. I am sure that as electronic monitoring continues to be used in a greater number of contexts, more things will be learned, and more effective and efficient ways of using this technology will be discovered and applied. In the meantime, however, I hope that law enforcement continues to make appropriate concessions when issues like uncharged devices arise.

I also note the use of electronic monitoring devices has been known to have perverse impacts on parolees transitioning back into society, particularly when seeking employment or other similar opportunities.

The same can be said for seeking certain types of medical tests such as X-rays, CTs or MRIs, as these tests cannot be performed on a person with an electronic monitoring device.

A balance is needed between community safety, and monitoring a parolee's progress and compliance to lessen the chances of recidivism and breaches of parole orders as they seek better opportunities for a positive and meaningful reintegration into society.

The Civil Liberties Australia submission on this bill recommended a review into the effect of these laws every two years. I believe this would be a good strategy to ensure that the laws work and are having their intended effect.

I also understand that concerns have been raised about the collection and storage of data collected by electronic monitoring devices. I know the Government is well aware of these concerns and I am sure they are being taken into account. I reiterate my support for ongoing reviews to ensure these devices are having their intended effect. I support this bill.

[3.06 p.m.]

Mr DEAN (Windermere) - Mr President, I have recently spoken about electronic monitoring and its successful application. The results from the review were quite good. I note that from that time until March, when the next reports came out, there had been a significant increase in the success rate of electronic monitoring.

It is progressing at a fairly fast rate, although teething problems were always going to occur.

This technology is now being used in many countries around the world. We are among the last to really become involved. I note New Zealand has a fairly good system in place.

I believe South Australia and possibly Western Australia are using electronic monitoring for bail purposes as well. I have always supported its use for that purpose.

Releasing people on parole is a way of assisting overcrowding in our prisons. Some parolees have committed very serious crimes and are serving lengthy times of imprisonment. When they are seen by the Parole Board to be reasonably well controlled in their behaviours,

and rehabilitation has been demonstrated, the Parole Board can allow these prisoners to be at large - with conditions.

Granting parole has always been an issue, particularly for those persons who were victims of crime. On many occasions, newspapers report victims becoming extremely upset and not supporting the parole process, due to concerns they would once again be vulnerable. Electronic monitoring devices could probably have been used without legislation, but having legislation provides certainty and that is important.

Those victims will be able to find some comfort, in knowing that parolees will be monitored fairly closely and that any transgressions will be dealt with. I believe it is the victims of crime who normally get life sentences and therefore they will benefit from the legislation.

However, these systems will only be effective if they are properly policed and if appropriate action is taken against parolees if they transgress. Close monitoring will assist in this regard and the police will be able to take action fairly quickly. I support this approach. I thank the department for its briefing on the legislation because it provided clarification.

I have some concerns about battery life, as did the member for Murchison. I have raised this concern previously, but I note it is not covered in the bill. The Leader may be able to answer this matter, because I believe it needs to be on record. Should the legislation include provisions relating to a person who is required to use an electronic monitoring unit, but deliberately allows the battery to run flat and does not recharge it?

The review noted this was an issue. I assume that in time the battery life of these units will improve, as has occurred with mobile phones and other electronic devices. When we first had mobile phones, the batteries would only last a few hours, but they have improved over time.

I notice some of these units can also be worn on the wrist. I am not sure whether the units we have here are suitable to be worn on the wrist or only on the ankle. I would not think there is too much difference, but perhaps the Leader can explain that point. Should there be provisions in the legislation to cover battery life and deliberately not charging the units? The reviews and the reports that have been undertaken have seen this to be a fairly common issue.

Everything else seems to be covered, including damage and interference by other parties. I commend the department for moving in this direction and for looking at other uses for these devices. They will assist the courts, judges and magistrates to provide a better course of rehabilitation for prisoners and particularly for prisoners on parole. We cannot keep them locked up for ever unless it is an absolutely serious crime. Some prisoners should never be released and some never will be released. But this is a new direction, which I certainly support. I would appreciate answers to those questions I raised.

[3.14 p.m.]

Mr WILLIE (Elwick) - Mr President, this is one of the smaller bills we have had to deal with. It amends the principal act, section 72 of the Corrections Act 1997. I express my support and put on record that the parole system has real value to our justice system. Our justice system is not just founded on punishment. Of course, people have to serve time for the crimes they commit, but there is a principle of rehabilitation. It is a simple fact that most of our prisoners will end up back in the community and the parole system helps the Corrections department

facilitate that by releasing prisoners with certain conditions attached so they are able to reintegrate into the community safely.

We need these sorts of things in place, because it is actually being smart on crime. We need to make sure offenders have the opportunity to serve their time, but also have the opportunity to successfully participate in the community again. This is the ideal goal we want. We do not want a cycle where they are in and out of Risdon Prison.

We also want to make sure it is safe for victims of crime. I said in the briefing that this is not a condition in and of itself, it is more of a tool to help enforce compliance and it would give the Parole Board comfort at times when it is releasing prisoners. It has to make very difficult decisions, but it would give victims of crime some comfort too if they know the Parole Board is able to impose these sorts of conditions, particularly if a family violence crime has been committed or another crime where there has been harassment or stalking of some nature.

I am certainly supportive of this bill. I am interested in the mechanics and asked a few questions in the briefing. I notice the Leader actually has an electronic monitoring device here - and for Hansard, she has been threatening to fit me with it, and I want to make sure that -

Mr PRESIDENT - All those in favour -

Mr WILLIE - *Hansard* records that the Parole Board is not here and it would be unlawful if I were fitted with it because there is no capacity to make an order.

I am certainly interested in the mechanics because I had not seen one before. I am interested in how the Government procured that particular style of electronic monitoring device: What were some of the criteria used to do that? Are there any impediments to wearing the device in terms of employment?

I am sure some of our prisoners are released back into the community. They might be tradies or have other professions - not professions, but trades or professions even - where that may be restrictive or even unsafe in some workplaces. How is that managed? If the Government could expand upon some of the mechanics of how these things are used, that would be useful.

[3.18 p.m.]

Mr VALENTINE (Hobart) - Mr President, I, too, support this bill. In lots of ways it is progressive and less confining for an individual and a better way than incarceration if, indeed, it fits the purpose in bringing home the issue of the crime a person may have committed and being able to track individuals, especially in relation to domestic violence. I am sure it has its benefits and purposes.

The only question I raised in briefings was the 3G system it works under. The 3G system runs out in June 2024. What contingency is being considered or put in place to cater for the fact the system it operates on may not be available - or certainly with Telstra and I do not know which service is being used here - past June 2024, unless the Government has some special arrangement?

I would be interested in having that answered perhaps, in the summing up or maybe during the Committee stage.

[3.19 p.m.]

Mrs HISCUTT (Montgomery - Leader of the Government in the Legislative Council) - Mr President, I have one of the GPS devices here. Members are welcome, especially the member for Elwick, to have a closer look at it. We are not allowed to use props so, at times, it will be in the Leader's Reserve. Anybody who wants to try it on is more than welcome.

Mr Willie - That is a trap.

Mrs HISCUTT - Members, I will start on summing up, but members should bear in mind that we have a briefing with a minister for agriculture at 3.30 p.m. so we will have to be prompt with that.

The member for Launceston asked: does the wearing of electronic monitoring device impact on an offender's ability to participate in employment? The member for Elwick asked the same question.

The wearing of electronic monitoring device may be a minor inconvenience with regard to offender's ability to engage in a small number of employment opportunities but does not generally impact on their ability to work. The device has no audible alarms or notable lights. Please look at it in the Leader's Reserve and you will be able to see how it works.

If the device falls out of communication range, it will store any relevant information in the device itself and then all the information will be uploaded to the system when the device again comes within signal range as long as the device continues to have battery life.

The devices fit snugly to the ankle area. For offenders who are required to wear work boots in their employment, for example, officers are able to fit the device more loosely to allow it to be moved up and down the leg, but not removed, to accommodate any specific work-related requirements. The device is also waterproof and is able to continue to function effectively in a range of environmental conditions, including extremes of heat and cold.

No employment role has been identified to date from which an offender would be excluded merely due to the wearing of an electronic monitoring device. A core outcome of supervision by the Department of Justice is to support offenders in effectively engaging in employment as they arise.

The member for Launceston asked whether an offender can have an electronic monitoring device temporarily removed if it is necessary to undergo medical treatment. The electronic monitoring devices are able to be removed for periods of time to support emerging and critical offender needs. Officers from Community Corrections have removed offenders' devices to support medical testing and treatment, as have officers from the Department of Police, Fire and Emergency Management.

The member for Launceston also asked whether, when an offender is subject to electronic monitoring, the data collected is stored as an electronic record. Offenders subject to electronic monitoring are monitored continuously through the GPS device attached to their ankle. Information is captured and stored on secure Cloud infrastructure at Amazon Web Services in

Sydney. During the contract negotiations to roll out the electronic monitoring program in Tasmania, considerable work was undertaken to ensure that Privacy Act protections were a key consideration in collection, management and storage of relevant information. All of an offender's movements are tracked if they are subject to electronic monitoring. This information is captured and maintained as an electronic record in the secure Cloud and is handled in the same way as all other information retained by the Department of Justice.

As the information is retained as a record by the department, it is open to a subpoena. Further, in accordance with the general provisions under the Corrections Act 1997, the Parole Board can request a copy of the information to inform its decision-making; otherwise information on the system is not generally available.

The member also asked about a review of the provisions. The Department of Justice conducts regular reviews of legislation to determine the effects of amendments and whether further change is required. There is no need for a formal review process to be built into this act.

The member for Windermere asked whether electronic monitoring provides continuous surveillance of an offender. Electronic monitoring provides continuous monitoring of an offender, capturing their location through GPS data and recording this on the system. Prior to an order being made for monitoring, assessments are undertaken to ensure that the offender resides within GPS range.

The monitoring program managed by Community Corrections is not based on actively monitoring each individual offender at all times.

The program establishes a range of rules and alerts that are raised in response to specific conditions that will indicate noncompliance with another condition imposed on the offender. For example, if an offender were to be subject to a curfew condition, rules could be set to monitor that they remained at a designated location for a specified time. If electronic monitoring indicated that the offender was not at the location during the specified time, this would raise an alert that officers would respond to through a series of defined actions intended to increase compliance. While Tasmania's monitoring system allows for surveillance, this is not a solution that is currently considered within the scope of the proposed parole electronic monitoring program.

The member for Windermere also asked: how well are any breaches of an electronic monitoring condition dealt with? The Parole Board will continue to deal with potential breaches of parole using the processes currently available under sections 79 and 80 of the Corrections Act 1997. These provide that the board may either of its own motion or upon receiving a report from a probation officer or any other person revoke, vary, amend or suspend a parole order or, by warrant signed by the chair of the board or secretary of the board at the chair's direction, authorise the apprehension and return of a prisoner to prison. This can be at the chair's discretion in urgent circumstances or otherwise if the board has reasonable cause to suspect any act by or omission of the prisoner may justify the revocation of the parole order, or for any other reason the Parole Board considers proper.

Not all breaches of parole conditions, including curfew or location restrictions, are intentional and/or serious enough to merit suspension of parole or the board's ability to issue a warrant for return to prison. The parole scheme was designed to give the Parole Board

discretion to consider the person's overall compliance with parole and determine when action for noncompliance is merited.

Members, I am not going to get this finished in time, so at this stage, seeing it is nearly 3.30 p.m. I will adjourn the debate.

Debate adjourned.

SUSPENSION OF SITTING

[3.29 p.m.]

Mrs HISCUTT (Montgomery - Leader of the Government in the Legislative Council) - Mr President, I move -

That the sitting be suspended until the ringing of the division bells for a briefing.

Motion agreed to.

Sitting suspended from 3.28 p.m. to 3.55 p.m.

CORRECTIONS AMENDMENT (ELECTRONIC MONITORING) BILL 2020 (No. 27)

Second Reading

Mrs HISCUTT (Montgomery - Leader of the Government in the Legislative Council) - Mr President, I hope all members, including the member for Elwick, have had the opportunity to have a look at the anklet.

Moving on, we are up to the member for Windermere: in what circumstances can the police arrest a parolee? Police do not currently have general arrest powers under the Corrections Act 1997 in relation to parolees, with the exception of section 83AD, which specifically applies to prisoners released on parole who are terrorism-linked prisoners or who promote terrorist acts. Police may arrest a parolee for breach of parole, where a warrant has been signed by a chair of the board or secretary of the board at the chairperson's direction, authorising the apprehension and return of a prisoner to prison.

Mr Dean - I do not recall asking the question, but anyway I still do.

Mrs HISCUTT - The police may also exercise their existing powers of arrest in relation to any person suspected of committing an offence, which includes a prisoner released on parole. The arrest or charge of a person in those circumstances can be reported to the Parole Board for consideration as to whether parole should be revoked.

The member for Windermere asked about deliberately running batteries flat. If a person deliberately causes the battery of their electronic device to discharge, this can be dealt with by the probation officer, escalating that behaviour to the Parole Board, which can apply the

ultimate sanction of revoking parole. This is best left to the discretion of the Parole Board rather than legislating specific provisions. The Parole Board can, in such cases, exercise its broad powers under section 72(5) of the bill to impose a condition specifically related to not running down the battery.

Still on the member for Windermere: can the devices be worn on the wrist? The Buddi devices used by the Tasmanian Government are designed to be worn on the ankle. Devices worn on the wrist would be cumbersome for the wearer and potentially harm employment opportunities and rehabilitation prospects.

How does the Tasmanian Government procure these devices? What were the procurement criteria? The devices were procured by way of an open tender process. Criteria considered include monitoring capacity for family violence offenders and home detention and software components. There were five bids, and Buddi Limited was successful. The contract period is from 5 December 2018 to 5 December 2023. I note this includes the 2022 upgrade of the tags prior to phase out of 3G in 2024.

The member for Hobart: 3G runs out in 2024. The Department of Justice already has plans to update its electronic monitoring hardware in 2022, which will take place well before 3G ceases to be effective. I think that answers everybody's questions.

Mr President, I commend the bill.

Bill read the second time.

CORRECTIONS AMENDMENT (ELECTRONIC MONITORING) BILL 2020 (No. 27)

In Committee

Clauses 1 to 3 agreed to.

Clause 4 -

Section 72 amended (Release on parole)

Mr DEAN - I have two or three question, so I will ask the questions together in case I need another third call. I do not think I will, but just in case.

If we look at (5A)(a), it says 'wearing or carrying of an electronic device'. I suppose it would be envisaged that some people could carry it in a handbag or something. Is that the reason for 'carrying' being there? I would like that point to be covered, thank you.

We have covered the battery issue. If we look at proposed new section (5A)(d) -

- (d) a condition that the prisoner must comply with all reasonable and lawful directions, in relation to the electronic monitoring or an electronic device or equipment used for the purpose of the electronic monitoring, that are given to the prisoner by -

- (i) a police officer or probation officer; or
- (ii) a person authorised by the Director or Secretary ...

So we have about 1150 people who could give directions because that is how many police officers we have. I am wondering why it is written that way, so a police officer or probation officer or another person can give directions in relation to electronic monitoring.

As I understand it, when the prisoner is paroled, the parole will require that certain conditions will be met. That is how parole operates. So does this mean that a police officer or probation officer or person authorised by the director or secretary can interfere with conditions as given by the Parole Board? Does it mean that?

I want to know how that is to be interpreted in the circumstances. Also, if some of these people differ in their positions on any conditions that they might want imposed, could that create certain problems? Or are we saying that one probation officer will be directed to the monitoring of one person on parole and one police officer? How is it going to operate? How will it work? I would appreciate being given some answers on that.

The other thing is, with conditions we know that these items will only operate in certain areas. Once they fall outside the GPS zone, they do not send feedback at that time. I understand they store all the information and when they get back into a readable zone, they will then pass that information on. How well will that information be fed back once they come back into a readable zone? A condition of parole could well be that they not enter any licensed premises and not consume alcohol, drugs or goodness knows what else and that they not enter certain places. I want to know how clear the information will be once a person is back in a readable zone. These people will know where the readable zones are. They will know where the areas are that are outside the zone as well. They will learn and pick them up very quickly so I want to know how that will be monitored. I think that is about all at present.

Mrs HISCUTT - The answer to your first question about carrying, it is there because there could be changes in technology in the future to cover all those things.

With regards to police officers and probation officers, this is perhaps in times of emergency where police may have to remove it for medical reasons or something like that, so this is covered.

Mr DEAN - So they can then give the direction that was already there?

Mrs HISCUTT - Yes. The member was talking about when they were out of range. The information that is stored is uploaded. That is all being monitored. The member talked about people trying to work out the defaults in it. This comes down to the determination of whether the actual person is a suitable person to be wearing these things. The Parole Board will assess whether they will be a suitable person to be wearing the device.

Mr DEAN - The device will only identify the general area they were in. In Launceston, for example, it would only identify that they are in the central business district, not in a building or hotel in the CBD for instance?

Mrs HISCUTT - It will give fairly specific locations, not that you are in Launceston. It is the same as your phone, I should imagine. That has GPS tracking on it.

Clause 4 agreed to.

Clause 5 agreed to and bill taken through the remainder of the Committee stages.

CAT MANAGEMENT AMENDMENT BILL 2019 (No. 55)

Second Reading

[4.08 p.m.]

Mrs HISCUTT (Montgomery - Leader of the Government in the Legislative Council)
- Mr President, I move -

That the bill be read the second time.

Introduction

Mr President, in 2009 Parliament passed the Cat Management Act 2009, which was proclaimed and commenced in 2012.

However, when the Hodgman Liberal Government was formed, it was quickly realised that the act was deficient in a number of areas, limiting the capacity of state and local governments to enforce the act and creating confusion in the community.

One of the first initiatives introduced by the Government to improve cat management was the development of the Tasmanian Cat Management Plan. The plan was developed by Biosecurity Tasmania, with input from the Tasmanian Cat Management Reference Group, consisting of key stakeholder organisations with a direct interest in cat management.

It specified a range of outcomes and actions covering responsible pet ownership, community awareness, best practice management, protection of Tasmania's environment, roles, responsibilities and recommendations for legislative change. Prior to the plan, there was no clear strategy in place to address the complex issue of managing cats.

The plan was released for public consultation over two months in mid-2016. A large number of submissions (102) were received from the community, various organisations and local government, the majority of which expressed support for the plan.

The plan recognises that cats are an important and valued part of our lives, providing companionship to owners and families across the state. The plan also recognises that cats, if not cared for in a responsible manner, can become a nuisance, and in worst cases, destructive to our native wildlife and vectors for diseases such as toxoplasmosis.

It is important to recognise the management of cats is a shared responsibility, across the different levels of government and the broader Tasmanian community. Owners of cats should recognise their obligations as responsible cat owners. The state Government alone cannot

effectively manage cats and involvement of local government is key to being able to manage cats at the local level.

Whilst the amendments to the Cat Management Act I am introducing today were first recommended in the plan, it is important to note the plan promotes a much broader set of priorities than just legislation. A key objective of the plan is to improve levels of responsible cat ownership across Tasmania. The plan also recognises there are gaps in our knowledge about the behaviour of cats in relation to predation of native wildlife. For example, monitoring feral cat behaviour on Bruny Island over the past three years has helped refine our knowledge of both the methods for trapping and the best time to trap.

To support the delivery of the plan, the Government has provided \$1.44 million over four years to employ three regional cat management coordinators. The coordinators are working closely with local government and the community in their regions.

The work of the regional coordinators provides a resource to councils that has previously not existed. Each coordinator has established a regional working group and those groups have been strongly supported by local government and other key stakeholders. The TassieCat website has been developed and contains a broad range of information that is useful to both councils and the community.

It is important to recognise that managing cats is complex. As mentioned, there are strong social ties to cats, but equally there are many problems caused by irresponsible cat owners. For example, there are owners who allow their cats to breed promiscuously and then end up with unwanted litters of kittens that may be abandoned or given away. This can lead to domestic cats contributing to the urban stray cat population, becoming a nuisance, taking wildlife and spreading disease.

Changing people's attitudes and behaviours in relation to cats is key to reducing the problems cats may cause.

I will now briefly summarise the key amendments of the Cat Management Amendment Bill, including -

- compulsory microchipping and desexing of cats
- removal of care agreements
- limits on the number of cats that can be kept without a permit
- changes to protection of private property from cats
- reclaiming cats from cat management facilities
- registration of cat breeders.

Not all these amendments will be enacted immediately, but I will briefly discuss arrangements for phasing in certain amendments. I would also like to inform all members that I will be making an additional point in this speech about the confinement of cats. The is point

was not in the previous version of this speech made available on the Parliament of Tasmania's website, but has since been circulated to members.

Compulsory microchipping and desexing, and removal of care agreements

Under the current act, owners of cats are not required to desex or microchip their cat unless they are selling or giving it away. These amendments recognise that desexing and microchipping cats are two of the most important aspects of responsible cat ownership. The amendments will make it compulsory for all cats to be desexed and microchipped from four months of age. Some exemptions will occur, for example if a vet determines that such actions would be detrimental to the health of a cat. Registered breeders will also be exempt from desexing cats that are kept for the purpose of breeding.

Compulsory desexing of owned cats also means the existing care agreement provisions, which allows the seller of a cat to pass on the responsibility of microchipping and desexing the cat to the purchaser, are no longer required, and will be removed.

Limiting the number of cats to be kept without a permit

Another important amendment is the limit to the number of cats allowed to be kept at an owner's property. Allowing people to keep unlimited numbers of cats at a property can result in animal welfare concerns for the cats, health issues for the owners, nuisance issues for neighbours and potentially increases the number of cats roaming or contributing to the stray and/or feral cat population.

Many of the complaints that both state and local governments receive relate to people who have multiple cats at a property and do not look after them properly. The cat management facilities - Ten Lives, Just Cats and the RSPCA - are regularly called upon to deal with hoarding problems where people have 20-plus cats living on the property with them, often in very poor conditions. This amendment will limit the number of cats allowed to be kept at the owner's property to four. A permit will be required to keep more than four cats, and registered breeders will be exempted.

Changes to the protection of private property provisions

The current act has provisions to protect property from straying and feral cats; however, they are very limited in where they apply. For example, only graziers are allowed to trap, seize or euthanise cats found on their property.

All other landowners, including those engaging in different types of agricultural activity, are currently not permitted to trap, seize or euthanise a cat unless their land is more than one kilometre from the nearest residence.

The amendments will allow all landowners involved in primary production to trap, seize or euthanise a cat found on their property. Where the cat is clearly owned by someone, the person should endeavour to return the cat to the owner, or take it to a cat management facility. Persons undertaking lethal cat management action would need to comply with other relevant legislation, such as the Animal Welfare Act 1993 and the Firearms Act 1996.

In addition, the amendments will enable landowners not involved in primary production, and those living in an urban or peri-urban area, to trap or seize a roaming cat that is found on their property. They will not be allowed to destroy the cat and will be required to return it to its owner, or take it to a cat management facility.

Reclaiming cats from cat management facilities

The existing act fails to provide cat management facilities with clear direction in relation to whether they are obligated to microchip and desex a cat before returning it to the owner.

Section 24 of the current act requires the operator of a cat management facility to ensure that a cat is microchipped and desexed before being reclaimed from the facility; however, this section was not enabled when the act was proclaimed in 2012.

The proposed amendments will commence this section, requiring the operator of a cat management facility to microchip and/or desex a cat that is in its custody before being reclaimed, if the cat is not already microchipped and/or desexed. Cat management facilities will be able to claim reasonable costs from the owner of the cat. The facility will be required to notify the owner that the cat is to be microchipped and/or desexed before it will be released. Exemptions would apply in specific circumstances as previously mentioned.

Registration of cat breeders

The Cat Management Act created a situation where a person can register with the state Government as a cat breeder. This capacity also exists for gazetted cat organisations. The duplication is cause for confusion for breeders.

The amended act will continue to recognise a person who is a member of a cat organisation as a registered breeder, but will cease state Government registration of breeders. Instead, it will allow for state Government to provide a conditional permit to people for one-off breeding purposes, or in cases where their cat has an unplanned pregnancy. This supports an important objective of the act: to reduce the numbers of kittens being born and at the same time encourage cat owners to desex their cats.

Phasing in of compulsory provisions

Compulsory provisions of desexing and microchipping of owned cats, limiting the number of cats at a property and changes to the state Government registration of breeders will be phased in over a 12-month period.

To help facilitate a smooth transition, the Government will have in place a range of public awareness and communication initiatives to inform cat owners of their responsibilities under the act. The regional cat coordinators will also work with their communities and local councils to raise awareness about the amendments.

This will allow for the public, and in particular affected cat owners, to become familiar with the changes and their responsibilities. It will also allow for veterinary practices to adjust to the new requirements and avoid a sudden demand on their services for microchipping and desexing.

The amendments relating to microchipping, desexing, limiting the number of cats at a property, and changes to breeder registrations will therefore commence on a day or days to be proclaimed, which is the standard means of allowing for a staggered commencement.

Feral cats

The problem of feral cats is often raised. The amendments seek to clarify the differences between domestic, stray and feral cats. This is important for a number of reasons. First, the Cat Management Act focuses on owned domestic cats as well as stray cats which exist in human environments even though they are not owned by anyone. Feral cats, on the other hand live in the wild and have little or no reliance on the presence of humans.

Feral cats, unfortunately, are established and widespread across Tasmania. Consequently, we need to be wise and strategic in how we tackle them.

Biosecurity Tasmania is involved in a number of projects focusing on the impacts of feral cats with other partners, including the Australian Government, local government and regional natural resource management organisations. These projects are focused on the different aspects of cat management including responsible cat ownership, protection of native wildlife, and importantly, developing a better understanding of the behaviour of feral cats.

Tasmania's landmark Biosecurity Act has provisions for establishing biosecurity programs that either state or local governments, or community groups can use to manage feral cats. These programs provide a statutory basis for undertaking control and management actions. The biosecurity programs are also a means of promoting the important notion of shared responsibility.

Local government

These amendments take a balanced approach in relation to cat management. If we are to manage cats effectively, at both state and local levels, there needs to be strong partnerships developed between state and local governments.

As mentioned earlier, the Government has put in place initiatives to help achieve this, including significant funding commitments to employ the regional cat management coordinators. Local government has been actively involved in the regional workshops established by the coordinators and the Local Government Association of Tasmania is a member of the project steering committee.

It is important to note that individual councils, not state Government, determine their priorities under the Cat Management Act. Councils can choose to enforce, all, some, or none of the act and at the end of the day, are responsive to their local communities and industry stakeholders. Councils under the current legislation have the powers to put in place by-laws covering issues such as registration and ensuring cats do not roam from their owners' property. These powers of council will be retained under the proposed amendments.

Staff from the Department of Primary Industries, Parks, Water and Environment - DPIPWE - provide support to local government upon request and recognise the valuable role that local government plays. Biosecurity Tasmania has run initial training on the

Cat Management Act, and once the amendments are proclaimed will extend that training to local government.

Confinement

A number of stakeholders have raised the subject of compulsory confinement of cats to the owner's property. We recognise cat management is a shared responsibility and the Government strongly believes compulsory confinement requires the combined support of the broader community and that includes pet owners and local government. Our belief is a focused education program on responsible cat ownership is needed to increase community awareness and understanding of responsible cat management principles and highlight key acts owners can take.

Significant effort by the TassieCat Project is being directed towards increasing awareness amongst Tasmanian pet owners on the different aspects of responsible cat ownership. A good example is the highlighted TassieCat video series following the adventures of Scruffy the cat. These videos highlighted the importance of microchipping, desexing, cats being happy indoors and working to reduce the number of stray cats, with a focus on changing community attitudes and encouraging responsible cat ownership.

There will be significant costs associated with compulsory requirement and complex challenges related to state law enforcement and this will be difficult to implement unless local councils were willing to enforce compliance. The Government believes councils are best placed to deal with local animal management issues and the act provides the ability for councils to establish by-laws which can address options of confining cats to the owner's property.

It is worth noting that a 2019 review undertaken by Biosecurity Tasmania found that other jurisdictions across Australia do not have statewide confinement legislation and where regulations exist, it is through mechanisms of by-laws and involvement of local government that they deal with issues such as confinement and the control of roaming cats.

It is the Government's considered view that the broader Tasmanian community, which includes local governments, is not yet ready and willing to accept legislative requirements covering compulsory confinements of their cats. It should also be noted the proposed amendments will be carefully monitored. The minister has committed, on behalf of the Government, to monitor the implementation of the proposed amendments and review how they are being received and delivered. This will be an ongoing process as we continue to improve and strengthen Tasmania's cat management arrangements.

Conclusion

These amendments to the Cat Management Act are very important to improving the effectiveness of the act. While there may be arguments the amendments do not go far enough, it is important to note over the past four years the Government has consulted widely on cat management and believes these amendments reflect the balance of community views.

The amendments support the principle of shared responsibility and at the same time allow statutory authorities, such as local government, to allocate effort and resources to areas that reflect the individual councils and their communities' priorities.

While the Cat Management Act is an important part of managing domestic and stray cats in Tasmania, the legislation should not be seen in isolation.

The Government has in place a broad range of initiatives which have been established through the Tasmanian Cat Management Plan. The Government has developed partnerships with both government and non-government organisations across a range of projects; Tasmania's new Biosecurity Act extends the regulatory framework to include feral cats; and, Government investment, such as the regional cat coordinators project, has created opportunity for the community, local government and industry to work together.

These initiatives, covering all areas of cat management, seek to deliver positive outcomes that will significantly improve how we manage cats.

Mr President, the Government fully supports the introduction of this amendment bill. I commend this amendment bill to the House.

[4.30 p.m.]

Ms WEBB (Nelson) - Mr President, cats make wonderful pets and provide a great deal of joy and comfort to their owners. However, they are also excellent hunters, host to harmful cat-borne parasites and when uncontrolled, they are a source of community nuisance. Amending the Cat Management Act 2009 provides an invaluable opportunity to create a comprehensive and effective regulatory framework for cat management in Tasmania, a framework that applies across the state and builds consistency across all municipalities.

This bill goes quite some way to improving cat management effectiveness, and I welcome key aspects of the bill. Compulsory microchipping and desexing of all non-exempt breeding cats is very welcome, as is the requirement that all cats sold must be desexed prior to change of ownership. These requirements of responsible cat ownership will help to reduce the number of cats, and in particular the number of unwanted cats and kittens that end up as strays or feral cats. Domestic cats poorly managed are a source of all stray and feral cats, as we would note.

Preventing uncontrolled breeding of cats and stopping people giving away undesexed kittens will also ultimately impact on reducing the feral and stray cat numbers and reducing the negative impact these predators are having on our environment. It is very welcome progress on those matters. While the bill will not mitigate issues with existing feral cats, it will go some way towards reducing the number of cats that join them, which is a very good outcome.

In this bill, clarity on the number of cats allowed per household is very beneficial. I understand that complaints about multiple cats on a single property are a common issue for councils, so limiting households to four cats without a permit will support councils in managing these complaints. It will also reduce the health problems that can present to owners, the animal welfare concerns that can be associated with multiple cats and the nuisance issues that sometimes are caused by excessive cat numbers on properties.

Landowners too will benefit from the changes to the protection of primary production and private property from cats. Roaming domestic cats in Australia have been found to roam, on average, from one hectare up to 31 hectares over several days. Being able to trap and seize, and in the case of primary producers, humanely destroy roaming cats on their property will

assist property owners to undertake cat management actions on their land. I welcome that initiative.

However, while landowners have some redress with regard to problem cats on their property, cat owners are still not held responsible for allowing their cats to roam beyond their premises. The onus appears to be on the rest of the community to protect their property and wildlife, and their domestic property and other animals, from roaming cats. I note that the amended Cat Management Act is just a component of a comprehensive cat management program, which includes the Cat Management Plan 2017 to 2022. This plan includes three regional cat management coordinators and the rather entertaining and informative TassieCat website. These are excellent initiatives.

State and local governments agree more education with a greater focus on responsible cat ownership principles is necessary to increase community awareness and understanding of these matters. Education is fundamental. An understanding of responsible cat ownership and all that that entails is vital when it comes to cat management. I congratulate the entire Tasmanian Cat Management Reference Group and the 102 individuals and groups who made public submissions and contributed to the Tasmanian Cat Management Plan.

As good as many aspects of this bill are, it does not go far enough, in my view. It falls short on the issue of containment, and therefore community members and property owners, who are currently impacted by roaming cats, will continue to be frustrated. Considerable destruction of native wildlife, including in specially reserved places, will also continue. The bill does not require cat owners to ensure their cat is contained and not roaming. This is the single thing that would most significantly reduce the problems that cats cause in our communities. Currently a cat is not required by law to be secured or restrained or prevented from being on a property without the consent of the property owner, the manager or the occupier. This bill, as it currently stands, does nothing to substantially progress that matter. That is disappointing.

Research clearly highlights that community education alone, while highly important, is not enough to motivate all cat owners to keep their cats at home. Mr President, we know in many areas of our lives that it is not enough to set a rule or requirement and expect people will comply with it simply because they have been educated to understand why that rule is there. We know that realistically there are many instances in which a consequence is needed to motivate compliance with a rule or requirement and to change behaviour in a way that can be relied upon.

There are many benefits to effective cat containment. Not only would our native wildlife be protected, but so would our much-loved pet cats. For instance, too many loved cats are run over on our roads. Containment would prevent this. Cats at large often get into fights. I know that personally. I have had cats that have been frequent fighters. They get in fights with other cats and with native wildlife, and that often results in infected wounds that can be potentially life-threatening, unpleasant to deal with, and expensive.

People may not be aware that when cats have wounds, you have to keep the wound open for it to heal well, which involves rather unpleasant arrangements.

Ms Forrest - You do need to keep them inside while that is happening.

Ms WEBB - Indeed. Contained cats have much less chance of contracting feline AIDS or toxoplasmosis, nor do they unwittingly spread diseases to native animals and livestock.

Mr President, importantly for neighbourhood relationships and cohesion, contained cats do not wander onto a neighbour's property causing a nuisance or damage and the potential for neighbourhood disputes. When cats are contained, owners never have to worry about where their cat is and whether it is safe and whether it will be coming home that night.

Roaming cats are a real problem. Recent Australian research - in fact just from this year - reviewed 66 studies on predation rates by pet cats - not stray or feral cats - to estimate the predation toll across Australia. They estimated that 390 million animals are killed by domestic cats annually, including 241 million native animals. That figure includes small mammals, birds, lizards, insects and frogs. On average, this research found, a roaming pet cat kills 186 mammals, birds and reptiles each year, including 115 native animals.

Because pet cats live at much higher densities than feral cats, their predation rate per kilometre squared in residential areas is actually 28 to 52 times larger than the predation rates by feral cats in natural environments. It is domestic cats, it is our pet cats, that are the biggest killers, but only because we allow them to be so. The research I have just spoken about concluded that pet cats are capable of driving declines in local populations of native wildlife species.

A key recommendation was that cat prohibition should be considered in new residential developments that are close to areas of high conservation significance because they have the capacity to drive declines in native wildlife species in sensitive areas. Based on these predation rates, Mr President, it is estimated that at least 627 100 native animals are killed in the Kingborough municipality each year from domestic cats alone.

This municipality is of interest to me because of my electorate of Nelson. The southern part of my electorate encapsulates the northern part of the Kingborough municipality, so it is a highly local issue for me and my constituents, and I am very keen to see a better result. Cats also spread the disease toxoplasmosis which is fatal to a number of Australian herbivores, including bandicoots, wombats, possums, wallabies, and also birds such as forest ravens.

I am sad to relate that in Kingborough an entire family of little penguins was killed in recent times by a roaming domestic cat - not a feral cat. Although the council knew who the cat's owner was, they were unable to take any effective action against that owner under current legislation. Compare this to the actions we have recently seen put in place to protect little penguins from dog attacks. We acted decisively to ensure that form of domestic pet is either not able to roam, or if it does the owners are penalised effectively for that kind of predation.

There is another reason that cats are a real problem and that is the diseases they can carry. As wonderful as cats are as pets, it is estimated that 30 to 40 per cent of domestic cats worldwide carry toxoplasmosis and sarcocystosis. Along with other cat-borne diseases, this presents a risk to humans and is a costly problem for livestock production in Tasmania. That can be spread by cats to livestock if the livestock consume feed or water that has been contaminated by infected cat faeces. Toxoplasmosis, the disease caused by a parasite *T. gondii*, causes abortion in sheep, goats and pigs, and defects in their offspring. Young pigs can also get quite sick from the disease.

Two species of sarcocystosis are spread to sheep in Tasmania, one via cats and the other via dogs. However, only the species spread by cats creates macroscopic cysts in the muscle tissue of sheep. The cysts look like grains of rice and cause that sheep meat to be condemned.

While infection is most common in Australia from feral cats, all cats can contract the parasites, especially if they roam and eat prey or scavenge.

The greatest impact on stock tends to occur on properties that border rural townships - so common in Tasmania - where numbers of feral cats are greatest. However, all farms are at risk as any cat that roams and scavenges can contract and spread the parasite. Prevalence of these parasites among sheep is higher in Tasmania than on the mainland, due to Tasmania's moist climate and higher densities of domestic and feral cats on many sheep properties.

This leads to the accumulation and persistence of the parasite oocyst on pasture. Records indicate that both these parasites significantly impact on sheep production in Tasmania. Up to 40 per cent of meat losses due to the presence of sarcocystosis in meat have been recorded and recent monitoring of a Tasmanian abattoir detected sarcocystosis in 13.7 per cent of the carcasses.

Data from Animal Health Australia detected sarcocystosis in approximately 6 to 21 per cent of Tasmanian adult sheep carcasses. One property that ran ewes in a small town in Tasmania had 118 of 354 sheep condemned. That is a fairly high proportion of the flock.

While recent prevalence data for *T. gondii* is not available, a 1974 Tasmanian study found 62 per cent of ewes tested positive. That is rather out of date, but I think it gives us an indication that it can be quite significant.

Game meats, including kangaroo and wallaby, can also be sources of *T. gondii* cysts. Toxoplasmosis can thus adversely impact on the game meat industry if that meat is not stored and cooked appropriately.

The Tasmanian Farmers and Graziers Association - TFGA - in a submission in July this year to the House of Representatives Standing Committee on the Environment and Energy inquiry into the problem of feral and domestic cats in Australia reported that stock losses due to toxoplasmosis and sarcocystosis are a significant problem for farmers and a real barrier for Tasmania to be able to reach its \$10 billion target for agricultural production.

However, Tasmania has no routine sheep or game meat health monitoring program so the real impact of these parasites and their associated diseases is not known, and farmers may not be aware that their stock is contaminated.

An assessment on Kangaroo Island in South Australia that we can look to as an example found the annual cost to that island's sheep graziers due to lost meat production from sarcocystosis alone was between \$2 million to \$4 million.

There is a third way in which roaming cats are a real problem. Roaming domestic cats create significant public nuisance and community discord. Approximately 43 per cent of community complaints received each year by Kingborough Council's cat management officer relate to nuisance caused by roaming domestic cats.

Roaming cats disturb other domestic cats and dogs. They defecate in neighbours yards. They fight with and kill neighbours' pets and local wildlife. They spread toxoplasmosis to wildlife, to livestock and to humans, and they cause breakdowns in neighbour relations. The lack of recourse for those neighbours affected by roaming cats is an ongoing cause of community discord. In fact, in relation to this bill, I have had numerous contacts from community members who actually find this topic highly distressing, because it is a real problem in their lives to have roaming neighbourhood cats affecting their lives and their property.

Under current arrangements, and even under the improved amendments in this bill as presented, all the responsibility and effort is left on the shoulders of those who are being impacted, those whose property is being damaged, those whose property is being invaded by roaming cats. It is the neighbour whose yard the cat roams into that must go to the expense and effort of trapping or seizing that cat which roams in their yard. That neighbour continues to be imposed upon for the effort and possible expense to either return the cat to the owner, if the owner is known, or to take the cat to a cat facility, all in that neighbour's knowledge that they could have to do that all over again tomorrow, and that there is no penalty available for the owner of that cat, and no requirement that the owner actually takes responsibility for their pet.

It is like groundhog day for some neighbours. It comes with damage, with mess, with loss of life for wildlife that may frequent the garden and be a source of pleasure, and even a loss of life for other much-loved pets. I have had numerous reports in the course of consulting on this bill of loss of pets such as pet rabbits in backyards to roaming cats. That detriment of roaming cats is very clear, it is not in question. What we need to ask ourselves is: how does that balance against the drawbacks that may be presented by implementing compulsory containment or providing a legal framework at least in this first instance for compulsory containment?

The Government's view is that the Tasmanian community, including local councils, are not ready and not willing to accept compulsory containment of cats. However, when I look at the available evidence, I find this to be a claim that is not supported. Looking at what we know about community sentiment in recent years, I have found that a 2013 Kingborough Council community survey of 406 people about responsible cat ownership found that at least 84 per cent of respondents supported restrictions on roaming cats. Of the cat owners surveyed, they made up about a quarter of the people overall who were surveyed, 45 per cent already contained their cats, at least to some extent.

In 2015-16 the Kingborough Council again surveyed Bruny Island residents and ratepayers and found that 81 per cent of people surveyed were in favour of cat containment, and 44 per cent of the cat owners already, to some extent, contained their cats. A 2016 survey of 1462 Tasmanians, of which nearly two-thirds were cat owners, was undertaken by the Tasmanian Conservation Trust. That survey found that 62 per cent of all respondents supported compulsory containment of cats to owners' property, remembering two-thirds of those respondents were cat owners. Of the cat owners surveyed in that survey, 48 per cent of them already contained their cats to some degree.

A 2019 survey by the Tasmanian Cat Management Project - a statewide joint initiative, as we have heard, to support implementation of the Tasmanian Cat Management Plan - surveyed 344 people across the state, including 148 cat owners among that 344. The survey found that 47 per cent of respondents said roaming cats are a nuisance in their

neighbourhood, that they have a personal experience of that nuisance and that 78 per cent supported compulsory containment. That was the state Government's own survey. Of the cat owners in that survey, 42 per cent reported that they already keep their cats on their property at all times, and a further 35 per cent said they kept them contained at night.

The TFGA also surveyed its members, and found that over 95 per cent were very supportive of compulsory desexing and microchipping, and that 80 per cent of the members agreed with the need for cat containment. The claim that the community does not support this is a rather hollow one. What I think is that the message is quite loud and clear. This data demonstrates there is a strong community support for compulsory containment of cats and a high community understanding of the benefit that would ensue. Rather, what is missing is a regulation catching up to community sentiment and providing incentive and appropriate support to make it happen. Without a penalty for breaches, there is a limited compliance and no incentive for cat owners to manage their cats' behaviour fully. Without legislative support councils, groups with direct interest in cat management and conservation groups and communities themselves face an uphill battle to increase cat containment in the community through education alone.

Cost is often put forward as a drawback for compulsory containment. Arguments put forward cite cost as a reason not to include compulsory containment in this bill. It is claimed there will be significant costs associated with compulsory containment and complex challenges relating to statewide enforcement. It is plain fact that pets are expensive. There are costs associated with them. Anybody who has a pet would vouch for that. We know that pets require regular trips to the vet. We know that pets require regular care and attention. They require food. They sometimes require equipment. They sometimes require adjustments to our homes. The responsibility for pets is one that owners accept when they get them and it is an ongoing responsibility for the lifetime of that pet. If the regulations are clear and adequate time is given for transition, people will accept appropriate containment of cats as a cost of ownership, along with compulsorily microchipping and desexing just as we have already required with this bill.

Also argued is the cost to local governments that carry out compliance under the Cat Management Act. In the second reading speech the Leader is very clear that councils can choose to enforce all, some or none of the act according to their resources and in response to their communities' needs. Councils would have no obligation for example to police cats at large. Individual councils determine their priorities under the Cat Management Act. However, councils wishing to would have from containment, if it were regulated, clear powers and appropriate penalties to act effectively. Regulating compulsory containment would also mean that councils would not have to use limited resources to develop and enforce their own by-laws. Their cat management programs could be readily adapted and changed in line with the need, resources and the community support and attitude they find in their local area.

It is important to also consider in contrast the cost that is now being borne of not regulating to contain cats. I have already spoken on the costs to primary producers through some of the impacts from disease. I have talked about the cost in terms of wildlife loss in our general community and in our sensitive areas. There is also the cost in terms of property damage and the cost in terms of community and neighbourhood harmony.

I have spoken about the personal costs to families dealing with untimely loss of loved pets through road accidents and cat fights. These combined costs, this quantum of costs, that we are experiencing now in the absence of regulation in terms of containment, are significant.

I would contend that they outweigh the total societal costs of confinements, both materially and also ethically.

As a result of this I will be moving some amendments to this bill if it goes through to the Committee stage. I acknowledge the leadership and the work over many years of Kingborough Council that has worked with me in relation to these amendments and provided much valuable input. It is the work and the leadership shown by Kingborough Council and the experience that it has gained through its processes so far that has informed the amendments.

I have a set of amendments that are short and to the point.

First, there is going to be a set of small amendments that are really very focused on councils, and these relate to cat protected areas, cat prohibited areas, and cat management areas.

Neither the current act, nor the proposed amendments in this bill as presented include penalties when owners of cats allow their cat to enter a cat prohibited area or who do not follow measures associated with a cat management area. I am moving some amendments that would allow for penalties to be applied for these actions when an owner allows their cat to enter a prohibited area or does not comply with measures in a cat management area.

At the moment, councils can only trap, seize or humanely destroy a cat found in a cat prohibited area and they need to return it to the owner or take it to a cat management facility. Even if the council has evidence of where the cat resides, the council can only seize the cat and return it or humanely destroy it. They cannot actually deter the owner from allowing that to happen again, for the cat to be in the prohibited area.

That is why I am going to moving an amendment that sets a reasonable penalty for an owner allowing their cat to enter a cat protected area or for a person not complying with the measures of a declared cat management area, allowing their cat to go against those measures. At the moment the lack of such a penalty has been an ongoing issue, certainly for the Kingborough Council. In Kingborough, in the Boronia Beach cat prohibited area, for example, the council has failed to trap a cat that has been entering that cat protected area for years. There are photos of that particular cat on remote camera walking around the trap put there.

Ms Rattray - I think his name is Blackie.

Ms WEBB - There you go - Blackie. We in fact saw pictures of this cat in our briefing. At the moment, there is no deterrent for that cat owner, of that repeat offender in that prohibited area and, to emphasise, that prohibited area is a cat prohibited area because it has highly sensitive wildlife. There is no deterrent for the cat owner. It is a very time-consuming, frustrating and costly exercise for the council and certainly it is a highly damaging circumstance for the native wildlife in that area.

For the council to be able to say to that cat owner, for a cat entering a cat prohibited area, 'It is now a fineable offence and you will be incurring a maximum penalty for that offence, so how about you keep your animal at home', just to have that small stick to bring to bear alongside the education already been applied for many years, will allow the council to respond so much more effectively. In fact, the effectiveness of having a stick, to some extent to incentivise compliance, has been demonstrated already.

The Kingborough Council has noted it has seen a reduction in instances of people giving away undesexed kittens because there is now a penalty applied. This can be pointed out to people and used as part of and alongside education to help incentivise compliance. Again, in my community, the Kingborough Council could use the requirements proposed in the amendments I will put and their associated penalties in the case of roaming cats in the vicinity of other sensitive areas such as the Peter Murrell Reserve and adjacent council reserves - Coffee Creek, Algona and Huntingfield Avenue reserves.

These reserves are home to many birds and mammal species, including threatened species at high risk from predation and diseases spread by cats. Monitoring the reserves has consistently identified many domestic cats particularly close to areas of dense housing. The council would undertake the necessary community education before embarking on enforcing this provision and again require evidence from a complainant before they could act.

Importantly, the council can use the provision to help educate the public and encourage responsible pet cat ownership and in an area of such high conservation value. As I said, councils will not automatically have to manage cats or be obligated to carry out compliance work, for which they do not have the resources. Those particular amendments just provide the council with the option to act if and when it is relevant to do so in relation to those cat protection prohibited areas and cat management areas.

I will mention briefly my other proposed amendment, which is a broader one and is to do with compulsory containment. It will mean people will need to make sure their cat is not in public areas or on private areas that do not belong to them and not under effective control. That is effectively what it is. It does not dictate how people go about that, it just means there would be a consequence if cats roamed. This will again sit alongside education. It sits there as an opportunity for councils, where relevant, to pick it up and use it as a consistent, statewide understanding of how such things could be responded to. Councils will not be obligated to go out and in some active way enforce such a provision. We will talk about that more no doubt, if I have the opportunity to bring the amendment.

The amendment does not mean councils will be out patrolling the street in vans, picking up cat's willy-nilly off the streets. In some ways this means not being a requirement that councils have to be out actively enforcing. It provides a way to respond when an issue or a problem has been identified, when a complaint has been made. A lot of the time that is the way we establish rules and consequences to breaking rules in our community. We do not actively go out there and make sure everyone is following it. What we do is, when it is identified someone has broken that rule, we respond then with the penalty, or with at least interaction around the fact there is a penalty there and perhaps the person would like to change their behaviour.

To provide one example - it is not particularly similar, but represents the principle - we set speed limits on our roads. That does not mean we have police on every road making sure every driver is driving that limit and no more. We do not do that. We are all out driving every day and no-one is checking or enforcing we are following the speed limit. But what we do is put measures in place to be able to identify times at which people might not be following the speed limit. We have speed limit checks in relation to particular areas or particular circumstances. We check in on it when there is an issue. We respond then with a penalty or a consequence.

Enforcement of a regulation such as this is not about resource-intensive, time-consuming and really forceful enforcement that imposes something. It is about having an opportunity to respond. It is about people understanding there is a consequence. It goes alongside education and understanding and provides that avenue for response. That is what I encourage people to think about when we are talking about this and when they hear comments about the enormous cost of enforcement and things like that. It actually does not have to be that - it can be a modest cost of enforcement used as a response by those councils who choose to, in circumstances they have deemed locally relevant.

These amendments will offer additional tools. They will be available to us to prevent situations we have seen occurring and will continue to occur, even when this bill, with the many good things it contains, is put in place. Things like that little penguin colony and the destruction caused there, things like the property damage caused or the livestock diseases that spread. The proposed amendments allow councils to participate in enforcement or phase in enforcement, even as their resources and commitment permit. It may be a council decides they currently do not have the dedicated resources to address particular sorts of cat complaints, but in two years time they may be in a position to do so. Establishing an opportunity in this legislation allows for that to happen where relevant.

I am well aware individual councils have the ability to make by-laws to enable local cat management action. However, we need to understand that developing by-laws is a resource- and time-intensive process. Many members with local government experience would be well aware of this issue. It requires considerable resourcing to develop and put in place by-laws, and it can create an unrealistic community expectation as a result. Certainly, in Kingborough Council's experience the development of its Bruny Island cat by-law was only possible because Kingborough chose to make it a priority, had a dedicated cat management officer and external funding support. The process took more than five years. It involved significant community consultation, reporting to the council, development of an implementation plan and supporting policies and procedures, and securing grants and partnerships to facilitate compliance and enable implementation. It is onerous and it is costly, particularly for smaller councils.

In addition, and as we can see if we look to South Australia, different by-laws across different communities can lead to inconsistencies and confusion in the community. Simple changes to this legislation would readily empower councils to act when and where appropriate within their resource capacity, and in a way that effectively builds their confidence in cat management. The state Government needs to provide that opportunity in this legislation so that it can be applied and used as a resource in those local communities where it is relevant and appropriate. It is a way to support local government.

I support this bill and many of the measures in it which are excellent progress towards more integrated and effective cat management in the state. I will be asking members to consider and support amendments, if we get to Committee stage, that will allow the legislation to be more effective and able to be applied well in local areas.

[5.07 p.m.]

Ms ARMITAGE (Launceston) - Mr President, pets are wonderful companions. I like cats, but we need to be clear - they are expensive, they are hard work and they can be a great responsibility. For many cat owners the joy of a little companion's company is entirely worth it. For some, intervening circumstances mean they are required to surrender them. For a very few, new litters or the cats themselves are dumped either to die scared and alone or to become

feral and a hazard to people and our precious flora and fauna. Any measure which mitigates this is a positive.

I accept that cats are not wonderful or a joy for everyone. Neighbouring properties who do not have or want cats can find cats digging up their gardens, defecating and sometimes going inside homes. Unlike dogs, cats cannot be confined by a fence. Many people have cat runs in their yards and ensure cats are locked up at night, but that is not the case for everyone.

I am sure many of us have received letters about cats causing damage. They climb over cars, they scratch duco, and can also be an extreme danger for our smaller wildlife and birds, as well as other small pets such as domestic birds, mice and rabbits. Some people have bells on their cats to alert birds of their presence but that action is not taken by everyone.

Although the behaviour of cats cannot be changed, the behaviour of pet owners can be altered. I am pleased that, in addition to the Government's initial investment in education and awareness strategies around responsible pet ownership, firmer policies are now being legislated to make meaningful change and yield positive results for our neighbourhoods and environments. I know that change of any magnitude takes time, and I understand that many were not ready to implement changes to pet management and control without placing an unreasonable burden on pet owners, animal management organisations and enforcement. The legislation we see before us is a well-thought out, considered next step in this process.

Overwhelmingly, abuse and abandonment and the subsequent damage to the environment caused by feral cats, comes from having cats that are unwanted. The most commonsense solution to this is to limit the number of kittens being born. Some may have already done their own research, but according to the Animal Rescue Professionals Association, a single pair of cats - a male and a female - can, over the course of seven years, result in 420 000 kittens. In contrast, one non-neutered female dog can produce 99 000 puppies.

The average mature cat can have three litters with a total of 12 kittens per year, and of those litters of kittens, about 4.7 are females, which in turn means they will most likely have litters of their own. Before you know it, the situation is entirely out of control.

I preface my next statement by emphasizing in the strongest possible terms that the majority of pet owners are responsible and have the best interests of their pet at heart. What some people do not realise, however, is that a pet is for life - not just until they get sick or old or inconvenient.

There are situations when giving up a beloved pet is a traumatic but necessary experience, and so that statement does not apply to everyone. However, undertaking pet ownership is a significant step that will not always be about the cute moments with your pet. It is also about feeding them, cleaning up after them, and ensuring that no other person or animal or the environment is adversely affected in the process. To do otherwise is irresponsible and disrespectful.

Rachel Beech of Just Cats Tasmania in the state's north does incredible work to rescue, rehabilitate and rehome cats. Having taken over the RSPCA site in January 2019, Rachel has helped provide some statistics on the magnitude of issues in northern Tasmania.

From January 2019 to January 2020 Rachel reported the following intake at the shelter -

- 1267 cats were surrendered by their owners
- 364 stray cats were brought in, with 112 of those being reclaimed
- 405 cats were abandoned
- 96 feral cats were caught in traps
- 158 kittens were born in the shelter

The total intake for Just Cats for that year was 2290. Those are astonishing numbers.

I believe the measures contained in this bill will make positive strides towards obliging owners to take the best possible care of their animals and to mitigate numbers such as those provided by Just Cats, by expanding the range of accountability measures.

To this end, the compulsory microchipping and desexing of cats by the age of four months in clauses 9 and 10 and enacting section 24, which requires a cat to be microchipped and desexed before being reclaimed from a cat management facility, are all positive and necessary steps towards better pet management. The limitation to four cats to a property is also a positive step to avoid unruly situations manifesting in our neighbourhoods and posing serious health risks to people and places.

The default position for any pet owner should be that you are not breeding or selling them unless some type of exemption applies.

I believe this bill strikes a good balance. Removing care agreements is another good step. Requiring arrangements to be entered into between owner and purchaser seems like a good idea in theory, but in practice requiring contracts of this nature seems to add an unnecessary layer of administration that would likely be unenforceable in any case.

I want to be clear, however, that this policy and legislative change need to be properly guided, funded and reviewed in order to work. I know the topic of confinement has not been addressed by this bill, and I understand some people's consternation about this. Feedback I have received indicates that ideally confinement would be legislated, but for the purposes of the bill we have before us, we should get through the substantive measures and save properly legislated confinement for another day. Enforcing compliance with cat confinement will take time, resources and buy-in from stakeholders.

I know it has taken a number of years to address the issues contained in this bill, but the issue of confinement is not something that can be legislated on the run. I know that many people simply do not like cats and do not want to see them roaming around.

It should be clear that these measures are not licence to harass or injure animals or their owners, nor animal management organisations or enforcement bodies. In an ideal world, responsible cat ownership would include confinement to a reasonable area that does not have an effect on the environment or a person's neighbours. However, we need to be realistic and

understand the limitations on enforcement resources and of the ability of the law to compel people to behave in a certain way.

From briefings, I believe that animal management authorities would not at this point in time be capable of enforcing confinement measures, with something like eight full-time equivalent staff needed to handle the work. This would be a multimillion dollar undertaking per council and we are simply not at that stage yet.

While I will speak on the amendments when they arise, I take this opportunity to read a letter I received from Michael Stretton, CEO, Launceston City Council. When I asked him with regard to the amendments he said -

I can advise that the City of Launceston does not support the amendments to the Bill.

The City of Launceston will not have the staffing capacity to regulate this proposal, or to effectively control the containment of cats. It is our view that the registration of cats would be the first step to effective control of cats within each municipality and this would then help fund the model of containment and regulation moving forward. If cats are not registered and microchipped it will be problematic to issue the required penalties to an owner if proof of ownership cannot be confirmed. This will take further resources to manage the function of cat regulation within each municipality.

There will also be other factors to consider prior to any further amendments to the Bill and the legislated regulation of cats moving forward. Each council will need to consider if regional cat shelters/pounds are set up and funded, and how they would be operated. Councils currently would not have facilities in place to adequately house cats that have been found in breach of these proposed amendments to the legislation and the current cat shelters in Tasmania are dealing with high volumes without this form of regulation to channel more animals to their facilities.

While we understand the impact domestic, stray and feral cats have on our environment, these amendments need to have further consideration of the potential impacts to councils and their rate payers. The capacity of each council to regulate the proposed amendments will be minimal and there needs to be further consideration given to resourcing before legislated containment is further considered.

Regards

...

Michael Stretton, Chief Executive Officer, City of Launceston.

I also have some comment from another council. They provided feedback on the draft Cat Management Amendment Bill 2019. This council agreed with amended section 12, compulsory microchipping of cats over the age of four months; amended section 14, compulsory desexing of cats over the age of four months; repealing section 16, removing the

option of a care agreement; changing section 17, changes to protection of private land; changing section 24, reclaiming cats from cat management facilities; and changing section 30, replacing the state Government registration of cat breeders with a permit system for cats.

The council had concerns about proposed section 16, limiting to four the maximum number of cats allowed to be kept at a property without a permit. They believe this should be a maximum of two cats, as there is no reason to have any more than two cats unless you are a registered breeder.

The council also commented that compulsory confinement is essential and should be included. Most complaints received by council are about cats roaming on other people's properties. Cats that are not confined are killing birds and wildlife. It goes on to say that it made a submission in support of the amendments to the draft Cat Management Bill 2019 in September 2019. It requested in that submission that the state Government provide adequate funding to facilitate cat management.

The council is concerned that there has not been a commitment by the state Government to fund cat management in the state and, without funding from the state Government, the council cannot provide the resources needed to enforce the act.

I have not named the council because I have only just received this information, and I have not been able to reach it to seek its agreement for its name to be added. I believe it is reasonable to suggest that by encouraging more responsible pet ownership through measures such as those contained in this bill, a lower impact on the environment and our neighbourhoods will follow. Like it or not, cats are important parts of many people's lives and families, and we want to encourage people to have good relationships with their animals.

To this end I will be keeping an eye on how this bill is rolled out, maintaining contact with the councils in my electorate, with animal management organisations and with my constituents to monitor its effectiveness. I support the bill.

Recognition of Visitors

Mr PRESIDENT - Honourable members, I welcome to the Chamber Lily Cornish and Ally Millen, who are sitting in the President's reserve. Lily is the daughter of the member for Rosevears, and she and Ally have come here to see exactly what the member does in her new role. At the moment we are working our way through the Cat Management Amendment Bill

I hope you both enjoy your time in the Chamber and are able to see what the member for Rosevears does in her job.

Members - Hear, hear.

[5.19 p.m.]

Ms PALMER (Rosevears) - Mr President, thank you also for welcoming these two magnificent young Tasmanian women. It is exciting to see they have an interest in what

happens in this place, and it is encouraging for us to see that perhaps one day this might be a career that they may be interested in it. It is wonderful to have you here.

I support this bill. Cats are many different things to many different people and they do play a complex role in our community. For me, they are a cause of some angst as I am highly allergic to cats, but they are much-loved pets and they are sought after for their companionship. They can be nuisance animals that annoy neighbours and they can also be feral cats that impact on our native wildlife and environment.

The management of cats is complex and often an emotive issue. Many people have strong opinions on cats and they are quick to voice their thoughts on restrictions and the best way to approach this issue. A strategic approach to cat management is provided through the Tasmanian Cat Management Plan. The plan is underpinned by seven key objectives - improving levels of responsible cat ownership; increasing community awareness and education; promoting best practice cat management for stray and feral cats; improving knowledge about feral, stray and domestic cats and their management; minimising impacts of cats to conservation values and agricultural assets; undertaking legislative reform to create a more effective regulatory framework for managing cats; and clarifying roles and responsibilities for the different levels of government.

I note the Cat Management Amendment Bill 2019 delivers on recommendations for legislation change identified in the Tasmanian Cat Management Plan. The plan is government's guiding document in terms of cat management and this is the plan being delivered. The Cat Management Amendment Bill and the measures it proposes will create an improved and strengthened framework for managing cats in Tasmania.

The bill seeks to encourage responsible ownership and improve cat welfare while reducing their impact on the community, agriculture and wildlife. The bill is the product of extensive consultation and was subject to an open process for community feedback before the bill was finalised. The amendments include compulsory desexing and microchipping of domestic cats; amending the minimum age for desexing of cats; limiting the maximum number of cats allowed at a property without a permit to four animals; and improvements to better support landholders to control roaming stray and feral cats.

I will now talk further on each of these key areas and their important role in strengthening Tasmania's current cat management arrangements.

The bill will introduce compulsory desexing and microchipping of cats and will make this compulsory for all cats from four months of age. I note some exemptions will apply. For example, if a vet determines such actions would be detrimental to the health of the cat. Compulsory desexing and microchipping of cats are important to support the health and wellbeing of cats and to assist broader management. Desexing helps to prevent unwanted pregnancies and microchipping ensures a lost animal can be returned to its owner. There will be a transition period of 12 months for owners of cats to be able to adjust to the new changes. This transition period will also be useful to increase awareness among owners of their responsibilities through various forms of media and different Government and non-government organisations.

As with the Dog Control Act 2000, the number of cats allowed on a single property will be limited. A permit would be required to keep more than four cats per household, excluding

registered cat breeders. The proposed limit of four cats is primarily to provide authorised officers with powers to deal with complaints associated with the hoarding of cats. There are also important animal welfare concerns to be factored in, as well as the issue of a person keeping multiple cats that are not contained and could potentially contribute to the stray or feral cat population. There will also be a transition period for this provision which allows owners time to adjust to the changes.

The bill includes improvement to better support landholders to control roaming, stray and feral cats. The current act contains provisions to protect property from straying and feral cats but these are limited in where they can apply. The amendments will allow primary producers to trap, seize or euthanise a cat on their property and they need to comply with relevant welfare and firearms legislation. The amendments will also enable landowners not involved in primary production and those living in an urban or peri-urban area to trap or seize a roaming cat found on their property, although they will not be allowed to destroy the cat and will be required to return it to its owner or take it to a cat management facility. These are important provisions to help people protect their own property.

I will now talk on the matter of confinement and containment of cats, which is not included in the bill. I have a particular interest in this matter, as my brother, Dr Callum Irvine, was the head of veterinary services for the New Zealand Veterinary Association and a member of New Zealand's National Cat Management Strategy Group.

It was certainly very interesting seeking his opinion on cat containment, following the briefing that we had with the Kingborough Council yesterday. He simply stated it is impossible to enact. He went on to talk about the difficulty in regulating such a move and the focus should be on responsible ownership, mandatory identification, public education and targeted restriction on cat ownership - certainly issues this bill addresses.

I support the approach of greater community awareness and education. A cat owner can take a number of key measures to keep their cat happy and healthy. I note some of the recent community awareness initiatives, such as the TassieCat video featuring Scruffy the cat. These videos highlight key principles of responsible cat ownership and cover some of the matters I have raised today, such as the benefits of microchipping and desexing your cat.

In conclusion, the amendments in this bill will create an improved and strengthened framework for managing cats in Tasmania. The bill encourages responsible ownership and improved cat welfare, while reducing their impact on the community agriculture and wildlife. The proposed amendments strike the right balance between community expectations and the need to introduce reasonable measures to improve the management of cats and strengthen Tasmania's cat management legislation. I commend the bill to the House.

[5.27 p.m.]

Ms FORREST (Murchison) - Mr President, I thank members for their contributions which have been really detailed in the statistics and the challenge that cat management in the state brings, so I am not going to go to a lot of those points, but I do want to speak more broadly in relation to this bill.

I do not have a pet, except for a couple of self-caring chooks, because my lifestyle does not allow for it.

Mr Valentine - They would not see you.

Ms FORREST - That is right, and you cannot leave pets unattended when you are travelling up and down the highway so much. It is just not possible.

I have never really been a cat person either, although we did have a cat when I was a child. That was the farm cat - you do have cats on farms to keep the mice down. I do not think he ever spent a day in his life catching mice, but anyway. His name was Pusstopher Roberest. There you go.

Mr Valentine - That sounds sensible.

Ms FORREST - My dad made that up you will understand. You need to understand that. I can spell that for Hansard later if they need the spelling of that. He was a bit of a companion during my school years, I remember that.

I commend the Government for finally getting onto this bill. It has been around for a while. There has been a lot of discontent in the community about irresponsible cat ownership and there is an awful lot of that. As we heard in the briefings, and we know for a fact, we do not have native cats as such in this state. All cats, whether they are domestic pets, strays or feral, were once considered domestic.

We have heard about the high breeding rates of cats particularly from the member for Launceston, but the high breeding rates and the irresponsible cat ownership at times sees these cats into the community, into our parks and reserves and into our native environments where they are killing machines. They are disgraceful killing machines.

I do not know how many of you have seen a big feral cat, but some of them are monsters and they can kill quite large other animals.

Mr Dean - Wallabies, not a problem - they can kill wallabies.

Ms FORREST - Yes, that is right. We have seen some down the east coast, and up on the north-west coast. There is no shortage of food for them. They grow to an enormous size and just are killing machines. We do need action to try to remove that risk. We owe it to our native fauna to do that. Cat owners who allow their cats to roam at night are irresponsible.

If you are a responsible cat owner and you really care about your cat, you will look after your cat. You keep it inside or in your yard and you ensure it does not roam and bring home all manner of things, including tiger snakes, as we heard from Bruny Island people. I do not know whether the tiger snake was alive or dead when it brought it in, but either way. Had it bitten the cat, the cat would not have survived, so that could have been a reasonable outcome. Tiger snakes are pretty lethal when they bite dogs, I know that. They will die a pretty quick and unpleasant death.

I think we have to continue to work to help people understand what responsible cat ownership looks like. I know the Government will take some action around promotional campaigns around that.

The member for Nelson talked about some of the diseases that cats can carry and pass on to other animals, toxoplasmosis being one of them. We must not forget that does not only affect other animals, it also affects humans. Women miscarry from being exposed to toxoplasmosis, and their babies can also have birth defects, depending on the gestation of their pregnancy.

Ms Webb - It might not be their cat.

Ms FORREST - No, it might not be their cat. Their cat could have buried its droppings in their garden or wherever and they are exposed to it. We always talk to pregnant women about avoiding cat faeces and how to manage if you have a cat of your own. It is a serious issue, not just for sheep and lambs and other animals, as the member for Nelson described very well and very clearly.

Mr Valentine - And children. It is also an issue for children with sandpits.

Ms FORREST - Yes, that is right, yes.

I fully support the compulsory microchipping and desexing of cats. That is the only way to stop their prolific breeding. The limit on the number of cats kept without a permit - I agree with the council that the member for Launceston referred to: there should be two. I do not understand why you need four, but I am not a cat lover and I am not a cat keeper. I think if you want company and you have a pet for that sort of company, two is enough.

I am a bit like the member for Rosevears; I am not perhaps as allergic as she is, but I certainly cannot touch a cat and touch my face. My eyes swell up. My daughter is the same. I try to keep a fairly wide berth from them most of the time.

I have a question for the Leader on the reclaiming of cats from cat management facilities and being able to trap a cat, even in the urban areas, then either return it to the owner or take it to a cat management centre. Neighbours get rather frustrated with owners who do not keep their cats on their own property. If you have trapped it two or three times and returned it to the owner, then the next night it is back again, if you take it to the cat management centre will they take it back to the owner anyway? What is done about this when it has been a repeat offender? Time after time you trap the cat and you give it back to the owners. You say, 'Please don't let it get out again'. Two days later there it is again, back in the trap. It must be a bit of a dumb cat to keep getting caught, but anyway.

Ms Rattray - Not as smart as Blackie.

Ms FORREST - You concealed the trap well. Is there any guidance for the cat management facility to interact more directly with the owner and tell them to get your act together?

Mr Dean - Two strikes or three strikes and you are out. That is what it should be.

Ms FORREST - The cat is then euthanised, if you are not going to look after it. I know people are very attached to their cats. They really do love them. They are really vital company for those who like them. I am not saying that you should take that away - we should not, not at all. But I think we need to re-promote responsible cat ownership.

I note the 12-month transition period to enable these changes to come in. I assume that is predominantly to try to get all the messages out there even though this has been talked about for quite some time.

Mr President, I will not go through all the other bits, but I will just speak briefly about the member for Nelson's proposed amendment.

The representatives from Kingborough were very informative. I think they are doing a fantastic job down there. They talked about having by-laws put in by the Kingborough Council to address this issue. They are right. Creating by-laws is something that is very complicated. It takes a lot of time, energy, effort, even for the council when they are doing it.

We do not have a lot of council by-laws, by and large. I believe that for matters that should have state consistency, we should have a state law for it. It should not be that the councils all have to do their own by-laws unless it is a unique situation in each area. I do not know that cat management should be a unique situation in every area - it should be fairly consistent.

Mr Valentine - They do travel across boundaries.

Ms FORREST - That is right. They do not know where the council boundary is.

I tried to contact all my five local councils but none of them was available -

Mrs Hiscutt - You could not get the new general manager at Burnie?

Ms FORREST - I do not know if we tried him. We might have gone to someone lower down the tree.

In the end, I went to the Cradle Coast Authority, which represents all the councils, including the member for Montgomery's and the member for Mersey's councils to see if they had any thoughts or discussions around the issue of containment. Daryl Connelly who is the CEO there, responded saying -

I'd be more than happy to arrange a time for staff to speak Ruth about cat management. We are not in a position to provide input into the amendment at short notice.

I talk to councils about other matters of legislation before this House when there is a requirement for them to act, particularly our smaller councils like King Island and West Coast and even Circular Head. I have regular catch-ups with the GMs and the mayors and they always say to me, 'If there is something coming up, really think about the impact on small councils in our state because it is much more of a burden'.

I find myself in a position where I cannot support the amendment that is going to be proposed. I am saying most of this now, Mr President, because -

Ms Webb - Are you just talking about the large amendment, not the first set which is a different matter?

Ms FORREST - The councils have not had time to consider any of them, that is the point. That is the key one, obviously - that there has been no time to consider it - but I will listen to the debate on all of it anyway.

I appreciate the Leader through the request from the member for McIntyre for the minister to come and talk to us about the policy issues around this. In the briefing we talked about the registration of cats, containment and penalties. He put his clear case - and the member for Rosevears probably delivered his speech for us, that is fine - outlining why this could be problematic. I think it is something that needs to be kept on the radar.

Sure, we need to see regular reviews of the bill we are dealing with. That was committed to in the second reading but I want the Leader to listen to me and commit to the ongoing review of the registration of cats, not just permits for more than four - containment matters, and penalties.

The point was made strongly to us that those things were a challenge and they should not be implemented at the moment. So not only do we want to see that regular review of the operation of the bill - I am sure that will succeed - but these other matters the member for Nelson raised because they are very legitimate issues. We need to find a way to enforce responsible cat ownership if this is not enough and we are still seeing feral cats, we are still seeing strays, and we are still seeing examples of irresponsible of cat management.

I will continue to listen to the debate, including the Committee stage, Mr President, of course, but at this stage I am unable to support particularly the requirements for the councils in their role.

[5.40 p.m.]

Mr GAFFNEY (Mersey) - Mr President, I am comfortable about adding a little more to this conversation. In 2009, when I first entered this Chamber, one of my first speeches was on the cat act, so I have a bit of information. I am pleased the member for Windermere is in this place at the moment, because I read one of my quotes -

An interesting piece of information for the honourable members -

It was Madam President back then -

... is that the Scottish wild cat is very similar to our own beloved moggie but is actually recognised as a wild animal and is classified as such. According to the Scottish Wild Cat Association, the appearance of the Scottish wild cat very much resembles a muscular domestic tabby.

However, they are Britain's only remaining large wild predator, but having been part of the Scottish landscape and food chain for some time, the Scottish wild cat is classified as an identified species. Hopefully, we can do something before the Tasmanian wild cat takes the place of the Tasmanian devil or the Windermere fox.

That was a decade ago. I can also add to the conversation, interestingly because it saves me trying to make it up. Members would be aware their local councils can initiate by-laws in response to community concerns, as is highlighted by the Local Government Act 1993. This

pathway was suggested to me from staff from the local government office in 2003 when I became the mayor. I was 43 at the time.

Indeed, section 43 of the current Cat Management Act states that councils may make by-laws. I can assure members of this place that is not an easy task. In fact, I can remember a good friend and well-respected local government general manager told me quite early on in my mayoral role - 'Michael, my advice is to stay away from cats'. However, not being one to shy away from a challenge, after hundreds of hours of research and discussions and meetings and writings of drafts, in 2006 Latrobe Council was the proud owner of the first cat management by-law in this state.

I can tell you when I first jumped into that area, I had letters and emails from all over Australia. It was not the fact we were going to introduce a by-law into the state. It was a huge undertaking, but one that helped pave the way. It had a lot of public exposure and then in 2009 the Cat Management Act came about. I can honestly say what we received back then was a catalyst for further information and further progress.

Back in 2003 there was no cat act; there was nothing there. The problem with cats first became evident to me when I became the mayor. I was working at the high school and we were trying to clear up an area that had some eastern barred bandicoots, obviously an endangered protected species. One of the issues was that there were feral cats on that council property. I thought, 'Well, we will just catch them and get rid of them.'. I could not do that because, as the mayor, you cannot break the rules and so there was nothing there. The only thing it came under was the Local Government Act, under abandoned animal, which said you had to keep the abandoned animal for 14 days before you could get rid of it.

Therefore, you could not catch a feral cat and keep it; that would be cruel on the cat, so that is how that started -

Ms Forrest - Cruel on the eastern bandicoots.

Mr GAFFNEY - Yes. That is where the brick pallets are really good in environmental landscapes. You put those on top of one another, blackberries grow out the top and the bandicoots can get between them and not be caught by the cats, so it is quite like a little hideaway, a bandicoot hideaway.

One of the things that came out of it is that Latrobe Council has about 90 to 100 people who voluntarily register their cat. We introduced that. You had cat owners who wanted to be able to register. It was \$10 a cat per year and they would get their tag. These 90 to 100 people wanted to do that because they recognised that dog owners were required to by an act and they were charged a registration fee, and they felt that as responsible cat owners they wanted to do the same thing.

Ms Webb - Was it expensive to administer? Or did you do it alongside dog registration?

Mr GAFFNEY - Yes, we had a separate 'row' for the dogs and the cats, but it was a \$10 disc. The same identifying disc that went on to a dog was transferred to a cat and it was no problem. After a while they decided instead of coming back every year, you could do it for a three- or a five-year term. So it was a people management thing. I was really pleased that happened. Out of that by-law, we were able to identify council land where we could catch feral

or domestic cats for the purpose of either finding the owner and asking them to look after their cat better or getting rid of the cat.

A project commenced in 2012 with Mr John Bowden. We were lucky that John was a volunteer at the Parks and Wildlife Service and was very interested in cat management. We deputised him as a cat management officer in 2013. He did not want a fee. All he wanted was access to a number of cat cages and we helped cover his petrol. Within the first year he caught 38 feral cats at the trapping areas of Port Sorell which is geographically close to the now Narawntapu National Park and also at Port Sorell Point where we had a lot of the shearwater and mutton birds breeding. It actually was quite a good program.

He said cats are captured in baited cage traps which are set overnight and checked at daylight the following morning and again that evening. Any animals other than feral cats are released unharmed. No domestic cats were captured through these trapping operations and captured cats were scanned with a microchip reader.

All captured cats displayed attributes of having not been previously domesticated or had lost all signs that they had ever once been domesticated and therefore had no chance of rehabilitation and rehoming.

It is interesting too, when I first set out in 2003 we had a group from South Australia contact me and say you should not destroy the cat. You catch the feral cat, the tom cat, you have it neutered and then you take it back to the area it came from because it was territorial. If you do not do that, you would have other cats come in. I thought that might be sound scientifically but I cannot get that through community-wise. I cannot say that to the people in my community. That was not going to happen. It just did not work.

But, pleasingly, he said -

These results are not consistent with other opinions -

as expressed by experts that suggest -

... that once an area has been trapped, and the dominant male cat has been removed, that there is a greater influx of cats moving into that area.

That is not our experience.

He said - and I will finish with this one -

In conclusion I feel that with continued trapping effort, that over time cat numbers can in fact be reduced. For continued positive results there needs to be ongoing trapping and ultimately the work being done will always be a cat management and control operation rather than an eradication exercise. Cats will always be attracted to places that offer a good food scavenge source, like bins, places to hunt like penguin colonies and Camp Banksia where there is ample prey like rabbits and bandicoots. Therefore cats will always return to such areas.

It was such a good program. All we had to do was buy him a freezer because there was a young lass from Hobart doing a PhD on animals caught by cats. She did her study on that. So he would catch them, kill them and put them in the freezer, then they would go somewhere to be dissected so she could do her work. It was quite a good program and it was one that had some scientific base.

Just a couple of quick comments. Interestingly enough, when speaking with my father's friends and many of them are hunters, many of them have said that when the Tasmanian devil population decreased, that had a direct implication on an increase of feral cats in the areas where they were. Obviously the kittens were not being devoured by the devils because there were fewer of them and there was an increase in the cat population, which also impacted on the native cats - a different species altogether - in that area. I thought that was interesting.

I am supportive of quite a number of the amendments. I just had a look at the regulations in the act. Some of the regulations in the act actually closely identify some of the comments that the member for Murchison made about keeping that up, reviewing and whatever. I thought it was good. The only one that is not there is the one about the cat containment in the regulations. I do not see any mention of that. I am not sure whether that could be something that we keep on the table, or keep -

Ms Forrest - That is what I was suggesting, that those matters raised by the member for Nelson were kept on the table for review.

Mr GAFFNEY - Some of the ones that you raised are already in the regulations. The main one that is not is the cat containment one. I am supportive of cat containment, and I think you have to keep your cat on your property. I will be supporting the amendment there. I think councils have it within their purview to actually do what they can with what resources they have. I do not think this one is a resource that should go onto state Government. I think state Government has a legislative framework there that they have to set the boundaries. It is up to the councils to actually work within it.

I go back to that interesting one with the smoke coming out of a chimney by 10 metres. They passed legislation there and the councils had to go around and say, oops, smoke haze there, go and do something about it. Eventually they did not do anything because it was a nonsense piece of legislation. Councils will put their funds or whatever into where it is important. I do think -

Ms Rattray - Does the member consider that registering a cat, the money that council would get from that, would go towards complying with some containment issues?

Mr GAFFNEY - I think, from the council base, a revenue comes in then the council allocates its money out. You cannot say that if we get so much money from dog or from cat that should go back into dogs and cats. Ultimately it will never cover the cost. I still think that -

Ms Rattray - Goes some way towards.

Mr GAFFNEY - Yes, and I think you will find a lot of the smaller councils do not have their own council officer now looking after that. They will resource that out. In our area I think there was an animal control officer with a private business who the Kentish, Latrobe or

Devonport councils may have used for their needs, not actually having them as part of the council. That was a change to try to become more effective. Councils are always being told to trim the cost, get it tighter, that sort of thing.

Ms Rattray - And resource share.

Mr GAFFNEY - Yes, and resource share. Thank you for the work you have done on the amendments. I really appreciate the briefings from the Kingborough Council. I thought some of the initiatives down there are very good. I can remember early conversations with the Kingborough Council about how the by-law we had in Latrobe had worked. One of the things I would suggest to councils, is that you are better off to copy somebody else's by-law than try to figure out one yourself. I will be supportive of the bill.

[5.53 p.m.]

Ms SIEJKA (Pembroke) - Mr President, I know that cat ownership management is a complex area to navigate, as we have heard. We have many cat owners in our community, and I am sure amongst us. I certainly had a few memorable cats in my life. Responsible cat management is important in ensuring that we can enjoy the positive aspects of owning a cat, whilst also protecting our environment. Cats, can, of course, cause damage. I am not going to go into all of that too much as we have already heard. I am in support of this bill. These amendments aim to make a number of positive changes to the area of cat management and responsible pet ownership. They should reduce the number of unwanted cats, along with the other work that is being undertaken by the department. As was highlighted in the second reading speech, responsible cat ownership is a shared responsibility between individuals and state and local authorities.

We are all well aware of what a problem unwanted and stray cats can be. With these amendments, the safety and welfare of domestic cats is considered as well as going some way towards reducing the number of stray and unwanted cats.

Confinement of cats has been raised. I am not opposed to a future policy of compulsory confinement, but similarly to the member for Murchison, I do not support such a policy at this stage.

I understand there are some well-intentioned community groups that advocate strongly for this and I commend Kingborough Council for its work in this area, but I would argue any changes along these lines are a step too far at this point and we should see how this work progresses first. I am certainly not ruling it out in the future, but a staged approach would work best.

Councils already create their own by-laws and also choose to tailor the efforts and resourcing they allocate in line with the needs of their own community. They can already take this approach if they wish.

I acknowledge the challenges we have heard about with resourcing. We have heard about the significant resourcing required to implement confinement compliance. Further, there are many cat owners in the community who would not be expecting such a change and would not support it and of course, community preparedness is crucial.

There are other considerations too, such as for those in rental properties. As it stands, these amendments should go some way towards reducing the number of unwanted cats. I am satisfied the Government has conducted sufficient consultation on these amendments at hand and through their plan. However, I believe confinement would necessitate a need for a considerable amount of further such work.

I am a big advocate of ensuring the community are able to have their say and be included in the decision-making process, understanding there have been surveys conducted, but with this particular change people would need to be consulted specifically on this.

Consultation ensures the success of the implementation of such significant changes would be owned by the community, which is clearly not the case if such further amendments were to be made at this stage.

I am satisfied the Governments amendments, together with the wider Tasmanian Cat Management Plan, are positive steps to reducing the number of unwanted and stray cats.

[5.57 p.m.]

Mr VALENTINE (Hobart) - Mr President, I will be very interested to listen to the member for Nelson's amendments and indeed, whether councils are bound to operate to implement them immediately, or whether there is a staged approach.

I heard the Kingborough Council briefing and I was not quite sure exactly what the time line is for when these things should come into play.

I have certainly been lobbied by a number of individuals and groups with respect to cat containment - on this bill in particular, but also about cat containment. I will read a little from the RSPCA, Just Cats Tasmania and the Tasmanian Conservation Trust letter from November 2019, which says -

The undersigned organisations support the need for provisions in the Cat Management Act 2009 to address roaming or at large domestic cats. We are also aware that some councils do not want to be forced into enforcing any controls over roaming cats.

They go through their concerns and say -

Our organisations share concerns regarding the impact of roaming domestic cats and the need to ensure that owners take more responsibility for preventing this. Preventing cats from roaming:

- reduces the risk of the cat being killed or injured ...

It is interesting to look at it from that perspective -

- ... by being run over, fighting with other cats or other animals or contracting diseases from other cats;

- reduces the incidence of cats injuring or killing wildlife and spreading diseases;
- reduces the chance of an undesexed cat becoming pregnant or inseminating another cat;
- stops a cat from entering other people's backyards and causing a nuisance;
- reduces the burden on people involved in cat control programs or who run cat management facilities who are required to return roaming cats to their owners

Of course, the RSPCA is one such organisation that probably would be involved and concerned. It says at the bottom of the first page of the letter -

Our organisations are disappointed that the state government has proposed a range of amendments to the Cat Management Act but has omitted any provision regarding at large domestic cats.

We note the very strong support of our members and the general community for laws governing roaming cats. The TassieCat survey undertaken in early 2019 -

It might have been mentioned by the member for Nelson, I am not sure -

... found an astonishing 67% of cat owners and 83% of non-cat owners supported compulsory confinement of cats. If implemented following a phase-in period and supported by good public education we anticipate very strong compliance among cat owners.

Clearly, there is support from the RSPCA, Tasmanian Conservation Trust and Just Cats Tasmania. I received a phone call - and I think the member for Nelson may have referred to this - from a Mr Rob O'Byrne who was particularly aggrieved and concerned about the health of pregnant women handling cat faeces because they can get toxoplasmosis.

One of his main issues was that a cat can transgress - it can go and poo in people's backyards; it can rip covers on motor vehicles, which he was particularly concerned about; it can damage his cars by clawing or, in one instance, by treading paint over them - and the owner has no liability. It has cost him, as an individual, significant amounts of money, but the owner does not bear any liability.

That was his concern. He said to me, 'Look, there are things such as cat runs. Dogs have kennels; cats can have runs.'. He mentioned that if a child or a family with children were up in the highlands and were trying to befriend a wild wallaby or kangaroo, if they were bitten, they could get toxoplasmosis. He was very much in support of desexed and microchipped cats.

He wanted two cats per property and controlled breeding, because cats carry disease; he said -

Over \$3000 damage to my vehicles, scratching paintwork, urinating inside vehicles and walking paint over my vehicles - \$3000-worth.

Ms Webb - There is a cost being borne.

Mr VALENTINE - Yes. He reckons there needs to be the same strictness as with dogs. This was all in a phone conversation we were having, but he did end up writing to the Kingborough Council or to you as an individual, member for Nelson. He is saying here that the neighbours are the ones who have to bear the brunt. Now, that is just some of the information I have received from other people.

There was one particular individual, Bob Holderness-Roddam - and other members may have received this particular letter. I am not going to go through it all, but what I will do is read components of the paper he attached. It was a summary of a significant book by John Woinarski and Sarah Legge and C Dickman - *Cats in Australia: Companion and Killer*, CSIRO Publishing, Clayton South, Victoria, Australia, 2019, registered with the State Library of Tasmania as well. He outlines all these different facts and figures from this particular study, a very intense study. It is very well referenced all the way through it. We are talking about a good scientific study; I do not know how peer-reviewed this is. For what it is worth, there are not that many studies on cats.

Chapter 1 of this particular study deal with domestic cat origins. There are nearly four million pet cats in Australia - that is a lot of pet cats. The African wild cat is the only felid species to have been domesticated, so this book says. Each one of these statements have a reference that follows it, so they are not just out of the blue. It talks about a skeleton of a cat buried with a human in Cyprus 9500 years ago indicating likely cultural connection with the cat. It talks about the cats introduced to Australia in the First Fleet in 1788. Well, I apologise now because my forebears came from the First Fleet with a military suitcase, not a ball and chain, I might say. That is apparently when they were first introduced.

Feral male cats in Australia average 4.2 kilograms and females 3.3 kilograms. Individual males can reach 10 kilograms. I can verify that because we had a cat that was 23 pounds in weight. It nearly cost me my life, but that is another story. Cats can be active at any time, but commonly nocturnal or crepuscular, which means twilight activity. Cats' ability to locate by smell is much less than that of dogs. It can track rodents by urine trails. Cats are generous opportunistic predators, all vertebrates and arthropods, no fruit and vegetables, but some grass for parasite control.

We have a couple of cats at home. They are rescue cats. In fact they came from Brisbane. There is a story behind it but I am not going to go into it here because it would take too long to tell, except to say they were found in a bag on the side of the road with their mother. The mother was still feeding them. There were four kittens and we had two of them. Why they had to come from Brisbane I will never know, but that is what they did. What we do with our cats is we open the door at round about quarter to seven every morning. They go outside, they chew a bit of grass, obviously for parasite control. They make love to the catnip tree, then they come back in five minutes later and get fed and they stay in all day. That is the only time they go out. They are out for five minutes of a day. You can train cats to do it. We have been doing it for the last five years.

It is not impossible to train a cat to stay inside and still have a little bit of freedom. But sometimes that little bit of freedom can cause problems. For the first time ever one of our cats brought back a blackbird to show us, hey, look at this.

Ms Forrest - You are talking about responsible cat ownership, as opposed to irresponsible cat ownership.

Mr VALENTINE - Yes, you can do it, it just takes a little bit of effort. Cats eat mammals, 70 per cent birds, 20 per cent reptiles and frogs, then arthropods and some fish. Cats prefer prey smaller than themselves. They can take prey their own size. Average prey size was 41.2 grams. Preferred prey was mammals less than 200 grams, mostly less than 100 grams. Bigger males take larger prey than females. You would expect that. Cats not necessarily hungry in order to kill, particular smaller species. Every one of these statements, as I said before, has a reference, backing up what they are saying.

Cats may migrate seasonally from coasts in winter to higher altitudes in summer in Little Barrier Island, New Zealand. The Australian Wildlife Conservancy recorded cats moving 60 to 125 kilometres in western New South Wales. Outdoor pet cats subject to vehicles, fights, diseases and dog attacks have reduced lifespans in general. Feral cats have much shorter lives - three to seven years. The lifespan of an indoor domestic cat is about 15 years, so you can see that is at least half the lifespan with a feral cat.

Dispersal in natural environments for males may be over 15 kilometres in New Zealand and central Australia. There is your gestation time here, but I think that is not quite correct because it says three days. I do not think that is right -

Ms Forrest - A three-day gestation. Even rabbits are not that quick.

Mr VALENTINE - I think someone made a little typo there. They are visually effective at four months of age.

Ms Rattray - As low as eight weeks we were told yesterday in the briefing.

Mr VALENTINE - They are visually effective -

Ms Rattray - They have babies after eight weeks.

Mr VALENTINE - The mother starts bringing prey to her den at four weeks in front of kittens. She then brings back live prey for them to practise killing. Females can have up to three litters per year but one or two is more likely. Litter size is usually three to five but can be up to 10.

Mr PRESIDENT - Just for the members' information, from memory, I think a cat's gestation period is between 58 and 67 days.

Ms Rattray - 'From memory.' Love that.

Mr VALENTINE - I am not sure where the three days comes from. I am sure that there is a typo.

Ms Forrest - There is no correlation at all between that and their gestation.

Mr VALENTINE - Killing performs two functions: (a) for food and (b) to eliminate competition.

Cats appear to avoid Tasmanian devils. The cat population has increased since the decline in devil population due to devil facial tumour disease. The member for Mersey was saying that. A decline in quoll population could have been related to reduced rainfall, but cats prevented quoll numbers recovering - quolls being what we normally term a native cat. The spotted quoll and the quoll are here in Tasmania.

They may vary from one to more than 2000 cats per square kilometre. That is an interesting figure. Feral cat density is highest in woodland fragments or forest edges rather than large continuous blocks of forest.

Mrs Hiscutt - Did you say '2000 square kilometres'?

Mr VALENTINE - No, 2000 per square kilometre.

Mr Dean - That is more than the amount of foxes we had.

Mr VALENTINE - It is referenced, if you want to follow it up. In 1951 a single cat and three kittens were introduced to Kerguelen Archipelago. By 1977, 3500 descendants were killing over a million birds per year.

Ms Forrest - They are killing machines, as I said.

Mr VALENTINE - They are. Cats on Waiheke, New Zealand, destroyed most of the 400 000 birds living there in a few decades. Sixty species of land birds wiped out and large colonies of seabirds destroyed. Five cats introduced to Marion Island in 1949, a population of 2500 feral cats killing 450 000 diving petrels per year. Killing machines. It is just amazing. I think you get the idea.

Only 23 per cent of prey is brought home. Some 49 per cent is just left at the kill site and 28 per cent is eaten by a cat before arriving home.

Ms Rattray - They are the ones that do not get fed at home.

Mr VALENTINE - Yes. A couple more statistics. Discussion of cats' role in spreading the parasite toxoplasmosis. They are the only definitive host for this parasite. The oocyst spores can survive for up to two years. A Californian study estimated cats in a 3000 hectare area deposited 108 tonnes of faeces per year with a toxoplasmosis oocyst density of 94 to 4799 per square metre of oocysts.

The individuals infected with toxoplasmosis lose their inhibitions and become attracted to cats, thereby assisting in their capture. Consumption and infection and reinfection of cats are starting the cycle over again.

They are interesting statistics. I thank Mr Holderness-Roddam for providing them. I think we need to understand the nature of the beast. Everyone would agree that we have to do something to control them.

I was in local government for 20 years. The cat issue kept rolling on and rolling on. It is good to see the Government taking action. It is not enough action for some; possibly too much action for others. But when you look at the damage they can cause in the environment, we have to be very, very proactive as a community.

I spoke to my council. They said they had no problem with the bill as it stands, with the amendments that are being proposed. But when it came to containment they said their main issue would be with the resources being provided to them. That is interesting. That is why I asked the member for Nelson if she can explain whether this is immediate, whether it is a staged thing, or whether it is by councils as to when they implement it. That is what Kingborough seemed to be saying this morning, but I was not sure whether your amendments allowed for that.

I support the bill in principle. I wait for the amendments to come forward and we will hear the discussion then.

[6.17 p.m.]

Ms RATTRAY (McIntyre) - Mr President, I have learnt more about cats since I have been in this House than I have ever known before. I can safely say that possibly the only thing that I have in common with the member for Rosevears is that I am allergic to cats. I do not have a cat and I struggle to visit anyone who has cats. I end up having to go home with runny eyes and the scratchy throat and starting to sneeze. I am not much company, to put it mildly. I do know a lot about cats now from being in this place. I was here in 2009 when we did the original act. Then, here we are, back here today.

I have been having conversations with members of my community on this particular amendment bill as far back as 2017. I find it interesting that it has taken such a long time to get to where we are today. I will touch, through my contribution, on some feedback from my councils and some people who have been good enough to provide me with some information.

Interestingly, I asked for the minister to brief the Council. I very much appreciated the Leader for facilitating that. I thank the minister for making time available. Obviously the briefing from the department was very useful. But given that I asked about registration of cats, that would be a policy change. It is unfair to expect the department to have a view on that. I was appreciative that the minister gave us the information that he did, and then the Leader placed that on the public record.

I was somewhat disappointed that there is no appetite from the Government in regard to that. When you look at the feedback that was received, particularly from local government, and the significant community support by the community as indicated by the member for Hobart and the member for Nelson, I was somewhat surprised that the state Government does not have the will to implement a registration.

I understand that such a scheme would never cover the cost of putting containment for cats into practice, but it would go some way towards it. The Northern Midlands Council said that without funding from the state Government, council could not provide the resources

needed to enforce the act. Council went on to say it does support the containment of cats to prevent them roaming but, again, does not or would not have the resources of staffing to enforce the act.

There is willingness to go into this space but the Government needs to put an overarching policy in place. I agree with the member for Murchison and others who have referred to issues arising from having a variety of by-laws around the state. They are quite onerous and a consistent approach is needed.

Dorset Council commented that containment is impractical as it is almost impossible to enforce due to the nature of cats. We have heard a lot about how cats roam and how they are destructive, causing significant damage to property and also to our flora and fauna. Council also referred to the additional costs and the resources which would have to be found. They support microchipping as a means of preventive action.

Meander Valley Council did not reply to me yesterday after I contacted them to check whether their views had changed. However, when I referred to their feedback on the draft bill from 2019 they agreed with compulsory microchipping for cats over four months, and with compulsory desexing of cats over the age of four months. Council agreed that cat numbers should be limited, but considered the number should be two and not four, to create consistency with the *Dog Control Act*.

Council supported a requirement for breeder permits for over four cats. They also made some interesting comments about methods of trapping by community members, which may not be in accordance with appropriate standards. Council suggested that veterinarians may receive cats trapped by community members, and may not be able to obtain reimbursement for the cost of euthanising them. They suggested that veterinarians should be specifically consulted about procedures, locations and reimbursement of costs.

I had some contact from one of my constituents - from - a lot of paperwork here and nothing in order but I will find it.

A representative of the Trowunna Wildlife Sanctuary. I appreciated the comments that came back from Darren and his team. He went on to say that the majority of amendments are actually very good.

It would seem, however, that although the department asked for public comment, not one change has been made from the original draft. I would be interested to know if that were the case.

Mrs Hiscutt - Who made that comment?

Ms RATTRAY - This is from the Trowunna Wildlife Sanctuary.

Mrs Hiscutt - They made a submission?

Ms RATTRAY - They made a submission and not one change has been made from the original draft. If that is not the case, I am happy to have that feedback.

It goes on to talk about the amendments still not addressing the issue around the use of three cat management facilities - Longford, Spreyton and Hobart. No-one who traps a cat more than two hours drive from one of these centres is going to take the cat there. The cat is going to be drowned or released into environmentally sensitive areas such as surrounding bushland.

Just Cats at Longford has over 600 cats in its care. It is beyond their capacity and they have the majority fostered out. That was back in November 2019. If there is an update to that, I am most certainly happy to have that feedback around that. They definitely made a contribution and in their comments they said they would like to see veterinary surgeries included in the definition of cat management facility -

We would like the wording of the legislation to allow for the participation of the veterinary surgery by choice and not to be mandated.

They went on to say -

Our reasoning for this has a few aspects. Firstly, the cat management facilities are in population hubs of Hobart, Launceston and Devonport and the cat issue is a state-wide issue. We have certainly acknowledged that today, with rural and regional areas having no ready access to these facilities.

It is highly unlikely that anyone is going to travel two to three hours from the west or the east to a cat management facility with any cats they have trapped.

That is a valid point. When people are asked to provide input into these processes, then they certainly need to be listened to.

I will not provide anything from the joint submission from the Tasmanian Conservation Trust, Just Cats and RSPCA. The member for Hobart has referred to their comments in his contribution. I feel sure that the member for Windermere in his contribution, will refer to Mr Collier's comments, as well.

Mr Dean - I do not intend to speak too much.

Ms RATTRAY - We had a joint meeting facilitated by the member for Windermere. Certainly, they were supportive of containment, and considered that responsible ownership came with containment. I thank Mr Collier for his work in this space. He provided us with a story about the gentleman who had such a terrible issue with cat damage on his vehicle and around his place.

The main issues were the lack of cat containment requirements and cat management facilities, the lack of availability and consistency across the state, and the lack of funding, and reliance on volunteer organisations required to take to a cat management facility if trapping is closer to one kilometre from a resident, and had talked about if not a pet and able to do it humanely. We feel that people should be able to humanely euthanise even if the animal is trapped less than one kilometre from a residence. The restriction otherwise limits the ability of community and groups to manage cats in urban and peri-urban areas.

The last point from Mr Collier was the need to have better provisions for landscape-scale cat management and eradication programs. Thank you, Mr Collier.

During the briefing yesterday, I asked the department about GPS trackers that would be fitted. I googled them. They are called pod trackers and range from \$165 to buy -

Ms Forrest - US dollars or Australian?

Ms RATTRAY - It was Australian dollars; I did check because I have been caught before with US dollars.

This particular gentleman contacts my office regularly and takes an interest in whatever is happening in our communities. He said - 'Overall, in my opinion, the bill is very clever but by leaving roaming laws up to local government the Government has side-stepped a highly contentious and emotional topic'. He goes on to say - 'Cat clamping legislation' and notes 'The GPS trackers that can be fitted to cats are inexpensive and readily available'. I was not aware that such a product was available until I read that email. Again, I thank my constituent.

Mrs Hiscutt - Mr President, while there is a lull, I inform the member that I am happy for her to adjourn the debate if she wishes, or to continue.

Ms RATTRAY - Thank you very much.

Mr President, I have some more information here, and I would like to share the concerns raised by a couple of people in my community who contacted me very soon after my appointment as the member for McIntyre.

In order to do that, and to abide by the honourable Leader's wishes, I move -

That the debate stands adjourned.

Debate adjourned.

JUSTICE MISCELLANEOUS (COURT BACKLOG AND RELATED MATTERS) BILL 2020 (No. 35)

First Reading

Bill received from the House of Assembly and read the first time.

ADJOURNMENT

[6.36 p.m.]

Mrs HISCUTT (Montgomery - Leader of the Government in the Legislative Council) - Mr President, I move -

That at its rising, the Council adjourn until 11.00 a.m. on Tuesday,
13 October, 2020.

Motion agreed to.

Whales - Stranding at Macquarie Harbour

Ms FORREST (Murchison) - Mr President, I want to speak very briefly on a matter that is important, because of international interest. The eyes of the world have been on a remote part of my electorate and in our state in recent days, sadly as the result of a tragic mass stranding of approximately 470 pilot whales. These whales became stranded in Macquarie Harbour at Macquarie Heads on Ocean Beach and Betsy's Bay in Macquarie Harbour. Tragically, only a small number of these pilot whales have been able to be saved. The mass stranding is believed to be the largest mass stranding event and death toll in Australia's history, with approximately 470 whales stranded at this stage.

On this sad occasion, the first stranding of approximately 270 pilot whales occurred near Macquarie Heads, with a smaller pod stranding on Ocean Beach. The second stranding was at Betsy's Bay, 10 kilometres inside the Macquarie Harbour, south of the heads, where sadly all of those whales died. To quote an article in the *Mercury* today regarding the stranding, how it was discovered, a Darrell Delaney from Ulverstone said he reported the stranding to police when he discovered the whales on a sandbar during a morning walk at Macquarie Heads at Strahan at 7.30 a.m. Monday morning. The recreational fisher in his mid-70s watched rescue operations unfold on Wednesday morning, saying he had never seen anything like it and he never wanted to again.

He then said he drove back into Strahan and told the police, telling them they did not want to see what was actually happening. This tragedy led to a constituent of mine reflecting on an experience of observing a whale stranding off Marrawah in the 1990s. She said it was terrible to hear and see the whales calling out as the sun went down. She said a friend who lived on the hill watched the pod swimming and playing about in the bay all day, then late in the afternoon one headed to shore and the rest followed. They crossed rocky reefs, ripping their skin open as they made a beeline for the beach and the sounds were sad and tragic. It must be really traumatic and difficult for the people listening to those cries to each other as the whales tried to be saved.

I also note there were some comments made by Edith Bevin, ABC - and this highlights the tragedy of it - where she said the crews out there doing the rescue have told us baby pilot whales are swimming in the shallows near their stranded mothers, knocking into rescuers and swimming between their legs, as they tried to free the adult whales. One rescuer said it is just the grimmest thing. These people who are rescuing these whales will need some support after this event.

In noting this sad event, I also note the support given by those involved in the aquaculture industry who have actively supported the effort to save the whales. I understand Petuna Aquaculture, Tassal and Huon Aquaculture were involved in the rescue efforts, towing whales through the narrow gates of Macquarie Harbour through Macquarie Heads back to the open seas. This is particularly significant as anyone who has been to Macquarie Heads and out through Hells Gates, known as the Gates, would appreciate the risk and danger associated with any such effort. Only about 30 metres wide in what is often very treacherous conditions to navigate through.

I also note in media commentary from the Marine Conservation Program wildlife biologist, Chris Carlin, that there appears to be no answers to why the big group of whales came into the harbour and probably never would be.

I always wonder why whale strandings occur and it seems we will probably be unlikely to know.

I am sure this has been a devastating rescue operation for those directly involved and the incident controller, Nic Deka, from Parks and Wildlife Services said the rescue effort has been reasonably successful. On the first day, they managed to save about 25 whales. They have been lifted by sling and boat and escorted through the channel out to sea. He stated in the interviews with the media that the squally conditions in Strahan on Tuesday were challenging for the rescuers, but were slightly beneficial for the stranded animals.

I acknowledge and thank those involved in the rescue effort, including the fish farm workers from the nearby salmon farms, and more than 60 Department of Primary Industry, Water, Parks and Environment staff and the other trained volunteers, including members of five surf clubs from across northern Tasmania who joined the rescue effort.

As I said, all three aquaculture companies had a role in this, but I know Petuna has a much larger presence in Macquarie Harbour. Its CEO Ruben Alvarez made the company's position very clear to all employees in Strahan: they were free to provide whatever assistance was required to keep teams working on the ground. Petuna contributed the following: two cargo nets lined with 32 millimetre mesh for lifting the whales; two jet boats; a yakka, which is a heavy work vessel; several strops and five men at a time to assist the recovery as needed. They also offered food and water but Parks and Wildlife had already done that.

Petuna employees on the ground who have put in a huge effort over the past few days and who continue to be heavily involved include the General Manager - Marine Operations, Robert Wyvill; the Senior Manager, Macquarie Harbour, Don McIntyre; Ty Becker, Nick Hall, Anna Roberts, Geoff Sollars, Jeremy Hickey, Darren Spotswood, Andrew Davis, Jhi Triffett, Luke Cannon and Josh Cleveland. Of course, allowing those people to assist in the whale rescue has meant others at Petuna have taken on significantly heavier workloads at the farms. It is really the entire team in Strahan who have to be acknowledged for their efforts.

Petuna also offered to assist the Government in any way to help the potential burial of the dead whales or to transport the dead whales to sea. These discussions are ongoing as I speak.

I also hope to see ongoing research into this important matter, to not only make future rescue efforts more successful - hopefully as they can be knowing this is not a unique circumstance - but it is of a scale we have not seen before in Australia. Also, to identify any reasons or facts contributing to such events with a view to preventing what is possible.

I acknowledge the extraordinary efforts of all those involved down there. There are many government employees through Parks and Wildlife and the companies in that place. It is really sad and it must be really traumatic for the rescuers seeing some of the scenes they are seeing.

Day Care Providers and Planning Scheme Requirements

[6.43 p.m.]

Mr WILLIE (Elwick) - Mr President, I rise to bring a matter to the Government's attention before the break.

It has been raised with me in the last 24 hours and relates to some information provided by the Meander Valley Council to a family day care provider in the north of the state. It would have serious ramifications for family day care services across the state and I bring it to your attention, hopefully, with an undertaking from the Leader to discuss this with the Planning minister and also the Education minister.

The information that was provided by the council to the family day care service is council is anticipating a new planning scheme and the state planning provisions to become effective in Meander Valley late 2020, early 2021. The exact time frames are unknown. Should an application be received under the new scheme when it comes into effect the application must be assessed against the new provisions. It is noted, that in the draft Tasmanian Planning Scheme provisions under 4.0, Exemption, Table 4.1, home-based child care is exempt from requiring a planning permit if -

- (a) the person conducting the home-based child care normally uses the dwelling as their principal place of residence;
- (b) it does not involve employment of persons other than a resident; and
- (c) there are no more than 6 non-resident children for child care per day.

The issue with that is that currently educators are allowed four children under preschool and they are allowed three more children who are school age, so that could be kindergarten part- time or after-school care or even vacation care.

If the planning permit comes into effect, it will have a serious impact on what are effectively sole traders. It will reduce their income by up to one-seventh. I am sure the Education minister would like to look into that matter because it would be a serious problem for that industry.

Before I finish I state that I have the utmost respect for family day carers who have been working in extraordinarily challenging times, not just through this pandemic but with uncertain policy settings from a federal government that clearly does not understand the contribution they make to the development of our children, and the contribution they make to workforce participation, particularly for women. I would like to state that I am here for them and I will represent them in any way I can.

Mrs Hiscutt - While the member is on his feet, thank you very much, Mr President. I will make sure that they get that.

The Council adjourned at 6.46 p.m.

