



# LEGISLATIVE COUNCIL

SESSION OF 2019 - 2020

(SECOND SESSION OF THE FORTY-NINTH PARLIAMENT)

## VOTES AND PROCEEDINGS

No. 73

WEDNESDAY, 14 OCTOBER 2020

- 1 **COUNCIL MEETS.**— The Council met at 11.00 o'clock in the forenoon.
- 2 **ACKNOWLEDGEMENT OF TRADITIONAL PEOPLE.**— The President said: “We meet today on Tasmanian Aboriginal land. We acknowledge and pay respect to the Tasmanian Aboriginal people and elders, past, present and emerging. We recognise them as the traditional and original owners and the continuing custodians of this land.”
- 3 **PRAYERS.**— The President read Prayers.
- 4 **PAPERS.**— The Clerk of the Council laid upon the Table the following Papers:—
  - (1) Department of Police, Fire & Emergency Management: Annual Report 2019-2020.
  - (2) Private Forests Tasmania: Annual Report 2019-20.
  - (3) Royal Tasmanian Botanical Gardens: Annual Report 2019-2020.
  - (4) Tasmanian Irrigation: Annual Report 2019-2020.
  - (5) Chief Civil Psychiatrist and Chief Forensic Psychiatrist: Annual Report 2019-20.
  - (6) Office of the National Rail Safety Regulator: Annual Report 2019-2020.
  - (7) Tasmanian Community Fund: Annual Report 2020.
  - (8) Australian Criminal Intelligence Commission: Chair Annual Report 2018-19.
  - (9) Education and Care Services National Law: Education and Care Services National Amendment Regulations 2020.
  - (10) Land Acquisition Act 1993: Notice of Acquisition of land under Section 18, comprising area of land containing 79.5 m2 situate in Tasman Highway Great Eastern Drive – Springvale Road Junction, Municipal area of Glamorgan-Spring Bay.
  - (11) Land Acquisition Act 1993: Notice of Acquisition of land under Section 18, comprising areas of land containing 65.8 m2 and 9.4 m2 situate in Tasman Highway Great Eastern Drive – Springvale Road Junction, Municipal area of Glamorgan-Spring Bay.
  - (12) Land Acquisition Act 1993: Notice of Acquisition of land under Section 18, comprising area of land containing 508 m2 situate in Tasman Highway Great Eastern Drive – Springvale Road Junction, Municipal area of Glamorgan-Spring Bay.

**5 MOTION WITHOUT NOTICE.**— *Ordered*, That Mrs *Hiscutt* have leave to move a Motion without Notice.

**6 LEAVE OF ABSENCE.**— *Ordered*, That the Honourable Member for *Pembroke*, Ms *Siejka*, be granted leave of absence from the service of the Council for today's Sitting. (Mrs *Hiscutt*)

**7 BILL NO. 37 OF 2019.** — The Marine-Related Incidents (MARPOL Implementation) Bill 2019 was read the Third time and passed.

**8 BILL NO. 37 OF 2019.**— A Message to the House of Assembly:—

MADAM SPEAKER,

The Legislative Council has this day agreed, without Amendment, to the Bill intituled, 'A Bill for an Act to protect State waters from pollution by oil and other substances, to give effect to certain parts of the MARPOL Convention, and for related purposes'.

*Legislative Council, 14 October 2020*

*C.M. FARRELL, President*

**9 BILL NO. 27.**— The Corrections Amendment (Electronic Monitoring) Bill was read the Third time and passed.

**10 BILL NO. 27.**— A Message to the House of Assembly:—

MADAM SPEAKER,

The Legislative Council has this day agreed, without Amendment, to the Bill intituled, 'A Bill for an Act to amend the *Corrections Act 1997* to enable electronic monitoring of offenders to be a condition of parole'.

*Legislative Council, 14 October 2020*

*C.M. FARRELL, President*

**11 BILL NO. 25.**— The Order of the Day was read for the Second reading of the Tasmanian Civil and Administrative Tribunal Bill 2020.

A Motion was made (Mrs *Hiscutt*), and the Question was proposed, That the Bill be now read the Second time.

A Debate arose thereupon.

And the Question being put,

It was resolved in the Affirmative.

And the Bill was, accordingly, read the Second time and committed to a Committee of the Whole Council.

And the President having left the Chair, the Council resolved itself into the said Committee.

---

(In the Committee)

Ms *Forrest* in the Chair.

Clauses 1 to 71 agreed to.

Schedules 1 to 3 agreed to.

Title agreed to.

Bill to be reported without Amendment.

---

The Council being resumed, Ms *Forrest* reported that the Committee had gone through the Bill, and directed her to report the same to the Council without Amendment.

*Ordered*, That the Third reading of the Bill be made an Order of the Day for tomorrow. (Mrs *Hiscutt*)

**12 BILL NO. 55 OF 2019.**— The Order of the Day was read for resuming the Debate on the Question, That the Cat Management Amendment Bill 2019 be now read the Second time.

The Question was again proposed, and the Council resumed the Debate.

**13 SITTING SUSPENDED.**— It being 1.00 o'clock p.m. the Sitting of the Council was suspended.

The Council resumed the Sitting at 2.30 o'clock p.m.

**14 QUESTION TIME.**— The President called for Questions without Notice. There were three Questions asked.

*Ordered*, That Mrs *Hiscutt* have leave to Table information relating to unauthorised absence rates for high schools in Tasmania and have the information incorporated into the Hansard record.

**15 BILL NO. 55 OF 2019.**— The Council resumed the Debate on the Question, That the Cat Management Amendment Bill 2019 be now read the Second time.

And the Question being put,

It was resolved in the Affirmative.

And the Bill was, accordingly, read the Second time and committed to a Committee of the Whole Council.

And the President having left the Chair, the Council resolved itself into the said Committee.

---

(In the Committee)

Ms *Forrest* in the Chair.

Clauses 1 to 13 agreed to.

Clause 14 postponed.

Clause 15 agreed to.

Clause 16 Amendments proposed. (Ms *Webb*)

**First amendment**

Page 28, proposed new section 19, before “A council may”.

*Insert* “(1)”.

**Second amendment**

Same page, same proposed new section, at the foot of the section.

*Insert* the following subsection:

- (2) Except as otherwise prescribed, the owner of a cat must not –
- (a) take the cat into a prohibited area; or
  - (b) take an action that enables the cat to enter into a prohibited area.
- Penalty: Fine not exceeding 20 penalty units.

Question put, That the Amendments be agreed to,

Committee divided.

AYES 4

Ms *Armitage*  
Mr *Gaffney* (Teller)  
Mr *Valentine*  
Ms *Webb*

Pair: Ms *Ratray*

NOES 8

Mr *Dean*  
Ms *Forrest*  
Mrs *Hiscutt*  
Ms *Howlett*  
Ms *Lovell*  
Ms *Palmer*  
Dr *Seidel* (Teller)  
Mr *Willie*

Pair: Ms *Siejka*

So it passed in the Negative.

Clause 16 as read agreed to.

Clauses 17 to 28 agreed to.

Postponed Clause 14 as read further considered and agreed to.

New Clause A [Part 2A inserted] brought up (Ms *Ratray*) and read the First time as follows:—

**A. Part 2A – Registration of Cats**

**11A. Registration of cats**

- (1) The owner of a cat that is more than 6 months of age must register the cat.  
Penalty: Fine not exceeding 5 penalty units.
- (2) A person must not evade registration of a cat by –
  - (a) concealing the cat; or
  - (b) disposing of the cat, other than in accordance with this Act.Penalty: Fine not exceeding 5 penalty units.

**11B. Application for registration**

- (1) The owner of a cat that is required to be registered is to apply for registration to the general manager of the council for the municipal area in which the cat is to be kept.
- (2) An application to be registered is to –
  - (a) be in an approved form; and
  - (b) be accompanied by a registration fee, if any; and
  - (c) include the number recorded on any microchip implanted in the cat.

**11C. Registration tag**

- (1) On the registration of a cat, the general manager is to –
  - (a) allocate a registration number to the cat; and
  - (b) issue to the owner a tag that is clearly and durably marked with –
    - (i) the name of the council; and
    - (ii) the registration number of the cat; and
    - (iii) the expiry date of the registration.
- (2) A registration tag is valid until the expiry date marked on the registration tag.

- (3) A person must not –
- (a) use a registration tag that is not valid; or
  - (b) use a registration tag issued in respect of another cat; or
  - (c) counterfeit a registration tag or knowingly use a counterfeit registration tag; or
  - (d) remove a registration tag from a cat without just cause.

Penalty: Fine not exceeding 3 penalty units.

**11D. Cat must wear collar**

- (1) The owner or person in charge of a cat must ensure that the cat, while not at the premises at which the cat is usually kept, has a collar fastened around its neck to which is attached the cat's registration tag.

Penalty: Fine not exceeding one penalty unit.

- (2) This section does not apply to a cat when it is being shown as part of a cat show.

- (3) A person, without just cause, must not remove a collar from a cat that is not at the premises at which the cat is usually kept.

Penalty: Fine not exceeding 2 penalty units.

**11E. Cancellation of registration**

- (1) The owner of a registered cat must notify the general manager, of the council for the municipal area in which the cat is registered, in writing within 14 days after –

- (a) the cat's death, loss or removal; or
- (b) beginning to usually keep the cat on premises in another municipal area.

Penalty: Fine not exceeding one penalty unit.

- (2) The general manager, if satisfied of the truth of the notification, is to –

- (a) cancel the registration of the cat; and
- (b) in the case of a cat beginning usually to be kept by its owner on premises in another municipal area, notify the general manager of the council for that municipal area of the cancellation.

**11F. Change in details of registration**

- (1) A person who becomes the owner of a cat that is already registered must, within 14 days after becoming the owner, notify the general manager, for the council for the municipal area in which the cat is registered, in writing of the transfer of ownership.

Penalty: Fine not exceeding one penalty unit.

- (2) If a transfer of ownership of a registered cat occurs, the former owner of the cat, within 14 days after the transfer, must notify the general manager, for the council for the municipal area in which the cat is registered, in writing of the transfer of ownership.

Penalty: Fine not exceeding 1 penalty unit.

- (3) The owner of a cat is to notify the general manager, of the council for the municipal area in which the cat is registered, in writing within 14 days after beginning to usually keep the cat at another address in the same municipal area.

**11G. Council to keep register**

- (1) A general manager is to keep a register in respect of registered cats.
- (2) The register is to state –
  - (a) the name, age, sex and reproductive capacity of the cat; and
  - (b) the breed of the cat, if identifiable; and
  - (c) any identifiable feature of the cat; and
  - (d) the owner's name and address; and
  - (e) the registration number of the cat allocated under **DisplayText cannot span more than one line!**; and
  - (f) the number recorded on any microchip implanted in the cat; and
  - (g) any other information that the general manager considers relevant.

Question put, That new Clause A be now read the Second time.

Committee divided.

AYES 4

Mr *Gaffney* (Teller)  
Ms *Rattray*  
Mr *Valentine*  
Ms *Webb*

NOES 9

Ms *Armitage*  
Mr *Dean*  
Ms *Forrest*  
Mrs *Hiscutt* (Teller)  
Ms *Howlett*  
Ms *Lovell*  
Ms *Palmer*  
Dr *Seidel*  
Mr *Willie*

So it passed in the Negative.

**New Clause A [Section 16E inserted]** brought up (Ms *Webb*) and read the First time as follows:—

**A. Section 16E inserted**

Before section 17 of the Principal Act, the following section is inserted in Part 4:

**16E. Cat at large**

- (3) In this section –

**"at large"**, in relation to a cat, means that the cat is –

  - (a) in a public place and not restrained or secured; or
  - (b) on private premises without the consent of the occupier;

**"restrained"** means enclosed in a container suitable for the transport of cats;

**"secured"**, in relation to a cat, means that the cat is attached to a lead not more than 2 metres long that is –

  - (a) held by hand by a person able to control the cat; or
  - (b) tethered to a fixed object.
- (4) The owner of a cat must not allow a cat to be at large.

Penalty: Fine not exceeding 5 penalty units.

Question put, That new Clause A be now read the Second time.

Committee divided.

AYES 4

Mr *Gaffney* (Teller)  
Ms *Ratray*  
Mr *Valentine*  
Ms *Webb*

NOES 9

Ms *Armitage*  
Mr *Dean* (Teller)  
Ms *Forrest*  
Mrs *Hiscutt*  
Ms *Howlett*  
Ms *Lovell*  
Ms *Palmer*  
Dr *Seidel*  
Mr *Willie*

So it passed in the Negative.

Title agreed to.

Bill to be reported without Amendment.

---

The Council being resumed, Ms *Forrest* reported that the Committee had gone through the Bill, and directed her to report the same to the Council without Amendment.

*Ordered*, That the Third reading of the Bill be made an Order of the Day for tomorrow. (Mrs *Hiscutt*)

**16 ADJOURNMENT.**— A Motion was made (Mrs *Hiscutt*) and the Question was put, That the Council will at its rising adjourn until 11.00 o'clock am on Thursday, 15 October 2020.

It was resolved in the Affirmative.

A Motion was made (Mrs *Hiscutt*) and the Question was proposed, That the Council do now adjourn.

A Debate arose thereupon.

And the Question being put,

It was resolved in the Affirmative.

The Council adjourned at 7.05 o'clock p.m.

D.T. PEARCE, *Clerk of the Council*.

**Briefings:**

- *Tasmanian Civil and Administrative Tribunal Bill 2020*
- *Evidence (Children and Special Witnesses) Amendment Bill 2020*
- *Justice Miscellaneous (Court Backlog and Related Matters) Bill 2020*