

SECOND READING SPEECH

CAT MANAGEMENT BILL 2009

Mr Speaker, I move that the Bill now be read a second time.

Introduction

Most members will be aware, Mr Speaker, that I have been keen to introduce legislation on this matter for many years. It relates directly to two important responsibilities in my portfolio as Minister for Primary Industries and Water:

- first, the problems posed by feral cats, mainly to native wildlife but also to agricultural stock; and
- second, animal welfare, since the lives of stray, feral or just poorly looked after cats are usually – as the saying goes – “nasty, brutish and short”.

I acknowledge that other members share this interest, and that the Greens have introduced a Bill on this subject. The Bill I have introduced is not identical to theirs, but I appreciate that public interest has been stirred and informed by such precedents.

In developing this Bill, we have taken account of the complexity of the issue and the evidence from other jurisdictions that have previously legislated on it. We have taken the time to study the evidence, and to consult.

Most importantly, in August last year I launched the Position Paper, *Cat Management in Tasmania – Taking the Initiative*. This paper had been drafted with extensive input from a core group of stakeholders who have remained involved throughout, and with whom we intend to continue developing the implementation of this legislation.

These comprised Local Government (mainly through the Local Government Association of Tasmania), the Tasmanian Farmers and Graziers Association, the Royal Society for the Prevention of Cruelty to Animals, the Australian Veterinary Association (Tasmanian Division), the Tasmanian Conservation Trust, and the Hobart Cat Centre. Others that have provided input include the Cat Association of Tasmania.

The constructive engagement of all these groups has been simply invaluable, and I am pleased to be able to put my appreciation on the record. Their backing for what we propose is a vital indication to us that we are on the right track, and that we will have broad community support.

Community support was also indicated by the response to the Position Paper. It generated 171 submissions, from all the expected stakeholder groups as well as many concerned individuals. The feedback was highly supportive of the key proposals – more than 90% supported the introduction of legislation, and the requirement for microchipping and desexing.

Mr Speaker, the last point I wish to make, before I summarise the key elements of the Bill in more detail, relates to the general approach we have taken.

We have deliberately sought to make this Bill as simple as possible. In that respect it is in contrast to much of the legislation in other jurisdictions. In part, this is because we have avoided registration. The evidence suggests that registration for cats has low compliance rates and high administrative costs.

The consensus of experts is that the key is behaviour change among cat owners broadly, combined with targeted programs and measures to address specific problem issues and locations.

We know, from a recent national conference on pet management, that the complicated law in other jurisdictions is no longer in favour. I understand that the next State intending to tackle this issue is Western Australia, and there is interest from their animal welfare shelters in raising our approach as the likely model.

In short, we consider that we have taken a practical and considered approach. We have consulted widely on the broad issues, but also in detail with the key stakeholders. We have a model we think can work.

Nonetheless, there has to be more detail in order to implement the Bill, and this will largely be in Regulations. Once the Bill is passed, their development will be a key focus of the implementation task. As I have noted, this will continue to involve consultation with our key stakeholders.

Purpose of the Bill

The purpose of the Bill is specified in clause 3. It is to:

- promote the welfare and responsible ownership of cats, including the desexing and microchipping of domestic cats;
- provide for the effective management of cats, allowing for the humane handling and management of unidentified, stray and feral cats; and
- reduce the negative effects of cats on the environment.

It is estimated that there are as many as 92,000 pet cats in Tasmania with a stray and feral cat population estimated at 150,000.

As I have indicated, we believe Tasmania has been able to learn from the experiences of other jurisdictions. So we have developed an approach that aims to encourage responsible ownership of domestic cats while also facilitating the effective management of stray and feral cats, without having to rely on a detailed enforcement regime.

It involves a number of key elements, which I will cover in more detail below:

- Controls over breeding, and the registration of breeders
- Controls over the sale and transfer of cats

- The desexing and microchipping of cats over 6 months old
- Clarifying the powers and roles of cat management facilities
- Dealing with stray and feral cats, and the use of prohibited and cat management areas

I will conclude with brief discussions of the role of local government, the phasing in of certain provisions over time, and the matter of resources.

One final introductory point, Mr Speaker, is that this Bill makes no attempt to impinge on established and important legislation that is relevant. For instance, the *Animal Welfare Act 1993* is intended to continue to apply without qualification, as is the *Firearms Act 1996*.

Control of breeding

A desired outcome of the Bill is to reduce the number of cats that become unwanted and are euthanased each year. This is being addressed by approaches to reduce the unplanned breeding of cats.

The Bill provides that a person must not breed cats unless he or she is a registered breeder. Contravention of this provision will be an offence. The basic aim is that ordinary domestic cats will be desexed – as, according to vets, the vast majority of those they now deal with already are. But cats can breed fast, so we want to make desexed pets the legislated norm.

There will be two types of registered breeder. First, a member of a cat association specified in a notice published by the Secretary in the *Gazette* will be taken to be a registered breeder. The relevant cat associations – of which there are only two currently – have their own detailed standards and guidelines, which we believe are adequate. However, further discussions will be held before the Secretary implements this provision.

Second, and particularly because we are keen to ensure that there are legitimate breeders of the healthy, standard “moggie” – the short-haired domestic cat, in technical terms – others may apply for registration. This will be a process run by the Department, and will

be subject to appropriate conditions. While there may not be many such breeders, it is important to provide for them. This is covered in Part 7.

Realistically, we know that for the moment an adequate supply of ordinary, non-pedigree cats will probably continue to exist, in the form of kittens from stray or poorly supervised cats that end up in cat shelters. Obviously, however, over time we hope this source will tend to dry up.

Controls on sale, etc

To further reduce the number of cats that become unwanted each year, and to facilitate responsible cat ownership, the Bill specifies conditions on the sale or giving away of cats. (I note that for the purposes of the Bill, sell is defined in clause 4 broadly to cover all transfers of ownership.)

In other words, the intention here is to restrict the supply of new cats that may potentially cause problems in the future.

The key conditions are that a cat must be at least 8 weeks of age, microchipped, desexed, and meet the prescribed health check. The detail of the last provision will be worked through with vets and other stakeholders in drafting the Regulations. It is likely to specify that the cat is vaccinated against standard diseases, wormed and free from obvious disease.

It is recognised that health or practical reasons sometimes make it impossible to do all this prior to sale. These matters have been accommodated through the use of a “care agreement”.

This formalises the sort of arrangement already familiar in some cat shelters, whereby new owners pay a deposit on the treatment as they pick up cats that may be too young or unwell for the necessary operations. These agreements provide an effective incentive to complete the treatment in due course.

The Bill also provides that cats must not be given away as prizes in raffles, or lucky door prizes or similar. I appreciate that this may

seem petty. However, it is important that people should not accidentally become cat owners.

The Bill is intended to reinforce the key message that cat ownership is a responsibility. We want Tasmanians to embark upon cat ownership deliberately, and with a clear-eyed view of its obligations and its costs.

Microchipping and desexing

The Bill also aims to encourage the responsible ownership of cats in the existing domestic cat population by providing that the owner of a cat is to ensure that the cat is desexed and microchipped by 6 months of age.

This of course reinforces the previous provisions, but this time from the owner's viewpoint. It will also apply to existing pets.

The Bill provides that an owner "is to ensure" their cat is desexed and microchipped. (There are of course provisions for exemption from microchipping and desexing a cat based on a veterinary surgeon's certificate.)

In the absence of registration, this remains a directive provision, albeit a strong one. However, a compulsory element will be phased in, by means of a strong incentive to owners. After four years, if a cat enters a "cat management facility", the cat would need to be desexed and microchipped before it could be reclaimed by its owner. (Also, from the beginning holding times for non-microchipped cats will be shorter, as I will explain below.)

As with the sale provisions, health and practical exemptions are recognised. A care agreement could facilitate desexing and microchipping at a later time for cats being reclaimed, if appropriate.

Naturally a registered cat breeder may own a non-desexed or "entire" cat for the purpose of breeding.

Members may be aware that in some jurisdictions – particularly the new Queensland Bill – there is very complex legislation to cover the mechanics of microchipping and its associated databases. As with

the recent amendment to the Dog Control Act, however, we have deliberately kept this level of detail for the Regulations. And also as with the dog legislation, we intend where possible to adopt the well-established procedures and systems that exist in Victoria and elsewhere.

Cat Management Facilities

The Bill also provides a legal framework for “cat management facilities” holding and handling cats. “Cat management facility” is the collective term in this Bill for such facilities. As defined in clause 4, it includes facilities operated by the RSPCA and the Hobart Cat Centre. The Hobart Cat Centre alone handles around 3,000 cats a year.

The definition also includes any council pound that has cat holding and handling facilities. Importantly, there is provision (again under the Regulations) to approve others.

The Regulations also allow the setting of conditions for the operation of these facilities. These can specify, for example, that cats may only be destroyed by vets, as is in fact the current practice.

Cat management facilities play an absolutely central role, Mr Speaker. They bear the main burden of dealing with the effects of lost, unwanted, stray and feral cats.

They do this as a service to the community, and as a community we should ensure they are supported in their activities with a clear and comprehensive set of powers and functions. Therefore as a Government we aim, through this Bill, to provide cat management facilities with the legal framework for their operations, in particular in Part 5.

This will not only provide protection and guidance to the facilities, but will clarify for the community how cats are handled.

An especially significant provision in this respect is clause 25, “Unidentified, unclaimed and surrendered cats”. The practical effect of this clause is to set the required holding times for cats entering a cat management facility. The holding times are 3 working days for a non-microchipped cat, and 5 working days for a microchipped cat.

These are the minimum periods that a cat must be held before the cat management facility may attempt to rehouse the cat, offer it for sale, or cause it to be humanely destroyed.

The intent is to create a strong incentive for owners to search for their cats promptly. The specified periods still provide an owner with a reasonable opportunity to reclaim their lost cat.

Members will no doubt recognise that these periods are consistent with those that apply for dogs entering a pound. Once again, the aim is to encourage people to take their responsibilities as cat owners as seriously as most already do in relation to their ownership of dogs. The message has to be that a cat requires the same level of responsible ownership and care as a dog.

No minimum holding period would apply to a cat surrendered by its owner, or a stray cat given in to, or collected by, the facility. Further, the Bill enables a cat management facility to make an immediate assessment of cats in particular circumstances and to have a full range of options available.

We know that these facilities go to great lengths to keep, look after and re-home their cats. We also know that nothing in this Bill will change that, or encourage them to put down more cats. But it will at least give them the confidence to do what they need to, knowing that their circumstances are recognised in law.

Finally on this topic, Mr Speaker, the Bill also clarifies in clause 34 the power of cat management facilities – and others such as vets who often end up holding lost cats – to seek reimbursement of their costs. This was one of the many practical issues on which we have been pleased to take the advice of our stakeholders.

Dealing with stray and feral cats

The management of domestic cats is just one component of addressing the animal welfare issues associated with unwanted, stray and feral cats. The Bill therefore also provides options for the humane management and control of stray and feral cats.

This goes beyond animal welfare issues, obviously. We are all aware that stray and feral cats pose a significant conservation threat through predation of Tasmania's native animals, and also the spreading of disease (notably toxoplasmosis) to farm stock.

The Bill outlines provisions for the destruction of cats in certain circumstances, including if the cat is believed to be a feral cat. The Bill includes a definition of a feral cat.

In this respect, the focus of the Bill is on a location-based approach. As in other areas, the intention is essentially to clarify matters so that actions which are often undertaken now will be covered properly by legislation – whereas at the moment there remains some uncertainty about their basis in law.

There are three main provisions here, covered in Part 5:

- Specifying that large areas of land are “prohibited areas” for cats;
- Clarifying the right of farmers and rural landowners to deal with cats on their land; and
- Allowing the creation by councils of special areas in which cat management actions can be undertaken.

To reduce the impacts of cats on the environment, the Bill enables authorised persons to humanely destroy, or trap, seize and detain cats in a “prohibited area”. This is intended mainly to cover parts of the State that are managed mainly or partly for their natural values.

The term “prohibited area” is defined in clause 4, and covers all reserved lands under the *Nature Conservation Act 2002*, as well as land subject to conservation covenants under that Act; public reserves under the *Crown Lands Act 1976*; and private timber reserves, forest reserves and State forest under the relevant forestry legislation.

Members will appreciate, Mr Speaker, that this covers a substantial proportion of the State. They will also appreciate that the two largest categories – reserves under the conservation and the forestry legislation – are already managed in a way that includes feral cat control. Again, the Bill adds certainty to the management powers that underpin the actions taken.

Under clause 19 a council may also declare land that it controls to be a prohibited area.

The second set of provisions cover private land, on which farmers already routinely control cats.

The Bill specifies in clause 17 that under certain circumstances a person may trap, seize or humanely destroy cats on their property. These circumstances include when a cat is on rural land primarily relating to livestock. This provision mirrors that in the Dog Control Act.

The other situation is if the cat is on land more than one kilometre from another place genuinely used as a residence. Most desexed cats will not wander further than this. The clause also allows for “prescribed circumstances” in case it is considered appropriate to extend this provision.

As I have noted, such persons would need to comply with other relevant legislation, such as the *Animal Welfare Act 1993* and the *Firearms Act 1996*. The Bill also includes the same provision as the *Animal Health Act 1995* for the disposal of the remains, to avoid regrettable displays such as members will recall from the Northern Midlands municipality last year.

The third area-based provision enables a council to declare a “cat management area”. This is to facilitate community programs, or local initiatives.

A number of specific cat management initiatives are no doubt familiar to members. They include some supported by national natural resource management funding, and in cooperation with local government. Two examples are the project on Bruny Island and the newer one based around Weymouth and Bellingham in the George Town municipality.

The involvement of community organisations is important for assisting in managing Tasmania’s stray and feral cat problems. They are able to pilot innovative, locally appropriate approaches, and to harness the skills and knowledge of the local community. We know that local government is happy to work with them.

In addition, councils may wish to trial measures such as curfews in particular areas, and this will allow such actions.

Local Government

This leads me, Mr Speaker, to touch on the role of local government in this legislation.

We have been guided in the development of this legislation by a clear intention not to impose new obligations on councils. All the provisions in this Bill relating to councils are permissive.

The Bill clarifies the power of local councils to make by-laws in relation to cat management, to enable them to meet the specific needs of their community. This approach has been welcomed by local government.

I believe members will be aware that Latrobe Council has had a voluntary cat registration scheme in place for a couple of years. But there has been a desire to have a clear-cut power, should councils wish to use it, to make by-laws. That is now provided by clause 43 of the Bill.

However, I acknowledge that councils do have some concerns that they will be drawn into cat management. I also acknowledge that councils have been very helpful contributors to the drafting process, and the LGAT has helped to bring forward the views of the on-ground animal control officers.

We will continue to cooperate closely as the legislation is implemented, and the Regulations drafted.

Phasing in

It has been a public commitment since the beginning that the new legislation would be phased in over 4 years.

This is to allow time for the public to become familiar with the new expectations and rules about cat ownership, and to avoid an impractical rush of veterinary procedures as people seek to desex and microchip their cats.

The Bill is therefore to commence “on a day or days to be proclaimed”, which is the standard means of allowing a staggered commencement.

It is intended that no part of the legislation will commence until the regulations are made and administrative processes are ready to implement. This will also allow time to begin effective communication of the requirements of the legislation.

The majority of the Bill would nonetheless be expected to commence once those preliminary steps were complete. The indicative date is 1 July 2010. From that point, therefore, the provisions on sale of cats, and prohibited areas, would be in place.

However, as I have already indicated, the intent is that at least clause 24, on reclaiming cats, would be delayed for four years. This remains the ultimate sanction for ordinary cat owners in terms of having their cats desexed and microchipped.

Resources

Mr Speaker, as I have indicated, this legislation is expected to commence in mid-2010. In the meantime my Department will be able to work with its stakeholder partners on the Regulations and other administrative requirements.

I note that in due course, however, this legislation will require resources to implement it effectively. There is a need for some additional administrative and regulatory capacity in the Department, as well as resources for public information and education.

In the community, too, there may be a demand for resources for cat management facilities, and possibly even direct incentives for microchipping and desexing. In an ideal world, a government would assign money on such programs.

We do not live in an ideal world, and in the current fiscal circumstances the Government has made no commitments as yet. But by introducing this Bill, I am clearly signalling that cat management is very much on the agenda for consideration in the forthcoming budget process.

Conclusion

In conclusion, Mr Speaker, this Bill takes a holistic approach to addressing the issues relating to the conservation and animal welfare problems posed by unwanted, stray and feral cats.

It is not an approach that targets one aspect of the problem with enforcement and control. It sets out to drive a change in attitudes and behaviour towards cats, and towards the responsibilities of cat ownership.

At the same time, it will for the first time provide legal clarity to assist cat management facilities, community groups, farmers and others who deal with stray and feral cats. Finally, it will enable local councils to address their specific needs at their own discretion.

I am confident that this legislation will provide an effective basis for cat management into the future. If in five or ten years it needs to be extended or tightened, I will not be surprised. But I believe it is a thoroughly practical step towards addressing an issue on which, for many years, many people have been calling for action.

Mr Speaker, I commend the Bill to the House.