



TASMANIA

HOUSE OF ASSEMBLY

SESSION OF 2019 - 2020

(SECOND SESSION OF THE FORTY-NINTH PARLIAMENT)

VOTES AND PROCEEDINGS

No. 64

THURSDAY, 27 AUGUST 2020

- 1 The House met at Ten o'clock a.m.
- 2 ACKNOWLEDGEMENT OF TRADITIONAL PEOPLE. - The Speaker made a statement acknowledging the traditional people of the land.
- 3 PRAYERS AND REFLECTION. – The Speaker read Prayers.
- 4 QUESTIONS SEEKING INFORMATION. – In accordance with Standing Order No. 43, Questions without notice were asked.
- 5 PAPERS. – The Minister for the Arts laid upon the Table of the House the following Paper:-
Queen Victoria Museum & Art Gallery: Annual Report 2018-19.
- 6 PAPERS. – The Minister for Health laid upon the Table of the House the following Papers:-
 - (1) Department of Health: Tasmanian Health Service 2020-21 Service Plan.
 - (2) Public Health Act 1997: Public Health (Infringement Notices) Amendment Regulations (No. 2) 2020 (Statutory Rules 2020, No. 34).
 - (3) Poisons Act 1971: Poisons (Exempted Public Institutions) Order 2020 (Statutory Rules 2020, No. 32).
 - (4) Health Practitioner Regulation National Law: Health Practitioner Regulation National Law Amendment (Miscellaneous) Regulation 2019.
- 7 PAPERS. – The Deputy Premier laid upon the Table of the House the following Paper:-
University of Tasmania: Annual Report 2019.
- 8 PAPERS. – The Clerk of the House laid upon the Table of the House the following Papers:-
Tasmanian Audit Office:
 - (a) Report of the Auditor-General No. 1 of 2020-21 – Effectiveness of Internal Audit, 27 August 2020; and
 - (b) Report of the Auditor-General No. 2 of 2020-21 – Management of Underperformance in the Tasmanian State Service, 27 August 2020.
- 9 BILL NO. 33. – The Minister for Veterans' Affairs presented -

“A Bill for an Act to wind up the Anzac Day Trust and Anzac Day Trust Fund and to amend the Anzac Day Observance Act 1929”.

And Mr *Barnett* having presented the said Bill, the same was read the First time and made an Order of the Day for tomorrow.

10 LEAVE TO MAKE MOTION WITHOUT NOTICE. – *Ordered*, That the Minister for Infrastructure and Transport have leave to make a Motion without Notice. (The Minister for Infrastructure and Transport)

11 ADJOURNMENT. – *Ordered*, That the House, at its rising, adjourn till Tuesday, 15 September next. (The Minister for Infrastructure and Transport)

12 MATTER OF PUBLIC IMPORTANCE: BUY LOCAL. – Mr *Ellis*, in accordance with Standing Orders, moved - That the House take note of the following matter:

Buy Local.

And the Question being proposed;

A Debate arose thereupon.

And the Question being put;

It was resolved in the Affirmative.

13 BILL NO. 29. - A Message from the Legislative Council -

MADAM SPEAKER,

The Legislative Council has this day agreed, without Amendment, to a Bill intituled –

“A Bill for an Act to amend the COVID-19 Disease Emergency (Miscellaneous Provisions) Act 2020.”

Legislative Council, 27 August 2020.

C. M. FARRELL, President.

14 BILL NO. 25. – The Order of the Day being read for the Second reading of the Tasmanian Civil and Administrative Tribunal Bill 2020.

And a Motion being made, and the Question being proposed – That the Bill be now read the Second time. (The Minister for Justice)

A Debate arose thereupon.

15 SUSPENSION OF SITTING. - At One o'clock the Speaker left the Chair.
At half-past Two o'clock the Speaker resumed the Chair.

16 BILL NO. 25. – And the Question being again proposed;.

The House resumed the Debate.

17 LEAVE TO EXTEND A MEMBER’S SPEAKING TIME. – *Ordered*, That the Minister for Justice have an extension of speaking time for ten minutes. (Ms *Haddad*)

18 BILL NO. 25. – And the Question being again proposed;.

The House resumed the Debate.

And the Question being put;

It was resolved in the Affirmative.

And the Bill was, accordingly, read the Second time, and in accordance with Standing Orders, there being no Member wishing to speak to the Clauses in the Committee of the whole House;

Ordered, That the Bill be now read the Third time.

And the Bill was, accordingly, read the Third time.

19 BILL NO. 25. - A Message to the Legislative Council. -

MR PRESIDENT

The House of Assembly hath passed a Bill, intituled “A Bill for an Act to establish the Tasmanian Civil and Administrative Tribunal, to enable the appointment of members and staff of the Tribunal, to provide for certain transitional matters related to the establishment of the Tribunal, and for related purposes”,

to which the House desires the concurrence of the Legislative Council.

House of Assembly, 27 August 2020.

SUE HICKEY, *Speaker*.

20 BILL NO. 55 of 2019. - The House, according to Order, again resolved itself into a Committee on the Cat Management Amendment Bill 2019.

(In the Committee)

Mr *Street* took the Chair.

Clause 12 further considered and agreed to.

Clauses 13 read and agreed to.

Clause 14 read.

Amendment proposed (Dr *Woodruff*)

By leaving out all words after “substituted:” and inserting instead –

“17. Protection of property from cats

(1) In this section –

primary production land has the same meaning as in the Land Tax Act 2000.

(2) The following persons may trap, seize, detain, or humanely destroy any cat found on primary production land:

- (a) a person managing primary production on the land;
- (b) a person who is the occupier of the premises;
- (c) a person acting on behalf of a person specified in paragraph (a) or (b).

(3) A person may trap, seize, detain, or humanely destroy a cat found on their private premises –

- (a) if the location at which the cat is found is more than one kilometre from any structure or building used as a place of residence; or

- (b) in prescribed circumstances.
- (4) If a person sets a trap with the intention of trapping a cat in accordance with this section, the person must check the trap, and remove any animals contained in the trap, at least once within every 24-hour period after first setting the trap.
- (5) If a person sets a trap with the intention of trapping a cat in accordance with this section, and the setting of that trap results in the detention of an animal other than a cat, the person must release the animal, subject to a prohibition on releasing the animal contained in any other Act, as soon as practicable, but in any case no later than 24 hours after first setting the trap.
- (6) A person who traps, seizes or detains a cat under this section may –
 - (a) if the owner of the cat is known to the person, arrange for the return of the cat to the owner; or
 - (b) whether or not the owner of the cat is known to the person, arrange for the cat to be taken to a cat management facility; or
 - (c) whether or not the owner of the cat is known to the person, arrange for the cat to be taken to a person, business or organisation nominated for that purpose by a cat management facility; or
 - (d) whether or not the owner of the cat is known to the person, humanely destroy the cat.
- (7) A person, within 24 hours after trapping, seizing or detaining a cat under this section, must take an action under subsection (6)(a), (b), (c) or (d) in relation to the cat.

Penalty: Fine not exceeding 100 penalty units.

17A. Seizure and detention of cats at large

- (1) The owner or person in charge of a cat must ensure that the cat is not at large.

Penalty: Fine not exceeding 10 penalty units.

- (2) An authorised person may seize and detain any cat at large.
- (3) If a cat is seized and its owner is identifiable, the general manager is to notify in writing the owner of the cat that –
 - (a) the cat has been seized and detained; and
 - (b) the owner may reclaim the cat.
- (4) If, after 5 working days after the notice has been given to the owner, the owner does not reclaim the cat, the general manager may sell, destroy or otherwise dispose of the cat.
- (5) If a cat is seized and its owner is not identifiable, the general manager, not less than 3 working days after its seizure, may sell, destroy or otherwise dispose of the cat.
- (6) The general manager is to take reasonable steps and make reasonable inquiries to identify the owner of a cat.
- (7) The general manager may cause a cat that is seized under this section to be implanted in an approved manner with an approved microchip.
- (8) The owner of the cat is liable for the costs associated with the implanting.

- (9) For the purpose of this section, a cat is at large if it is –
- (a) in a public place and not restrained; or
 - (b) on private premises without the consent of the occupier of the premises.”

Question put;

The Committee divided.

AYES 3

Ms O'Connor
Ms Ogilvie
Dr Woodruff (Teller)

NOES 21

Ms Archer
Mr Barnett
Dr Broad
Ms Butler
Ms Courtney
Ms Dow
Mr Ferguson
Mr Gutwein
Ms Haddad
Ms Hickey
Ms Houston
Mr Jaensch
Mr O'Byrne
Ms O'Byrne
Mrs Petrusma
Mr Rockliff
Mr Shelton
Ms Standen
Mr Tucker
Ms White
Mr Ellis (Teller)

So it passed in the Negative.

Clause 14 as read agreed to.

Clauses 15 to 28 agreed to.

Title agreed to.

Bill to be reported without Amendment.

The House being resumed, Mr *Street* reported that the Committee had gone through the Bill, and had directed him to report the same to the House without Amendment.

Ordered, That the Bill be now read the Third time.

And the Bill was, accordingly, read the Third time.

21 BILL NO. 55 of 2019. - A Message to the Legislative Council. -

MR PRESIDENT

The House of Assembly hath passed a Bill, intituled “A Bill for an Act to amend the Cat Management Act 2009”,

to which the House desires the concurrence of the Legislative Council.

House of Assembly, 27 August 2020.

SUE HICKEY, *Speaker.*

22 BILL NO. 28. - The Order of the Day being read for the Second reading of the Dangerous Criminals and High Risk Offenders Bill 2020.

And a Motion being made, and the Question being proposed - That the Bill be now read the Second time. (The Minister for Justice)

A Debate arose thereupon.

And Ms *Haddad* was addressing the Chair.

23 ADJOURNMENT. - The time being Six o'clock, the Speaker proposed - That the House do now adjourn and called for issues to be raised;

The House adjourned at fifty-five minutes past Six o'clock.

SHANE DONNELLY, *Clerk of the House.*

MEMBERS. - All present during the day.