



PARLIAMENT OF TASMANIA

LEGISLATIVE COUNCIL

REPORT OF DEBATES

Wednesday 14 October 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.

LEAVE OF ABSENCE

Member for Pembroke

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

That the honourable member for Pembroke, Ms Siejka, be granted leave of absence from the service of Council for today's sitting.

Motion agreed to.

PERSONAL EXPLANATION

Member for Mersey - Voluntary Assisted Dying Bills

[11.03 a.m.]

Mr GAFFNEY (Mersey) (by leave) - Mr President, last night when referring to past Tasmanian voluntary assisted dying bills, I did not make clear my thanks and admiration for Lara Giddings, Nick McKim and Cassy O'Connor and their staffs for their tremendous work on those bills, and their long commitment to provide compassionate VAD options for Tasmanians. I am indebted to them and to the many people across Tasmania who have advocated and worked for the VAD cause over many years for being able to bring the End-of-Life Choices (Voluntary Assisted Dying) Bill 2020 to parliament.

Last night I referred to the Dying with Dignity Tasmania VAD bills, which was incorrect and remiss of me. I needed to correct the record.

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

Third Reading

[11.05 a.m.]

Mr DEAN (Windermere) - Mr President, I very seldom make a speech on a third reading, but I need to do so on this occasion.

During the Committee stage of this bill, I raised a point regarding the river estuaries, with specific mention of the Tamar River and how far into the river was covered by this bill. The answer I was originally given was the area navigable by a ship. For the Tamar River, that

would be to Batman Bridge. Being familiar with the Tamar River, I questioned the answer because I did not believe it to be correct, and the clause was then postponed for a period.

When an answer is not known, under no circumstances should a guess be taken or an answer given for the sake of wanting to answer. It does not reflect well on the Leader nor does it do any good for the reputation of the department and those providing the answers.

Had I not raised this issue and not made a point of it, the record would have stood that this bill - the act when it is given royal assent - would only apply to Batman Bridge. We know that is not right. That has been corrected.

Under no circumstances should we be provided with answers that are not accurate. The Leader has to accept responsibility, to some extent, for providing information. If it is not known, it should be taken on notice, or it should be postponed. To answer, in that situation, was not the right way to do it. One then starts to query some of the other answers that have been given. That is certainly not a desirable course.

Mrs Hiscutt - A very good point. It is noted. I am glad the member persisted and that it was corrected later in the debate.

Bill read the third time.

TASMANIAN CIVIL AND ADMINISTRATIVE TRIBUNAL BILL 2020 (No. 25)

Second Reading

[11.08 a.m.]

Mrs HISCUTT (Montgomery - Leader of the Government in the Legislative Council - 2R) - Mr President, I move -

That the bill be now read for a second time.

The minister is proud to introduce this bill, which is the first legislative step in establishing a Tasmanian and Civil Administrative Tribunal, which we will call TasCAT, and is proud the Tasmanian Government is bringing in this new era for Tasmania's tribunals.

Tasmania is currently the only state that does not have a single tribunal, noting the concept of a single civil and administrative tribunal for Tasmania has been discussed and considered by governments for almost two decades.

The Attorney-General and Minister for Justice is pleased to have prioritised this significant reform to establish the TasCAT.

As the minister has practised in protective jurisdictions, she is particularly pleased to pursue reform in this area because TasCAT will bring about improved access to justice for all Tasmanians. It will also allow for a better utilisation of administrative support and resources for tribunal matters in Tasmania.

TasCAT will also assist to promote alternative dispute resolution programs and provide greater consistency in decision-making, while enabling seamless and sensitive service delivery

to a diverse range of clients. A significant amount of work has been undertaken in 2020 to deliver a new single tribunal for Tasmania. It is particularly exciting because this journey is now coming to life with the new and very modern purpose built co-location facility which the minister was pleased to recently open at 38 Barrack Street in Hobart.

In July this year, the following tribunals and boards co-located to the new tribunal premises - the Tasmanian Anti-Discrimination Tribunal, the Asbestos Compensation Tribunal, the Forest Practices Tribunal, the Guardianship and Administration Board, the Health Practitioners Tribunal, the Mental Health Tribunal, the Motor Accidents Compensation Tribunal, the Resource Management and Planning Appeal Tribunal and the Workers Rehabilitation and Compensation Tribunal.

Much of the work done on the facility was completed during the height of the COVID-19 pandemic, and the minister is pleased this project was able to support jobs in our building and construction industry during these difficult times.

The Tasmanian businesses and their employees involved with the project are to be congratulated for their hard work. They have done an excellent job completing work to tight deadlines for the building, despite the extraordinary circumstance and obstacles that arose due to the COVID-19 pandemic.

There has been a focus on using Tasmanian materials and products throughout this building and a strong emphasis on ensuring the building caters for the different needs of the clients who will be using the facility.

With the bill now before the Council, I move to introduce the legislative framework that will establish and underpin TasCAT. The establishment of TasCAT is a large undertaking in order to ensure that the transition from multiple tribunals and boards to a single civil and administrative tribunal occurs in an appropriate way.

TasCAT will be established in three stage. Stage one will establish TasCAT legislatively but will allow those tribunals and boards that will amalgamate to continue functioning as independent bodies, co-located to Barrack Street in Hobart. This bill is part of stage one of the establishments of TasCAT.

It is important to note that this bill, in and of itself, will not allow TasCAT to function.

A stage two bill will be needed before TasCAT can formally commence. Stage two of the establishment of TasCAT will include the former transfer of powers and staff from co-located tribunals and boards to TasCAT. During stage two, the relevant tribunals and boards will be disestablished. Subject processes, powers and procedures for TasCAT will be included in a second bill which I expect the minister to table early next year.

Stage three will occur after the commencement of TasCAT and will involve the transfer of further powers and functions to TasCAT. One of the benefits of taking a staged approach to establishment of TasCAT is that this will allow the Government to carefully consult during each stage of the establishment process.

I acknowledge that there may be some concerns about the effects of amalgamation of existing boards and tribunals into TasCAT.

Reform can be challenging and we are certainly in challenging times. In order to ensure a smooth transition from separate boards and tribunals to TasCAT, the Government will make minimal changes to existing provisions in legislation that will confer jurisdiction to TasCAT. In particular, we will ensure that the consequential amendments in our stage two legislation make the minimum necessary changes to provisions relating to expert membership, costs and legal representation.

I now turn to several specific aspects of this bill.

Part 3 of the bill covers the membership and staffing of TasCAT and provides for the appointment, suspension and revocation of appointment of members. The membership of TasCAT will be a president, deputy president, senior members and ordinary members. The bill also allows for the appointment of acting presidents and deputy presidents as well as supplementary deputy presidents and members. In addition to members, the bill provides for a registrar, deputy registrars and other State Service officers and employees to be part of TasCAT. The staff will perform vital registry, administrative and other tasks.

The bill also sets out the structure of TasCAT, which is mainly dealt with in Part 5 and in schedules 2 and 3. TasCAT will be organised into two divisions: a general division and a protective division. Underneath these divisions streams will deal with specialised proceedings such a mental health, anti-discrimination and guardianship matters.

This structure will allow for appropriate and specialised procedures and practices to be adopted and implemented within each division and stream of TasCAT.

Mr President, as indicated nine tribunals and boards have co-located to the new premises and these bodies will operate separately until TasCAT formerly commences on the establishment day set out as 1 July 2021 in clause 4 of this bill.

In order to facilitate effective and efficient co-location part 6 of the bill sets out provisions relating to confidentiality and use of facilities that apply prior to the establishment day. These provisions will ensure that information can be shared, that staff of the co-locating boards and tribunals will be able to assist with matters involving other boards and tribunals and that appropriate directions can be given about the use of the premises at Barrack Street.

Mr President, future bills will expand TasCAT's jurisdiction and will provide further powers including in relation to costs, diversity, proceedings and alternative dispute resolutions.

In closing I would like to thank all the individuals and organisations who have made submissions over the years regarding the establishment of a single tribunal in Tasmania. A significant number of submissions were made in response to the 2015 discussion paper *A single Tribunal for Tasmania*.

Other submissions were made in response to a draft version of the bill released earlier this year. All of the submissions made over the years have been carefully considered and have contributed to this bill.

I would also like to take the opportunity to thank the presidents, chairs, commissioners, registrars and staff of the co-locating boards and tribunals for their assistance in the process of establishing TasCAT. Through the single tribunal steering committee and the single tribunal

reference group each board and tribunal that will become part of TasCAT has contributed significantly to this project. Their input and assistance has been vital and will continue to be needed as we move close to the establishment of TasCAT.

Under their leadership I and the minister are confident that TasCAT will streamline service delivery and improve access to justice in Tasmania.

Mr President, I am proud to commend this bill to the House.

[11.17 a.m.]

Ms ARMITAGE (Launceston) - Mr President, this is an historic bill. For almost 20 years, Tasmania has considered the formation of a single civil and administrative tribunal, and it seems it is now coming to fruition.

The 2015 discussion paper, *A Single Tribunal for Tasmania*, expertly prepared by the Department of Justice, under the stewardship of the late honourable Vanessa Goodwin makes a number of focused inquiries and detailed suggestions for how this could have come about.

Tasmania, as the only Australian state that does not yet have a single tribunal, is in the perfect position to learn from other jurisdictions and to properly implement these significant reforms.

I congratulate the Government for taking ownership of this issue and seeing it through. It has been a considered investment in Tasmania's capacity to review administrative decisions and to provide Tasmanians with enhanced access to justice: the cornerstone of any developed democracy.

To quote the 2015 discussion paper -

... tribunals perform vital functions in the day to day lives of citizens. They are charged with responsibility to determine a range of matters that directly affect the freedom, livelihood and welfare of citizens in the community. They are intended to provide accessible, cost-effective, informal and fair processes to resolve disputes. As such, their effective operation is vital to the community.

Many pre-existing administrative review and decision-making bodies maintain their functions with their own staff and premises, or none at all, relying instead on intermittent support from other bodies or even the private sector.

The issue of divergent appeal paths can also occur where there are instances of single pieces of legislation having appeals rights to two or more appellate bodies such as the Building Act and the Water and Sewerage Industry Act. Access to justice is restricted under arrangements like these because they conflate non-judicial review options and increase the time and money it takes to make decisions.

Consultation undertaken in the production of the 2015 discussion paper indicated that there was widespread support for a single tribunal in the Department of Justice. By creating one, we are more smartly using our resources, bringing Tasmania into line with other Australian

jurisdictions and taking an opportunity to bring a number of benefits to our community. Among others, the 2015 discussion paper indicated the following benefits to the community -

- avoiding continued proliferation of tribunals, boards and other administrative decision-makers;
- providing an established body which can be vested with future administrative decision-making required by a government that is both adaptable and properly resourced;
- improving access to justice for the Tasmanian community;
- providing greater uniformity and consistency in processes and decision-making while retaining the important specialist features of specialist tribunals.

Other benefits include -

- reducing inefficiencies in existing arrangements by consolidating resources;
- improving flexibility and capacity building for tribunal services; and
- providing an independent and impartial body for dispute resolution services, generating the highest confidence of that service in the Tasmanian public.

Others I think it prudent to mention would be the reduced strain that will be felt by other administrative and civil justice bodies, which in turn will provide greater access to justice by judicial and non-judicial means. That is to say, the workload for bodies such as the Administrative Appeals Division of the Magistrates Court will be eased, allowing for more efficient handling of business we traditionally associate with the Magistrates Court, such as criminal matters.

The promotion of alternative dispute resolution - ADR - by this policy and bill should absolutely be commended. Many people who have experienced a civil wrong want their day in court, to be heard and authoritatively adjudicated.

What many do not realise, however, is that undertaking ADR is more efficient, cost-effective and, in some cases, more likely to provide a fairer and more satisfactory outcome for all parties, given that decisions are usually reached by agreement rather than by fiat. Organising and opening access to ADR processes, as this policy invariably will, can significantly increase access to this type of justice and that is of substantial benefit to our community.

I note that there was some discussion in the other place about what kind of advocacy and client support mechanisms will be contained in the forthcoming legislation. Enhanced access to justice does not just mean access to administrative and civil decision-makers and dispute resolution processes, but also having the ability to seek quality advice and receive support and advocacy, particularly where vulnerable people are involved. Any information about what plans there are or what consultation is slated to take place regarding this issue would be

appreciated. I expect that social services and community legal organisations are being proactively consulted to this end.

Because Tasmania is the final state to implement a single tribunal, we have the advantage of being able to learn from jurisdictions which have come before us and avoid making any of their errors. Consequently, I again refer to the 2015 report, which points out that one of the risks of amalgamation is inflexible application of generalist processes to specialist bodies that need the capacity to cater their procedures to suit their client base and legislative objectives. A person seeking to make applications within the anti-discrimination jurisdiction will need to meet far different criteria from those participating in a planning dispute. This is made all the more important when vulnerable clients are identified and can lose their access to justice altogether if the processes are handled poorly.

Leader, I wonder what measures are currently being proactively taken to identify possible conflicts of this nature, while consolidating and streamlining procedures where there are commonalities. I know this is actually quite a big question, but I believe that because Tasmania is the last jurisdiction to create a single tribunal there should not be a need for very much learning on the run because we have access to all the successes and failures of other jurisdictions to guide us.

That being said, I am also acutely aware that this bill is the first in a number that will be needed to legislate and establish TasCAT, formally transfer powers and staff and properly vest it with the necessary powers and functions they need to operate.

The thrust of my questions are: What issues are being anticipated? What are stakeholders saying? What plans are in place to avoid, prevent and mitigate any errors that may result from amalgamation?

In a similar vein, I raise the topic of funding for the new tribunal. The requirement of administrative independence raised by the 2015 report indicates that a serious conflict of interest is raised when funding or resources allocated to the tribunal are controlled or managed by an entity that has a vested interest in the outcome of the tribunal's decisions. I understand that this is seen as less of an issue where the administering agency is the Department of Justice, given its neutrality, its understanding of independence of adjudicating bodies and its experience in dealing with them.

The question raised by the report, which I repeat here, is whether the new Tasmanian tribunal will be funded by its own parliamentary appropriation or not. Given the significant level of funding that I anticipate will be required by this venture, it seems like it might be a good idea to me, but I am keen to hear what the Government's plans are.

The introduction of this bill is, in and of itself, a significant moment for Tasmanian justice and for a responsible and accountable executive. Providing better access to review of the administrative decisions and easing the burden that may otherwise exist for judicial and non-judicial review bodies means we can expect a more cooperative, fair and productive relationship between our administrative bodies and Tasmanians - and Tasmanians with one another.

I support the bill.

[11.27 a.m.]

Mr VALENTINE (Hobart) - Mr President, my main concern is to make sure there is no reduction in democracy and opportunity for cases across all the jurisdictions this bill covers to be heard by experts in their particular area that the current tribunals provide. I asked a question during briefings on this to make sure that the experts would be on these tribunals. Do not become generalists - rather focus on the specific area of concern. I would be comforted with a response from the Leader to assure me that a set of generalists will not be sitting in cases associated with the various tribunal areas we currently have.

Another concern is that individuals who may appear before these tribunals who may be in the health space are not disadvantaged by others who may be present in the foyer. People going to a mental health tribunal, for instance, might later go to another tribunal. The fact that they are known to have gone to this other tribunal might impact. I would like to think there is no disadvantage. One example: if there were a tribunal dealing with people who were once prisoners, who were recognised as having been there. At another point they might be before a housing tribunal. The fact that they had been in prison should not affect how the housing tribunal views that person. They should be seen as an individual in the community seeking housing. It does not deal with housing yet, but it might in the future. I appreciate that.

I am concerned that those sorts of aspects are in the minds of those setting up TasCAT to make sure that people's privacy is being protected. If there are any words of comfort the Leader could provide, I would like to hear them. I appreciate there are dollars to be saved with the administration processes since we have eight or nine jurisdictions, or whatever it is. With an administration area to staff, savings have been made in the setting up of this new building. I appreciate there are savings to be made and there may be other areas where savings could be made as a result of bringing it all together.

I appreciate the member for Launceston's second reading contribution and found it quite interesting. My main concern is to make sure people's access to justice is not impacted by having things watered down.

[11.31 a.m.]

Ms WEBB (Nelson) - Mr President, I appreciate the contributions already made. I will add mine to follow on from the member for Hobart. I will be supporting this bill, which will set the groundwork for the Tasmanian civil and administrative tribunal establishing a shared location, as well as shared objectives - an agreed structure for the nine boards and tribunals coming together under the one roof.

As we have heard, the bill is the first legislative step in establishing TasCAT. It has taken a dedicated effort over many years to come to fruition. I congratulate the Government and the staff from the Department of Justice, both past and present, for their work on this bill. Other jurisdictions have successfully amalgamated their tribunals in such a way, and it is appropriate and timely for Tasmania to follow suit. We are fortunate to be able to draw on and learn from the experience and lessons of other states.

The creation of TasCAT may lead to efficiencies and eventually cost savings through the resource- and service-sharing aspects of the amalgamation. Cost savings - often the aim at the beginning - do not necessarily eventuate over the longer term. However, we can remain optimistic on that front. There will be greater administrative support for the tribunals with this model. There will be a benefit in staff being able to move across jurisdictions in line with

workload ebbs and flows. Through this model, staff may also have access to greater career development opportunities and benefit from sharing skills and expertise with a larger cohort.

There may also be scope for specialised corporate services such as HR and IT freeing up senior managers to exercise their primary roles. I see this as potentially a very fruitful model to take us forward. Being able to share technology, including data collection and reporting, will enable TasCAT to invest in more tailored and compatible technological solutions that will improve overall service delivery.

It is particularly beneficial for smaller tribunals that perhaps previously did not have the scale or resources to justify the type of investment that might be needed in this sort of technological way forward. My expectation would be the Government would commit to the idea any savings that may be eventually made could be reinvested into TasCAT, so it can continue to improve the services it provides and the ways it provides those services to the community.

I understand the new premises incorporate a number of easy access features and I am particularly happy the TasCAT building in Barrack Street has been designed with the specific needs of clients in mind. Old buildings with steps and tight doorways can be an obstacle for some people in accessing government services as many of us know only too well. I am pleased to hear the TasCAT building has been fitted out for easy access by all clients, be they people with a disability, the elderly, people pushing a pram or any other sorts of challenges people may face around accessibility. A disability access bathroom and toilet area are a welcome addition and one we can not necessarily take for granted in all circumstances. Modern technologies, including things such as hearing loops, and public interface facilities along with upgraded audiovisual and recording facilities are also very welcome additions.

There will be a mix of large hearing rooms, mediation rooms and smaller one-on-one rooms in the office, which is an appropriate way to cater for needs within the activities of the various tribunals. These are important details to accommodate different circumstances in this way, because discrimination and indirect discrimination can come in many forms - not being able to access a building, being unable to hear or see what is happening or not having access to a quiet, low sensory space for meetings are all potentially forms of indirect or avoidable discrimination.

Having nine tribunals in the same building, sharing staff knowledge and working with online technology should make it easier for clients to access the range of services they need and reduce the duplication of effort by each tribunal involved. I think that holding the clients and their experience at the centre of that is quite important, and it looks to me that this could deliver a better outcome.

I acknowledge the benefits of information sharing in most - in many - circumstances. However, like the member for Hobart, I also have noted a concern on this front. I also would like assurances from the Government adequate protections will be in place to protect client privacy and avoid any preconceived bias. I think that ties in -

Mr Valentine - That is exactly what I was talking about.

Ms WEBB - Because we all know -

Mr Valentine - You just describe it better than I do.

Ms WEBB - We all know of instances where potentially a constituent gets labelled difficult or vexatious by a particular department; this label can then follow them, and that is perhaps an unfair outcome. It certainly can impede their access to justice if that label then changes the way they are treated.

This is something I put to the Government to consider carefully and to guard against, particularly given the vulnerability of many of the people who require the services of these tribunals.

I trust that every jurisdiction within TasCAT will treat each person and issue on their own merits and will have firm practices in place to actively support that to happen.

It is also important to highlight the need for each tribunal to continue to include specialist members and undertake specialised actions as currently required under relevant legislation. I understand that the legislative requirements of the individual tribunals will remain because it is very clear that amalgamation does not necessarily have to mean homogenisation or generalisation, as the member for Hobart has already spoken about. I agree there are risks involved in that and they need not just to be noted, but also be actively guarded against or worked to overcome at this early stage

I am pleased to see the people and service focus in clause 10 of this bill, which deals with the main objectives of the tribunal. Clause 10 states that TasCAT is to -

... promote the best principles of public administration, including -

- (i) independence in decision-making; and
- (ii) natural justice and procedural fairness; and
- (iii) high-quality, consistent decision-making; and
- (iv) transparency and accountability in the performance and exercise of statutory functions, powers and duties ...

It also sets out easy access objectives of the tribunal.

Clause 10(1)(b) states that tribunals are -

to be accessible by being easy to find and easy to access, and to be responsive to parties, especially people with greater needs for assistance than others.

It goes on then to specify that applications, referrals and appeals should be processed and resolved quickly, justly, and at the lowest appropriate cost using the most appropriate resolution procedures available.

It stipulates that straightforward language and procedures are to be used and that tribunals are to act flexibly, informally and generally rather than technically wherever possible.

Finally, it requires that the tribunal consult with agencies, organisations and other bodies when dealing with matters as appropriate.

I think all these things are strong and worthy goals and good stated objectives to have there. They certainly put people - and the vulnerable people who will be often involved - at the centre of consideration, and I applaud that.

These objectives should certainly be quite actively embedded in every aspect of the tribunal's operations, from the initial contact in person, online or by the phone and the construction of tools such as forms, web services and documents through to staff and strategic planning and, most importantly, client management processes.

I am interested to know from the Government: How will those objectives, which are very admirable, be monitored and measured by TasCAT? How will TasCAT implement, monitor and review its performance against those objectives? Is there, or will there be, a formal mechanism for this to occur? If so what would it include? How will we know? How will we be able to say to ourselves, 'Yes, TasCAT is meeting those objectives and we can be reassured and confident that clients are indeed getting the best possible service, access and outcomes they deserve'?

In particular, I would like to see the public given the opportunity to provide feedback, both the public that has used the services, and others, who, for whatever reason, have been perhaps excluded or not able to access the tribunal system. Such feedback would ensure services really understand the extent to which, and how successfully, they are meeting the important standards that are articulated and, through that, the needs of the clients who come to be involved. Then we, as a community, can be assured the tribunal is serving the broader community well.

The bill establishes TasCAT. It is a necessary and progressive first step towards the formal transfer of powers and staff to the new body. The amalgamation of tribunals promises many benefits potentially to the community, to the tribunal officers themselves and the staff. As the Australian Lawyers Alliance stated in its submission to this process of amalgamating tribunals, it considers it is -

... an important measure to achieve greater access to justice for disadvantaged people facing a range of civil issues including discrimination, dust disease, guardianship and administration issues, mental health and residential tenancy disputes.

I pick up on that access to justice in particular for disadvantaged people in our community. This solid and people-focused bill will form a strong base for the next important legislative stages that will follow to expand TasCAT's jurisdiction. I support the bill.

[11.41 a.m.]

Mr DEAN (Windermere) - Mr President, I thank the minister for this morning's briefing. It was well done and answered many of my questions and issues, as well as those raised by other members. I will not go over what has already been said. I will try to get away from that as much as I can. The issues I raised were about savings. I cannot really be convinced we are going to see great savings in all the circumstances here. There will certainly be a better use of

staff - there is no doubt about that - because they will be work within all areas in this single tribunal. Technology was also mentioned by one member. Those uses will be able to occur.

We are now looking at a you beaut building. Leader, what is the cost involved in the lease of the building? I suspect it is a long-term lease. Could I be given some answers in relation to that? When we look at changes in areas like this, unfortunately we tend to look at the negatives rather than the positives. I and other members recall when the concept of Service Tasmania was being considered. The government moved to bring all these government departments together under the one roof to provide a better service for the public. There were reservations about how it would work: Would it be successful? How would it go? If anything, it became too successful, if I could use that phrase. Often people say Service Tasmania has become too successful.

I hope it is the same here, that we do efficiencies, a better system for the public and for people who need to access these tribunals and these areas as well. That is what it should be all about - the people and ease of access in all circumstances.

As we were told this morning, this bill does not provide for the operations of the single tribunal position - it simply sets up all the other information and details necessary to get them into this place. They are currently operating, but at this stage as independent tribunal units, as has always been the case. I understand that this new building and the legislation to provide for the tribunal's operations will come in early next year. I look forward to that legislation. It should be successful and we hope it will work.

[11.45 a.m.]

Mrs HISCUTT (Montgomery - Leader of the Government in the Legislative Council) - Mr President, I thank members for their contributions. I have some answers here, and there are more to come.

The member for Launceston asked whether there will be measures for consumer service/support service people who need additional support when they come to TasCAT. One of the objectives of the bill, as outlined in clause 10(1)(b), is to be responsive to parties, especially people with greater needs for assistance than others. A range of services, such as the Tasmanian Legal Aid, Advocacy Tasmania and Flourish, exist to provide support for people appearing in front of a number of the constituent bodies coming together to form TasCAT.

By bringing these organisations together under one umbrella, it is expected that, as Community Legal Centres Tasmania has noted in its submission, the establishment of TasCAT will have the potential to improve access to justice. In any event, the Government will be closely monitoring the commencement of TasCAT and any impact it has on service providers and their needs, which can be dealt with through the usual budgetary processes. Importantly, the bill at clause 10(2) provides that -

In furtherance of the Tribunal's main objectives, the Tribunal should, in relation to the conferral and exercise of the Tribunal's jurisdiction, consult from time to time with the agencies, organisations or bodies that it thinks appropriate.

This provides the potential for any important forum through which support services can engage with the tribunal regarding the needs for those appearing before it.

The member for Launceston also asked to what extent there will be amalgamation of the processes, specialisation and procedures of existing tribunals and boards, and to what extent there will be a separation of jurisdictions within TasCAT. The Government has been mindful of the need to retain existing processes, procedures and specialisations of members once TasCAT is established. This will be particularly important within our protective divisions. For example, members of the Mental Health Tribunal who are psychiatrists perform a vital role in decision-making at present, and they will continue to perform that role as members in the mental health stream of TasCAT.

The member also mentioned conflict of interest. Conflict of interest will be dealt with in the usual way in line with how they are dealt with in courts and tribunals. There are provisions in the bill to appoint supplementary members if there are potential conflicts of interest.

The members for Hobart, Launceston and a partial answer for the member for Windermere, who were talking about finances - the Department of Justice has so far spent \$415 000 as at 21 August 2020 on the single tribunal project. The majority of this money has been spent on audiovisual equipment for the new premises at 38 Barrack Street, Hobart. There will be more to come on that in a moment.

Someone asked about financial savings. It is expected that the establishment of TasCAT will result in some savings being made over time - for example, because of shared accommodation, utilities and a lower need for a high number of members of tribunals or boards. However, this project is focused primarily on improving access to justice, rather than on making savings.

The members for Hobart and Nelson asked whether the reforms will allow expertise to be maintained. Yes, TasCAT streams - for example, mental health - broadly coincide with existing tribunals and boards. One of the purposes of having divisions within TasCAT and streams sitting under those divisions is to allow existing requirements for expert members currently required in legislation establishing tribunals and boards to be brought across to TasCAT.

Mr Valentine - Did you not just say there will be savings in regard to those who are sitting on boards? It was an earlier statement, I thought.

Mrs HISCUTT - It is expected that the establishment of TasCAT will result in some savings being made over time. For example, because of shared accommodation, utilities, there will be less need for a high number of members of tribunals and boards.

Mr Valentine - That is what I am saying. Less need for a higher number of members of tribunals. That presupposes you would have members sitting on more than one tribunal.

Mrs HISCUTT - But the project is focused primarily on improving access to justice. So that is the focus -

Mr Valentine - I suppose time will tell, thank you.

Mrs HISCUTT - The member for Nelson and the member for Hobart asked how would we ensure the person would not be disadvantaged in any way from having appeared previously.

Tribunals and courts strictly follow laws, and all decision-makers can only take into account relevant matters. It would not be relevant that a person has appeared before the tribunal in another matter. If this were taken into account, it would be a legal error and it could be appealed.

If a person is concerned about a member of the tribunal having a conflict of interest, that would be raised and dealt with in a way that is usual for courts and tribunals.

Ms Webb - Can I just ask about that? It is not just about the decisions; it is about the way they are treated.

Mrs HISCUTT - This includes the possibility of supplementary members being appointed to deal with particular matters. Can you just give me a bit more clarity? What do you mean how they are treated?

Ms Webb - If somebody has come in to one aspect of it, and been experienced to be difficult -

Mrs HISCUTT - In one tribunal? Coming to another tribunal?

Ms Webb - It is not saying the decision made in the second tribunal might be influenced by that, but potentially the way the person is treated might be because of information being shared across staffing.

Mrs HISCUTT - How do we stop clerks whispering to each other?

Ms Webb - That is something I would like to hear about - an active intention to guard against and putting practices in place to ensure it does not occur.

Mrs HISCUTT - If a person going to a tribunal feels that that is happening to them, they can raise the conflict of interest. Is that what you are suggesting?

Ms Forrest - More a code of conduct, is it not?

Ms Webb - Not necessarily one measure. Perhaps you could come up with a range.

Mr Valentine - It could be that somebody who is actually a tribunal member ends up being on both tribunals the person is presenting to.

Mrs HISCUTT - We will get some follow-up advice for you on that one, while I continue here.

The member for Windermere spoke about a lease. We do not have lease details at hand, and some of the specifics of the lease would be commercial-in-confidence.

The member for Nelson: how would the objectives in the bill be implemented, monitored and reviewed, and can the public provide feedback? As an independent statutory office holder,

it would be for the president to ensure the objectives are implemented, monitored and reviewed. This is likely to be done by seeking feedback from users, legal stakeholders and other bodies.

Members of the public will be able to provide feedback, as they currently can, and the way in which they can provide that will be a question for the president. For example, feedback forms may be available online or in hard copy.

The member for Nelson also asked about the need to protect privacy at the tribunal -

Ms Webb - Can I just go back to the previous one? In terms of collecting the feedback, and assessing and reviewing it, is that then publicly reported on, so it can be seen?

Mrs HISCUTT - I will seek advice on that one.

I will proceed with the need to protect privacy at the tribunal. We have been very careful to ensure privacy and protection for people who use the tribunal. In particular, we have the presidents of the Mental Health Tribunal and the Guardianship and Administration Board on the single tribunal steering committee. At the forefront of their minds has been the protection of the privacy and dignity of the tribunal users.

We are monitoring, and will continue to monitor, these issues, because this is a very important issue. We will follow up with the treatment by staff of disrespectful behavior. Courts and tribunals are used to dealing with a wide range of members of the community. If there are any issues with how a member of the public has been dealt with, the usual processes contained in the State Service Act for customer service complaints would be followed.

With regard to your question on feedback, this would be a matter for the president ultimately; however, it would be common for complaints and so on to be reported in the annual reports for example. This is generally statistical information.

Ms Webb - To clarify, would there not be a reporting mechanism demonstrating the extent to which the TasCAT system is meeting the stated objectives?

Mrs HISCUTT - It would ultimately be up to the president to report on.

Bill read the second time.

TASMANIAN CIVIL AND ADMINISTRATIVE TRIBUNAL BILL 2020 (No. 25)

In Committee

Clauses 1 to 9 agreed to.

Clause 10 -

Main objectives of Tribunal

Ms RATTRAY - In regards to the main objectives of tribunal, clause 10(d) says -

to keep costs to parties involved in proceedings before the Tribunal to a minimum insofar as is just and appropriate

Clause 44, Appointment of senior members and ordinary members, talks about the requirements of people who are not only the deputy president and the president but then the ordinary persons and the senior members of that tribunal and -

- (a) is an Australian lawyer of not less than 5 years' standing as an Australian legal practitioner.

It goes on to talk about expertise, extensive knowledge, experience. How can we actually comply with clause 10(d) when we are using high calibre? I understand the role of a tribunal.

My second question relates to clause 10(e) -

to use straightforward language and procedures (including insofar as is reasonably practical and appropriate by using simple and standardised forms)

Again, I come back to the level of expertise, knowledge and experience - they have to be a lawyer of not less five years standing and the like. How are the objectives of the tribunal to be met? With those two in particular, obviously it will cost a lot of money to put together this particular tribunal for any of the nine areas so far included in this amalgamation.

This morning we heard in the briefing - which I was very pleased to attend - that in the future this might include housing issues. One other also included -

Mr Valentine - Health, I think.

Ms RATTRAY - Health also. There will be an extensive range of areas to be covered. I was expecting to see that an ordinary member of a tribunal may well not necessarily have a legal background. To be able to achieve those objectives, I am struggling to understand how that might be met in clause 10(d) and (e) when the appointments to the tribunal are of such high level of experience, expertise and, I expect, dollar figures.

Mrs HISCUTT - We seem to have jumped to clause 44.

Ms Rattray - No, it relates to the actual quality and the people who are on those panels, I would expect. That is why I used that.

Mrs HISCUTT - Yes, it certainly does, but at clause 44(2)(a) or (b), you can have 'an Australian lawyer of not less than 5 years' standing ... or' an ordinary person who has experience or expertise relating to the type of matter and so on.

Ms Rattray - Thank you for pointing out the 'or'. I still expect they will be of high calibre.

Mrs HISCUTT - I have some more information coming for you. With regard to 10(d), talking about the costs. The costs here simply relate to the costs of the people appearing for the tribunal. It relates to an order for costs and is separate from the budget. This is how to set it up. Clause 10(e) is talking about straightforward language; it is necessary and should not

cost more. In the long run, it is better to use something understandable. This will increase access to justice. This replicates what is in other acts; it is just brought forward.

Ms RATTRAY - I appreciate the clarification. When you talk about the cost of the party it has nothing to do with the cost of holding the tribunal itself, it is only what might be awarded to a particular client. I want to clarify that. The straightforward language and procedures - again, it refers to standardised forms: are these the forms that will be completed by the person applying to the tribunal with their particular complaint or matter? I want to make sure that is what I understand in regard to this. Also, the people on the actual tribunal itself will use that same language when they are engaging with the persons. In recent times, I have had cause to have some exchanges with the legal fraternity and the words I would use are a lot different than the words that come back in written form. It is not always easy to understand what is being represented. I am interested in how that might work as well for the tribunal.

Mrs HISCUTT - The way the member for McIntyre has explained it on the Floor is how it is expected to work so she does understand it correctly.

Clause 10 agreed to.

Clause 11 agreed to.

Clause 12 -
President

Mr VALENTINE - How are these periods arrived at in terms of appointment? Is it the same as in other jurisdictions? You are talking about the first term of appointment being seven years, then the Government can extend it by three years.

Mrs HISCUTT - Five years is the usual appointment. The reason we have seven in this bill to start off is to provide that continuity of the same person.

Clause 12 agreed.

Clause 13 -
Terms and conditions, &c., of appointment as President

Mr VALENTINE - Clause 12(3) reads -

The Governor may determine that the President's salary or allowances as a magistrate are to have an additional component ...

Is this how magistrates and judges are determined through the government? Is that the way it is? I am fascinated by this and I have not come across this before.

Mrs HISCUTT - Yes, that is the usual process.

Ms RATTRAY - When it talks about, in clause 13(2)(b) -

entitled to be paid, in addition to his or her salary and allowances as a magistrate, an additional component ...

Why is that there? Once you have your salary and your entitlements or allowances to go with it, what else under 'additional component' might be envisaged?

Mrs HISCUTT - Clause 13(2)(b) sets it out as a magistrate's salary and clause 13(3) sets it as a higher level, so it is more responsibility.

Ms RATTRAY - So that would be the additional component?

Mrs HISCUTT - That is right, it is the additional component.

Clause 13 agreed to.

Clauses 14 to 17 agreed to.

Clause 18 -

Governor may revoke or vary suspension of President

Mr VALENTINE - My question is simply can the parliament actually override the Governor?

Madam CHAIR - That is clause 17.

Mr VALENTINE - Sorry, clause 18. Is that the way it is with judges? It is an interesting process.

Mrs HISCUTT - The Director of Public Prosecutions Act and the Solicitor-General Act are the same.

Clause 18 agreed to.

Clauses 19 to 25 agreed to.

Clause 26 -

Appointment of Deputy Presidents

Ms RATTRAY - This area was discussed in the briefing process this morning, which was very useful. I want to get some extra information about this on the public record.

I understand from the briefing that the appointments of deputy presidents to TasCAT will be a total of nine to begin with; as a person's appointment comes to an end, there may well be an expiry or a non-reissuing of their contract.

I want to explore and understand this because it is really important, particularly because it was my view, and I think perhaps the view of the member for Windermere, that this would rationalise the process. However, with a president and nine deputy presidents being appointed as well as a senior member of the tribunal, who is an Australian lawyer with not less than five years, and ordinary members, it seems like it is going to be top-heavy.

I want to explore that so that everybody understands what we are saying yes to. Nine deputy presidents - they have all been presidents in their own right prior to this coming into

operation. They will be taking directions and other things that we will get to when it comes to their roles and functions.

Mrs HISCUTT - There will only be four or five coming over because one person is the same for a few of the boards. For example, one person is the Anti-Discrimination Tribunal. It is the same person for the Asbestos Compensation Tribunal. It is the same person for the Health Practitioners Tribunal, the same for the Motor Accidents Compensation Tribunal and it is also the same person for the Workers Rehabilitation and Compensation Tribunal. There will be four or five who come over. They are there by an instrument of appointment, so they have to be there.

Ms RATTRAY - Thank you for that explanation. Did I miss that this morning or did we not hear that information this morning? I clearly recall hearing there would be nine deputy presidents transferring over. I am actually quite comforted in the fact that as it currently stands, we already have some chairs who chair more than one tribunal, and then there will be that rollover. I acknowledge they are already there by appointment. Does the Leader, on behalf of the Government, see any further reduction or increase in that number in the future, given we might be expanding Health, Housing and whatever other complaints might be taken on by the tribunal?

Mrs HISCUTT - First, more or fewer people on the board, on TasCAT would depend on the government of the day to assess whether more or fewer were required. The confusion this morning during the briefing may have been because there are nine tribunals and the presidents will move over.

Ms RATTRAY - I did not miss it then.

Mrs HISCUTT - It was perhaps a misunderstanding. All presidents of the tribunals will move in. Without it being clearly put out, you say there are nine there, so you presume that there are nine. But no, one person is the same for five of them. That will clear up that misunderstanding now.

Clause 25 agreed to.

Clauses 27 to 28 agreed to.

Clause 29 -

When person ceases to be Deputy President

Ms RATTRAY - We have already heard at this time that five will transfer over, or thereabouts. Clause 29(a) to (e) talk about when a person ceases and talks about a person completing a term of office as deputy president and not being appointed again to the office for the next term. After the end of the term, the office is to be completed and the appointment of the person is revoked under section 33, which talks about the Governor then the parliament, which has already been discussed by the member for Hobart.

Is there an appeal process? As I also raised in the briefing, these, I expect, would be very good appointments. If they are looking to reduce the numbers, the government of the day is

looking to reduce the number of deputy presidents who are in this TasCAT. Is there an appeal process for somebody who feels they would like to continue on?

Mr Valentine - It might be a tribunal.

Ms RATTRAY - It might be a tribunal hearing. Is there is an appeal process available to a particular person who is having their contract concluded and they are not necessarily comfortable with that?

Mrs HISCUTT - There is no appeal process. The five years as an appointment is like a contract and when it is finished, it is finished. But there is nothing to stop that person reapplying when the time comes. There is no appeal process. You understand 'contract' - when it is finished, it is finished. However, if the job is advertised again and if that person wishes to reapply, they would have to go through that same process.

Clause 29 agreed to.

Clause 30 agreed to.

Clause 31 -

Parliament may confirm or revoke suspension of Deputy President for misconduct or misbehaviour

Ms RATTRAY - Clause 31 talks about confirming the suspension in (1)(a), then revoking the suspension. Then -

- (2) If both Houses of Parliament pass a resolution under subsection (1)(b) revoking the suspension of a person from the office of Deputy President ...

Again, is this something? Say the Governor decides to suspend them from office, which we have already. The parliament decides, 'No, that is a wrong decision', but it comes to both Chambers and has to be passed by them. What if one Chamber says yes, and the other Chamber says no? Obviously, if the government of the day has the numbers in the other place, and decides that someone needs to go, and yet the Legislative Council was full of independents, and they decided no. It has happened before.

I am just interested in the mechanics of that. Is it usual - and forgive me for not knowing this piece of legislation backwards - for the other tribunals we have in place? Is this a usual process and how would it work?

Mrs HISCUTT - This is a usual clause that is in the DPP and the Solicitor-General's act. It is already there.

In your scenario, if one Chamber disagrees with the other, it is checkmate, stalemate. It would lay on the Table until such time as it was resolved, and in that case the government might have to put in a person on an interim basis until there is a resolution somewhere.

Clause 31 agreed to.

Clauses 32 to 38 agreed to.

Clause 39 -

Supplementary Deputy Presidents

Mr DEAN - This clause deals with supplementary deputy presidents. How many of these people are being identified here for senior roles and senior functions? Why is that the case?

We have a president, acting presidents, deputy presidents, and acting deputy presidents, and now we have supplementary deputy presidents. What is the reason for all this? Are they called in for a specific job, or is there some other reason for all these functions and appointments?

Mrs HISCUTT - There are a few reasons. It could be expertise that is required. It could be a conflict of interest, so one would be out and you would pull another one in. It could be to address a backlog where you get two in to help with a backlog. That is why that is there.

Mr DEAN - And are they all paid positions?

Mrs HISCUTT - Yes, of course they would be.

To complete that answer, because I can see a look of confusion of the member for Windermere's face, they are paid whilst they are in that role, not while they are sitting in another room somewhere.

Mr DEAN - Those appointments for supplementary deputy presidents will not be full-time. Is that right? They will be employed for a specific purpose for their expertise, or whatever is necessary, and that employment is simply for the specific work they are undertaking, or are required to undertake, and that is at a cost to the state?

Mrs HISCUTT - Other than the things I have already outlined, it depends on clause 39(5)(b), which says it can be on a full-time basis or a part-time basis or a sessional basis. It depends on what the requirement is as to how they are employed.

In the things I highlighted before, if there is conflict of interest, one substitutes in and the other goes out. That is for a sessional, which is only for a specific time and 'sessional basis' is defined. If it is a backlog, you may get a couple in to clear the backlog and then they would be done; that would be a sessional one, depending on the requirement.

Clause 39 agreed to.

Clauses 40 to 42 agreed.

Clause 43 -

Selection and assessment panel

Mr VALENTINE - This probably happens in many other places, but I am intrigued by the fact that the minister appoints the panel -

... persons who, at the request of the Minister ... are, after consultation with the President ... to recommend the selection criteria ...

Then they assess candidates and hand those names to the Governor basically to appoint, it would seem, in clause 44. I should be raising this in clause 44 really, but it seems to me that the Governor is being dealt with as almost a figurehead rather than an active participant in the process. The Governor has no other way of getting information about candidates apart from what has been provided to them from the minister. I am interested in whether there is the opportunity for politics there.

Mrs HISCUTT - This is in line with usual processes for dealing with these matters. It happens in South Australia and it is basically to provide more transparency.

Ms RATTRAY - Just a follow-up question: we drew a lot of this from the South Australian model?

Mrs HISCUTT - It is broadly modelled on the South Australian model.

Ms RATTRAY - Broadly modelled on South Australia. They might send us an account if we say fully modelled. Was there an issue? Did they expect there might be an issue around appointments? If you are saying it is making it more transparent - if the minister is involved, how can it be more transparent? I am interested, given the response given to the member for Hobart.

Mrs HISCUTT - This is ensuring there is an independent panel of persons. Normally it is the Attorney-General or the Cabinet going to the government, but this is to give an independent panel of persons for transparency.

Mr Valentine - It is now being reduced to the minister?

Mrs HISCUTT - To get an independent panel of people, other than the government.

Clause 43 agreed to.

Clause 44 -

Appointment of senior members and ordinary members

Ms RATTRAY - Madam Chair, this is an interesting part - the appointment of senior members and ordinary members. We have already touched on this in some other clauses of the bill, but I am interested in how many senior members and ordinary members each panel is likely to have and in the selection criteria.

It talks about selection criteria applying under clause 43(a) but, as we know, the selection criteria come to the minister who appoints, after consultation with the president, and recommends the selection criteria for senior members, supplementary senior members, ordinary members and supplementary ordinary members. What are the selection criteria? Obviously, you will tell me the criteria are skills-based. I know that but we need to flesh this out a little bit more. It will be really important that we know how many people we will have on these tribunals as this could become bigger than Ben Hur the way we are going.

Mrs HISCUTT - The selection criteria are skills-based, but it is not up to me or the Government to say that; it up to the independent selection panel we talked about.

Ms Rattray - The minister is involved in that.

Mrs HISCUTT - Taking advice from the president -

Ms Rattray - After consultation.

Mrs HISCUTT - After consultation with the president, but it is the panel that does the selection criteria. If you look further in the bill, it says that the minister may appoint people after consultation with the president to recommend the selection criteria for the senior members and so on. What was the other thing you were asking about?

Ms Rattray - How many are we likely to have? We have the president, the deputy president, a possible a senior member and I do not know one, two, three ordinary members.

Mrs HISCUTT - That will be up to the government of the day to decide whether there are more or less people needed. I cannot answer that for you today because it depends on what they are dealing with at the time, so it is up to the government of the day.

Ms RATTRAY - Honourable Leader, this is the Government of the day - right now, you have this piece of legislation. I expect there has been some discussion on how many people you are likely to have. Anti-Discrimination, Asbestos Compensation, Forest Practices, Guardianship and Administration, and Health Practitioners, and we know from yesterday's discussion on the end-of-life choices bill, that the Guardianship and Administration Board has five members.

Ms Lovell - Yes.

Ms RATTRAY - We need to have some understanding of what we are being asked to support here.

Mr Dean - They have chosen the building, so they must know roughly how many.

Ms RATTRAY - Is it looking like there will be an average of five presidents, deputy presidents and three others? I do not know which of those first nine included in this restructure will have a lot more members. Maybe there are some with seven, I am not entirely sure. I am interested in having some understanding of how many senior and ordinary members we will have in addition to the president and deputy president.

Mrs HISCUTT - At the moment, it is the case that everyone who is currently a member of the tribunal will be a member until the expiration of their contract. I can undertake to find out about their contracts and what happens after that. I can take that question on notice because we do not have specific numbers right here. Is the member happy for that or does she want me to pursue that? I can table it later when we get the specific answers?

Ms Rattray - I will not hold up the bill seeking that information.

Mrs HISCUTT - Let me provide it at a later date.

Ms Rattray - I would be interested in having that because I am hoping to stick around. I will be watching with interest how this unfolds.

Mrs HISCUTT - I will undertake to get that for you and I will table it at a later time.

Clause 44 agreed to.

Clauses 45 to 55 agreed to.

Clause 56 -

Other staff of Tribunal

Ms RATTRAY (McIntyre) - Clause 56 says -

The President may make arrangements with the Secretary of the Department for the services of State Service officers or State Service employees, who are employed in the Department, to be made available to the Tribunal to enable the Tribunal to perform and exercise the functions and powers of the Tribunal.

It then pretty much repeats itself. Is this a secondment arrangement where someone might be on leave from an administrative role in the tribunal and so it is a way of not filling that position on a casual basis but using someone from the State Service? Is there some other intention? I am thinking that a tribunal might go to Burnie and it is something to do with the Forest Practices Authority - would it use somebody from an office there? That type of arrangement. I am interested in what that might entail.

Mrs HISCUTT - This is the same as arrangements for other tribunals; it talks about this in regard to registry staff, so it is a secondment if staff are needed from another place.

Clause 56 agreed to.

Clauses 57 to 67 agreed to.

Clause 68 -

Codes of conduct

Ms RATTRAY - Given that there would already be codes of conduct in place for tribunal members, does this mean the president will need to make a consistent code of conduct out of the nine that might be in place, or is there already a template for a code of conduct to apply to all members of the tribunal?

Mrs HISCUTT - It appears there is no existing code of conduct for any of the nine tribunals. We are putting this in place.

Ms RATTRAY - I cannot believe what you have just said. Anyway, that is an aside. How long is that expected to take?

Mr Dean - We did not have one until last year.

Ms RATTRAY - Code of conduct is when you walk in the door of this place, in my view.

Mrs HISCUTT - It will be in place by 1 July 2021, when the bill takes effect.

Clause 68 agreed to.

Clauses 69 to 71 agreed to and bill taken through the remainder of the Committee stages.

Bill reported without amendment; report adopted.

Third reading made an Order of the Day for tomorrow.

CAT MANAGEMENT AMENDMENT BILL 2019 (No. 55)

Second Reading

Resumed from 24 September 2020 (page 83).

[12.43 p.m.]

Ms RATTRAY (McIntyre) - Mr President, from TasCAT to Tasmanian cats, here we are, who would have thought?

Prior to the adjournment of debate on this bill, I was sharing with members - and at that hour of the night, after three hectic days, they probably were not even listening, but I will assume they were, so I will not go over what I have already said; they will be pleased about that - feedback from across the McIntyre electorate. Some of that feedback came from Darren Rumble on behalf of the Trowunna Wildlife Sanctuary at Mole Creek. Some members who went on the electorate tour had the opportunity to visit and we really enjoyed our time there. They are doing a great job with the Tasmanian devil program.

I also shared with members extracts from the letter received jointly from Just Cats Tasmania, the RSPCA and the Tasmanian Conservation Trust, which strongly support domestic cats at large being contained on their owners' properties. This issue has been picked up by the member for Nelson and we have the amendments to consider during the Committee stage. It was useful to hear from Kingborough Council on the work that it is doing in regard to cat containment. If only we could replicate that around the state, we would have a much healthier environment. I look forward to that debate as we get through the Committee stage.

I referred to the views of a council of mine in my earlier contribution and I have one more to add to that, which is the Flinders Council. Warren Groves, who was more recently appointed to the Flinders Council as the general manager, was good enough to give me a call. He is loving life on the Island, and why wouldn't you?

I promise I will take members on an electorate tour when I am re-elected, so I have a bit of work to do myself.

The Flinders Council supports responsible cat ownership, including registration of cats, but when it comes to containment, without additional resources from government, it is not in a position to support this approach. We will discuss this when the member for Nelson puts forward her amendments. I am looking forward to hearing what other members views are with regard to this.

When I spoke earlier on this, I talked about some submissions I felt were too important not to refer to and that is why I chose to adjourn the debate and come back at another time.

Some of these submissions are relatively old now because it has taken a while to get the bill in front of us. This is a Tasmanian Farmers and Graziers Association submission on the Cat Management Amendment Bill; it is dated 9 October 2019 and signed by Peter Skillern, the TFGA chief executive officer.

I will read a couple of points from it because it is important to hear from that representative of the agricultural industry -

Through a survey to our members, over 95% were very supportive of compulsory desexing and microchipping -

So they will be pleased with the bill -

while 80% agreed for the need for cat containment. Responses covered nine municipalities, the highest response areas were Northern Midlands, Central Highlands and Meander Valley.

Mr President, you and I have some very progressive people in our electorate. They take the time to respond -

Some responses were able to detail the losses they have had with disease that cats are known to spread, including the impact to their business and impact on their livestock with cat contaminants, spreading disease.

One farmer replied -

We lose about 20% of our maiden ewes lambs to toxo(plasmosis) from feral cats.

Twenty per cent - it is in writing. I will table it later when I put it into *Hansard* -

I have one mob currently lambing which is horrific at 35% at a guess. It would be costing me a minimum of 200 lambs a year at a minimum of \$100 each or \$20k per annum.

If anyone has bought lamb at more recent times, it is probably \$150 now. We know how expensive lamb is when you buy it, so I would expect back in 2019 that \$100 per lamb is now probably at least \$150. Our would-be farmer, the member for Windermere -

Mr Dean - They were selling at that price about a week ago, \$150 to \$160.

Ms RATTRAY - There we are. He listens to the rural report on ABC radio whenever we can get in the car.

Mr Valentine - I thought he was a would-be forester.

Ms RATTRAY - Mr President, I can see Madam Speaker in the back of the Chamber. She has probably brought some land more recently and understands the value of what a piece of land would cost.

Then it goes on to say -

not to mention the loss of ewes to infection. Losing 1% of our maidens to toxo.

That is pretty damning and very concerning to the agriculture industry. There is quite a bit of other information, and towards the end it says -

There is support for making the definition 'primary production' clearer. The definition should fall in line with the same definition as in other Acts to be consistent and reduce any future grey areas when it comes to the Cat Management Act.

We know that has been addressed through the amendments. Well done to the department for picking up on that particular area. I know this was also raised in another submission, which I will speak to shortly.

Back to the quote -

The amendments proposed within the Bill have the support from the TFGA but there should be agreement that this is a cross-jurisdiction issue. A concerted effort is needed between Local Councils and State Government to help reduce the effect of cats on agriculture, the natural fauna, improve current cat management facilities and holding cat owners responsible for their pets.

I want to repeat that because when we get to the Committee stage, I am going to convince members that cat ownership responsibility is really important - holding cat owners responsible for their pets. If you chose to have four pets, you have to be responsible for them, and if they are cats - responsible.

The quote continues -

Thank you for the opportunity to comment on the Cat Management Amendment Bill and we look forward to your response.

Thank you to the TFGA for putting that together and doing the work and consulting with their land owners. It is important that we get that response back.

Another one of my constituents, who has taken the opportunity to make contact - and I have not checked that I can use her name, but again talking about -

Having connections to farmers, you would be aware -

this is me having a connection with farmers -

... of the toxoplasmosis problem - with ewes aborting lambs if infected, and possible problems for pregnant women as well.

Another concerned citizen who knows the devastation that can be caused, particularly by stray cats. She goes on to say, and I thought this was really interesting -

On a radio program I heard that in all of Australia - we lose ONE MILLION native animals and birds **a day** to cats.

That seems almost unbelievable.

Ms Webb - It is horrific. That is what it is.

Ms RATTRAY - It continues -

As well as microchipping and registering of all cats, I believe there should be a limiting of two cats per household. The government might also look at the introduction of a calici style virus to assist in eradication of feral cats.

Mr Valentine - Look at the Kerguelen Island statistics on what cats have done there. The amount of damage there is unbelievable.

Ms RATTRAY - Does that 1 million native animals and birds a day -

Mr Valentine - It is probably an underestimate.

Ms RATTRAY - That is Australia-wide of course, but it is of concern.

Mr Valentine - They only bring home 20 per cent.

Ms RATTRAY - The Government might also look at that calici-style virus to assist in the eradication of feral cats. That is another issue.

Ms Forrest - It would be all right until it got all of the little moggies.

Ms RATTRAY - This is an issue people are really addressing. The factor that will make the most difference of all is mandatory confinement of cats, and it goes on to say -

... have a look at the Bruny Island project - this could happen across Tasmania.

Sorry if this is heavy, its one of my 'pet' - excuse the pun - issues for concern.

I thank my constituent for providing that, and I appreciate it. I was not aware of the fact about the million native animals and birds.

Ms Webb - The Kingborough Council has up-to-date assessments of 627 000 a year in Kingborough.

Ms RATTRAY - You are probably right, member for Hobart, it is probably more.

Again, I am sure that Madam Speaker has learnt something while she has been here with us today. It is nice to see her in the Chamber.

Mr PRESIDENT - Always welcome.

Ms RATTRAY - A little earlier, I mentioned some very proactive people in the McIntyre electorate, one of whom is Kevin Knowles, a member of the Upper Meander Catchment Landcare Group Inc.

Interestingly, Kevin picked up the phone four minutes after I was appointed as the member for McIntyre, and said, 'We have an issue. We need to meet. Come and have a look at what we are trying to achieve through this group.'. He has continued to stay in touch. In his most recent piece of correspondence to me, he talks about the fact that his landcare group has extensive knowledge in regard to cat management in Tasmania, and has been working on the issue for the last five years.

In my earlier contribution, I mentioned having a meeting at Lilydale, at the general store, with Kathryn Hay. Now that is a blast from the past. That is how long ago I have been talking about cat management.

Mr PRESIDENT - I know the previous member for Western Tiers chased a lot of cats away in his time.

Ms RATTRAY - At Conara? I owe the former member for Western Tiers a phone call. I will get back to that.

This is a very proactive group. We talked about the positive comments on the draft. People are very pleased with some of that. He says -

We welcome the tightening of the regulations regarding the breeding and selling of cats, and also regarding giving away, or dumping of cats. We feel there should be substantial penalties for violating these regulations.

In my amendment, which I will touch on shortly, around cat registration, the penalty for not registering is somewhat less than the other penalties, through the cat management bill. It was suggested that we keep it in line with the Dog Control Act. I will talk about that later.

It goes on to say -

We welcome the expansion of the definition of Primary Producers to include all Land Managers engaged in primary production.

Again, that addresses one of the TFGA issues raised in their submission.

They go on to say they would like it to be acceptable and widespread for any landowners to engage in feral cat trapping and eradication. We know from the briefings that being able to trap and seize, not eradicate, is also aimed at urban and peri-urban areas. I am pretty sure I got that right through the briefing session.

That one is trap and seize, no eradication there. Trap and seize - I want to make sure that we understand that.

It goes on to talk about the good work being done in Kingborough, which we have already touched on. And the trials around -

Sitting suspended from 1.00 p.m. to 2.30 p.m.

QUESTIONS

Hobart Co-Educational School - Feasibility Study Report

Mr VALENTINE question to LEADER of the LEGISLATIVE COUNCIL, Mrs HISCUTT

In regard to my question to the Leader on 15 September about the taxpayer-funded feasibility report on the provision of a new inner-city co-educational high school in the Hobart municipality, the subsequent answer made no mention of the provision of the report.

In the spirit of transparency, will the Government please release the full feasibility study report?

ANSWER

Mr President, I thank the member for Hobart for his question and his persistence on this particular issue.

Planning high school provision in the Greater Hobart region is complex and involves many interconnected factors. Because of this, the Department of Education has considered the findings of the feasibility study as only one piece of a broader suite of research and evidence to inform a response to this issue.

The Government has been very open in relation to the finding of that study, which found that building the new inner-city high school would not necessarily resolve the capacity pressures currently being experienced in some Hobart schools, specifically Taroona. It also revealed that demographic feasibility is only one part of a larger issue we need to consider with other inputs. The decision was made not to release the findings of that report until all inputs have been investigated and interrogated.

The minister has indicated he is expecting a comprehensive report from Education later this year on the best way forward, which will include the results of the feasibility study as well as the outcomes of the research project currently being undertaken by the Hobart City Partner

Schools to determine a future model for education for Hobart City. The report will be publicly released then.

Hobart Co-Educational School - Feasibility Study Report

Mr VALENTINE question to LEADER of the LEGISLATIVE COUNCIL, Mrs HISCUTT

A supplementary question: the Leader said 'the report' rather than just the finding of the report. Will the whole report be publicly released?

ANSWER

Mr President, I thank the member for Hobart for his supplementary question.

I am saying that once it is all looked at and collated, a report will be distributed.

Mr Valentine - A report? I thought you said 'the report' will be released.

Mrs HISCUTT - I can read it again.

The minister has indicated he is expecting a comprehensive report from Education later this year on the best way forward, which will include the results of the feasibility study as well as the outcomes of the research project currently being undertaken by the Hobart City Partner Schools to determine a future model of education for Hobart City. This report will be publicly released.

COVID-19 - Government Funds - Sporting Requirements

Ms RATTRAY question to MINISTER for SPORT AND RECREATION, Ms HOWLETT

[2.34 p.m.]

As I do not have a question on my seat, I thought I would take the opportunity to ask a question in regard to sporting clubs and organisations that have taken up the opportunity to use funds the Government allocated for COVID-19 sporting requirements.

How much has been allocated and how many clubs?

Just a general assessment of what areas of sport activities have used the opportunity. I know the netball club in my home town has decided to have a summer roster because it could not organise a winter roster but it is having a summer roster. I am interested in what is happening around the rest of the state.

ANSWER

Mr President, I thank the member for McIntyre for her question and her interest in this matter.

The Government's goal has always been to keep competition alive where possible and sporting administrators in their jobs so that participation levels can be maintained until a return to play becomes available. I am pleased to confirm our objectives have been met.

I was delighted to announce a nation-leading grants program which allocated funding of more than \$2.9 million to support this sector, including keeping Tasmanians in employment wherever possible and ensuring sport can revive and continue in line with the Public Health advice.

In tranche 1 we kept more than 180 sporting administrators in work despite a devastating loss of revenue from postponements to competition as player registration fees, gate and canteen takings and sponsorships all dried up. I am pleased to advise the House that tranche 2 of our sport and recreation assistance package has now closed, and 431 organisations have been approved for grants to return to play.

More than \$900 000 was allocated directly to clubs around Tasmania in tranche 2, which enabled immediate practical assistance for clubs and players to return to competition safely. Associations and clubs were able to access the funding in order to purchase new equipment to improve the quality and safety of the sporting experience as well as to purchase hand sanitiser, stand-up units and so on.

Many of the clubs that received the funding have sent me numerous letters stating how grateful they are. For example, the George Town Saints Netball Association sent me a letter saying -

We are so grateful for all of the assistance from Sport and Recreation in allowing us to continue to play the game we love. In these challenging times it is so nice for our teams to have some normality and without all the work being done we would not be playing.

Another letter, from the Southern Wolves Basketball Association, says -

The funding will be put to great use within our club and it is Government support like this that has allowed small sporting clubs like ours to grow and retain their members ...

Like the member for McIntyre, I know you have been attending many sporting associations' grand finals and finals over the last weeks and more to do in the next few weeks. Whether it be football, hockey, soccer, we have seen how it has made a difference having that support even simply when you just walk into a ground and you see the sanitiser unit standing up and we see how they have their signs placed everywhere. That money has been well utilised throughout the pandemic.

I understand the impact this has had on many communities and I think we should all thank them again, all these organisations across Tasmania, for their patience.

Ms Rattray - And mostly volunteers, minister.

Ms HOWLETT - They are mostly volunteers, and volunteers have played an enormous role particularly now with the return to play. We can see them on the gates; we can see them handing out our squirting sanitising units, just redoing all the rosters -

Ms Rattray - Working in the kiosk.

Ms HOWLETT - Working in the kiosk.

Without volunteers we would not have returned to play and in many communities right across Tasmania this is so important because it is quite often the glue that brings communities together.

I thank the member for her question and I am sure she will be attending a grand final this weekend.

Ms Rattray - I think the presentations are about to start. That is a difficult one as well because you can only have so many people attend and you want family to be able to go. If you are not a family member, you do not like to take up the space.

High Schools and Colleges - Unauthorised Absence Rates

[2.40 p.m.]

Mr WILLIE question to LEADER of the GOVERNMENT in the LEGISLATIVE COUNCIL, Mrs HISCUTT

Under the Education Act 2016, from 2020 young people need to stay in educational training until they finish year 12, or receive a Certificate III, or reach the new minimum leaving age of 18.

- (1) What is the unauthorised absence rate for high schools and colleges in 2020 for term 1, term 2, and term 3?
- (2) Can the Government provide an unauthorised absence rate for 2020 for each government high school and college?

ANSWER

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

- (1) Student attendance is recorded by all schools and colleges in EduPoint in minutes for each session and it is the basis of how attendance is normally reported. This means the data represents the amount of time recorded as unauthorised, rather than days.

The unauthorised absence rate for students in years 7 to 10 in district schools, district high schools, high schools and colleges in term 1 up to week 6 was 5.9 per cent.

From week 7 student attendance was impacted by COVID-19 due to parents' decisions to keep their students home from school and later in accordance with government advice. As such, data on absence rates from week 7 for this period is unreliable and not included.

The unauthorised absence rate reported in term 2 from week 7 to the end of term was 9.1 per cent. Attendance data for term 2 is only reported from week 7 to the end of the term as most students are learning from home for the first 4 to 6 weeks of the term. As at week 7 of term 3, the unauthorised absence rate was 9.4 per cent. This rate may include some absences that schools and colleges will update to an authorised reason once parents have been contacted.

- (2) The answer to this question includes quite a large table, so I will seek leave to table that table, along with its footnotes, and incorporate it into *Hansard*.

There is one particularly I would like to highlight at this point, and that is Claremont College, which has come in very high at 26.4 per cent. I would like to touch a little on that.

The attendance data relating to Claremont College is notable, which is why a range of strategies to address absence rates, as outlined below, is now being rolled out by the college. It should be noted that Claremont College has a significant cohort of students from areas of disadvantage so attendance and retention is a key focus of Claremont College's improvement plan. There is a dedicated attendance team that meets weekly to analyse attendance data and follow up with students who have low attendance or are not attending. This is done through phone calls or text messages to students and parents. Pre-COVID-19, home visits were conducted. The college is looking to recommence home visits in term 4 pending COVID-19 advice.

There is an active Wellbeing Team at the college to support students' wellbeing, including those affected by trauma and concerns around COVID-19. This team was awarded the Wellbeing Award at the Department of Education's Together We Inspire Awards in 2019.

This team includes two school social workers, a school psychologist, a school nurse and a school youth worker. Claremont College has an active approach to family engagement and regularly responds to parents and families via letters, text messages, phone calls, and meetings with parents. The college has gone from 30 parents attending their parent/teacher evening (before COVID-19) to in excess of 200 families attending their parent/teacher evenings now.

Learning Services is working actively with the Child Safety Service, Communities Tasmania to identify and track the wellbeing of the most vulnerable students and follow up their engagement. Claremont College is involved in the Back on Track pilot program, designed to re-engage at-risk students.

I seek leave to table this table and have it incorporated in *Hansard*.

Leave granted; see Appendix 1 for incorporated document (page 92).

CAT MANAGEMENT AMENDMENT BILL 2019 (No. 55)

Second Reading

Resumed from above.

[2.45 p.m.]

Ms RATTRAY (McIntyre) - Mr President, before the lunch break, I was referring to a submission by Kevin Knowles on behalf of the Upper Meander Catchment Landcare Group. I referred to the points raised in the group's submission. I was talking about the statewide regulation and the fact that only two councils in the state have taken a proactive approach and partially or temporarily implemented the 2009 act. The Kingborough Council is trialling those measures on Bruny Island and the Latrobe Council has a small area at Port Sorell.

I have talked about this in my previous contribution - there is a statewide lack of cat management facilities, which raises a number of issues. The submission says that a person who traps a feral cat on the east coast is not likely to take it to Hobart or Launceston or Longford. As we know, the facility at Longford is often full. What do you do with a cat you take there? You do not necessarily take the cat home again if you find that the facility is full.

Darren Rumble of Trowunna Wildlife Sanctuary raised that as an issue, which has been picked up by this group.

The microchipping of cats is interesting. The submission says -

There are two private companies from which one can access microchipping records. These are located interstate.

I was not aware of this. Could the Leader indicate if that is still the case?

The submission also says -

These companies are not Government-funded and there have been problems in the past in accessing this information. There is also no guarantee that the data will be accessible in the future. It is a requirement in the draft that all cats must be microchipped (with some exceptions, i.e old cats).

There is a suggestion that there should be a state-run database facilitated by government that can be accessed at any time. I would appreciate some feedback on that issue. If my constituent, Mr Knowles, is wrong, I would be pleased to be able to inform him otherwise.

Again, cat confinement seemed to be the biggest topic in all the submissions, acknowledging there is no requirement in the draft and certainly no requirement in the bill we now see for containment. The submission goes on to talk about the damage that can be done. I will not go over that particular matter; I thought I made my point fairly clear from my previous two references there.

Moving on to the registration and enforcement of the legislation, Mr Knowles says there is no requirement to charge a fee for cat registration -

Furthermore, the lack of finances in local government is a major stumbling block for local government to implement the Cat Management Plan. This is clearly evident by the number of councils that have not engaged with cat management.

I identified the two that have - Kingborough and Latrobe -

Who is going to enforce the act when councils do not have the funds to do this and do not receive the funds from cat registration?

If they did receive the funds from cat registration, there would be some funds. That will go some way towards assisting with cat management.

Again, I will prosecute that particular argument when we get to the Committee stage.

I particularly want to thank Mr Knowles who, as I said, has been on this journey since four minutes after I was appointed as member for McIntyre. We have kept the dialogue open.

Thank you, and thank you to all those groups, organisations, councils and individuals in the McIntyre electorate who have taken the opportunity to provide some very good information. Certainly, they given me a heightened level of understanding of the problem of cats, given I am not a cat owner.

I have broached the subject, as I have been moving around the electorate, saying to people, 'Would you be offended, or would you have a problem, with registering your cat, given you register your dog?'.

I know not everybody registers their animals, but it is certainly an incentive. I believe almost every local government area would have an animal control officer in some capacity. This would expand their role, but, again, I will make more of that when we get to the Committee stage.

I thank members for their indulgence for my third time in putting forward my second reading contribution to the Cat Management Amendment Bill.

[2.15 p.m.]

Mr DEAN (Windermere) - Mr President, the member for McIntyre is right - most councils would have an animal control officer in some capacity, but the fact is that some councils do not have full-time animal control officers.

My councils tell me they have a job to keep up with the dog control, let alone cat control. They are really struggling.

Many complaints are received by people in relation to dog complaints - councils not following up, councils not doing this, councils not doing something else, and it goes on and on. They are already fielding those issues in that area.

This is what the George Town Council said about this bill -

Council is supportive of appropriate measures for cat management.

Council would like to express its concerns around the resourcing and funding of resourcing to administer effective cat management. Council does not want to see expectations that local government will have to administer and enforce the Act without sufficient and ongoing sufficient financial support from the State.

That is what the George Town Council said, and it has made a further statement about the night control of cats, and so on.

Ms Rattray - That is directly contributing to the containment of cats.

Mr DEAN - Yes. The containment side of it.

I have only approached my two councils - that is, the City of Launceston Council and the George Town Council. The member for Launceston adequately put the position of the Launceston Council - it does not support cat confinement at this stage because of obvious reasons: they cannot and would not be able to police it.

I understand the plan received 102 submissions, or thereabouts, and we are told the majority of those submissions supported the plan, which I take it means that the plan is included in the bill. The plan and the issues supported are contained in the main in the bill, with exception of the confinement part, which was supported by many people, who urged the Government to take that course of action.

One of the main concerns with cats, of course, is, as members have mentioned, their roaming at all hours of the night. That impacts not only on small animals and birdlife and endangered species, but also on their nuisance value. Their interference on people's property, pets, damage to cars and so on. That was adequately covered by other members.

I think a statement to us by Robin O'Byrne has been referred to and read into *Hansard* so I will not go into that. Robin O'Byrne contacted me on several occasions. After this bill was last adjourned, Robin rang me. I was at Campbell Town at the time, and as I was driving into Launceston he was still on the phone. I could not get off the phone with him in relation to his cat issues.

Robin is really passionate about this matter. He has some concerns and raises some very legitimate issues. One point he made was the issue of liability. A cat owner cannot be held liable for damage caused, or in the event of a cat causing a vehicle crash, no liability rests with the owner on the basis that cats can legally roam. As he said, if you have sheep or cattle or a dog and they roam, you are responsible, but with a cat that is not the case. His statement also mentions disease carried by cats and local government being powerless to act in these circumstances. Suffice to say he is quite an angry man and wants some strong action taken.

I think we have all had problems with cats. I have had my fair share of them. I had a lovely outdoor pond with a number of goldfish in it which gradually disappeared -

Ms Forrest - An easy feed.

Mr DEAN - I caught the culprit. It was a big grey tabby cat. Unfortunately, I tried to sneak up on it because I was going to stick my boot under it. It would have gone over the fence but I could not get to it. It got away. My wife is always complaining about tomcats urinating.

I might add, 15 years later I still have two of those goldfish. I do not know how long they live, but it must be for a long time -

Mr PRESIDENT - They are a carp.

Ms Forrest - If you have a male and female, they will have lots and lots of babies.

Mr DEAN - A dog helps to keep cats out. When I had Alfie, he befriended them. He was a great mate of cats, so that did not work well.

This bill does not include a provision about the night roaming of cats, something which concerns many people. How can allowing cats to roam free at night be seen as caring for cats in a responsible manner, as referred to in the second reading? Further, how can it be seen as removing their nuisance value and their destruction of our native wildlife and being vectors for diseases such as toxoplasmosis when there is no confinement of cats of a night?

The department or the Leader has now included in the second reading a full page on confinement and the reasons the bill does not include night confinement. It says we are not ready for it yet. That could be right. We need to ready cat owners for this type of control sometime in the future. If there is an amendment and that amendment does not get up, we need to send a strong message to people with cats that there is going to come a time - and it is probably not that far down the track - where you are going to have to confine your cat at night. That is the position we should very strongly be putting forward.

The damage caused to our wildlife: they have endangered certain species out there. There is no doubt about that. They have been the cause of that and we need to send that very strong message.

As I understand it, one survey showed 67 per cent of cat owners supported night control so there is strong support for it. This has been mentioned but I will not go into too much detail about it. The member for McIntyre referred to this as well. I am not sure whether the member for Rosevears did; I do not think she was there when we had a meeting at Launceston with a number of people, mainly from the Rosevears area, on cat control and management.

Ms Forrest - That was before the member for Rosevears was elected.

Mr DEAN - I think it was. I just want to mention some of the people who were present at that meeting because I do not think the member for Launceston or McIntyre did that.

At that meeting we had Gill Basnett from the Tamar NRM. We had some Legana community group members present - Anne and Dave Brelsford, Jean Prater, Merv Halsall, Mike and Moira Wellman, Jim and Linda Collier and Anne Close. The chief veterinarian for RSPCA Tasmania, Dr Andrew Byrne, was present, as were the Greens Beach Council Advisory Group members Mike Boyden and Kate Hannah. They were all present at that meeting and they are all passionate people in relation to cat control.

I will quote some of their comments, but if I start to make a quote that other members have mentioned, please pull me up because there is no need to repeat it. The Chief Veterinarian,

Dr Andrew Byrne, described the Tasmanian Cat Management Plan 2017-22 as 'an okay document'. I am paraphrasing; I am not quoting.

He said he had read it four times and while he quite liked it, he felt it needed more teeth, more grit. Good bits he mentioned were: moving feral cats to Biosecurity and a code of practice for cat management facilities. He went on to talk about a discussion he had had with the Launceston City Council, and that the council had made it very clear to him that it was not yet ready for the confinement of cats of a night.

Gill Basnett, Tamar NRM, raised a number of very good points - all these people did, in fact, but she demonstrated she was concerned about the link to the Biosecurity Act, which has not been released and has its own set of problems. She also agreed with the idea of a code of practice for cat management facilities, but the weakness of this part of the plan was the current lack of such facilities statewide. More cat management facilities are needed.

Gill went on to say that increasing numbers of these current centres was a clear priority for Tasmania. She went on to make a strong statements that I agree with - 'Tasmania needs to aim for eradication of feral and stray cats'. I have said that for a long time. Although it is almost an impossible task, that is what we should be aiming for.

Many other good comments were made, but I think we are getting the gist that these people want strong controls in relation to cat management. I will not go into any more of those points.

I thank the members for the briefings we had, which were all very good, very much to the point and raised important issues. Very clearly, Kingborough Council is to be commended on its actions and its activities in relation to cat management.

I suspect it is probably the lead council maybe in the state in this area, or close to it. Kingborough is doing some great work on this issue.

Kingborough raised one interesting issue. I am confident I saw some photographs they showed of a cat or cats being tethered with a piece of cord attached to their collar and tied to a post. I am pretty sure I saw that in the photographs, but there was certainly talk of tethering of cats. As a matter of interest, I raised the matter with the RSPCA, and the RSPCA was quite horrified with the suggestion that could occur.

In fact, Jan Davis commented that she had not heard the term 'tethering' being used to describe cats being tied up but if it was something, she could not imagine the RSPCA would support it. Cats have to be confined to somewhere in the owner's yard either in a house or a cat run and just not allowed to wander all over the neighbourhood. She made it clear that the RSPCA would not be likely to support cats being tied up, as it were, chained like a dog or tied to a post.

The TFGA has been referred to and it welcomed the plan. I am concerned about people dumping cats. I think if we make it too difficult for people to hand in cats and if there is a charge, a cost to that, we will have people taking the easy and cheap way out. If they are not

going to do that, they will take the other option as they do with rubbish. Unfortunately, rather than taking it to a rubbish tip, they dump it on the side of the road.

On the way down the other night I saw two or three bags of rubbish on the side of the road in plastic bags - very clearly people are avoiding taking it to a tip. This is what will happen to cats as well if we are not careful. We need to make sure we have people in a position where they will hand in cats when they are not wanted or when they find stray cats.

I want to mention a project undertaken by the Rubicon Coast and Landcare Incorporated project for animal control. I thank the member for Mersey who, I think, sent this information. While the Cat Management Amendment Bill is predominantly about owned domestic cats, feral cats are recognised and referred to in the second reading speech. The Rubicon project was well managed, and I congratulate the members of that team. The project demonstrates the depth of the feral cat problem, with a total of 154 feral cats trapped over about three-and-a-half months, in an area from Devonport to Bakers Beach.

I suspect it was not a full-time project; it was probably a part-time project. These 154 wild cats were living on short-tailed shearwaters, little penguins, hooded plovers and numerous other bird species; all small reptiles; native rodents; long-nosed potoroos, bandicoots and ringtail possums - and that is not the plentiful type, the ones we know of, not the brushies. They are quite a cute variety, the ringtail possum.

Mrs Hiscutt - They will eat the rind off the lemons for you.

Mr DEAN - Ringtail possums are not that plentiful; there are millions of brushtail possums all over the place. These are the types of animals cats are feeding on. Add to that the fact that they have two litters a year with four or five kittens in each litter, and you can see how quickly cats multiply.

In the Rubicon project, 154 cats were trapped. I think we can rest assured there would be several times that number still out there, running around and breeding. I think that number would simply be the tip of the iceberg.

If this situation is left to continue the way it is now, clearly this state will be overrun by feral cats and our wildlife, the protected and endangered species, will be lost. I cannot help but say this: Biosecurity Tasmania lost 16 years and \$60 million on foxes that did not exist, while feral cats causing all the damage to endangered and protected species ran free and continued to multiply.

Ms Forrest - They should always have been doing both.

Mr DEAN - You are absolutely right. I have never said they should not have been monitoring the other program, but they should have been looking at the feral cat issue whilst they were out there.

Ms Forrest - They used to pick them up on their cameras.

Mr DEAN - Yes, they did.

Mrs Hiscutt - Did they pick up any possums on their cameras?

Mr DEAN - Yes, that is all they picked up - possums and devils and feral cats, as I heard it.

Compulsory microchipping has been referred to, and that is a very good position. I referred to the councils. I will ask members: was the information we received from Just Cats Tasmania read in or referred to?

Ms Forrest - There was some information.

Mr DEAN - If it was, you might pull me up again.

Mr Valentine - I think it might have been.

Mr DEAN - Just Cats provided us with some information - and they were present at the meeting I referred to - which I will read -

Dear Ivan

Thank you so much for your time yesterday, and I must add I was personally impressed with how positive everyone was so, thank you.

Just Cats took over the RSPCA's site in January 2019 and therefore we have our first year of statistics to share with you all - 1267 cats were surrendered by their owners; 364 stray cats brought in with 112 reclaimed; 405 cats that were abandoned; 96 feral cats brought in traps; 158 kittens born in the shelter. The total cats were 2290, so that is 6 to 7 cats just about every day coming into the centre. To date in 2020 we have new statistics that will allow us to have more details from January to February, an eight week period - 83 surrenders are broken down as follows - 10 desexed and micro chipped; 6 desexed only; 67 with no vet work done at all; 133 stray cats with a break down as follows - 3 desexed and micro chipped allowing us to re-unite with owners; 4 desexed only and 125 no vet work done at all; 14 feral cats arriving in traps; a total of 252. This is an average of 31 cats per week arriving at the shelter.

The figures and details provided by Just Cats indicate the problem we have in Tasmania. We need more of these centres. It is a mammoth problem and it is important we try to do something about it.

I support the legislation and will consider the amendments during the Committee stage. I am not too sure where I will go on that, but I will listen to the arguments brought forward.

[3.14 p.m.]

Mrs HISCUTT (Montgomery - Leader of the Government in the Legislative Council) - Mr President, I have a few things I would like to say and then the answers to the questions.

Honourable members, the Government produced Tasmania's first comprehensive Cat Management Plan 2017-22, which is what this bill is, and what we are delivering here today.

The plan represents the first collaborative approach to managing cats in Tasmania and aims to support and encourage responsible cat ownership. The plan was developed through extensive consultation. The bill we have before us has gone to extensive consultation with the community, industry, animal welfare groups and environmental and agricultural stakeholders.

We have backed up delivery of the plan with enough money - \$1.44 million was announced in the 2017-18 budget, with the employment of three regional cat management coordinators. The coordinators are working closely with local government and the community, and are key to raising community awareness of responsible cat management principles.

The plan recommends a suite of amendments to the Cat Management Act 2009. The Government has delivered on this with the introduction of the Cat Management Amendment Bill 2019 to parliament last November. The bill was passed by the House of Assembly on 27 August 2020. It seeks to strengthen Tasmania's cat management arrangements. The amendments will improve levels of responsible cat ownership and welfare, provide for the effective management of cats, and reduce the potential negative impacts on cats on the community, agriculture and the environment. Implementation of the proposed amendments will be carefully monitored to 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.

The bill was tabled on 13 November 2019, and includes a comprehensive set of proposed amendments. As has been said, these include -

- the compulsory desexing of owned cats by the age of four months, with a 12-month transition period;
- the compulsory microchipping of cats by the age of four months, with a 12-month transition period;
- limiting to four the maximum number of cats allowed at a property without a permit, with a 12-month transition period;
- increased measures to protect private land from roaming stray and feral cats;
- changing the option for cat breeders to be registered with the state Government to a permit system, with a 12-month transition period;
- removing the option of a care arrangement; and
- commencing section 24 of the act which requires a cat to be microchipped and desexed before being released from a cat management facility.

Honourable members, Biosecurity Tasmania is happy to show members any in-field cat management activities. If anybody is interested in a field trip regarding this, please contact my office and we will see what can be arranged.

Ms Forrest - Now?

Mrs HISCUTT - Maybe later tonight.

In relation to questions, the member for Murchison asked: if a cat is trapped two or three times and is taken to a cat management centre, will the centre contact the owner? The process is the operator of a cat management facility is required to ensure a cat is microchipped and/or desexed before being returned to its owner. The owner of the cat will be required to pay for any costs associated with the microchipping and/or the desexing of the cat. The operator of the facility must notify the owner of the cat, if known, before the cat is microchipped and desexed. The operator of the cat management facility is not authorised to issue a fine to a person for keeping a cat that is not microchipped and/or not desexed. A cat management facility may also charge reasonable costs for detaining or treating a cat in addition to that for the microchipping and desexing a cat, each time a cat is cared for in the facility.

Reasonable costs of detaining or treating include the costs of detaining, treating, boarding, handling and transporting a cat; the reasonable costs are to be borne by the owner of the cat and must be paid before the cat can be returned to the owner. The costs recovery provision currently exists within the act.

If a cat is trapped two or three times, what will the cat management facility do? Questions have been asked regarding dealing with cats repeatedly trapped and handed to cat management facilities. Advice from Ten Lives Cat Centre is this is not a significant issue, with fewer than 2 per cent of cats handed to the centre being reclaimed. If the cat is microchipped, the cat management facility will contact the owner. If it is not microchipped, the cat will most likely be rehomed. The cat management facilities reinforce the message of cat owners reclaiming cats of the need to stop their cats from roaming for the cat's own benefit, as well as being a responsible pet owner. Costs that the owner will incur from the facility further reinforce that message.

A few members have quoted the letter sent to us from the Tasmania Conservation Trust, Just Cats and RSPCA. The Government would like to make a comment on that letter. The letter was jointly signed by the Tasmanian Conservation Trust and two cat management facilities - the RSPCA Tasmania and Just Cats have been mentioned often here. I have been advised Ten Lives Cat Centre, the third cat management facility, would not sign the letter because it did not wholly reflect its position. So not everybody was in favour of what was said in that letter. I have also been advised while the RSPCA is a signatory to the letter, the current CEO Jan Davis has indicated they are supportive of the amendments contained in this bill before us. It should not be assumed all cat management facilities agree with the content of the letter.

The member for McIntyre had a question about microchipping facilities. A number of databases record details of microchipped cats and their owners - for example, the Central Animal Records, Australasian Animal Registry, PetSafe, Global Micro Animal Registry and HomeSafeID.

If a cat is separated from its owner, the cat can be scanned for a microchip. If the cat has been microchipped, the number can be entered into a microchip database search engine, such as Pet Address, which will search for that number in various animal databases. If the number is found, Pet Address will provide directions to the relevant database. The cat management facilities utilise these search engines.

Ms Rattray - They are all non-Tasmania based. There is a comment on not enough facilities statewide. An important amendment is enabling a cat management facility to

nominate a suitable organisation, person, or vet to act on their behalf. This will allow the cat management facilities to extend their networks to cover areas lacking facilities. Parts of the state some distance from a cat management facility, for example, may choose to enter into formal arrangements with a local vet or animal shelter to accept and accommodate cats for a period of time before the cats are able to be relocated to the facility.

Mrs HISCUTT - The member for Windemere asked about causing damage to property. One problem reported is the nuisance cats trespassing onto another person's property can cause. It is recognised these situations can be difficult to solve and are often underpinned by tensions between neighbours. A number of avenues are currently open to help affected landowners to deal with such issues. The proposed amendments to the Cat Management Act allow for a cat to be trapped or seized in an urban environment, and for that cat either to be returned to the owner or taken to a cat management facility. The Cat Management Act does not have the provisions for compensation where damage has been caused by a cat; however, an affected landowner whose individual rights or private property have been impacted could bring an action under the common law. A breach of common law is said to give rise to a cause of action that could include private nuisance. If a person successfully proves to court that another person has or will cause them or their property harm, that person can be ordered to pay damages to compensate for the harm suffered and/or to stop causing the harm.

Bill read the second time.

CAT MANAGEMENT AMENDMENT BILL 2019 (No. 55)

In Committee

Clauses 1 to 3 agreed to.

Clause 4 -

Section 4 amended (Interpretation)

Ms RATTRAY - Regarding the definition of a general manager. A concern was raised in a submission I received - forgive me for not having it at my fingertips - regarding the general manager of a local government area being able to delegate. I want to make sure the general manager is not expected to be at the council office in regard to cat management issues. There is a delegation process in place.

Mrs HISCUTT - That delegation exists through other acts as well. Yes, you are correct.

Clause 4 agreed to.

Clauses 5 to 8 agreed to.

Clause 9 -

Section 12 amended (Microchipping of cats)

Ms RATTRAY - We have a change from six months to four months of age where there is a requirement for cats to be microchipped and a reasonable penalty that goes along with that.

Leader, I note in your response to my questions on accessing the microchipping data information, you said there were more than two agencies. Obviously they are not Tasmania-based. I indicated there have been complaints about reliable access to those microchipping data. Can I have an indication there is no problem with access to the data for microchipping?

Mrs HISCUTT - What sort of trouble have you had?

Ms RATTRAY - The submission from the Upper Meander Catchment Landcare Group said they had issues accessing the data and asked whether it was possible to have a statewide data system. I am interested in exploring that further.

Mrs HISCUTT - A couple of the larger places - RSPCA and Ten Lives - have indicated that they use their database system and have never experienced any trouble. You might like to find out why later. There could be an internet or some other link, or something the council can help to improve. We are not aware of problems and the RSPCA and Ten Lives have had no trouble accessing it, so I am not familiar with what you are talking about.

Ms RATTRAY - I was reading from my submission and I will follow that up. A question was posed that there should be a state-run database facilitated by government that can be accessed at any time.

Obviously, if there is no issue with accessing the data from non-government companies, that might not be the case. Was that considered during the development of this bill?

Mrs HISCUTT - It was considered but dismissed because the search engine is already there. It would be a considerable undertaking by government to do what would ultimately be a duplication of something that already exists. It is a bit like search engines. Google and the others exist so why would you not access them? Having said that, councils do run their own database for dogs, but that is a different set-up.

Clause 9 agreed to.

Clauses 10 and 11 agreed to.

Clause 12 -

Part 3A inserted

Mr DEAN - I just want to refer to clause 12, proposed new section 16(3)(f)(iii) where the cat is being kept at an individual property for less than six months. It says -

no consideration has been, or is to be, paid in respect of the keeping of the cat at the individual property.

I take it there would be no reason food could not be left for those cats in that circumstance. It says 'no consideration' but does it cover food - they cannot leave food for it?

As I interpret this, the person taking in that cat for six months could already legally have four cats, so for that six-month period, could they have eight cats at that property. Do I have that all wrong? I would appreciate an explanation.

Mrs HISCUTT - Regarding your second question, there is no limit, but any complaints would be looked at. It was not something that was considered. Usually you have one cat and hand it over. It is a very good question. The answer is simply there is no limit. If there were complaints from other parties, it would be investigated.

Regarding the first part of your question, financial benefits and considerations, food is classified as an animal welfare issue. It would be money or gifts.

Mr DEAN - Have I got this right? Could a person, in effect, have eight cats on their premises legally/lawfully for a period of up to six months? Is it possible that could happen? This question will be asked of us.

Mrs HISCUTT - The answer is yes, it is possible. There is a range of things to consider in that. You have to take into consideration cat boarding shelters and other housing places for cats.

Mr VALENTINE - Clause 12, proposed new section 16(2) says -

Fine not exceeding 20 penalty units.

That is a fair bit of money. Where does that fine go? Local government is doing a lot of work in relation to this and councils are always talking about cost-shifting. They are getting jobs to do throughout this bill in certain circumstances, and yet some might say little money is coming their way. Could you explain what happens to the fines? Does the money go to local government?

Mrs HISCUTT - It depends on who serves the notice. If it is state government, it goes to Monetary Penalties, and if the local council serves the notice, it goes to them.

Clause 12 agreed to.

Clause 13 agreed to.

Clause 14 -
Section 17 substituted

Mr DEAN - Madam Chair, I seek your advice on what I should do. If a possible amendment on cat confinement, which we will discuss shortly, to clause 14 is supported, I will seek to make amendment. Is the proper course at this stage to ask or seek that clause 14 be postponed at this stage to determine what happens with the amendment in relation to confinement to be debated and discussed? What is the best course?

Madam CHAIR - It could be recommitted depending on the passage of the amendment. I will seek the Clerk's views on that. The amendment you are referring to is the new clause?

Mr Dean - Yes.

Madam CHAIR - Just to clarify, because we have to deal with the whole bill before we can deal with the new clauses, we will need to recommit that clause if there needs to be further amendment. The other option is that you could try to move your amendment now and test the will of the Chamber, whereby the member for Nelson would need to prosecute her case.

Mr DEAN - Thank you for that advice. The issue is that I have been advised by the Office of Parliamentary Counsel - OPC - that without the confinement amendment getting up, my amendment -

Ms Webb - My containment amendment?

Mr DEAN - Yes, OPC is saying that if that were to get up, my amendment would make sense but without that amendment it will not.

Madam CHAIR - You can either test the Floor or let the member for Nelson do it through a new clause, in which case we deal with this now, and we have to come back and recommit it if the new clause is successful. We cannot debate the new clause until we have dealt with the rest of the bill.

Ms Webb - If containment gets up, we can recommit it and try your amendment.

Mr DEAN - That being the case, I ask that it be recommitted if the amendment gets up.

Madam CHAIR - We will have to go back to that at the time. It just becomes a bit messy, but the other options will be postponed if we do not debate this clause at all, at the moment. Postpone it, but we still have to come back before we can do the new clauses. I think we have to deal with this clause. I am just trying to find the tidiest way to do it.

Does the member for Windermere have his proposed amendment drafted up?

Mr DEAN - I asked OPC to draw the amendment up; OPC came back to me indicating that my proposed amendment at this stage would not work unless the confinement amendment got up. OPC said it was premature at this stage, and I might identify it if I have the call, Madam Chair.

It relates to clause 14, proposed new section 17(5) and was raised with me by Robin O'Byrne; I think people have raised it with other members as well. It is a nonsense to think you could trap the same cat on your property 100 times and each time you have to return the animal either to the cat management centre or to the owners of the cat, if you know who it belongs to. People are saying that after three strikes, you are out - the cat has to be euthanased or whatever. The amendment would be 'three strikes and you are out' if the confinement or containment amendment gets up.

Madam CHAIR - So OPC has not drafted it yet; it is waiting to see what happens? It may be preferable to postpone the clause, but I still encourage you contact OPC through the appropriate channels to have it drafted so it is ready to go if we do need it.

Mr DEAN - On the basis that confinement gets up?

Madam CHAIR - That the new clause is supported.

Mr DEAN - Madam Chair, I move -

That clause 14 be postponed

Clause 14 postponed.

Clause 15 agreed to.

Clause 16

Sections 19, 20 and 21 substituted

Ms WEBB - Madam Chair, I move the amendment in my name for this clause.

First amendment -

Proposed new section 19 -

before 'A council may'

insert (1).

Second amendment

Same proposed new section, at the foot of the section, insert the follow 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.

I am going to read the third amendment as well because I am going to speak to them all together. I can come back to the third one after I have spoken.

Madam CHAIR - You could just move the first two and keep yourself three calls on the other amendment if you wish. You are debating the principle of the amendment. Obviously, if this one is not successful, you are probably not going to go with the next one.

Ms WEBB - Okay. I have read those in and I will speak to them now. These are quite minor amendments, the ones captured in the first and second amendment, and in fact the third. They are minor, but they are incredibly useful for the very small number of councils they would

currently apply to, and then they may apply to any other councils should further cat prohibited areas or cat management areas come about.

Let me talk you through them a little to make sure we are clear on what they are about, and to distinguish them quite definitely from the later new clause numbers in what is the containment clause. This is not what this is about. This is about adding to clause 16, which proposes new sections 19 and 20 for the principal act. Those are on the declaration of a prohibited area and the declaration of a cat management area.

Councils can declare cat prohibited areas and cat management areas. They can do that where certain control activities might need to occur around cats - lots of public areas, for example, reserves, maybe cat reserves under the Nature Conservation Act or the Forestry Act, might automatically be designated prohibited areas for cats. But councils could also, under proposed new section 19 of the principal act, declare a prohibited area for a cat, or under proposed new section 20 declare a cat management area. At the moment that is really limited. We heard in our briefing that currently only three cat prohibited areas have been declared by councils in the state and currently no cat management areas have been declared by councils. Perhaps I can be corrected on that if that is not correct, but I believe it is.

We are talking about very limited circumstances right now, about the areas being referred to by the amendment I am proposing. Overarching that, let us also remember in relation to this bill that we have heard from the Government that everything in this bill, including these amendments, should be passed, and councils can choose to enforce all, some or none at any time. There is a choice there overall. This relates to a very small number of councils. Kingborough Council came to speak to us and is one of the councils this would be relevant to because there is a cat prohibited area around the Boronia Beach area.

What we have now are cat prohibited areas declared generally because of sensitive native wildlife that might include threatened or endangered species. A cat prohibited area puts extra protection and intention to provide extra protection into that area for native and threatened species.

A cat management area can include public land and private land, and it could be declared for a range of reasons. Those reasons might include creating a buffer around a cat prohibited area. You might say, 'Here is the cat prohibited area where we really want to protect native wildlife or threatened species and around which we will put a cat management area.'. A management area might also be put in place to address a specific agricultural or native fauna issue. It might also put a buffer around where there is significant new urban development happening adjacent to a reserve.

The management area is an area where the council, if it has declared that area a cat management area, can put in place some special rules or measures about how cats will be treated in that area. That is what we have right now, that can happen - those declarations can be made of those areas. But the thing about it right now is, as it stands, without this amendment, councils, those small number of councils this relates to, cannot bring any penalty for cats roaming into those areas. We heard from Kingborough Council in the Boronia Beach cat prohibited area, that there are some repeat offender urban pet cats who go into that area and have caused significant damage, harm and deaths to native wild life. The council videos and has photographs of these cats; it knows where the cats belong and live. The cats can be trapped

and returned to the owners. That can happen repeatedly and currently the council can take no further action to try to bring that situation to a good resolution.

These amendments propose to deal with both those areas to simply state a penalty can apply to an owner who allows their cat to roam in a cat prohibited area or to break the rules put in place in a cat management area. It does this by allowing the opportunity for the relevant council to utilise that penalty option if they like, because, remember, anything in this bill does not have to be used by any given council. It is there to be available to be used to give them a head of power if they deem that is appropriate to their area.

We have heard at the moment that it is very difficult to change the behaviour of recidivist cat owners who allow the roaming in those areas. Most people do the right thing with their cats and can probably be addressed in other ways or might be more responsive. Some owners are not unless there is a stick involved as well as a carrot. This provides a penalty that can be a further incentive or motivation for an owner to take more active control of their cat and the cat's behaviour in public areas and particularly in prohibited areas.

It gives councils the opportunity to exert that or even, in the first instance, the opportunity to educate and inform in an additional different way to what they are now. We have heard from councils a lot of the effectiveness of a penalty being available is not in applying that penalty, but in making people aware the penalty exists. That is, the educative informing function saying if your cat wanders into this cat prohibited area again, we could penalise you x amount of dollars.

Mr Valentine - It is \$3440.

Ms WEBB - Potentially up to, and is in alignment with other penalties in the act. It is in alignment with penalties in the Dog Control Act. It allows councils to inform owners about those penalties. Kingborough Council has certainly made it clear it has found, in other areas relating to cat management, people are very responsive to being informed. They described situations where, for example, when new penalties were introduced for people giving away un-desexed kittens, council communicating that penalty to people who were breaking that rule resulted in dramatic behaviour change. They did not actually have to bring the penalty in and levy it. People changed their behaviour because the penalty was there. It provided the message about the importance of changing that behaviour and provided an extra motivation for people to comply with the rule. Kingborough Council has been quite clear having a penalty and being able to provide verbal and written communication to the effect that penalty exists is a very effective way to get most behaviour changed in their community.

I suggest members think about this as an opportunity to provide an option for councils to broadly assist with behaviour change in their communities - these few councils where it is relevant, and other councils in the future where it may become relevant.

It would provide a power that would be probably rarely used, but probably frequently used in information provision and education. It becomes an issue of 'Why would we not do this?' If you are going to allow councils to designate a cat prohibited area, or a cat management area, and put rules in place about those, and do not allow them to bring in penalties relating to those rules, they are toothless. Councils cannot fully act and bring about the best outcome for their community.

Some issues might be that there could be a cost to the council or difficulty in enforcing these areas and the penalties that could be applied. The few councils it relates to are already undertaking a lot of activity with recidivist cats in those areas. We heard from Kingborough Council, some of those -

Ms Rattray - Except the one they could not catch

Ms WEBB - They had to keep trying and expending resources and staffing. There was the continual communication with the owners of that one, or maybe more, recidivist cats.

Mr Valentine - He is using the cage as a springboard, I think.

Ms WEBB - This recognises that there would already be an expenditure of resources and staffing, and interactions through the council around this. This provides an expedient way to more effectively resolve those situations, and not just have the churn, the continuous cycle, in place.

I will put this to members to consider: it does not rely on, and is not connected in any way to, the later new clause I will be proposing. It stands alone. It was brought to me as a request from the Kingborough Council because it is one of the few it is directly relevant to.

The council sees it as an effective tool it would like to be able to draw on. It is reasonable and does not present any significant difficulties. Remember, the powers and rules in this bill can be enforced, or not enforced, or partially enforced, depending on the council's circumstances.

Mrs HISCUTT - I have a couple of pieces of information to provide, but I will start at the starting point.

The stated purpose of the member's proposed amendment is to give councils that wish to use them clear powers and appropriate penalties to enforce measures in relation to cat prohibited and cat management areas.

The act currently recognises certain areas of land as prohibited areas, but it also allows a council to declare an area of land within the authority of the council to be an area where cats are prohibited.

These provisions will remain in the amended act. There is, however, currently no penalty in relation to a cat being found in a prohibited area, although costs for dealing with a seized cat can be recovered by the relevant authority.

The effect of the proposed first and second amendments to proposed new section 19, Declaration of prohibited area, would be to introduce a new offence that prohibits the owner of a cat from taking the cat into a prohibited area or from taking an action that enables the cat to enter a prohibited area.

Ms WEBB - Allowing it to roam there, in other words.

Mrs HISCUTT - It would include any actions that permit a cat to enter a prohibited area, including letting a cat roam freely, or allowing the cat to be in the charge of another person

who allows it to roam freely. It provides for a substantial maximum penalty of 20 penalty units. That is \$3440 for noncompliance. As worded, these amendments cover all forms of prohibited areas, including council-declared prohibited areas. It is not clear if this amendment is designed for council-declared prohibited areas only, and, if so, what the implications would be for other forms of prohibited areas. The concept of a penalty being applied to prohibited areas has been considered previously and advice from OPC drafting officers has been that -

There is no requirement under the Act at this time to have a cat under effective control or contained at all. It would be legally hard to enforce a situation where the cat can wander freely down the street unsupervised, but when it strays into a potentially unmarked and unfenced area the owner is suddenly committing an offence. A change of policy like that (currently, prohibited areas are just areas in which certain cat management actions can be taken by very specific people) is something that would have to be done in the Act, and probably in conjunction with some sort of requirement to have a cat contained or under effective control or not at large.

In summary, OPC has advised that a cat-at-large provision, which could include compulsory confinement, may be necessary to facilitate these two amendments. The Government's clear position is that there will be no enforced compulsory confinement of cats under this legislative framework as set out in the Tasmanian Cat Management Plan of 2017-22. For this reason, the first and second amendments are not supported. The Government does not believe we need a penalty to educate and enforce the community. Also, I note the prohibited areas sit within local and state government lands.

To finish, the plan that we have in front of us and the bill was developed through extensive consultation with the community, industry, animal welfare groups and environmental and agricultural stakeholders. The amendment being proposed has not been consulted with anybody except the Kingborough Council. It needs a lot more consultation with a lot more people before this happens. There seems to be one council that is pushing this and the consultation needs to go further than that. I urge members not to accept this amendment.

Ms RATTRAY - Going back over what the Leader has provided in the way of non-support for the amendment, you read from your notes that the council that has a designated area that does not welcome cats can already recover costs. Honourable member whose amendment this is: is not recovering costs sufficient deterrent? I hear the other aspects of what the Leader says in regard to why the Government is not supporting it.

The member feels cost recovery is not enough of a deterrent for cats caught wandering into those designated non-cat areas. I would like more understanding of that. Leader, the member for Nelson, whose amendment this is, made it very clear that it applies only to councils that want to use it. If you do not want to use it, there is no obligation, so if only Kingborough Council and perhaps Latrobe Council already have cat management areas in place, they may choose to implement something like this as a strong deterrent. I am interested in what you say about that.

Mrs HISCUTT - My part of the question there, before I hand over to the member for Nelson. To reiterate, on the consultation aspect of this, we have heard from one council. Yes, Latrobe Council is doing its own thing. There is only one council that has lobbied us to put this amendment into the bill, and it really needs a lot more consultation with 29 councils, or

maybe 28, because we know the thoughts of one. I think to pick up this amendment on the basis of one council without consulting with the rest of Tasmania is a little bit of overreach.

Mr VALENTINE - I can understand why the state Government wants to look at this on a statewide basis. But why not allow an amendment a council can pick up if it wants? Is that not a way of moving forward with cat management and with what Kingborough wants to do? We have heard and been lobbied by it basically, or at least it has given us briefings. Is that not something that could be done without detriment to any other council?

Mrs HISCUTT - These things will be reviewed in the future. It is not off the cards; it is to be looked at. It has been spoken about. I just cannot reiterate enough how many times I have to say that I have consulted on this bill with this person, this person, and it goes on and on and on.

At the moment we have consultation with one council in a group of 29. Now, my adviser has just told me that yes, these things are being consulted on and spoken to with LGAT and the other 28 councils. Now is not the time. Maybe in the future an amendment might come through. How many people can you consult with? You know the story - you have often asked me here whom have we consulted with, and I give you an armful of lists. At the minute we have one.

Mr VALENTINE - I understand that. We are always interested in whom you have consulted with, who is being consulted, but in this regard it is no skin off anyone's nose - if the council wants it, why not provide it? Then as we go forward other councils may or may not come on board. I do not think it is any detriment to anybody, unlike consultation on other matters which may indeed be very important. If something is going into law and will apply to all, one expects that is a problem with regard to consultation.

Mrs HISCUTT - I have just been advised that Hobart City Council has advised it is not prepared to go down the line of creating a prohibited area for Waterworks Reserve. Hobart City Council is not in a mind to have a look at it already. It is going to use its own mechanisms to do it. I just want to reiterate: you have consulted with one council.

Ms ARMITAGE - Leader, what is the problem with putting in that amendment? Can you advise me on that? What problem does it cause the bill to have that in? As the member for Nelson said, and my understanding is, it is there purely if someone wants to use it. I have not asked LGAT and I have not asked the councils in my area about it because they probably do not - well, Launceston may not have too many prohibited areas; I am not sure, it might have a couple, but, like Hobart, they may not wish to make a prohibited area. That is fine; they do not have to. But Kingborough Council has some areas it wants to make prohibited.

I also find it interesting that there are no charges for cats in prohibited areas, but there are for dogs. If I take my dog onto a beach it is not allowed to be on, I could get a fine. I think we need some equity here. Dog owners have to be reasonably responsible, and I am sure most cat owners are. I think the penalty units might be a little light compared with -

Ms Webb - It is just to be comparable to others in the bill, and it is comparable to the Dog Control Act.

Ms ARMITAGE - My understanding is it can be a lot less.

Leader, you said you have not consulted and that people do not necessarily want it, but what problem does it cause in the bill to have it there for some councils to use if they want? No council has to use it if it does not want to. I cannot understand the problem with having it in the bill. As I said, the only issue I have had from LGAT, from councils, is that at this stage they do not particularly want confinement or registration. I have had nothing - well, I have not asked but they have not raised it. What is the problem?

Mrs HISCUTT - Just to finish off on this one, as I have said before, there is a link back to confinement and the advice from OPC -

Ms Armitage - I heard you. but I do not necessarily agree.

Mrs HISCUTT - We are delving into areas that have not been consulted on. Dogs and cats are different; your dog will usually come back to you, but your cat will not. Dog control is directed at dangerous dogs. All I can do is reiterate that you have one council trying to dictate to the rest of the state. It should be consulted -

Members interjecting.

Madam CHAIR - Order.

Ms Armitage - Before you sit, Leader, you did not answer my question: what problem does it cause to have it in the bill, irrespective of whether you have consulted or not?

Mrs HISCUTT - It links back to the confinement and the advice from OPC. Would you like me to read it again?

Ms Armitage - No.

Mr DEAN - I cannot support the amendment. It is all very well for people to ask what is wrong with having legislation there. If the legislation is there, people will expect it to be enforced. It is a ludicrous nonsense that we have with 29 councils in this state. If you accepted this amendment, you would likely have one council supporting it and policing it and taking the action when complaints are made. When a complaint is made, if the legislation is there, it is incumbent on a council to action it. It could not say to those people, there is no law to cover this because there will be a law to cover it if this amendment is supported. There will be a law there.

You could have one council on one side of the street policing it and taking the appropriate actions, but the council on the other side of the street, like Launceston and West Tamar, is not taking any action at all. That is going to create and cause immense problems.

Ms Webb - It is basis of the whole act.

Ms Armitage - The council would have to nominate a prohibited area, a given area.

Mr DEAN - They might nominate prohibited areas.

Ms Armitage - If they do not nominate one, they do not have one.

Mr DEAN - If a council has a prohibited area and it is policing it and another council has a similar area which is a prohibited area and it is not policing it, it just creates enormous problems.

We are talking about the difference between cats and dogs - well, there is a huge difference between cats and dogs. I am not sure how many people cats have killed; they have suffocated babies -

Madam CHAIR - They are usually out in the wild.

Mr DEAN - There is a huge difference between cats and dogs. As I said, we need consistency around the state. Don't we need consistency? Isn't that what we are talking about with all the other legislation and things we put in place?

We talk about consistency with other states, but here we are talking about an amendment that some councils will put into place and others will not. It will create problems with the people making these complaints.

Ms Webb - Just to remind the member while he is on his feet of the Government's words in the second reading speech -

Councils can choose to enforce, all, some, or none of the Act ...

The whole basis of this act is that it can be enforced and picked up variably across the state by any council.

Mr DEAN - My position is if legislation is passed the legislation should be enacted. People will expect it to be enacted, where prohibited areas are, that is what they will expect.

This issue is fraught with danger. Councils have every right to put by-laws. I think that was mentioned. If councils want to do this, they can do it by way of a by-law. Launceston City Council used to put in a number of by-laws from time to time, so councils can do it. They are not stopped from doing it. It has to be done in another way.

It just creates problems, and I cannot support something that will not be applied consistently throughout the state and to all councils.

Mr GAFFNEY - First, it is nice to have a good debate about things. I do not think we in this place should stop an issue coming into government and councils. I quite like the idea of a council or an organisation coming with something different - it can be groundbreaking. That is quite good and how we should work.

For example, the first by-law to do with cats was in 2006. We introduced that. It did not have a lot of teeth, but it was a way of starting it. Then Kingborough Council picked up on it and realised how difficult it all was. I think we are at a situation here where we can help Kingborough Council. For example, a playground next to a park - council knows it has gone to all the people around there with cats and has told them 'Cats cannot go here because this is a children's playground so we are making this a prohibited area.'

They try to educate the people. Their cats get out every night, go across to the sandpit and do what cats do and go back. Council has no teeth to be able to do anything about that except say 'You cannot do that. You are not supposed to. You are supposed to keep your cat confined but you cannot even do that.'

If this was in the bill, the Kingborough Council could say, 'We have asked you to do the right thing. There is a law now that says if your cat goes into that restricted area and you are not supervising it and it is not supposed to be there, we can actually fine you.'. This adds another power of support to councils which want to do the right thing with everybody and need to have some teeth to be able to do that.

If we do not go down this track, what are they going to do? They have nowhere else to go. I do not think this is a bad thing. It is a way of educating. While it is a bit different, the fire offences bill brought in first, a warning; second, a fire assessment; and third, fines. The bill would have a range of options. This would give Kingborough Council an option it might be able to use for people they cannot educate to do the right thing.

I do not think this will spread like wildfire around the place, and one council will have to do it for another. Many councils throw their hands up about cat management because they do not want anything to do with it. They do not because they can see it is a lot of money to do all these things. In this case, this is not going to hurt and if the council wants to take it on board, good on them. If they want to pursue it, it will not be easy.

This will not impact detrimentally. I do not think it needs consultation with all councils. It just will allow councils that have tried the by-law and all they can do to have another way to manage something that could be detrimental to other people in their community, so the kids can go to the playground.

I do not think this is dangerous. This is not going to create wars between councils. It is common sense. and within so many years other councils at the LGAT conferences will ask 'How are you dealing with that? How is that working?', and the response will be, 'Well, it is working quite well. Actually, it is giving us a little bit more involvement and getting parity between the dog and the cat acts.'. It is bringing that closer together which has happened for some years, so I support the amendment.

Mrs HISCUTT - I thank the member for Mersey for his considered opinion. Even in his contribution, he is talking about consultation by saying how is that working. All I am saying is that it has not been consulted with. The department is talking to LGAT, and it will be part of the future conversations. Once the Government has the nod, that may be the case. At the minute it is not being consulted. It is not a good idea to put it in this bill for the reasons I have given, plus the interaction with confinement which OPC spoke about.

Ms LOVELL - I do not support the amendment. I am not saying this is not a necessary reform down the track, but this bill, which I support, has already achieved significant reform. Most of us would agree there is still more work to be done. Other topics will probably be raised through the debate today on those issues, but the Government has not said it is not willing to do that work or that it is not going to take this any further. In fact, the Leader said that work is already underway on further consultation.

I hear the arguments that it will not harm the bill because if councils do not want to use it, they do not have to. I do not think that it is a good enough argument to insert the amendment at this stage because once the consultation is done with more councils across Tasmania, we may find the majority of other councils come up with a different way to do it. They might want this, or they might think there is a slightly better way of doing it, or a different way of doing it. We should give them the opportunity to go through that process.

There is not a huge amount of urgency because the Government is doing that work. There are already tools in place for councils. The bill might not be as strong or as robust as they would like it to be, but there are measures they can use in the meantime. In the interests of allowing councils and other stakeholders to have a say in what is the best way to do this, it is better to not rush it through, but to let that consultation happen. The Leader has said that work is underway, so I am reassured by that. This is a topic many stakeholders and many members of the community feel strongly about, so I am sure it is not going to be forgotten or go away in any hurry. I will not support the amendment. I am not saying it is not a necessary measure; I just think there is a better way we could go about it.

Mr VALENTINE - I hear what the member for Rumney is saying. We have had lots of people contacting us about this. I have asked people in the street about whether they see cat management as an issue. They do - everybody wants to see cats better controlled. If a council that has put a lot of thought and effort into this is saying to us that it wants these sorts of changes made and it is not compulsory, it provides an opportunity for consistency. Other councils might see it is working well in Kingborough and say, 'We will put that on here'. That is a good and consistent way of doing it rather than the council having to put in a by-law to make it happen. You know how much effort they have to go to with regard to that. If it is in the act, it is no skin off anyone's nose. If there is further consultation with the councils and it finds a better way, just amend the act. How simple is that?

I cannot see the argument that putting this in is any detriment whatsoever. It provides the opportunity for them to get some dollars for the fine. That probably would pay for the cost of managing the problem. Sometimes recovering costs might be fraught.

Ms Webb - It is more the extra motivation though, isn't it?

Mr VALENTINE - It is, and it is a perfect opportunity for the community to move forward with cat management.

Mrs HISCUTT - I need to remind members that an additional penalty is being placed on the cat owner here. As I have previously said, the department has initiated the conversation on this with LGAT and other stakeholders. It is in the very early stages, but those conversations will be happening and, as I have said - consultation, consultation, consultation. It has not happened yet.

Ms FORREST - I thought to speak on this because I think I will be inclined to vote on it. I can see both arguments very clearly. I started dealing with this previously when the member for Nelson was flagging these amendments. We have had no time to consult with the councils I represent.

In the time since I have had a little bit of time to consult, most of them have not been in a position to comment in any depth because GMs have been away, all sorts of stuff. So, it has

been difficult for me, and I have been chasing and chasing, and my executive assistant has been ringing them every day.

Mrs Hiscutt - Have you got hold of the one in Burnie yet?

Ms FORREST - No, but I did get hold of someone from the Burnie City Council but not the new GM, just so that you know. I have five councils I represent or are in my area. All those that have come back to me have said they need more time to consider these matters. A representative from Burnie said - aside from thanks for the opportunity to comment - that they had no particular issue with the first amendment, which is what we are talking about with this particular amendment. Their comment was to ask whether the second amendment could be expanded to include acts of omission in addition to actions of intent. For example, a person must not fail to take any action that could prevent a cat entering a prohibited area.

There may be more work to do on that as well.

Ms Webb - My advice from OPC on its drafting of that is it captures a lack of action that allows that to happen.

Ms FORREST - I am making a contribution about what I have been told.

These first two amendments potentially create an offence for either acting or not acting or whatever. It does not need extending. The question here is: is it unclear as to the actual application? I listened carefully to what the Leader had to say in the response OPC provided, in that without some restriction around cats at large, it becomes problematic because if you do not require your cat to be contained in some way, either in a fenced yard where they cannot climb or jump out, or in a house or in a cat run, they can just wander off, and cats do just wander off. I am not a cat person. I told you about my cat Pusstopher Roberest. He was a farm cat and back in the day goodness knows how many birds he killed. He used to kill mice and leave them at the back door, and small rabbits, of which there were plenty. As I said, cats are killing machines.

This matter of cats at large and entering prohibited areas needs a comprehensive approach. I hear the other aspect of this - that this bill creates the opportunity for areas declared by council to be prohibited areas to have some control with cats entering them. With this amendment there would be a penalty for allowing your cat to enter that area. There are not many; currently there are three in the state. There may be more. There probably should be more in some respects. We have prohibited areas for dogs where the little fairy penguins are. We had some legislation there because the dogs were causing terrible carnage.

Ms Webb - These cats are too, killing fairy penguins.

Ms FORREST - The reality is that it needs a comprehensive approach, so I am a bit betwixt and between here. I think it absolutely should happen. We should have a comprehensive arrangement around cats at large. I agree with that.

The Leader has made some vague commitments around the consultation going on at the moment. The member for Rumney alluded to that. I want to hear a clear commitment that this is being consulted on and there will be a red-hot go at convincing councils.

I had very little feedback about cats at large, which is what is part of this, except to say that creating an offence of cats at large is fraught with all sorts of administrative and resource problems in enforcing practical compliance. These matters must be fully examined before the offence is created.

Because this is linked in many respects to the offence of having a cat at large, I think we need to take a comprehensive approach to that. I can see the benefits of it; I can see it is not a compulsory thing. You can set up a prohibited area, or a council can declare a prohibited area, and this gives them the tool to say, 'Well, your cat went in there. so here is your fine', when perhaps education has not worked, or a recidivist cat keeps going back. They can be a problem; I am not denying that at all.

I want a clear commitment from the Leader that this whole cats at large is what is being consulted and that you are going to work really hard with councils to get them across the line to support something like this. This is what we need. We need cats to be contained. I am hopeful that neutering and microchipping of cats will reduce the number of cats that become feral and end up just living in the wild, feasting on our wildlife. Unless I hear a clear commitment for that, I am inclined to support this proposed amendment. We need a real impetus to try to do something about this because it is not good enough.

Mrs HISCUTT - I reiterate: it is not only councils that have these prohibited areas, there are state government areas. I can honestly put on record that a discussion has been initiated particularly around these aspects. It will be ongoing, and a way will be developed on how to consult and how to get a response from LGAT and any other stakeholders.

Mr GAFFNEY - I thank the Leader for that. Just to put on the table though, I think the first Cat Management Act was in 2009. I remember discussions starting in 2002, working through to that. It is now 2020, and I do not think there have been other bills between 2009 and 2020. There might have been one in 2012, but it did not get there.

It has been 11 years since those discussions were had. We have an opportunity here to put something into this bill that would allow a test run, a pilot project, an initiative, to be there for councils to see if it is any good. If I were in the state Government, I would say, 'Let us run with this, because in three or four years time, when we get around to doing the end of the cat management plan in 2022, we will revise and look at that.' That would be three years later. If they put this in, they could say, 'Kingborough Council has actually used this 12 times in the last three years', or 'They have not used it at all.'.

What does that tell the other councils? It is a way of informing other councils about how this initiative might work. I am not scared by putting this into this mix; I think it is actually a smart move. I think, 'Well, we have this here, let us see how many people use it.' Then in three years, if it is not being used, that will feed into the next iteration of the bill, which will probably be in 2029.

I understand where the Government is coming from. I personally would say, 'Let us take this on board, see if it is used or not used, or if Kingborough Council can use it and see whether it helps them.' Isn't that what this is about? It will not impact on anybody - if they do not want to use it, they do not have to. However, it might help that council with the issue it has. They are leaders with the Bruny Island situation. They are pushing into the community. It is not

easy and the council needs a little help to get it over the line with that next step, and the next step is this. This is not very damaging. I support the amendment.

Mrs HISCUTT - I do not think there is much more I can say, Madam Chair. The consultation process has been initiated. How long does it take to complete the consultation? We are thinking maybe six or seven months, something like that, by the time everybody has been talked to and there has been a formulation from the results. Of course, I cannot guarantee the Government will put a bill in, but it will certainly consider the findings of the consultation and decide on that.

Ms WEBB - I thank all members for making contributions. I appreciate very much hearing so many people sharing their views.

I begin by inviting the Leader to reconsider some wording she used earlier, and, when she rises again, perhaps to adjust it slightly or respond to it where Kingborough Council was described as attempting to dictate to the whole state. I think that is an unfortunate way to characterise the actions of that council.

Mrs Hiscutt - While the member is on her feet, I am happy to retract that and use a gentler word. It is one council and perhaps maybe it is trying to be imposed upon the end bill.

Ms WEBB - I beg your pardon?

Mrs Hiscutt - Maybe it has being trying to be inserted into the bill.

Ms WEBB - Let us just be clear. It is one council that has brought an idea forward that is of particular relevance to it and its area, amongst a very few-

Mrs Hiscutt - I would like to see it progressed.

Ms WEBB - number of councils that believe it would be a worthwhile consideration at this moment because we are considering the passage of this bill. This is the appropriate time for that council to be bringing it forward as an idea. As the member for Mersey identified, this is a council that in this area of cat management has exhibited forward thinking and leadership, and has invested significantly in that within its own context in terms of by-laws relating to Bruny Island and the activities undertaken by council staff around cat management.

It is an incredibly unfortunate thing to characterise that council's efforts and its bringing this forward for discussion as anything other than a positive contribution to be considered in the context of this bill. Appropriately, as it goes through the parliament, I would be very disturbed to think key stakeholders like councils or, in fact, other groups - expert groups or groups in the community - would hesitate to bring things forward to us for consideration at the appropriate time because they may be characterised as acting in some negative or inappropriate way.

It is certainly not inappropriate to my mind and I do not believe it is a reasonable characterisation of that behavior. I will move on from that.

I will pick up on a few of the things said. We probably all know fairly much where we sit on it, but I thought I would respond to a few of the things mentioned by the members.

I will say it one more time: councils can choose to enforce all, or some, or none of this bill. That is the Government's own words in its second reading speech. This is entirely available just to those councils to whom it is relevant, to those for which it is appropriate and advisable or a positive thing for their community.

The suggestion it may be legally hard to enforce without cat containment or cat at large measures around it is worth raising as an issue to think about here. Absolutely, but let us just think it through for a minute.

At this time, we do not have cat at large laws that require containment of cats. This amendment does not impose containment either. What it says is that if a council has defined a cat prohibited area or a cat management area in terms of the third amendment, that council then has available to it an opportunity to bring a penalty for a cat that is either in the prohibited area or is breaking the rules in a cat management area. No, we do not have any laws about people's cats roaming out and around those areas. However, if a cat were to go into those areas and either just be there in the prohibited area or break the rules in a management area, this says a council could utilise the existence of a penalty to assist in the behaviour change of the owner of that cat to better control its behavior, actions and roaming.

The penalty becomes a management tool for the council to use. In the first instance it is an education tool. In the second instance a higher level motivator for behaviour change amongst owners. In the third instance, and it probably is the least likely instance, it allows an actual penalty to be brought, which would probably be quite rare.

Looking at examples provided in other similar areas - such as when the Council put a penalty in place for selling un-desexed kittens - before the penalty, we would tell people 'Please do not do it.'. Some people would keep doing it, but once the penalty was there, we could say, 'There is a penalty so please stop doing it.'. A number of people stopped because they knew there was a significant penalty. The awareness of the penalty and the ability for the council to communicate the existence of a potential penalty serves the purpose of helping assist a behaviour change in the owners of the cats.

That happened in the selling of un-desexed kittens. Kingborough Council suggests we could expect the same would apply here. This will be relevant to very few councils that can choose to use the existence of this penalty in whatever way they see fit. It exists so they can talk about it, promote that it is there and educate their community.

We place such a high value on this area we have defined to be a cat prohibited area. The reason we have done that is the native wildlife, the threatened species, the fairy penguins there on Boronia Beach, in the instance of Kingsborough Council. We place such a high value we want to offer it the highest protection we can, and cats are one of the things that threaten it. In most instances, cats are not causing problems and people are relatively good about responding when we ask them to remove their cat from that area. Some people allow cats to go back and back. In those instances, that is when this becomes a problem for the council. For education in the first instance and then potentially, a penalty if that becomes relevant.

The Leader in an earlier contribution on the initial response to the amendment said the Government does not believe we need a penalty to educate or reform the community. That is an optimistic viewpoint, and an entirely incorrect one. In some instances, a penalty is precisely what we need to add to the effective education of, and information to, the community, and the way we know that is to look into what I just described before.

Without a penalty, the selling of un-desexed kittens - even though it was prohibited - was regularly contravened. No penalty, regularly contravened. Penalty comes into play and behaviour lessens. It would be lovely to think everybody would just do the right thing if we just said to them 'That is the wrong thing to do, please stop.'. Most people will stop, but some will not, and that is when a penalty is entirely appropriate. It is the whole basis of many laws or regulations, our community approach to managing problematic or potentially problematic behaviour.

The member for McIntyre asked a question of the Government about whether the recovery of costs is sufficient. Potentially it is of assistance to the council that they may be able to recover costs. It will not always be easy to recover costs. It can be expensive and resource-intensive even to do recovery of costs. If you recall when we had the briefing from Kingborough Council, in many instances these cats are not being caught and then returned. They are being monitored, they are captured on video or in photographs and identified. Council knows a cat belongs to a certain person on a certain street, but they are not being captured and returned, which would be the activity and the cost of that activity which you might seek to recover. Again, in terms of the behaviour you are trying to change, cost recovery is not always going to be relevant. That was my first thought in relation to that question.

In talking about consistency, the member for Windermere talked about the value of consistency statewide - essentially that is what this bill and the addition of this amendment would be aligned with. The bill provides the opportunity for consistency where otherwise there would be a piecemeal approach, because the only options would be individual by-laws in every council that wished or did not wish to do it. The bill as a whole and this amendment in line with that says councils can use this as they wish, and for those that wish, 'Here is the consistent approach, here is the foundation that you can all act from to whatever level you choose.'. The whole function of this bill, including the alignment of this amendment to that function, is to provide consistency, or the opportunity for that.

My advice about the second amendment is what it captures where it says 'take an action that enables the cat to enter into a prohibited area'. I specifically clarified in the OPC drafting process that it also captured a lack of action, so a neglect that allowed a cat to roam into that area. My understanding is that captures both actions and non-actions. That is the best I can offer in terms of an answer to that one.

I am going to come back to consultation. A key response from the Government is that there has not been broad consultation on this. The point raised by the member for Launceston is: what is the risk in implementing it? I do not believe there is a risk in implementing it. That is a fair question to ask. At the moment, only three councils have declared cat prohibited areas. There are no cat management areas. Most councils will not feel this is immediately relevant to them. They will not see that it immediately presents them with anything that they must do. It does not mandate anything for them. It does not tie them down to anything. It does not have any implications for them unless they already have one of those three areas in their boundaries.

Those councils may be interested in it or not. If they choose to use it, if it is there, that is well and good. If they choose not to, that is well and good too.

The Government consulted widely on all the excellent things in this bill. We have all spoken about this in our second reading contributions as such a good process. With almost universal consistency across that consultation, there was very clearly expressed support for some form of containment of cats. The only reservation I could identify - and this might not be right - for not calling for that was concern about not having resourcing for it. It was expressed by some councils. I do not believe the consultation identified any strong instances where people made arguments not to have cat containment of some sort. The Government, in its broad and admirable consultation, heard almost universally that cat containment is a community expectation, is positive in numerous environmental and social ways, and community cohesion ways -

Madam CHAIR - We are straying to a later amendment now. If we could bring our thoughts back to the amendment that is before the Chair.

Ms WEBB - Yes. I am making the point that in terms of consultation and responsiveness to consultation, if we could not do this amendment until we have had consultation that pointed towards it overwhelmingly, even in that situation we could not rely on the Government to be responsive to the consultation because there are two parts to consultation. There is doing it and then there is being informed by it and acting on what you have heard in a way that reflects an overwhelming message that you have got in that consultation. It is all very well for the Government to say that consultation is needed and to claim that it has done outstanding consultation, but the Government has not demonstrated an appetite to act on very clear messages it has heard through consultation.

My concern is if we are given to expect that this amendment can only be contemplated once a consultation process has been undertaken, what confidence could we have, based on what the Government has already done in their non-response to the containment issue in the consultation, that consultation, even if it overwhelmingly supported this, would lead to a change? I find that strident pointing to consultation and the necessity for it unfortunate. In this instance, as the member for Mersey said, we have one council that is particularly interested in this and has taken the initiative and the leadership because it is an area of particular relevance.

Madam CHAIR - I think we are being repetitive. If you could focus back on support for the amendment. We do not need to re-prosecute all the same arguments again.

Ms WEBB - This is a relevant, reasonable, well-aligned amendment to this bill. It points towards a direction we are heading. It will not impose any requirements on any council or body that does not choose to align with it. It does not pose any risks to any councils that do not choose to interact with it. I invite members to support the amendment.

Mrs HISCUTT - First, I will reserve my comments to the Kingborough Council. I will take any disrespectful words back and just reserve it to 'the Kingborough Council does not speak for all councils on this'. Second, you mentioned penalties. They have not been consulted but they will be in the future if we have the opportunity to do that. Finally, I thank the member for her opinions, bearing in mind they are your opinions. Thank you.

Madam CHAIR - The question is that the amendments be agreed to.

The Committee divided -

AYES 4

Ms Armitage
Mr Gaffney (Teller)
Mr Valentine
Ms Webb

NOES 8

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

PAIRS

Ms Rattray

Ms Siejka

Amendments negatived.

Madam CHAIR - Does the member for Nelson want to proceed with the third amendment?

Ms WEBB - I think on the basis that I was addressing them all together, I will take that as an indication the third amendment is unlikely to be supported.

Clause 16 agreed to.

Clauses 17 to 28 agreed to.

Postponed clause 14 -
Section 17 substituted

Mr DEAN - Madam Chair, in as much as the other amendment was not successful, is this being pursued?

Madam CHAIR - We have not dealt with the new clause yet. The options here are that you prosecute the case for the cats at large amendment that your amendment would support, or we deal with this amendment as it is, and let the member for Nelson move her new clause when we get to that. If that is successful, we come back and seek to recommit the clause.

Mrs Hiscutt - You mean the member for McIntyre?

Madam CHAIR - No, this one relates to the member for Nelson. I think it relates to the member for Nelson's clause about cats at large.

Mr DEAN - It relates to the member for Nelson's clause, the containment clause. I am in the embarrassing position of the amendment still being actually finalised, so I am not quite sure how far away it would be.

Madam CHAIR - I think the best course of action is we deal with it now, with the clause as it is. It can be recommitted if it needs to be. You are not seeking to move an amendment if the new clause relating to cats at large is not supported?

Mr DEAN - Right, that is true, that is right.

Madam CHAIR - Let us deal with this clause as it is. If we have to recommit it, we can.

Clause 14 agreed to.

New clause A -
Part 2A inserted

Madam CHAIR - Just in terms of how we proceed with this, both for the member for McIntyre to move that this amendment be read a second time, and I note that the member for Hobart has an amendment proposed to this. That cannot be dealt with until after the second reading of this new clause has been dealt with.

Ms RATTRAY - Madam Chair, thank you for that advice. Madam Chair, I move -

That new clause A, Part 2A inserted, be read the second time.

In doing that I would like to speak to the amendment in my name. The member for Hobart just asked me what motivated me and whether I was lobbied by someone to move this. I have listened, as I said, for many years now about the cat issue, particularly the feral cat issue. If there is not a responsible ownership component for domestic cats, they become feral cats. The motivation is from a number of councils I have spoken to that have clearly told me that they cannot look at registration and cat management without being properly resourced.

I thought that if we start with a registration system, it would offset some of the costs through the registration fees. I continued to ask the Latrobe and Kentish councils about that, and I am happy to quote -

I agree that owners should be responsible for containing their cat on their own property. If it is mandated I think it will place additional pressure on Councils as the public will expect us to intervene when issues arise.

That point was made clear by the member for Windermere -

This can often be very time consuming. With no registration system there is not the ability to offset some of the cost by registration fees.

One council - again, the Break O'Day Council has also talked about the activities of cat management at a cost to ratepayers. It does not have spare resources sitting around doing nothing. I absolutely appreciate that. It says the council is working with northern councils on a regional approach to cat management and it hopes that the proposed amended legislation assists in giving effect to the Tasmanian Cat Management Plan 2017-22 in a reasonable manner.

I am interested to see where that northern councils' regional approach is.

Ms Armitage - Is it the Kentish Council?

Ms RATTRAY - Kentish and -

Ms Armitage - Did you ask them about registration? That is part of containment.

Ms RATTRAY - We asked them about the Cat Management Act itself and asked them about cats, yes, the containment issue.

Ms Armitage - It is just that Launceston told me it thinks registration is a good point, but it cannot do it. I was wondering if that time you asked about containment, or whether you asked them whether they could actually do registration now.

Ms RATTRAY - That is what they came back with, that without registration you do not have any funds to be able to do containment. This, I thought, was a first step towards the containment I am not sure will see support at this point in time, given it is so resource-reliant from councils.

Going back to the submission from the Meander Valley Council, the member for Launceston may have something more up to date than I have here. It is around certainly the lack of cat containment within the legislation, yet this is still the main complaint received from community. The matter of cat containment obviously should be addressed and required. It goes on to say -

... council is concerned about the potential costs and resources associated with council involvement.

Again, it comes back to the fact it is resource-hungry to do this. Northern Midlands Council also does not have the resources and staffing to enforce the act but supports the containment of cats to prevent them from roaming. Again, it comes back to, as I said, the resources. Dorset Council - containment is impractical because it is almost impossible to enforce due to the nature of cats and additional costs and resources. It offered that the focus should be through prevention and microchipping.

Certainly, there is strong support on behalf of councils for containment, but again it comes back to the resourcing. I had better finish with the Flinders Council - again lack of resources for cat management itself. Interestingly, the general manager of Flinders Council came from a Victorian council called the Northern Grampians, which has cat registration. I took the opportunity to look at that; when you google its website, it has a combined cat and dog registration process. You can register either your cat or your dog. They are issued with a tag and it goes on to say -

All cats and dogs from 12 weeks of age need to be registered and permanently implanted with a microchip. Once registered, the council issued registration tag should be attached to the animal's collar and remain on your dog or cat at all times.

As in the amendment, there is an exemption if it is a show cat. People who show cats do not like the collars around their neck. I guess it interferes with the way that -

Mr Gaffney - They are usually contained anyway.

Ms RATTRAY - Yes, they would be, too. In regard to the Northern Grampians, it goes on to say -

... you will receive a renewal notice for your pet's registration

Just as you do with your dog registration. I suggest for Tasmanians, if this were supported, fees could be paid at councils. The reduced fee applies to animals that are 'sterilised and microchipped, VCA or FCC registered' - that must be something to do with Victoria, I expect - 'or over 10 years old and carrying an identifying microchip. The onus of proof of any of the above is on the applicant. Documentation, for example, written proof of sterilisation, should be forwarded to support the application'. It goes on also to say that there are no cat traps and local law officers do not attend properties to catch cats. This is a resource-hungry arrangement so they do not attend properties to catch cats, 'but you can book a cat trap through our offices' - this is in the Northern Grampians - and 'we will notify you when a trap is available and arrange for delivery or collection of the trap'.

They have some mechanism in place very similar to what you would have in place if you were a dog owner. As I was working through this, I felt there was plenty of support, generally from the community, to responsible ownership for cat owners. I also read with interest feedback from the lower Chamber - once the bill had passed the lower Chamber - talking about the disappointment the Government had not gone far enough when it comes to cat management in Tasmania.

I also note the time frame between the last amendment in this place and so I appreciate what the Leader has said around six or seven months worth of consultation and then we might have something. But this may go into two or three years because that is the normal process around having something come back to the parliament. Again, there was strong support talking about the lack of resources, but still that strong support from the community for cat owners to be responsible for their animals.

I contacted OPC and what you have in amendments is what has been put together. I note the penalty units are quite low as such, but OPC has included the same penalty amounts as in the Dog Control Act 2000. They go on to say these are relatively low compared to other penalties in the Cat Management Act 2009. We know some of those penalties were up to \$3495, up to the maximum. I decided against making them very high penalties, because it is about educating the community that if you decide to be a cat owner, as when you decide to be a dog owner or any other pet, responsibilities come with that.

I do not necessarily think we need a huge penalty for that given we do not necessarily have the opportunity to contain them, but at least if there is a registration fee that already flags to the community, through their local government entity, that we are serious about cat and dog ownership and the obligation for people to register their pets. It may well make people think about how many cats they actually need. I do not mean for people who are very fond of their cats to think which ones can I keep and which ones I cannot. As time goes on some pass away and so perhaps that is an opportunity not to replace a cat if you are paying for four registrations and thinking this is getting a bit much. This could be something implemented over a staged period. It does not have to be tomorrow. Councils could engage with their communities. Each year when we receive our rate notices there are quite a few leaflets that come with your rates

notice. One of those could be that from 1 July 2021 - or whatever that may be that the council chooses - we will have cat registration obligations in this municipality, in our community. They could even put some of those really high figures that we talked about highlighting the damage that cats do when they roam.

I am asking members to consider that this is a way of educating for responsible pet ownership and an opportunity, with not significantly high penalties, to be part of that education program, for them to understand that when you have a pet it comes with responsibilities. I hope that honourable members will see the merits of what I have put forward and consider it favourably.

Ms ARMITAGE - I would love to support this amendment because I believe it is equity for dogs and cats; however, I cannot. I have consulted the three councils in my electorate today and I am not going to mention containment, I am only going to refer to registration. I also contacted LGAT and I sent a copy to everyone with the LGAT response.

When I first went to the Launceston City Council, I asked it, as I asked the member for McIntyre, about containment. It came back and said, 'It is our view that the registration of cats would be the first step to effective control of cats within each municipality', but that did not mean it supported it now. It was saying that should come first. Today's response from the Launceston City Council -

We would have to oppose this amendment simply on the fact that we don't have any time to work through and consider the implications, particularly the resource implications (as you point out). I can definitely say that we couldn't resource the registration of cats with our current staffing and resource level and while the registration fees would provide an additional revenue stream, we have no idea what the revenue level may be without some time to undertake some research and analysis.

I would strongly suggest that there needs to be formal consultation with the LG sector before the registration of cats is introduced.

I also contacted the Meander Valley Council. I have not actually received a response from it yet as the general manager was not available. I contacted the other council in my electorate, the Northern Midlands Council. It came back saying -

Council do not support the registration of cats.
Adequate resourcing would come at a cost to the community.

I then went to LGAT, and Dion Lester said -

To this point there has been no formal consultation with the sector on these amendments and on this basis we would have to oppose them. We don't have any time to work through and consider the implications, particularly the resource implications for councils. I can definitely say that the majority of councils couldn't resource the registration (or confinement) of cats with their current staffing and resource level and while the registration fees would

provide an additional revenue stream, we have no idea what the revenue level may be without some time to undertake some research and analysis.

I would strongly suggest that there needs to be formal consultation with the LG sector before the registration or confinement of cats is introduced.

As much as I would like to support it, and we do register dogs - and cats get out a lot more than dogs do and cause problems with wildlife and other areas - the view, particularly of LGAT and two of the three councils in my electorate is that they could not support it at this time, not having been consulted.

I know the Leader was very strong on consultation. Also the fact that even though there are some resources coming in with registration, Launceston in particular, being the largest council in the state, does not feel it has the staffing or resources at this time to manage that. I am not sure how the other councils would go, inasmuch as they would all believe it is the first step, at this stage without consultation, and particularly with LGAT's comments, I am sorry I cannot support it.

Mrs HISCUTT - Without going to the repetition part of our Standing Orders, I will not mention consultation again. It has been mentioned enough. Everyone knows where I stand on that.

The Government is not aware of support from councils for compulsory registration of cats within local government areas. The amendment will require a cat owner to register their cat with the council in the municipal area in which the cat is kept, pay any fee, have the registered cat wear a collar and tag and the council to keep a register of these cats. This would impose costs on both owners and councils who already make the point that they cannot enforce the cat management legislation due to resourcing constraints.

During stakeholder consultation with the Tasmanian Cat Management Reference Group in 2016-17, local government argued that registration was not considered an effective method to manage roaming cats. Similar registration services for dogs often cost more to operate than the revenue earned. I thought the member for McIntyre might be interested in that comment.

Ms Rattray - Sorry, could you repeat that please?

Mrs HISCUTT - Similar registration services for dogs often cost more to operate than the revenue earned.

Ms Rattray - Normal for recreational facilities in council areas.

Mrs HISCUTT - In 2019 none of the councils that made a submission to the draft cat management amendment bill recommended compulsory registration of cats. The bill requires all cats over the age of 4 months to be microchipped. The details of the owner and the cat will be required to be entered into the microchip database and kept current, similar to that which would be required by registration anyway.

Requiring cat owners to microchip and also register their cat will be confusing and unnecessary from a whole-of-state perspective. Should a council wish to require registration within a municipal area it can do so by making a by-law. This clearly imposes a requirement on a council to introduce registration and once introduced there would be a strong expectation

that council would enforce the provision. So because of these comments the amendment cannot be supported by the state Government.

Mr VALENTINE - I am in the happy position of only having to deal with one council -

Mr Dean - You can look at your council from the top of the roof of a two-storey building.

Mr VALENTINE - I can spit across it, yes, but it is a lot of people. I really have to say that our council is concerned about cost shifting. That is its main concern as I read it and from conversations I have had it has always been concerned about that. Governments come up with these things and then local government has to step in and provide the resources to make things happen.

With respect to the member's amendment, clearly there is an opportunity there for a registration fee which may be a starting point, I agree with that. My amendment to that should that end up getting up - and I think that has got to be moved and passed before I can amend it, I think that is right.

Madam CHAIR - We have to deal with the second reading of this clause before any further amendment can be put.

Mr VALENTINE - Mine is headed 'amendment to amendment' but I suppose I do not know how that works but I will let you guide that at that time.

Madam CHAIR - We will have a vote on whether this new clause be included, be read the second time.

Mr VALENTINE - That is right.

Madam CHAIR - Before we move to the new clause that forms part of the bill that is when you come in because that is when you amend a clause.

Mr VALENTINE - That is fine, that is fine. As long as what I have distributed is legal or what it should be. I have put that there because if it were successful, it would be imperative that councils set the fee because different councils will have different expenses associated with this. It is really important in that sense that it will stop cost shifting in its tracks because it gives the council the opportunity to raise the funds. That is why I am looking at moving an amendment to this particular one if it is successful.

That is my offering. I am always concerned about cost shifting to local government, I always have been, but I am also cognisant of the fact that cats are an ongoing and ever-increasing problem in our community and there are so many people in our community who are really keen to see us find effective solutions - hence my support for the previous amendment moved by the member for Nelson, which was not going to hurt anyone, but anyway. That is a discussion we have had. I just wanted to explain why my amendment was there.

Ms RATTRAY - There is either a lot of support or none whatsoever. Time will tell I expect.

Again, I quote from an article in the *Tasmanian Country* after the passing of the bill in the other place -

The exact number of domestic cats in Tasmania is unknown because cat registration is not compulsory.

We are never going to know what the level of cat ownership is, or the number of cats we have in this state if we do not have a registration process. How are we ever going to have any idea? There will always be those who will not register for whatever reason. It is the same with dogs - plenty of dogs would not be registered, but councils have not said 'No, we are not registering dogs' because of that.

They make a judgment about what it might cost and there will never be full cost recovery on any of these things. Tell me a council that has cost recovery on everything. I doubt that there is one. We know recreational facilities, certainly. That is why people pay rates.

Even though I am not a pet owner, if there is some subsidy that has to come through local government so we can have an environment we are proud of and do not have to have cats roaming - and the number of feral cats keep increasing and increasing in our state - so be it. That is what we need to do as a community.

A lot of us subsidise areas in our communities that we might not ever use. That is part of being a member of a community. To say it is not cost-recoverable, nothing when it comes to communities is necessarily cost-recoverable, fully cost-recoverable.

Interestingly, we know there is a really strong support in the community for responsibility for cat ownership. There was a survey and I am not entirely sure when the survey was taken, but at this particular meeting I had with Kevin Knowles of the Upper Meander Landcare Catchment Group, I heard 67 per cent of cat owners in the state responded to the survey. There was 67 per cent support of cat owners for responsible ownership.

It even went up to 78 per cent support for compulsory containment and I know we are talking about registration. 84 per cent of non-cat owners supported compulsory containment and obviously, they probably have issues with cats. There is strong support in the community for responsible cat ownership. So, again I would ask members to consider this is the first step towards educating our community around responsible pet ownership and in this case, it is equal to a dog ownership.

It is a cat ownership and you register your cat. You are going to microchip it because that is what we have to do as part of this piece of legislation we are dealing with. So, if you are responsible enough to have them microchipped then you register them. I do not believe it is so hard that we cannot do it in this state and make a start. Why do we have to wait another 11 years - even if it is nine, eight or seven - to have another amendment to the Cat Management Act.

Mrs HISCUTT - As I said earlier, the Government is not aware of any support from any council for this and I will not be repetitive by saying the word 'consultation' again.

Mr DEAN - I cannot support the amendment either. The member for Launceston puts forward a good reason, which is LGAT's position and where local government currently sits in relation to this. They are the ones who will have to control this, who will have to police it, and they are the ones who will have to put up all the infrastructure necessary for this to occur.

Ms Rattray - Wouldn't they already have a system in place? They already have a dog register. It would only be an extension of the program they already have.

Mr DEAN - I do not know if it would be. I would like to know from council if that would be the case. I think they would have to set it up completely separately to the dog register. It is different legislation. We are dealing with a different animal.

Ms Armitage - In answer to the question, the CEO of Launceston council said -

I can definitely say that we couldn't resource the registration of cats with our current staffing and resource level ...

Mr DEAN - That raises an issue. I talked to one council - I do not want to identify any because I might have it wrong - and it said to me, 'What would we need to charge for a registration?'

Ms Rattray - What do you charge for a dog?

Mr DEAN - To recover the costs of setting it all up, of running it, of policing it. If you have registration, you also have to police it. It is no good having something in place if you simply disregard that side of it. People soon get to know that council is not interested in policing it and very few people would register. That has happened with dogs now. There are a lot of unregistered dogs out there. We would probably have a lot more cats running around out there unregistered.

New clause 11A is fairly convoluted. There is a lot of information in there, lots of issues to be concerned with. You would be much better off owning a firearm. There would be less legislation and fewer requirements to own a firearm. All we are talking about here, with the greatest of respect, is a little old moggy. While they might be killers of animals and they endanger many of our species, we are talking about a cat. I am not sure we need all of that for this purpose. I have some concerns about it. I understand why the member is doing this, as I did with the member for Nelson. I am not sure we should be doing this unless we have the councils onside. With some good support for it, it will happen in time. I am not sure I can support it at this time.

Ms RATTRAY - In response to the member for Windermere, I thank him and the member for Huon for their contributions on this amendment. The reason -

Mr Dean - You said Huon.

Ms RATTRAY - Hobart. Did I say Huon? Apologies if I did. I looked at the member for Hobart -

Mr Dean - He is sitting very quietly and you are attacking him.

Ms RATTRAY - Apologies, member for Huon. I was looking over here to the member for Hobart. To answer your question on new clause 11A and the convoluted clause you referred to, I will quote from OPC -

The request was to include a clause to allow for the registration of cats, in the same manner as dogs are currently registered.

It goes on to say -

I have therefore made the proposed amendment provisions as consistent as I could with the current system relating to dogs (see part 2 of the Dog Control Act 2000), with some minor updating to expression and appropriate adaption to the terminology of the Principal Act.

The OPC went on to say -

I have included the same penalties as the Dog Control Act 2000 -

This where I spoke of it being only fair that it did not receive anything higher than the penalty included for dogs. That is why it is like it is and as we know OPC knows best. I do not know what you would charge for the registration, but in the Northern Grampians a full cat fee not desexed is \$100 each annually. There is a reduced fee, if you can provide documentation to say it has been desexed and microchipped, to \$35. Quite a reduction and that encourages people to desex, which then reduces the number of cats going about and in homes.

You can also have a pension rebate. We know our senior people love their pets and would particularly like to have something like that, so is a \$51 fee annually, not desexed, and then a reduced again for a pensioner concession of \$19. If you own a dog in the Northern Grampians, it is \$123 so it is a little bit more expensive as they take up a bit more footprint, I expect.

Mr Dean - There is no difference for the breed of dog like we have here.

Ms RATTRAY - It does not say anything. If you lose your tag, it is \$14.50 to replace it. It is good information and something I looked at. I very much appreciate the Flinders Council general manager, Warren Groves, who was good enough to share he had no problem with cat registration because he came from a council area where it was just par for the course of being a responsible owner and owning a cat.

Ms ARMITAGE - I would like to support the member when the members here say they should be able to afford to do it, if they are doing dogs now.

Ms RATTRAY - The same process.

Ms ARMITAGE - My council particularly has said they certainly cannot and they do not have resources. Looking at Launceston City Council -

Ms Rattray - How much for a dog?

Ms ARMITAGE - It does not say here, but it does say you can have a one-off fee so, if you dog is desexed, you can have a one-off fee. That is for a dog, but the point is they are trying to cut back on the amount of work in registration fees. I can understand that. The only other question I would ask the member - and I do not know why I did not notice it earlier -

Madam CHAIR - The member is out of calls.

Ms ARMITAGE - It is proposed new section 11D where it says Cats must wear collar.'. I do not have a cat, but friends who do have one do not like to put collars with bells on them. Cats, unlike dogs, climb trees and a collar can be quite dangerous to a cat because they can get caught in the tree and actually strangle. Just wondering about that too.

Mrs HISCUTT - I have just concentrated on proposed new section 11A, the registration of cats, because if that fails, there is no point in having any discussion about the other aspects of the amendments. It is a very good point; I am not a cat owner, but I have certainly been made well aware of the destruction that they cause in our community.

Ms LOVELL - I apologise to the member for McIntyre; I did not intend to use up all of your calls before I spoke, but I do not think it is going to matter anyway. I do not have any questions, just a brief contribution similar to the one I made on the previous amendment.

I will not support this amendment, again not because of this new clause and not because I do not think something along these lines is not necessary at some stage, but because of the LGAT comments on missing an opportunity for other councils to have a say and be consulted. Also, when it comes to things like registration and confinement, which I am sure we will discuss at some point, it means there will be a cost implication for members of the community who are cat owners. Again, I am not saying that should not be the case, but I think more work needs to be done around what that looks like and how that happens. However, I thank the member for McIntyre for the work she has done.

The Committee divided (new clause A be read the second time) -

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

Second reading of new clause A, Part 2A inserted, negatived.

New clause A -
Section 16E inserted

Ms WEBB - Madam Chair, I move -

That new clause A, section 16E inserted, be now read the second time.

We have covered ground that probably touches on this already. We have dealt with it in our second reading contributions. I will attempt to move through it briefly because I imagine

we do not have to rehash the arguments in detail. People probably have fairly settled opinions already on it.

To put it on the record, let me speak about the reason I am moving this new clause and some of the matters around that in summary. When consultation occurred on this bill, an overwhelming number of people or groups who provided input - about 90 of 134 submissions, or two in three of them - mentioned in some form or another the need for cat containment. The interesting thing about that is that two in three of them mentioned it despite that issue not being in the consultation matters put out. Two in three people who made submissions felt so strongly and had such a view around the importance and the priority of cat containment in some fashion, that two in three of them added comments in their submissions additional to the things they were asked to respond to in that consultation process.

That is a good indication that there is significant interest and expectation among the community broadly and among most key stakeholders that this is a direction we want to be travelling in. What we have here is different views about the speed at which we are travelling in that direction, rather than any particular argument against the directions we are taking.

It is inevitable that we will see cat containment in this state in some form or another. It is going to happen. My sense is it is not going to happen at this point in time, because this is not going to be supported for inclusion in the bill today. I believe it is worth progressing the conversation and putting further impetus to that conversation so that the time that elapses between now and when we do eventually and inevitably see this come into play and our state and the community benefits from the positive outcomes is hopefully going to be reduced by us progressing the conversation today and continuing impetus for the Government to continue towards it.

To reiterate a couple of those summary points. This bill in total and this new clause that could be added to it is one that councils can choose to enforce all of, some of, or none of. That is the Government's position on it. It would remain true for this clause. We would have the flexibility there for each council to deal with containment as they see fit. They could adopt it. They could adopt elements of it or they could adopt none of it. That is the basis on which this bill is constructed.

One thing that comes up when talking about cat containment is the misunderstanding around what it would mean in terms of imposition either on people in the community who are owners of cats or upon councils or others who might need to be the enforcers of the legislation. In briefings from the minister it was put to us that this would be financially penalising people for putting cats out the front door or the back door. That is not the case. This new clause does not tell people how they should contain their cats, it simply requires that they do so within the confines of their property. People can choose whether that means within their home, in a secure back and front yard, or within a cat run. If they want to take their cats beyond their property it would require them to contain the cat in some form. There are a whole range of solutions. Kingborough Council has found on Bruny Island, where they have put in place cat containment by-laws, there is a variety of solutions. There is no penalty for putting your cat out the back door or the front door if your solution to containment is to secure your yard with appropriate fencing. If your solution is to have the cat be able to exit your house into a secure run or enclosure, that would be possible.

The other thing to think about in terms of enforcement and who would do the enforcing is a sensible contemplation of what it means. This does not require councils to patrol the streets ensuring that every single person's cat is securely contained in their property. When we set a rule and we set a penalty for that rule we do not constantly enforce it at all times universally across the community. I think in my second reading speech I eluded to this. An example I used was we put in place speed limits. When we put in place a speed limit, the expectation is people comply with that speed limit. We do not monitor the streets to ensure that every single car on every single trip driving down every single street is meeting that speed limit. Enforcement of our speed limits does not require us to at all times make sure that every person is doing it. It allows us, when it is identified at certain times that people have not complied with the speed limit, to apply an appropriate penalty or response. There is some discretion around that too. We do that with speed limits. We might put a speed camera somewhere to identify people who are not complying with that rule, and sometimes it might be in the course of a police officer going about their other duties that they identify somebody breaking that rule and apply the penalty.

Enforcement happens in ways that are not universal, constantly applied to every single person in every single circumstance. That is because when we set a rule, when we set a law, what we are doing is a broad range of things. We are not saying we are going to make sure every single person does this at all times of the day every day of the week. What we are saying is, here is the expectation about what is the right way to behave. Here is our expectation as a community about the limit. Then we make people aware that they could get into trouble if they break that. It is the same with this one. The cat containment that is outlined in this new clause in the first, most important and significant instance says our expectation as a community is that owners of cats will be responsible and will ensure that their cat is not damaging our environment, our neighbours' properties and our community. That is what the setting of a cat at large clause does. It fundamentally sets an expectation about appropriate behaviour and a level of responsibility. Most of the value we will get from that is not so much in when it is penalised and enforced at that end of things, it is the value we will get from developing community understanding about the existence of that requirement and law and community voluntary compliance with that.

When we drive, most of us drive within the speed limits because we have agreed with that law that is set and we also do not want to get a speeding ticket, so both those things are there. We have come to agree it is a good idea to drive at the limits that have been identified as safe. That is our shared understanding that comes when you set a rule or a limit and we also know we could be penalised if we break it so that is an added incentive not to break it.

It is the same with this cat at large rule if it were to come into play through the new clause. Mostly, it is the way it would come to shape community understanding and behaviour and shape the way cats are managed within households and properties; most of that will be done because we have made a statement and articulated a community understanding about what responsible cat management looks like. Cats are not allowed to roam freely beyond the property where they live.

Most people will come to comply with that as a result of that shared understanding, the norm that it sets through it, and some will not. Then there will be instances for those that do not come to comply with that, through the setting of the norm, where penalties are available. Even then, penalties do not have to be applied. Even then the first response could be an educative and informing one. We heard that from the Kingborough Council that often their

first response to something would be to inform the person that their cat is roaming and perhaps breaking the law and there could be a penalty, giving people a chance to modify their behaviour. So, it is an educative response.

Ultimately, if it is required, there is a penalising response that is available and the impact that could then have to help change behaviour. I absolutely dispute claims that it is not possible to enforce cat containment. There are jurisdictions that are doing it now so it immediately disproves that it is not possible because places are doing it. It is nonsense to claim it is not possible if you are doing that on the basis of thinking we have to ensure every cat is on their property at all times for everyone because that is not what enforcement looks like for any rules that we set.

We can be sensible about this conversation about enforcement and recognise that it is possible if we choose to go down the path. One day we will choose to go down the path and it would be helpful if we were realistic and set good groundwork towards that now by talking about enforcement sensibly.

I accept that people might feel that the enforcement side of things provides a barrier or is a difficult matter to overcome without further conversation amongst councils, amongst the state government, amongst the community. If that is people's rationale, I understand that and I accept that is their view. I hope we will not be making statements that it is impossible to enforce because that is nonsense. We will eventually be enforcing this so eventually we can prove ourselves wrong if those sorts of statements are made now.

When you look at the submissions that were made on this legislation and the fact that two in three of them brought up cat containment even though they were not invited to do so in the consultation process - they were motivated to and they thought it was a priority enough to mention it in their submission in a prioritised way. Okay, there is general and very significant support for this across all stakeholders and most councils, and the only issues raised objecting to it largely that I could see were around cost. Of course, no council is going to voluntarily come forward and say, 'Yes, we will bear the cost of this new thing.'

Earlier in his contribution to this debate, the member for Hobart mentioned that councils have a real sensitivity around cost shifting and varying costs that are imposed on them. That is a reasonable concern and one that would need to be part of a discussion. There will be a cost to this when we one day do it and so it is going to be part of a conversation going forward on our pathway to eventually require cats to be contained. It is a community-good cost and it is easy to dismiss the idea that there is no cost now.

Of course there is a cost now. Right now costs are being borne by many people in relation to the fact that cats roam and are not required to be contained on private property. When we talk about the cost of something, we have to remember that there is a current cost being borne because of the issue we are trying to solve. We have to bring that into consideration and balance that and contemplate how best to address this problem and alleviate this cost being currently absorbed and felt, and understand why we might choose to bear the cost of the solution that we have come to agree is necessary.

I imagine there will be a range of ways that the cost of this ultimately, if not now, will be shared. I think the only way it will come about is if it is understood to be shared to some extent by the private owners of cats, to some extent by local councils and to some extent by the state

government. I imagine there will be a key role for the state government to play in supporting councils to then be doing that work in their communities and for private owners to take some level of responsibility too in ensuring that the implementation of this sort of arrangement can come into place.

There will be a shared cost. Nobody wants a cost. If we said, 'Put up your hand, all cat owners, if you want to spend some money on this', of course no-one would. If we said, 'Stand up, local councils, if you would like to stump up some money right now to contain cats' - of course, they are not going to put their hand up right now to say that, neither is the state government. But the reality is at some point we will say, 'That is important enough. We are all going to do it anyway.'

I move this amendment now because in some ways I think there is a clear request for it; there is a clear evidence-based reason we should be doing it. The environmental impact if nothing else, even putting aside the impact to private property and our communities - the environmental impact is enormous with roaming domestic cats.

There is every evidence-based reason to do it. All stakeholders pretty much agree we should, with the exception of concern about costs. We will do this in the future. I put it here on the Table to be considered today and discussed in this place because sometimes you kick things down the road and make it happen if you put the requirement there first. Then we will just have to make it happen. My wish would be that that would be supported in this place.

Then you know what? Let us imagine we did get up this new clause and cat containment was required under this bill as it went through, and then everyone would actually make it happen. That is just what would happen, it would come about if it needed to. There is every likelihood that will not be the way we go. I am just pointing out it absolutely could be. There is nothing standing in the way of us finding a solution to this, taking it forward. We will do it at some stage. I hope you add some support to that now so that we can help drive the impetus for that to continue.

Ms ARMITAGE - Madam Chair, I will not go into great detail. I have read the letter from LGAT before. On registration and with confinement, LGAT strongly suggests there needs to be formal consultation before registration or confinement is introduced. We find two councils - the difference is that Northern Midlands Council in the past actually told me that it does support containment of cats to prevent them from roaming, but does not or would not have the resources or staff to enforce the act. It commented that it would confirm that there certainly was not a commitment to fund cat management. It cannot afford it; it would like to see it but it simply does not have the resources.

With regard to containment, 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 effectively control cats within each municipality. This would then help fund the model of containment and regulation in the future. So obviously the first step. They have gone on to say that also there are other factors to consider prior to any further amendments to the bill and the legislative regulation of cats, that each council will need to consider if regional cat shelters or pounds would be set up and funded and how they would be operated. Councils currently would not have facilities in place to adequately house the cats that have been found in breach of these proposed amendments to the legislation. 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 that all stray cats have on our environment these amendments need to have consideration of the potential impacts to councils and their ratepayers. The capacity of the council to regulate the proposed amendments will be minimal and there needs to be further consideration to resourcing before legislation for containment is considered. Because of the response I have received particularly on resources, I cannot support the amendment.

Mrs HISCUTT - The Government does not support the amendments to the Cat Management Act that would make confinement compulsory and would penalise owners more than \$800 for letting their cat outside, and burden owners with costs of new enclosures to contain their cats. We believe a more balanced approach is needed. The proposed amendment does not align with the Tasmanian Cat Management Plan developed by extensive stakeholder consultation which is the plan the Government is delivering. The plan clearly states with regard to confining cats to premises that there will be no enforced compulsory confinement of cats under the legislative framework.

Introducing a compulsory statewide cats at large provision into the Cat Management Act that includes a monetary penalty for breaches, as is proposed, would require significant resources to enforce both at a state and local government level. It would also create an expectation amongst the community that it will be enforced by councils.

However, as the member for Nelson indicated, there would be no requirement or obligation for councils to enforce the provision. We know that while some councils have indicated in-principle support for regulating cats at large, they also make the point they lack the resources and capacity to enforce such provisions. In effect, it has been argued councils will choose if and when to enforce a cat at large provision. This will have a number of significant implications if few councils choose to enforce such a provision, because who will be left with the responsibility? It would be the state Government.

As stated in the second reading speech, the Government believes councils are best placed to deal with local animal management complaints in their municipality and the bill provides the ability for councils to establish by-laws that can address options for confining cats to the owner's property. If councils are not in a position to enforce a cat at large provision, it should not be introduced. Secondly, it is argued having a cat at large provision in the bill would provide consistent statewide approach as opposed to using by-laws. However, there is no obligation for a council to enforce a provision so how can this amendment deliver a consistent approach from one council to another across the state? By-laws, on the other hand, demonstrate a clear commitment by a council that it will enforce the provision. If the state Government were to fund local government to implement the Cat Management Plan, it is estimated it would require a minimum of eight full-time equivalents - about .25 FTE per council. Again, such an additional cost is expected to have an equivalent flow-on impact to other important environmental programs. This does not appear to have been considered in the supporting information to this amendment.

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

The proposed amendment is also made without any thought of what this would mean in practice for Tasmanian cat owners and the costs involved in modifying their property to keep their cat contained. This could be a significant cost to cat owners and again one the Government does not support. It is the Government's considered view that the broader Tasmanian community, which includes local government, is not yet ready and willing to accept legislative requirements covering confinement of cats. Our approach encourages responsible ownership without creating a financial burden for cat owners. Our proposed measure for microchipping, desexing and property protection will help to improve the welfare of cats, provide for their effective management and reduce impacts on landowners and the environment.

We continue to encourage owners to keep their cats confined and safe at home to protect them from harm and to allow our native wildlife to flourish. Ensuring cats are well cared for, do not impact on other people's amenity or are detrimental to the environment are key principles of responsible cat ownership. It should also be noted the proposed amendments will be carefully monitored. The Government has committed to monitor the implementation of the proposed amendments and review how they are being received and delivered, and this will be an ongoing process.

A couple of things on that: this is legislation we are making here. It is not an education tool and legislation is not an education tool. What we are doing is making laws with the expectation that they will be followed. If there is a complaint - the member for Nelson made a point about speeding and traffic lights and things like that - made to the police with regard to those particular issues or something is wrong with a cat, the complaint is made and somebody has to respond, because this will become law. The provisions of this bill commence on the day or days to be proclaimed and once that is proclaimed, it will be law. Somebody will have to respond to that.

In closing, the Government encourages confinement, but we do not support making confinement compulsory. Our focus is on education and awareness. We will continue to monitor the implementation of the bill and look at it in the future if there are any amendments or refinements that need to be made. I encourage members not to support the amendment.

Mr GAFFNEY - I think the member for Nelson is correct. It is not going to get a guernsey. It started as a very good debate. I hope in future LGAT conferences, they take some of your speech where you have said this is the start of something that could happen. It will, because what is important to Tasmanians is our wildlife and our habitat and, yes, the correlation between domestic cats and the feral cats, many of us found that some time ago. It always amazed me going through parts of Europe that there was very little birdlife. There was very little natural life around for lots of different reasons - much of it to do with the habitat loss. We have to be very careful in Tasmania with our expanding population, which I think is great. We have to also be aware of what we can do to stop the impact on some of the things that make Tasmania so special. One of those things is our wildlife and that is why we live here. You are pre-empting something that will have to come in time, but I understand the Government's response and the legal stuff.

Councils will put on celebrations and will sponsor sporting clubs. They will put on the local Christmas parade - not in the year of COVID-19. We do all those sorts of things and know there will be a cost to them, but it is the quality of what we think is good in Tasmania. Look at Bruny Island and what they are doing there. Look at Flinders Island and how important

the birdlife on Flinders Island is to our greater Tasmania, and what does that do? It brings people to our place. It brings people into our state - when we can.

I am saying that down the track, it will come. It is a first step - we know it will come because it is what is right for the state and it is responsible animal ownership, looking after it, defining it. At the end of the day, yes, you are going to have to pay \$400 a year; you are going to have to pay \$800. If you want a cat, you pay for it. If you want a dog, you pay for looking after it. It is part of the deal.

The Government says we need a more balanced approach. You have to weigh that up against what it is going to do for generations down the track, what it is going to do when there are no little geckoes, no eastern barred bandicoots, none of those little animals that make our place special. Somewhere along the line somebody has to bite the bullet and say, 'Okay, enough is enough. If you are going to have a cat, you have to pay for it, keep it on your place and do not let it wander into the neighbour's. If you are not, there is going to be a fine.'

Councils, yes, you have to take that on board. Local government, if you want to be able to advertise that your place is a place where people want to live and play. This is not going to get through this time, but it will get through eventually because it has to. I have some reservations about whenever another cat bill is going to come back to this place. It is all right to say, yes, we will put it out to consultation, and yes, we will come back, but it will probably be in another 10 years. Hopefully the next round, when they have some more people here, we will have matured enough to be able to say, 'This is what is best for Tasmania.'. I hope that happens in the next round of legislation.

I will be supporting it. There will be a division, I think, just before it should go onto the record. I would say to the member for Nelson, I would send your *Hansard* off to LGAT. You may want to look at it and just cut it down a bit. You can only get 20 minutes of those things, I tell you, but I think it would be really good material. You have done a very good job in highlighting this issue. I commend your efforts.

Mr DEAN - The member is right in what he is saying, absolutely right. I support what the member for Mersey is saying. I do not think any of us in this Chamber would say this sort of legislation is not necessary. But are we ready now for it? My position is we are not. We are not; I think that is fairly clear. I think Jim Collier and his group that came in and spoke to us are going to be disappointed. I certainly will be disappointed to think -

Ms RATTRAY - Vote for the new clause and they will not be disappointed with you.

Mr DEAN - They will be disappointed with me that I have not supported this amendment as well; there is no doubt about that. They put forward a very strong argument as to why we should be going down this path. However, as I said, while the public and the people want it, I think we, as legislators, really have to look at: If we did this, what would it cause? What might it do out there to the public and to the people?

I think Shane Power is right. Shane Power is the CEO of the George Town Council. When I ran this by him, his comment was, and I paraphrase, it will not be an enforceable act, it will be null and void. It will create community angst. They will get upset and annoyed

because we will not be able to action their complaints. We do not support it without the state resourcing our cat management team. Shane went on and made some other comments as well.

The member for Launceston referred to the position of the Launceston City Council and I am not going to go back over that. I want to comment on the analogy the member for Nelson made in relation to speeding. The Leader has covered that. I am not quite sure whether it is a good analogy at all. Speeding is a very dangerous activity; it kills many people. So far in this state this year, speeding has killed a number of people - I do not know how many - or it has been a part of the reason for people having been killed. It has been the cause of a number of very serious crashes and accidents as well.

Police do action speeding complaints and they action them all the time. If they get a complaint, they are required to go and action it and advise the complainant, if the complainant has given a name, about what they have done. That is the normal process of policing.

Ms Webb - That is exactly what I described when I was using that.

Mr DEAN - But I think what you were saying, was that the same sort of thing would happen with cat management if this containment amendment was supported. Are you saying that sort of policing would occur? It would not.

Ms Webb - What I was saying is we only need to - the enforcement aspect would be in response to complaints. It would not be - in the same way that we do not ensure every car on the road at all times is not speeding; we respond to complaints, the same with this one.

Mr DEAN - The fact is, councils would not be able to respond to all the complaints that would come in. That is what they are saying, they would not be able to do that. They would be expected to do it and the public would be saying to them, 'Look, it is law. I have a stray cat in my backyard. Come and get the damned thing', or what have you. That would go on all the time and councils just do not have the time, the staff and the resources to respond to it.

You try to make a complaint in relation to a dog issue on a weekend or a public holiday - it is just not that easy. Of course, it could be done, but at what cost? Who is going to pay for it? The owners of these animals? The owners of these cats? Are they going to be the ones who have to pay for it or will the state Government be asked to pay for it? The state has to get the money to do that as well.

I accept what the member wants to do. It is right and we will need to do this. As I said in my second reading contribution, we need to prepare cat owners for this sort of legislation in the future and in the not-too-distant future. People are getting fed up with our animals and birds being killed - you have only to look at this programs like the one I mentioned, the Rubicon program that has just occurred and what is happening. I suspect it is probably happening in other places around the state. One took place at Pipers River about three years ago -

Madam CHAIR - Stick to the amendment, if you do not mind. Do not stray.

Mr DEAN - Containment, where the cats in that area were not being contained - you are right, this supports the amendment - they caught about 80 cats in a very short time. Members here might know about that; I suspect they would. I am not quite sure of the time, but it was

in a very short period of time - and it made a huge difference to the wildlife and birdlife in that area.

We are not ready for it. I think if we did this, if we supported this amendment now, we would not be fair to our councils, to our local government areas that would have the responsibility of policing it, putting things into place and having to fund it et cetera. I cannot support it now; I would certainly probably support it in the future if I am around.

Ms RATTRAY - In respect of the member's new clause in regard to containment, I believe the containment aspect is ready to be embraced by the community. I say that because back in 2016 the Tasmanian Conservation Trust surveyed 1462 people - 64 per cent of them were cat owners and 62 per cent agreed with cat containment and 48 per cent of the cat owners were already containing their cats.

Mr Dean - You might have misheard what I said. I think I am clear in saying that the people support it, but it is the people who have to enforce it and control it.

Ms RATTRAY - Back to my Northern Grampians, but I will get to that in a minute. There was another, the same year, TassieCat - again a Tasmanian survey of 344 people, 43 per cent were cat owners and 78 per cent agreed with cat containment. There is only 22 per cent we have to get across the line here and then 42 per cent of the cat owners already contained their cats. So we have to get 58 per cent of those across the line.

I actually believe there is some strong support for it and so councils do not. As I showed you earlier, in the Northern Grampians, it says clearly on its website that local law officers do not attend properties to catch cats, but you can book a cat trap. If you have a problem with a cat, and it is not yours, you can book a trap. Councils could have traps available and you could come in, get a cat trap, use the cat trap - we cannot work out with registration because we do not have that, but we have microchipping so we can work it out whose cat it belongs to. You either give it back and they take some responsibility. I am sure they do not want you catching their cat on a regular basis so they will start looking after their cats. There is a lot of support in the community for that.

The member when she spoke to the clause was clear that all submissions talked about that really necessary aspect of containing your cat. I talked about the damage from my TFGA submission earlier today and all the damage they did, and I talked about the cost to the ewes and the lambs. They are already supportive. I also had a question for the Leader around the money the Government has committed for the implementation of the plan. I have found this as I have been sifting through myriad paperwork; if the Leader does not have the answers today I will put them into the system.

Back in 2017, LGAT highlighted that there would be \$1.44 million over four years to assist with implementing the plan to be developed by DPIPWE in consultation with local government. An important element of the plan is to establish three regional officers to be hosted by councils in the north-west, the north and the south to work across the regions. I am interested to know about that. They are going to educate the community about responsible cat ownership. Those positions are probably already in place, because we are nearly in 2021 so the funding would have been spent. They will then make the community aware of the requirements to desex, microchip -

Mr Dean - I will be interested to see how the Leader and the Government respond to this.

Ms RATTRAY - And manage complaints of nuisance cats where necessary. Already the Government is thinking about what we are going to do with these nuisance cats so it is not all left to the councils, which is music to a lot of members' ears, when we talk about the cost shifting and the obligations for councils.

Where has that \$1.44 million gone? Are those three regional officers in place and what are we doing? There is some support for this in the community. I do not think it is all up to cost; it is an obligation. I appreciated the contribution by the member for Mersey when he talked about what our priorities are. If it is looking after our environment and domestic cats and feral cats are wrecking that, we have to take some responsibility. I support the amendment.

Mrs HISCUTT - I will just refer to the \$1.44 million the member talked about. To support the delivery of the Cat Management Plan, the Government 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. That money runs out at the end of June next year and the TassieCat and the Northern Strategic Plan Coordinator are funded through that. When it all runs out, it will have to be reassessed.

Ms Ratray - Which councils are hosting the three regional officers?

Mrs HISCUTT - Kingborough in the south, NRM North in the north and the Cradle Coast Authority in the north-west run that.

I want to reiterate: some councils have indicated in-principle support for regulating cats, as you mentioned, but they also made the point that they lack the resources or capacity to enforce such provisions. The member quoted a lot of percentages during her contribution, and the first thing that slipped into my mind, respectfully - I am not being disrespectful here - was the old sitcom *Yes Minister*: 'How was the question asked?' What was the question? Was the question put that it might cost these people \$800 plus confinement costs of \$1000? Do you agree it is going to cost you \$2000 to confine your cat? Figures are figures, statistics are statistics, so I need to know more about that before you can say 59 per cent of people or whatever agreed with that. You have to know how the question was posed and what was involved in it. Did people know what they were in for when they answered yes? I am sorry about that.

Mr DEAN - Madam Chair, I failed to mention I noticed that in this amendment the definition of 'secured' says -

'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 a hand by a person able to control the cat; or
- (b) tethered to a fixed object.

I ask the mover of this amendment: did they speak to the RSPCA in relation to (b), because Jan Davis, the new RSPCA CEO, was spoken to and she commented along the lines - I

am paraphrasing her - that she would be appalled to think that would be happening and she did not think the RSPCA could ever support it. I just wanted to raise that.

Ms RATTRAY - I thank the Leader for her responses to my queries. I am happy to say where these statistics came from - TassieCat. You have already told me, Leader -

Mrs Hiscutt - I just could not comment because I do not know what question was asked.

Ms RATTRAY - TassieCat is being funded through this \$1.44 million - that is the survey. TassieCat is the organisation the Government is funding and it did this survey in 2016. I would expect that it would be –

Mrs Hiscutt - I cannot comment because I do not know whether it was put to the -

Ms RATTRAY - What the question was.

Mrs Hiscutt – If the question was: are you prepared to pay \$2000 to confine your cat? I do not know.

Ms RATTRAY - To have it confined?

Mrs Hiscutt - I do not know.

Ms Webb - That is not going to be a single figure.

Ms RATTRAY - I do not know how much it is to contain a cat. I just wanted to clarify where that information, that data, came from. This information came from Tamar NRM. Again, that organisation works closely with DPIWE to look at these issues when it comes to the environment and the damage animals do. I wanted to provide that clarification.

I come back to the fact I am not asking local government necessarily to police this. I showed the example of the Northern Grampians where it is almost self-policed by the community. If you have a cat wandering around doing the wrong thing in your yard, you get a cat trap from the council and you use it.

If there were some registration attached to something like this, there would be some more funds and resources to support it. I will follow up on Cradle Coast, Kingborough and the NRM North about education and what they are doing to alert and educate the community about responsible cat ownership. I expect this will not be implemented straightaway, but something that will be put in place as we speak about the education.

Mr VALENTINE - As I read it, this is not actually about cat confinement, it is about being at large. There is a difference. We are not saying people's cats cannot go outside. In regard to this, it is simply saying that cats cannot go on other people's properties or be in a public place without restraint.

I have seen cats on leads. There is one that walks regularly up our street on the lead. It has a harness rather than a collar. It has a harness and she takes this cat walking every day. Gets the cat out and about. 'At large' in relation to a cat means that the cat is in a public place

and not restrained or secured, or on a private premises without the consent of the occupier. It gives you the definition of what secured is over the page.

It is providing the capacity for people to be able to complain that somebody else's cat is on their land, probably mucking around with the dirt, doing its business there and creating a problem for young kids who might be playing in the same space. There is every reason why people ought to be making sure that their cats are not bothering other people, especially when people can pick up diseases through cat faeces that can kill a child. Toxoplasmosis is not a nice thing. The member for McIntyre was talking about toxoplasmosis.

Ms Rattray - The TFGA pointed to that in its submission.

Madam CHAIR - It can also cause miscarriage in women. It is not just animals we are talking about.

Ms Rattray - It mentioned that as well.

Mr VALENTINE - We are not talking about something that is a light matter. We are talking about something that is very significant. If a cat can get into somebody's yard and do its business there, it can pose a threat to people.

This is not about confinement, it is about a cat being at large. There is a big difference in terms of what may be expected. I would like to have clarified that this is something that councils can get into if they wish. I am not sure I see that in connection with this amendment. I do not know how that quite works.

Ms Webb - Councils can implement any part of the bill, from what the Government has said.

Mr VALENTINE - That is what the Leader is saying.

Mrs Hiscutt - There is an expectation that it will be implemented because it will be law on a certain date.

Mr VALENTINE - Yes, if councils have the capacity. It says may, may, may everywhere.

Mrs Hiscutt - If there is a complaint it has to be followed up by somebody.

Mr VALENTINE - Yes, but you were saying earlier, as the member has said, that councils will only do this if they want to.

Mrs Hiscutt - No, I did not say that. The member for Nelson said that.

Ms Webb - Well you did. You emphasised it in the second reading speech. There are complaints now too by the way.

Mrs HISCUTT - We are not talking about this amendment. You are talking about the bill before us.

Mr VALENTINE - I am talking about the bill in general but how this sits in the bill and whether the same thing applies. That is my question.

I can see the RSPCA might have a small issue with proposed new section 16E(3)(b), 'tethered to a fixed object'. It has to be in a public place. It is not tethered to a fixed object all day in somebody's house. That might be an issue.

Mrs Hiscutt - When you stop at a cafe.

Mr VALENTINE - Yes, that is what I thought. If this goes through, 'temporarily tethered' might be better. We might not have to, but let us be positive. I just wanted to make those couple of points. I think the community is ready.

Mrs HISCUTT - Your comments about not confined and not being confined, proposed new section 16E(3)(a), 'held by hand by a person able to control the cat', that is confined to a space, and with proposed new section 16E(3)(b) 'tethered to a fixed object', I would say it was definitely confined. I think you have a bit of a play on words there. It is confined. I would say it was definitely confined.

Mr VALENTINE - That is in the definition of 'secured'. If you read what it says in the amendment, 'at large' in relation to a cat means that -

Mrs Hiscutt - The only way to stop it from being at large is to confine it.

Mr VALENTINE - Well, in relation to a cat means that the cat is in a public place and not restrained or secured. That is when it comes in. It is about being in a public place. It is not about confining it at home.

Ms FORREST - I agree with many of the comments made by members that their community does expect this. Madam Deputy Chair, you referred to the surveys that have been done, with the majority of cat owners supporting containment.

Madam DEPUTY CHAIR - And already do it.

Ms FORREST - You could argue that we perhaps do not need this because responsible cat owners are taking the initiative. But we know that not all cat owners are responsible, not all dog owners are responsible, not all drivers are responsible, and not all people who drink are responsible. We could go on and on and on. I am not going to get distracted.

Madam DEPUTY CHAIR - Do not stray.

Ms FORREST - No, I am not going to stray. I have had quite strong feedback from some of the councils in my electorate urging not to do this without some more consultation. While community support and expectation - and my expectation - on this is very strong, I hate seeing cats out and about, particularly at night. I find it offensive that people do not look after their cats properly. If you want to have a cat, look after the bloody thing. It is ridiculous - if people really want to have a cat they look after it. That means keeping it inside, not letting it go out and kill the wildlife. I have seen cats -

Mr Valentine - Or get abscesses through fighting.

Ms FORREST - Yes, so that is the thing. Unless we have really good enforcement, where you have the resources and the support from councils to go out and respond to complaints, as we have set up a strong community expectation that there will be someone who will come and take it to the cat management centre or whatever, we are going to end up with all this frustration in the community. The expectation is just not being met.

I agree that people want this. I want this. The Leader on behalf of the Government earlier gave a commitment to look at the previous amendment of the member for Nelson. I want the commitment to be clearly how we make this work. Education is really important. We can do a lot more in that space. I have looked at this and talked to someone on my councils about this and there are measures in the current bill that they fully support. The microchipping, the desexing and some other measures like that will go some way to reducing the number of stray cats and feral cats. There is still a lot of work to be done there because we have let it get away from us.

One of my very small councils made the point that when you have a really rural area and a low rate base it is really hard to do these things. That was King Island. Circular Head made the point that when 50 per cent of your municipality is rural, they are unlikely to comply because they have cats around their dairies. It is really difficult. We set up this expectation. We do need to do something about that, clearly, but we do need to have councils on board to make sure they do it.

So while Burnie City Council was vehemently opposed in its response, it was not the new GM who sent the email. The point was that it was opposed to any suggestion that local government has responsibility for enforcing compliance, which is what this would be doing. Local government has to do it with the cats at large provision and these matters need to be fully examined before this offence is created. Whilst I absolutely support the intent, I support the community desire for this, that concurs with my desire for this, that the Government needs to commit to this.

Mr Valentine - Not in 10 years time.

Ms FORREST - No, in a short space of time. It is on the agenda. It was not part of this consultation process directly and that was a problem in itself. It should have been.

Ms Webb - Yet two-thirds of submissions brought it up themselves.

Ms FORREST - I know that. There is broad support and there is recognition by many cat owners that it needs to be the case. Hopefully, they will do it without being forced, but I cannot support it this time, because I am committed to my councils. I am not going to support legislation that is a burden to them, until they are on board and support it to do the compliance work they need to do.

I find myself disappointed that I cannot support it, but I want the Government to commit to making this part of that review, that is the six to seven months type. It is not like it is news to these councils. They know about it and in general terms there are some that support it. Bruny Island and Kingborough obviously have a clear measure of support for it in there, but for some of these more rural councils it is a real struggle. Smaller councils with a low rates

base, and we know what they are like - we have to try to get something that works for everybody and whether that is by-laws in those jurisdictions, because it is the easiest way for them to manage, I do not know. What works in Hobart will not work on King Island.

Mrs HISCUTT - The department has made a commitment with the new points they are going to put to LGAT to discuss and this will be amongst it.

Ms RATTRAY - I absolutely agree with a lot of points the member for Murchison just made in regard to that impost on local government, on our councils, on our small councils, absolutely I do. I take you back to that media release from LGAT where it talked about the department working with councils. The tasks of these officers will be to support councils. We are not asking them to do it on their own. It even said here, 'manage complaints of nuisance cats where necessary'. Here we have these officers placed in, hosted by, councils, Cradle Coast, Kingborough, NRM North, they are placed there; they are wanting to work with councils, so it is not necessarily all put back onto councils.

I acknowledge it is not going to be helpful for Flinders and King Island. That in itself will be a challenge for the department and the Government to support those councils not on our big island. They are part of us, but they have that stretch of water. I take that back and remind members the Government has already committed \$1.44 million over four years to assist and work with local government, establish these regional offices and have these people on the ground, manage complaints for nuisance cats where necessary and make the community aware of the requirements and obligations for responsible cat ownership. I wanted to make that point again.

Mrs HISCUTT - It is not the role of coordinators to enforce the law. Their role is to educate.

Ms WEBB - To finish up, thank you for the contributions from all members. I appreciate members sharing their thoughts and positions on this. There is agreement that this will happen and it will come about. It is not community interest and commitment that is missing and it is not necessarily local government interest and commitment that is missing. The missing component, the bit that is not there at the moment, is full commitment from the state Government to actually make it happen.

I know there is a commitment to look at it and continue to consult. I acknowledge that. But the only thing that is going to change in this equation is the Government stumping up financial and administrative support to the councils. Five months from now, two years from now, 10 years from now, councils will still say they cannot afford to do it on their own.

We will still find a high level, even potentially a higher level, of support amongst the community for this to happen the longer it goes on, a high level of support amongst key stakeholders that we already see now. Those factors are there, they are not missing. The only thing that has been identified in this discussion today, and it has been a useful one, that will make a difference and tip us into doing it - and inevitably most of us have agreed we will be doing it - is the state Government taking the full leadership role it needs to and committing to what will be, despite what the Leader said in her contribution earlier, a very modest contribution to make it happen.

The councils are not going to suddenly be in a different position to do it. They will need state Government support. The community will continue to support it and be amenable to adjusting to it, as we have seen in jurisdictions such as Bruny Island that have already done it. All those components are there. The missing component is the state Government to stump up the support and the commitment and the leadership to do it.

I look forward to when we do reach that point, at some stage. I hope it is closer to five months than 10 years in the future. I invite you to support it. Thank you to those who will and thank you for the contributions from others who will not support at this time, but made supportive statements towards the intent.

The Committee divided -

AYES 4

Mr Gaffney (Teller)
Ms Rattray
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

New clause A, section 16E inserted, second reading negatived and bill taken through the remainder of the Committee stages.

Mr DEAN - Madam Chair, what about the clause that was postponed?

Madam CHAIR - We did that. We were going to have to recommit it. On with the program.

Bill reported without amendment; report adopted.

Third reading made an Order of the Day for tomorrow.

ADJOURNMENT

[7.04 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 a.m. Thursday 15 October 2020.

Mr President, before I move the adjournment, I remind members of our 9.30 a.m. departmental briefing tomorrow. With these morning briefings, if one is shorter than the other,

we will just keep rolling through until we have finished. We will not wait until the 9.30 or the 10.30 mark.

Ms Rattray - Seldom happens, Leader.

Mrs HISCUTT - It seldom happens, but just in case it does. Honourable members, once we have moved the adjournment, I ask that you to remain in the Chamber just for three seconds.

Motion agreed to.

Royal Hobart Hospital - Post-Mortem Arrangements

[7.04 p.m.]

Ms FORREST (Murchison) - Mr President, I am aware of the time and other events that are occurring, but I wanted to raise a question briefly on a matter that has come to my attention, and I thought if I asked it tonight, I may get a response tomorrow from the Leader.

I have heard via funeral directors that they have been advised by mortuary staff that all post-mortems are now to be conducted at the Royal Hobart Hospital. I understand there has been no consultation with funeral directors. Funeral directors were not even told about this. This will significantly and negatively impact north-west coast families who will be at a huge disadvantage waiting for the bodies of their loved ones to be returned.

Ms Rattray - And north?

Ms FORREST - And north too, yes. There is a perfectly good facility, as I understand, at the Launceston General Hospital, which will now lie idle. This is quite distressing for families who have to go through the post-mortem approach. The advice has come to the funeral directors. The questions are: Is that true? Why has it occurred? Is it just a temporary situation because of a staffing shortage or whatever?

I hope that is not the case and certainly that it is not a permanent arrangement, because it is completely unacceptable for the people of the north-west coast particularly, and the north.

The Council adjourned at 7.05 p.m.

Appendix 1

QUESTION WITHOUT NOTICE

Legislative Council

ASKED BY: Hon Josh Willie MLC

ANSWERED BY: Hon Leonie Hiscutt MLC, Leader of the Government in the Legislative Council

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incorporated into
Hansard
L. Hiscutt
14/10/2020
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copy clerk*

QUESTION:

My question is to the Honourable Leader

Under the Education Act 2016 from 2020 young people need to stay in education or training until they finished Year 12, or receive a Certificate 3, or reach the new minimum leaving age of 18.

1. What is the unauthorized absence rate for high schools and colleges in 2020 for Term 1, Term 2 and Term 3?
2. Can the government provide an unauthorized absence rate for 2020 for each government high school and college?

ANSWER:

Question 1:

Student attendance is recorded by all school and colleges in EduPoint in minutes for each session, and is the basis for how attendance is normally reported. This means the data represents the amount of time recorded as unauthorised, rather than days.

The unauthorised absence rate for students in Years 7 to 12 in District Schools, District High Schools, High Schools and Colleges in Term 1 up to Week 6 was 5.9 per cent. From Week 7 student attendance was impacted by COVID-19 due to parent decisions to keep their students home from school, and later in accordance with Government advice. As such data on absence rates from week 7 for this period are unreliable and not included.

The unauthorised absence rate reported in Term 2 from Week 7 to the end of term was 9.1 per cent. Attendance data for Term 2 is only reported from Week 7 to the end of the term due to most students learning from home for the first 4 to 6 weeks of this term.

As at Week 7 of Term 3 the unauthorised absence rate was 9.4 per cent. This rate may include some absences that schools and colleges will update to an authorised reason once parents have been in contact.

CA

Question 2:

Table 1: Unauthorised absence rates for Tasmanian Government High Schools and Colleges for 2020

School/College	%Unauthorised Absence
Bayview Secondary College	13.6%
Bothwell District High School	7.7%
Brooks High School	11.0%
Burnie High School	3.3%
Campania District School	14.0%
Campbell Town District High School	10.5%
Cape Barren Island School	3.4%
Claremont College	26.4%
Clarence High School	5.2%
Cosgrove High School	12.8%
Cressy District High School	3.3%
Deloraine High School	6.1%
Devonport High School	6.5%
Don College	14.6%
Dover District School	6.7%
Elizabeth College	12.1%
Exeter High School	4.1%
Flinders Island District High School	5.7%
Glenora District School	6.1%
Hellyer College	10.2%
Hobart College	11.8%
Huonville High School	14.1%
JRLF - Senior School	15.3%
King Island District High School	2.7%
Kings Meadows High School	4.5%
Kingston High School	4.8%
Latrobe High School	2.3%
Launceston Big Picture School	8.8%
Launceston College	15.7%
Lilydale District School	5.6%
Montrose Bay High School	9.3%
Mountain Heights School	11.2%
New Norfolk High School	12.3%
New Town High School	4.9%
Newstead College	14.0%
Oatlands District High School	4.8%
Ogilvie High School	4.9%
Parklands High School	7.6%
Penguin District School	3.3%
Port Dalrymple School	15.5%
Prospect High School	3.4%

School/College	%Unauthorised Absence
Queechy High School	8.9%
Reece High School	6.5%
Riverside High School	2.8%
Rose Bay High School	8.0%
Rosebery District High School	9.2%
Rosny College	12.1%
Scottsdale High School	6.2%
Sheffield School	4.3%
Smithton High School	4.7%
Sorell School	11.6%
St Helens District High School	13.0%
St Marys District School	8.2%
Taroona High School	2.5%
Tasman District School	8.0%
Tasmanian eSchool	28.1%
Triabunna District School	4.6%
Ulverstone Secondary College	6.8%
Winnaleah District High School	1.8%
Woodbridge School	5.1%
Wynyard High School	6.4%
Yolla District School	5.7%

Notes:

- Attendance rates in high schools and colleges are measured in minutes of attendance, meaning a student who attends part of a day, but has an unauthorised absence for the rest of the day, will have their attendance and absence recorded proportionately.
- The rates include student in Years 7 to 12 in District Schools, District High Schools, High Schools and Colleges.
- Absence are recorded by schools and colleges as "unauthorised" when the:
 - parent/guardian or independent student has not provided a reason for the absence
 - student is absent for a reason that is not an excusable circumstance under the Education Act 2016
 - student is identified as being truant
- Caution should be taken when comparing individual schools due to differences in student populations.
- COVID-19 has impacted some student cohorts significantly. These have struggled to re-engage after the working from home period.
- Some students in colleges have been engaged in casual employment during working from home time and have not re-engaged with education.

ADDITIONAL INFORMATION AS BACKGROUND:

The attendance data relating to Claremont College is notable, which is why a range of strategies to address absence rates (as outlined below) are being rolled out by the College. It should be noted that Claremont College has a significant cohort of students from areas of disadvantage.

Attendance and retention is a key focus of Claremont College's Improvement Plan.

- There is a dedicated Attendance Team that meets weekly to analyse attendance data and follow up with students who have low attendance or are not attending. This is done through phone calls or text messages to students and parents. Pre-COVID, home visits were conducted. The College is looking to recommence home visits in Term 4 pending COVID advice.
- There is an active Wellbeing Team at the College to support student wellbeing, including those affected by trauma and concerns around COVID-19. This Team were awarded the Wellbeing Award at the Department of Education's (DoE) Together We Inspire Awards 2019. This team includes two School Social Workers, a School Psychologist, a School Nurse and a School Youth Worker.
- Claremont College has an active approach to family engagement and regularly corresponds to parents and families via letters, text messages, phone calls and meetings with parents. The College has gone from 30 parents attending their Parent Teacher Evening to, before COVID, in excess of 200 families attending their Parent Teacher Evening.
- Learning Services are working actively with the Child Safety Service (Communities Tasmania) to identify and track the wellbeing of students who are most vulnerable, and to follow up their engagement.
- Claremont College is involved in the "Back on Track" pilot program designed to reengage at risk students.

APPROVED/NOT APPROVED



Hon Jeremy Rockliff MP
Minister for Education and Training

Date:

14/10/20