

CAT BILL 2011

Council's Amendments — Consideration in Detail

The following amendments made by the Council now considered —

No 1

Page 8, line 9 — To delete “an offence against —” and insert —
2 or more offences against any of the following —

No 2

Page 9, lines 9 to 11 — To delete “of 2 or more offences against this Act in the period of 12 months before the cancellation.” and insert —

within the period of 12 months before the cancellation of 2 or more offences against any of the following —

- (a) this Act;
- (b) the *Dog Act 1976*;
- (c) the *Animal Welfare Act 2002*.

No 3

Page 10, after line 29 — To insert —

- (3) A certificate referred to in subsection (2) cannot apply in respect of a cat that is under 6 months of age.

No 4

Page 12, after line 2 — To insert —

- (3) A certificate referred to in subsection (2)(a) cannot apply in respect of a cat that is under 6 months of age.

Leave granted for amendments 1 to 4 to be considered together.

Mr G.M. CASTRILLI: I move —

That amendments 1 to 4 made by the Council be agreed to.

I will give an outline of the amendments. During consideration in detail, the member for Cannington asked me some questions about the disqualification provisions. I undertook to re-examine clauses 9 and 10 of the bill, which I have done, and, obviously, the amendments to clauses 9 and 10 are the result. Both clauses now refer to offences against the proposed Cat Act, the Dog Act and the Animal Welfare Act. Under clause 9(2)(e), if the amendment is agreed to, a local government must refuse an application for registration if the applicant has been convicted of two or more offences against any one of these acts in the preceding three years. This is effectively a three-year ban on registration. The intent is to address the situation of serious and repeated irresponsible ownership.

The amendment to clause 10 gives a local government the power to cancel registration with immediate effect when a person has been convicted of multiple offences over the preceding 12 months. This clause now refers to offences under the proposed Cat Act, the Dog Act and the Animal Welfare Act and so aligns with clause 9. The intent is to address situations of serious and repeated irresponsible ownership within a short time frame—that is, 12 months.

In regard to clause 14, Hon Lynn MacLaren from the upper house approached me with concerns that an owner could have their cat exempted from microchipping purely because it was too young, being less than six months of age. To address this concern, the Minister for Community Services, who represents me in the other place, moved this amendment. The amendment to clause 14, therefore, still allows for an exemption certificate to be provided when microchipping could adversely affect the health and welfare of a cat, but not solely because the cat is too young and has not yet reached the age when the microchipping procedure is required. Hon Lynn MacLaren also approached me about clause 18 and the exemptions for cat sterilisation purely because a cat would be too young, being less than six months of age. The amendment to clause 18, therefore, will allow for an exemption certificate to be provided when sterilisation could adversely affect the health and welfare of a cat, but not solely because it is too young and has not reached the age when this procedure is required. That is the explanation for those four amendments.

Extract from *Hansard*

[ASSEMBLY — Wednesday, 2 November 2011]

p8825b-8829a

Mr Paul Papalia; Ms Lisa Baker; Mr Bill Johnston; Ms L.L. Baker.; Acting Speaker; Mr David Templeman; Mr John Castrilli

MR P. PAPALIA: I thank the minister for the explanation he has provided. I take this opportunity to acknowledge, firstly, that amendments 1 and 2 on the notice paper are, as the minister indicated, as a result of opposition input via the member for Cannington, who was very helpful when we discussed this bill during its first time in this place. I think it fair to say that the Cat Bill was the sleeper legislation of the Western Australian Parliament in 2011.

Ms L.L. Baker: Let sleeping cats lie!

Mr P. PAPALIA: Who would have thought that a bill about moggies would have resulted in such an expansive debate and such engagement by the public of Western Australia in both the media and —

Mr W.R. Marmion: The member for Maylands!

Mr P. PAPALIA: Yes. The member for Maylands, perhaps, but who else would have predicted that? The member for Maylands is often prescient in her vision of what is important in the state, and this is yet another example of that.

Ms L.L. Baker: Thank you.

Mr P. PAPALIA: The Cat Bill engaged the public because many Western Australians own a cat, are impacted upon by the activities of their neighbours' cats or have some concerns about feral cats and their impact on the environment. Therefore, it really was not that surprising. During the substantial debate in this place, I observed that our initial criticism was derided by a number of different parties, albeit not political parties, but players in the debate—interested parties. Initially, the minister was a bit aghast at the manner in which we responded to the legislation, but he acknowledged—all power to him—that a great deal of commonsense was revealed by the opposition's input to the debate. As a result, we achieved far better legislation. Eleven amendments were made to the original bill, and with this amendment, ultimately from the member for Cannington, we have achieved the round dozen. However, minister, I still feel that we could have gone for the baker's dozen, because clause 51(1)(c) remains absolutely outrageous in the powers that it bestows on local councils' moggy inspectors, without warrant, once having legally entered a premises, to demand documentation, seize it, insist that individuals answer questions, film, photograph, record the responses by owners, and, ultimately, take the cat and destroy it if necessary. All those powers are unwarranted, without a warrant. The arguments given in this place never fully justified why those powers were required. The minister should have gone for the 13 amendments recommended by the opposition. It would have made the bill a far better bill. As it is, we have improved it dramatically, I think, through our efforts.

Having said that, I note a couple of other amendments on the notice paper. I understand they were, as the minister has indicated, the result of suggestions by the Greens (WA) in the other place. I take this opportunity to applaud the fact that the Greens have finally entered the debate. The Greens were absent with regard to any form of analysis of this legislation prior to it entering this place. The Greens promised the member for Jandakot, and via him the minister, that they would rubberstamp the legislation the moment it arrived. The Greens wanted the legislation to flow through this place at a rate of knots and go straight to the other place so that they could rubber-stamp it, and get out there to tell everyone what a wonderful job they are doing by supporting action on feral cats and saving the environment. The reality was that in their enthusiasm for what is a philosophical argument, the Greens failed to do their job. Fortunately, the opposition was on watch and was looking at the legislation presented to Parliament, as opposed to the spin put on the legislation by the government, and asking the relevant questions. The opposition determined that the legislation as presented was seriously flawed.

MS L.L. BAKER: Mr Speaker, I am absolutely fixated by the member for Warnbro's contribution and I would like to hear a bit more.

MR P. PAPALIA: Thank you, Mr Acting Speaker. We have a mutual admiration society in this part of the chamber! I will not continue for too long.

I want to point out that I am critical of the way that the Greens and, without naming them, some other stakeholder groups in Western Australia on this issue have dealt with this legislation. I agreed that the government was seeking to achieve a good outcome. That was the motivation of the government, and certainly the minister, and the member for Jandakot and anyone else involved in preparing the legislation. But it does no-one any good to automatically assume that the stated outcomes suggested in banner headlines to deal with "the massive feral cat problem" and to "manage domestic cats" will justify anything put in the legislation or are anything other than a rapid and cursory analysis of the legislation. There was no better demonstration of this than the manner in which we engaged on the legislation and began a deep analysis of it. Much of that analysis was provided, as always, by the member for Cannington, who is willing to go through in great detail any type of legislation that appears to be flawed. I must acknowledge that the member for Cannington was responding to his

constituency. He was approached, as were the members for Forrestfield, Maylands, me and others on this side, by a number of constituents who seemed to have been excluded from the consultation process. I do not think that was the fault of the minister or the member for Jandakot. I think it was probably as a result of the willingness of some stakeholder groups to wholeheartedly endorse whatever legislation was introduced on the premise that the outcome was going to be achieved—that is, the banner headline was to be the outcome as opposed to what might be the outcome. The analysis was not appropriate. The appropriate questions were not asked. Some stakeholder groups appear to have been either ignored or excluded. As a result, the debate, as much as it was initially derided by some and criticised by others, has resulted in better legislation, which is the purpose of this place. That was put to me by some of the commentators in the media when I banged on, as one does, about the number of amendments the minister had to make to this legislation. The media response was, “Well, isn’t that what’s supposed to happen? Doesn’t that mean it’s good legislation?” I would say yes now, but had we not taken action and had we not performed the role of a good opposition by questioning the government and looking at what the legislation was actually introducing as opposed to what it claimed to introduce, far worse legislation could have been inflicted on the people of Western Australia and, indeed, on the moggies in the state.

I conclude my contribution there and hand over to a couple of other eager members of the opposition who also want to comment.

MR W.J. JOHNSTON: I know how pleased the Acting Speaker is to see me rise at this moment. I do not want to talk for long, but there is no time on the clock!

Mr D.A. Templeman: We have heard that before!

Mr W.J. JOHNSTON: There we go; we have time. I thought that I was joining my wife in the other place.

Mr G.M. Castrilli: As long as we are done by four!

Mr W.J. JOHNSTON: We will do it by four—no problems at all! I will take 51 seconds; here we go.

I want to talk about amendment 1 on the notice paper. I am pleased that the minister has made this change. This brings the two clauses into line. We had this discussion during the original consideration in detail stage of the principal bill. The minister has listened to reason. I congratulate him for having listened to reason. Like the member for Warnbro, I think other improvements could be made. I particularly think that we could have had better arrangements in respect of transition.

I was interested to receive a letter from the Cat Sterilisation Society last week that made the same point, but I will not labour that any longer. I congratulate the minister on amendment 1.

Mr J.M. Francis: Was that from Cherry Leonard?

Mr W.J. JOHNSTON: I am now going longer than I said I would. Yes, it was from Cherry Leonard.

I think that there could have been a better transition provision, but I congratulate the minister on amendment 1 and thank Mr Acting Speaker for his incredible indulgence to me.

Ms L.L. BAKER: I am very pleased about the amendments before us today. Sometimes the trip to the upper house is a productive journey.

Mr G.M. Castrilli: Sometimes.

Ms L.L. BAKER: I did preface that with “sometimes”. I am very pleased that we see the amendments before us. I am delighted that my colleague the member for Cannington’s amendments have been so faithfully accepted. I wanted to mention a couple of things. Because these amendments are being considered in a cognate fashion, this is an opportunity to make a couple of comments. Firstly, from my perspective this is a welcome piece of legislation. It is very much needed in this state. I think members know that I have always thought that.

I want to put on record yet again the issues around the cost of this process. All of my concerns at this time relate to the implementation—how we actually put the meat around this, because I see some real problems, and I am sure members are aware of them. I received some comments from the president of an animal charity called Friends of Companion Animals Society. Members would be aware of this group. It is a not-for-profit group that offers subsidies to pensioners and low-income earners to assist them with sterilising their cats and dogs. The group has pointed out to me that it has undertaken projects in low-income areas with many people in difficult circumstances and with complex family issues. They might be people with drug and alcohol issues or health issues, people who are unable to cope with the cost of living or who do not have transport—a million other reasons. Volunteers have assisted to get cats to vets for sterilisation.

Their concern is that this bill still seems to be aimed at middle Australia. They are saying that they have found many people experiencing severe financial difficulties who will simply not be able to afford the vet fees. I

understand that, in the purchase of a new kitten, this will perhaps come into play more than at present, but it is still going to have an impost on low-income earners and people who are least able to afford it, particularly pensioners. I would ask the minister to be very mindful of that.

When we were discussing this bill, a number of other matters were raised around the cost of implementation. One was the point at which sterilisation is mandated. I know, minister, that there have been compromises in legislation; there always are compromises. A whole new specialisation within the veterinary profession are “shelter vets”—it is an American term. It basically refers to veterinarians who are completely skilled and trained in working in animal shelters. They are trained that way because it is not a pleasant job sometimes, and they need to be quite resilient and have specific skill bases. Part of their skills and training involves sterilising very young animals, and cats in particular. At the moment 70 per cent of cats that are put into pounds are euthanased. That is what this bill is trying to get at. However, unless that line is stretched to enable veterinarians who are properly trained and skilled to sterilise kittens before six months of age—a cat can have two or three litters before the age of six months—that is not going to fix this problem. I again underline the importance of the government getting its head around this issue. It has got off on the right track with this bill. It is really good to see, but unless the government resources the bill, funds it adequately and gets behind organisations such as Cat Haven and all the little NGOs that do this work around the state, this legislation will not have the outcomes that I know the government has worked so hard to achieve.

The final point I want to make, and it might take me a few minutes to make it —

Mr D.A. Templeman: You’ve only got 44 seconds.

Ms L.L. BAKER: I think it is a very important point, and members will want to hear it.

The ACTING SPEAKER (Mr A.P. O’Gorman): Member, does it relate exactly to the amendments, because that is what you are supposed to be talking about?

Ms L.L. BAKER: Yes, it is completely related to the amendments. It relates to the amendments about when cats and kittens are available for adoption or for purchase. The amendments provide that kittens must be microchipped before they are six months old, and that is good. I wanted specifically —

Mr P. PAPALIA: I am sure that the member for Maylands is just about to wrap it up, so I would like very much to hear the remainder of her contribution.

Ms L.L. BAKER: Thank you very much, member for Warnbro. I would like to speak especially about the pet shop industry in this state. Many members on the government side and on our side of the house agreed that this bill should try to address issues about the sale of cats and kittens through pet shops. A code of practice for the pet shop industry is something that should be progressed as a matter of urgency. I am sad to see that it is not a requirement in this bill, but it is the one way that the government can take some positive steps to make sure that the sale of very young kittens in pet shops is done with a much better understanding of the problems of too many kittens being born—unplanned pregnancies.

Mr D.A. TEMPLEMAN: There is a big audience here this afternoon for my contribution. I am going to be very brief, because I know the minister will want to make his closing remarks before 4.00 pm. I support the amendments that have been presented and want to reflect on the debate that took place with regard to the passage of this bill through this place and now through the upper house. I think it demonstrates the importance of looking seriously at bills of this nature. We had the opportunity to debate widely the implications. On one particular night when we were sitting quite late, I innocently wrote on Facebook that I was still in Parliament debating the Cat Bill, and I wished I was home. Members would not believe the response that I got. It triggered this remarkable discourse on my Facebook site. I learnt a very valuable lesson that night. I was lampooned by people on my Facebook site, and I learnt a very big lesson.

Minister, the issue of cost is one that is important and is one that we will reflect on in the coming period as this bill is bedded down and takes effect. It is important that we remember that there are people out there who are hurting and for whom the imposition of added cost is an issue.

Mr G.M. CASTRILLI: I thank the members for Warnbro, Cannington, Maylands and Mandurah for their contributions. They covered the points that we have covered in the previous debate on this. I thank them for their assistance in getting these amendments through.

If the member for Warnbro looks at my inaugural speech, he will see that I made the point that I am here not to oppose all the time. I am genuinely here to make legislation better when we can. I am happy to work. I thank members for their contributions, and we will leave it at that, if that is okay.

Question put and passed; the Council’s amendments agreed to.

Extract from *Hansard*

[ASSEMBLY — Wednesday, 2 November 2011]

p8825b-8829a

Mr Paul Papalia; Ms Lisa Baker; Mr Bill Johnston; Ms L.L. Baker.; Acting Speaker; Mr David Templeman; Mr John Castrilli

The Council acquainted accordingly.