

ANIMAL WELFARE AND TRESPASS LEGISLATION AMENDMENT BILL 2020

Second Reading

Resumed from an earlier stage of the sitting.

MR S.K. L'ESTRANGE (Churchlands) [3.04 pm]: I will pick up where I left off before question time. The Labor government has a disastrous track record in handling the farming sector. As I said before, there is no better example than the federal Gillard Labor government bringing the beef export industry to its knees. I will go through where that ended up. Members will recall that some time ago, a *Four Corners* investigation of Indonesian abattoirs shocked all of us in Australia by showing us the appalling treatment of animals. Those animals needed to be better protected. The response of then Senator Ludwig was to announce that the live cattle trade would stop. He did not consult or look for a better way to fix the problem; he just stopped the trade altogether. He ordered that ban, despite industry representatives assuring him that exports could be conducted in a tightly controlled manner. I refer to an article on ABC online news entitled “Federal Court rules in favour of live exporters in landmark class action against Commonwealth Government”, which states —

Justice Rares found that then-Senator Ludwig ordered the ban despite knowing that industry representatives had assured him exports could be conducted in a tightly-controlled manner.

He also found that he had made no attempt to explore solutions with the Indonesian government and there was no advice from his Department about an exclusive ban on exports to Indonesia

The net result of what that federal Labor government did was a 300-strong class action that sought \$600 million in damages and lost income. The Federal Court has now ruled in favour of those farmers. I use that as an historical example of how Labor governments look for populism over an effective way forward. No-one is arguing that there was no need to intervene in what was going on in the abattoirs in Indonesia, but the key is how we go about ensuring that Australian industry is supported while we do our bit to protect animals. The opposition senses with this bill that the government continues to have a soft spot for left-wing activists. On one hand it looks as though it is trying to be hard and firm, but on the other it demonstrates some sort of acquiescence to their needs. It should focus on looking after the law-abiding citizens of Western Australia while at the same time keeping a close eye on the welfare of the animals concerned. That demonstrates a lack of commitment to this bill.

There are two key reasons the government is demonstrating a lack of genuine commitment to this bill. I look forward to getting a response to this question in the Attorney General’s reply: does he expect this bill to pass through Parliament before the 2021 state election? If his answer is no, it means that his aim to support farmers and look after their interests by keeping trespassers off their properties so that they can go about their lawful business in a lawful way without being harassed by illegal trespassers will not be achieved. If the other bit also does not get through, which is the bit in which the government is trying to look after the left-wing activists by increasing aspects of the animal welfare provisions, what is this bill really all about? It will mean that the government has not achieved either of its aims. If the Labor Party wins the election, it will have to start this bill all again. If it loses, it will be left to us to pick up the very rusty baton it will hand to us and to try to do something proper with it to support the farmers in regional and rural Western Australia.

That is the first reason the government lacks commitment to this bill. The second reason is that it has combined what should be two separate bills. It has effectively combined the needs of animal welfare with the needs of farmers who want to stop people from illegally trespassing on their properties and harassing them. Those two issues should have been separated and proper legislation should have been drafted. That shows us that, in essence, the government has been lazy in its scheduling of this bill and in its lack of support for the huge farming community of Western Australia that is so vitally important to our economy. It has not looked after that community. It has been lazy because it did not separate the two different needs of the bill.

As the minister would know, there has been a fair bit of commentary on this bill and about what people out there in the farming community think about it. Our own Hon Dr Steve Thomas, MLC, a passionate member of Parliament and a highly effective contributor to the Parliament, represents the people in the south west of Western Australia. When speaking about the bill, he said there were “disgraceful double standards on display” by the government. He said the government was —

... continuing to link the protection of farmers going about their lawful business “with Labor’s animal rights agenda”, the government was “engaging in victim blaming at its worst”.

I am sure Hon Dr Steve Thomas will enjoy hearing the minister’s reply and his view on the member’s approach to this bill. In further commentary, the member went on to say —

... the Agriculture Minister is giving farmers the message that they only deserve protection if her agenda is met,” ...

He is suggesting that a heavy-handed approach is being applied to law-abiding farmers who are just going about their lawful work. He has repeatedly called on the government to present two separate bills, as I outlined earlier—one for the immediate protection of farmers and a separate animal welfare bill. Another honourable member in the other place, Hon Rick Mazza, was of the view that aggravated farm trespass should incur fines of \$5 500 or three years' jail and up to \$22 000 in fines. He thinks that the government should have gone further and looked at what happened in New South Wales when it passed its bill, which achieved those outcomes.

In the agricultural sector, the president of the Pastoralists and Graziers Association of WA, Tony Seabrook, provided a submission to the government. It was reported that he was acknowledged but appeared to have been ignored. We would think that at the very least, the president of the Pastoralists and Graziers Association would have been consulted properly on this bill.

Mr J.R. Quigley: They're not intensive producers.

Mr S.K. L'ESTRANGE: He is still a pretty important stakeholder. That is the minister's view of how to treat stakeholders; he gives them a category in his own view as to whether a stakeholder is important to a significant bill dealing with trespassing.

Mr J.R. Quigley: It doesn't affect them.

Mr S.K. L'ESTRANGE: He was concerned that his views were not acknowledged. The minister ignored them. He thinks it is acceptable to ignore stakeholders.

Mr J.R. Quigley: We didn't include the City Beach surf club either.

Mr S.K. L'ESTRANGE: There we go! That is Labor's view and position on this bill. Let us compare it to whether the government should liaise with the surf lifesaving club in City Beach. That says it all. I have just outlined two key concerns to the minister: first, the government has not separated the key aspects of this bill into two different bills, which we think he should have; and, second, the government will not be able to get this bill into law because it has been tardy in its legislative agenda and it simply has not brought it into this house when it was much-needed by this sector. Now he is comparing it with the City Beach surf lifesaving club. That is absolutely ridiculous, and that is from a frontbench cabinet minister in the McGowan Labor government.

[Member's time extended.]

Mr S.K. L'ESTRANGE: We saw further commentary by the chief executive officer of the Western Australian Farmers Federation, Trevor Whittington. The member for Hillarys also alerted the minister to these comments. Mr Whittington felt that the government was not really committed to defending farms from anti-farming activists, otherwise it would have separated the two issues into two completely different bills.

A spokesman for a group called the Green Shirts Movement WA, Alan Sattler of Beverley, spoke about the draft bill. He thought that Labor set up the bill to fail because issues should have been treated with two different bills. He also thought that Labor did this deliberately because it has lost touch with where its food comes from and has a city-centric view, further evidenced by the minister today when he referred to the City of Perth Surf Lifesaving Club, as having some relevance to a bill to do with farmers, not surf lifesavers. Furthermore, on the welfare aspect, Alan Sattler was unhappy with the provision that a general inspector can appoint anyone they like with or without previous experience in agriculture and livestock production. That relates to clause 5 of the bill.

The government is not getting any accolades for its lack of effort, albeit it has put something on the table for us to debate. It will not get anywhere with it because the government has said so.

Mr J.R. Quigley: You've got to support it.

Mr S.K. L'ESTRANGE: We are supporting it but the government should have given it much higher priority than some of the other rubbish that it has been pushing through this place over the past three years. If we go back through *Hansard*, as members will recall, a year or so ago I listed all the things that were important but nowhere near as serious as helping our agricultural sector and stopping farmers from going about their lawful business. Let me move on.

The Legislative Council's Standing Committee on Legislation presented a report on the Animal Welfare Amendment Bill 2017 in June 2018. It had three key findings. Finding 6 of the thirty-sixth report states —

... it is reasonable that an entry to a private property should continue to only be effected in the circumstances currently set out in the *Animal Welfare Act 2002*. Should a search warrant be necessary, it may be granted under section 59(a)(i) of the *Animal Welfare Act 2002* ... This would cover grounds for suspicion that a breach of the national standards is occurring.

Finding 7 states —

The majority of the Committee finds that it has not been persuaded that there is a need for the creation of this new category of designated general inspector ... No evidence was adduced that the role of monitoring compliance with legislated standards and guidelines could not be adequately undertaken by existing inspectors, under existing powers ...

Finding 9 states —

... for the purposes of monitoring compliance with legislated animal welfare standards and guidelines, the comparatively unfettered powers of entry that are proposed for designated general inspectors are unnecessary.

That was from a parliamentary report on the matter.

I know that our Nationals WA colleagues on this side of the chamber are very keen to speak on this bill, and rightly they should be, as some other members would be.

In conclusion, yes, the minister's bill addresses trespass but it does not go far enough and it does not have the full support of the community that it is supposed to be supporting. Yes, it does address some animal welfare issues but it does so without listening to the advice of a parliamentary inquiry and without consulting properly with the farming sector to work out how it felt about it. It does so by combining it with the trespass aspect of this bill. Most importantly, this bill demonstrates a complete lack of commitment from the McGowan Labor government to properly understand the agricultural sector by properly thumbing through its government department budgets. It does not treat the farming sector seriously enough, it does not respect them enough and it does not support them enough. The Animal Welfare and Trespass Legislation Amendment Bill 2020 is further evidence of a farming sector that is made up of a lot of family small businesses that are doing it tough out there trying to make a living. However, most importantly, they are a critically important component of the Western Australian and national economy. Because of all that, this bill demonstrates again to me that the government does not care.

MR R.S. LOVE (Moore — Deputy Leader of the Nationals WA) [3.20 pm]: I would like to make a brief contribution to debate on the Animal Welfare and Trespass Legislation Amendment Bill 2020. I say from the outset that Peter Rundle—the member for Roe, I should refer to him as—is our spokesperson in this place on these matters. He has already given an excellent outline of the party's position regarding this very flawed bill. He has outlined that he will seek to make a number of changes as listed on the notice paper. He has also had drafted a private member's bill, which he will seek to introduce at some stage to improve the situation for the farming community regarding the animal industries facing the increasing intrusion of activists seeking to disrupt their business.

We know that this is not a new situation. It has been about two years, I think, since we first raised this. The Attorney General promised that he would introduce some level of protection for the farming community. As we know, since that time, the federal government has acted very quickly. It introduced a tranche of legislation to protect against a group known as, I think, "Aussie farms" that had published a website that was giving out farmers' addresses and the premises at which they carry out their business. Some of the information was quite erroneous, but many families were very concerned that the details of their family home were put on a website along with what they felt were some incitements to intrude upon the quiet enjoyment of their property.

We know that the Nationals in the federal government acted very quickly to introduce the Criminal Code Amendment (Agricultural Protection) Bill 2019 into the federal Parliament that sought to ensure that farmers could carry out their business without the threat of activists trespassing on their property, frightening farmers and their families, disrupting their business and putting biosecurity at risk. That is the other aspect of all this. We know that when someone comes onto a property, there is a certain level of fear and disruption and there might be a certain level of economic damage to the immediate carriage of the business. However, we see now with this pandemic just how frightening and how real is the risk of biosecurity being breached. Many farming properties now have clear signs indicating that they have a biosecurity policy whereby they like to invite people onto their properties; they like to know that people are coming onto their properties and are taking appropriate measures to ensure they are not bringing weeds or other disease pathogens they might be carrying either on their clothing or themselves. They may have visited another property. We do not want to see a disease go from one property to another and infect the animals on that property. Biosecurity is very important and it is very important that people are not encouraged to breach biosecurity and put at some risk farmers' personal comfort and security.

That commonwealth bill has made it an offence to publish material by a carriage service with the intent to encourage others to trespass, to damage property or commit theft on agricultural land. By way of explanation, a couple of offences in that bill are, first, a person uses a carriage service to transmit material with the intention that the material be used by another person; and second, trespasses on agricultural land and is reckless about whether this could cause detriment to a business carried out on this land. That has a penalty of up to 12 months' imprisonment. The second offence, which criminalises the use of a carriage service to transmit material with the intention that the material be used by another person to unlawfully damage, destroy property or commit theft on agricultural land carries a five-year penalty. They are very substantial penalties indeed.

The commonwealth bill was aimed at actions against carrier services because that is the area of commonwealth responsibility. It was quite clear that state and territory governments are responsible for laws against trespass on private property. We know that over recent times, a whole raft of states have introduced such measures. Western Australia seems to have been dragging its feet. As I said, a couple of years after we first saw the need, a bill has finally been brought into the house. We know that the Animal Welfare and Trespass Legislation Amendment Bill 2020 has two aspects to it. It seeks to make changes to the Criminal Code and the Restraining Orders Act to deal with the issue of trespass onto property. There is also the aspect of changes to the Animal Welfare Act. The National Party is opposed to this mongrelisation, if you like, of the two elements of the bill. We know it is very important that we deal with the trespass matters and that animal welfare is very important. We do not see why the government is seeking to bring those two together in the one bill. The National Party would rather see a bill that sets out to protect the livestock industries and the subsequent food supply chains, which is something that this bill does not really do. These matters are very dear to the hearts of the National Party. All National Party members represent areas where livestock production is carried out. The Leader of the National Party, the member for Central Wheatbelt, has very significant producers in her area and very significant processing operations for meat and for the production of eggs et cetera. People like the member for Warren–Blackwood have a significant dairy industry as well as the other livestock industries.

In the area I represent there are very significant intensive animal production places with very large live piggeries, very large egg-producing properties and substantial chicken meat production farms. We are talking of farms of hundreds of thousands of birds in each centre. Probably millions of birds are kept in the electorate of Moore. Very close to our roles as local representatives is the need to ensure that people carrying out these businesses feel safe in going about their business. As I said, when running a business of several hundred thousand animals in one spot, producers cannot afford to take risks with biosecurity. People cannot go onto properties willy-nilly; people have to be vetted properly. Visitors to those types of production facilities will be asked to suit up completely with personal protective equipment from top to bottom to cover the whole body with a suit and perhaps with a mask. The whole idea is to keep animals safe from the intrusion of disease and pathogens. That is an economic imperative and an animal welfare imperative. We would not want to see animals suffering unnecessarily due to the introduction of a debilitating disease or pathogen. As I said, my electorate contains not only these large intensive production facilities, but also the Muchea Livestock Centre. We know that it has been targeted by animal activists in the past, and that was very disruptive to the industries that operate in that area.

I have to say that our party spokesperson on agriculture, Hon Colin de Grussa, has done a power of work in addressing a whole range of animal welfare aspects in bringing to public attention the need for these criminals to be stopped from going about what they do. It was largely through his efforts and that of others that the Nationals adopted rural crime as a focal point in its policies at state conference. Our policy is that we would seek to implement a rural crime strategy because we know how important all of those matters are. I am not going to read from the whole sheet; I have a discussion paper that outlines the Nationals' rural crime and animal activists' policy. It refers to the sorts of things that we are talking about here today, such as the need to protect farms and ensuring that police have the resources to undertake that task, which is, sadly, also lacking in this legislation.

We strongly support the need to increase powers to prevent trespass. We do not think the proposed measures in this bill go far enough. The member for Roe outlined the reasons in his contribution yesterday, so I do not need to go over all of those again. I will reiterate that we do not want to see these two different types of measures—the animal welfare changes and the trespass provisions—compounded. We do not see that as a productive way to go about things. We wonder why it took so long for this bill to come to this place. Why would the government introduce bringing in designated general inspectors and changes through the Animal Welfare Act when a review is being undertaken? The review group has been taking a lot of evidence. That review is being led by an independent person, Linda Black. It cannot be very far from bringing down its recommendations. For the life of us, we cannot understand why the government has put the cart before the horse and come forward with legislation before we have considered the recommendations from that review. That review will look at a range of things to do with animal welfare in the livestock industry. There may be other changes in there. We are happy to have the debate about welfare changes and we are happy to make sensible changes to ensure that there are good animal welfare outcomes. Do not get us wrong: we are not anti-animal welfare. We are confused and dismayed that changes to the Animal Welfare Act have been introduced to this place before the findings of that review. Instead of relying upon a science-led response to all of this, we are going to run with an emotive response.

The first bill to be introduced, I think in 2017, died a natural death; it was sent to a committee and was never heard of again! That bill sought to bring in the same sorts of powers for general inspectors, but that bill did not progress. I suspect that the Minister for Agriculture and Food had a preconceived idea about what was required—preconceived from her days of standing on Fremantle Traffic Bridge with the rest of the mob trying to get live exports banned. She has these views about animal welfare, which are not in train with the general views of rural communities. It is disappointing that the minister does not share the passion for the livestock industries that we, as local members, all feel. It is disappointing, too, that the government has chosen to bring these measures to the house before we know what that review panel will come back with.

As I said, we will be happy to debate the findings of the review panel and we would be happy to seriously consider the findings of the review at the appropriate time, and to consider an animal welfare amendment bill that is based on some degree of science instead of pure emotion and the preconceived ideas of the Minister for Agriculture and Food, which is what we seem to have at the moment. In its current form, this bill is not supported by most of the key industry groups, including WAFarmers and the Pastoralists and Graziers Association. I thought we heard before that the Green Shirts Movement was not supportive of it, as well as the West Australian Pork Producers Association and the Commercial Egg Producers' Association of Western Australia. I do not know; the list goes on and on. I am not aware of anybody from the livestock industry who is supportive of this bill coming forward in the way it has. People are keen to see the trespass penalties increased and they are keen for people to be stopped from reoffending through changes to the Restraining Orders Act. They are keen to increase the likelihood of people respecting the law as opposed to what we saw with some of the activists who claimed that nothing will stop them; they will keep going for as long as they feel like it. There needs to be strong action.

Dr A.D. Buti interjected.

Mr R.S. LOVE: Thank you, member for Armadale, but you will have a chance. There needs to be strong measures —

Dr A.D. Buti interjected.

Mr R.S. LOVE: Sorry, I will start again.

The ACTING SPEAKER (Mr I.C. Blayney): Member for Armadale, if you interject again, I will call you.

Mr R.S. LOVE: Thank you for your protection, Acting Speaker.

The animal welfare provisions of this bill are thrown in without due consideration for their actual need. They are thrown in there before we know the findings of that review panel. We know that that strikes a chord with Labor Party decision-making in these areas. Another speaker alluded to former federal minister Joe Ludwig's disastrous decision-making around those horrendous times with the Indonesian cattle trade. That has led to the federal government being found liable for hundreds and hundreds of millions of dollars in compensation. Having said that, I personally know people who were severely financially affected by those decisions, and still today bear the burden of the losses from that period. For them, compensation is only just and necessary to make up for the outrageous decisions of a previous Labor government. We do not want to have any more outrageous decisions by Labor governments. We are quite happy to come here and talk rationally about what is required, which is changes to the trespass law. We want those, but what is not required at this point is changes to the Animal Welfare Act until we have had a considered response from the group undertaking that review.

[Member's time extended.]

Mr R.S. LOVE: I assume that that group's recommendations will be considered because it would have taken and looked at evidence instead of saying, "I think it would be a good idea to get some general inspectors in there, just like I thought in 2017 when the Parliament first said no." Instead of decision-making like that, we would like to see decision-making that is respectful of the views of the community and not just livestock producers; the views of the community are being sought here. The government is being disrespectful to the group undertaking that review by bringing this matter forward and conflating these two issues. It is being disrespectful of the group's time in undertaking that review. It is quite disingenuous to bring these two together to say that they are going to protect farmers only if we can ensure that there are no problems. I heard the Attorney General say that he needs powers to ensure there are no problems with animal welfare in some of these places that are being protected. I do not disagree with that, but I ask the Attorney General to bring that forward in the animal welfare act review, which is going on now, and not bring it forward when the government has not fully considered the ramifications of what it is asking. There are already powers for some of these inspections to take place. Inspections take place now at places like saleyards et cetera. If there is a reasonable suspicion that something is going on, it needs to be investigated. That power exists now; it is not necessary to change the law.

As the member for Roe outlined, one shortcoming of the bill is that the range of premises that will be protected is very restricted. We would like the range of premises extended to include the whole food chain right from the place of production of the animal, to transport of the animal, to the sale and distribution of the animal, to the processing of the animal or the animal product, through to the product's sale in supermarkets, butcher shops, restaurants and other outlets. We all remember the tale of the poor old Gippy Goat Cafe, the business that was sent into a tailspin because it had the temerity to sell homemade goat's cheese. It was terrible to see a business like that become the focal point of national action against farmers, the livestock industry and, I guess, the food industry as well.

In this country we are very lucky to have clean and safe places to produce food. There is already a very high standard of animal welfare in this country. I resent the undercurrent of this government that says that farmers are callous and have no regard for animal welfare. We have heard that in the debate on live exports and we hear it in the debate on this bill. It seems the government is suggesting that it will only protect the industry and only if it should have the power to enter premises and basically do what other people have been doing. How do we know that inspectors

will be properly trained? How do we know that inspectors will respect the biosecurity measures that I spoke about before? There is very little assurance for the industry that what is being proposed will actually be safe. Whether what is being proposed is necessary is very questionable. I do not think it is necessary. I think that powers already exist so that inspections can take place when there is a reasonable suspicion of dereliction of duty or cruelty. But the government is now asking for extraordinary powers so that someone can enter a business unannounced, without any reason. I think that that is just un-Australian.

I know that during the COVID-19 crisis, the community has accepted a lot of changes and a lot more, shall I say, police interference in our daily lives in order to protect the community. We accept that and know where it leads. But we do not accept the need, without any evidence being presented, for designated general inspectors. The fact that the government is rushing this bill through before the review of the Animal Welfare Act is finished suggests to me that perhaps the government is concerned that the review does not support the designated general inspectors. The minister has long coveted these powers. The minister tried to put them through in 2017. I think that the government is getting in before the review is complete to make sure that this happens and before the review concludes that animal welfare outcomes are pretty good in Western Australia, that not a lot is wrong in the production systems in Western Australia and that most of the large intensive agricultural areas that the government wants to inspect have very, very, very strong economic drivers that make sure animals are well, healthy, well kept and in the very best condition to produce the food that we all need.

Dr A.D. Buti interjected.

Mr R.S. LOVE: We question the need for the bill. I wonder why the government has brought it forward at this time when the review is still being done. The only answer that comes to mind is that the government does not think that the review will go down the same track that it wants to go down—the track that the government tried to go down in 2017 to bring in designated general inspectors. We are going to oppose that part of the bill. The member for Roe has some very good changes on the notice paper to cut that out and to increase the trespass provision powers. We will argue a case that those amendments should be accepted. We will take our case, presumably, to the other place, because the government has the numbers in here; we know that. We will do our best to ensure that the government respects the community and respects the findings of the review that the government initiated but cannot wait for before rushing in here and introducing designated general inspectors. The government tried to introduce the same type of thing in 2017. It was rebuffed then and it should be rebuffed this time.

MS C.M. ROWE (Belmont) [3.45 pm]: I rise today to make a brief contribution on the Animal Welfare and Trespass Legislation Amendment Bill 2020. I principally want to touch on the amendments that are being made to the Animal Welfare Act, which I believe are desperately overdue. On that note, I congratulate our Attorney General for incorporating these measures into the bill that we are debating today.

I have to disagree with the previous speaker, the member for Moore, because, presently, no powers provide for the monitoring or random inspections of abattoirs, knackeries and intensive production places. Consequently, inspectors do not have the power required to ensure that animal welfare standards are upheld in animal source food production. As a result, cases of major animal cruelty could have gone undetected until, potentially, uncovered by stealth by investigative journalists or animal activists, if at all. That is just not acceptable. Understandably, the public expects far more from us in this place on this matter.

Last October, members will recall the horrific footage that aired on the ABC's 7.30 report on the treatment of retired racehorses in abattoirs—I acknowledge this was in the eastern states. The footage shone a very bright light on what can only be described as wholesale abuse of horses in abattoirs and knackeries. It showed horses being whipped, kicked and punched. It showed electric prods being used on horses' genitalia and anuses. It showed deeply distressed animals being chained and brutally abused before being slaughtered. The program was truly traumatic viewing. Like many others, this footage left me heartbroken and disgusted, but mostly angry that such depraved animal cruelty could occur on a large scale and be completely undetected by authorities. The current system failed to protect those animals; it is clearly not effective. Therefore, to say that there are provisions already in the current legislation to protect animals here in Western Australia is, I believe, completely fanciful.

One of the thoroughbreds captured in the report, Wars End, had won \$400 000 during its career, yet it ended up on the floor of a slaughterhouse, kicked, punched, abused, tossed away and left to die in an absolutely horrific fashion. The report found that this is not an isolated incident. Over a 22-day period at one slaughterhouse in Queensland, more than 300 racehorses were killed. If we extrapolate that out, 4 000 thoroughbreds would have been destroyed in a single facility over 12 months. This cruelty came to light only because animal activists covertly obtained the footage. That alone speaks to the necessity to have provisions under the law to conduct random animal welfare inspections. Without such oversight, the door will be left wide open for this type of activity to go on behind closed doors, for no-one to see or certainly do anything about. No industry should be above scrutiny or oversight. It is as simple as that. The Animal Welfare and Trespass Legislation Amendment Bill 2020 will provide the regulation and oversight necessary to work towards eradicating such cruel practices, which came to light in the 7.30 report that I just mentioned. I firmly believe an investigative media exposé should not be required to identify businesses or

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Mr Sean L'Estrange; Mr Shane Love; Ms Cassandra Rowe; Dr Tony Buti; Mr Vincent Catania

industry sectors that are not following animal welfare legislation, yet that is where we find ourselves presently. These laws will empower designated inspectors to ensure animals in abattoirs, knackeries and intensive production places will be treated humanely and in accordance with the law, which is the very least that we can do.

I cannot logically understand how anyone could argue against a provision that protects animals against cruelty. There seems to me no rational or humane reason one could oppose such measures, yet the president of the Pastoralists and Graziers Association, Tony Seabrook, criticised the specific reforms, claiming that they went too far and suggesting that inspectors have too much power. In an ABC News article titled “WA farm laws to stop animal rights activists trespassing anger farmers by boosting animal welfare inspection powers” on 5 March 2020, he states —

“These people have a right of entry at any time and without a warrant,” ...

That is precisely the point. They can enter at any time, just like health inspectors can turn up at any cafe or any restaurant around the state to ensure that the business is complying with the law. That is exactly the point!

Clearly, my background is not in farming. I was a financial planner and we used to have a saying: “Comply or die!” We, like every other industry, made sure that we complied with the law. We would have mystery shoppers, a random inspector or compliance officer would come in for a mock interview to make sure that we were conducting ourselves in accordance with the law. We did not throw our arms up in the air and say, “Well, this is ridiculous; this is going to affect my business and my livelihood.” We recognised that we were doing important work that should be transparent and accountable. We should be made accountable for what we were doing and saying with regard to the public and its money. Therefore, I do not see why any industry would think that it is appropriate in this day and age to be above that sort of scrutiny.

The recent royal commission into the banking sector looked at instances of poor behaviour in the banking industry. That came to light and there was a lot of media coverage on that. The royal commission followed and there were recommendations made and changes to the law, which is expected by the public and is the right thing to do. If a business or farm is doing the right thing, there is nothing to worry about—plain and simple. There should be no reason why anyone would oppose transparency and oversight in any industry—end of story—especially when we are dealing with living animals. The community 100 per cent absolutely expects this to occur. The community does not accept animal cruelty. Those who oppose the provisions in this bill are out of step with the community and, frankly, handing a free pass to those who are engaging in cruel and inhumane practices.

Importantly, this bill provides the department with the necessary resources and powers to investigate intensive production places, abattoirs and knackeries, and to punish offenders when necessary. Without these provisions, there is an obvious absence of appropriate oversight capacity to identify animal cruelty cases and prosecute those who abuse animals. Importantly, this legislation provides inspectors with appropriate guidelines to execute this role effectively. The crucial aspect of the legislation is the power of entry afforded to these inspectors. As I have mentioned, under these provisions, a designated inspector may at any time enter knackeries, abattoirs and intensive production places only to carry out an animal welfare inspection. That is the most critical element of these provisions, and without them, we are leaving ourselves wide open for abuse to occur.

These provisions will most certainly allow for earlier and easier identification of animal abuse and, importantly, will serve as a very powerful disincentive to those who may consider compromising on their animal welfare responsibilities. This is a major step forward for animal welfare in the state. I feel very strongly that these measures will work to reduce the instances of animal abuse and will ensure that those doing the wrong thing are caught and punished accordingly. I hope that members on the other side of the chamber will support these provisions because they are so crucially important for the humane treatment of animals in our state.

As members of Parliament, clearly, we should be striving to reduce instances of animal abuse and to allow for offenders to be identified more easily. It is the right thing to do. There is no reason and no excuse to oppose the amendments in the bill, which look to enshrine greater protection for animal welfare. I am relieved that the McGowan government is acting to protect the welfare of animals in the state.

I commend the bill to the house.

DR A.D. BUTI (Armadale) [3.55 pm]: I wish I did not have to start speaking at a few minutes to 4.00 pm, so I will try to save most of my comments for when we resume tomorrow. However, may I say, the member for Belmont gave an outstanding contribution to the second reading debate of the Animal Welfare and Trespass Legislation Amendment Bill 2020 and I agree with all that she said.

Mr P.J. Rundle interjected.

Dr A.D. BUTI: It is good to have the real farmer behind the member for Roe; he has just walked into the chamber.

Mr V.A. Catania: Very good picker when it comes to limes and mangoes—good farm hand!

Dr A.D. BUTI: When this bill was introduced, the Attorney General said —

Extract from Hansard

[ASSEMBLY — Wednesday, 16 September 2020]
p6024a-6031a

Mr Sean L'Estrange; Mr Shane Love; Ms Cassandra Rowe; Dr Tony Buti; Mr Vincent Catania

... I am so pleased to introduce the Animal Welfare and Trespass Legislation Amendment Bill 2020.

...

The bill will amend three primary acts: the Western Australian Criminal Code, the WA Restraining Orders Act 1997 and the WA Animal Welfare Act 2002.

It has been interesting listening to the contributions of the Nationals WA members today. Last week, the member for Roe made a contribution on this bill and I note that he has a strong view on it. Being a farmer, he obviously has a very particular interest in this issue and a certain point of view. I respect his point of view; however, I do not agree with his or the National Party's position on this bill.

It is hard to understand where the Liberal Party members sit on this issue. From what I can understand, they appear to support this bill, but they do not want to say that in a strong manner because they do not want to upset the other side of the conservative—I would be stretching to call it a “coalition” or even an “alliance” nowadays. It is interesting—I will move on to this tomorrow—that the criticism made by the member for Moore was that we should worry about the part of the bill that deals with trespass, but we should not worry about the animal welfare part of the bill, because the National Party is the champion of not doing the hard work or making the hard decisions, as was the case in the Barnett government. National Party ministers enjoyed the privileges of being ministers but did not have the discipline to stand behind cabinet decisions if they did not agree with them. It was an absolute shame to the Westminster convention, and we know what happened in New South Wales quite recently. It is the typical National Party way of doing things. It is the most sectarian party in Australia. It is easy to be a party that deals with only one part of the population, but not with the whole population.

Mr D.T. Redman interjected.

Dr A.D. BUTI: You sat in government! You enjoyed the privileges of being a minister!

Mr D.T. Redman: You've got no idea!

Dr A.D. BUTI: That is all you ever say—that we don't know anything over this side of the chamber. Well, that is absolute rubbish!

Point of Order

Mr V.A. CATANIA: The members of Parliament were just misled. The Labor Party does not know of anything over the Darling Scarp!

The ACTING SPEAKER (Mr I.C. Blayney): Thank you. There is no point of order.

Debate Resumed

Dr A.D. BUTI: I think the Labor Party has more members based in the regions than the National Party does. More Labor Party members probably live in the regions than do National Party members. This is such a typical response from the National Party on this bill: “We like the trespass part but the other bit is a bit uncomfortable for our constituents, so can you separate it?”

Mr P.J. Rundle interjected.

Dr A.D. BUTI: It is the three-year review on the agricultural act.

Mr P.J. Rundle: On this legislation?

Dr A.D. BUTI: Not on this legislation, but part of this legislation. Nationals WA members were the ones who kept asking questions of the Attorney General. The member for Moore asked when we were going to bring in legislation to deal with trespass. We have brought in this legislation, but of course members opposite are not prepared to deal with the difficult situation of animal welfare at the same time. They would pass a trespass bill straightforward—no problems! That is the easy part to pass for the people whom they say they represent, but they are not prepared to pass the difficult part, and that goes with the way that they behave in this place. Their leader wants to take the easy road as she did when she was a minister. I do not know how Colin Barnett lasted as Premier for eight years having to deal with National Party cabinet ministers who wanted to take the joys and privileges of being a minister, but would not be disciplined in agreeing to decisions.

Debate adjourned, pursuant to standing orders.