

**ANIMAL WELFARE AND TRESPASS LEGISLATION AMENDMENT BILL 2021**

*Second Reading*

Resumed from 29 November.

**MRS J. PRICE (Forrestfield — Deputy Speaker)** [2.56 pm]: It gives me great pleasure to contribute to this debate. As we have heard from previous speakers, this bill had been previously introduced to the house. Unfortunately, it did not reach conclusion in the other place.

It was interesting to listen to some of the contributions yesterday on this legislation, especially that of the member for Roe. He gave his support for, but continued his opposition to, the bill. It was interesting to listen to his reasons. If we read the Animal Welfare and Trespass Legislation Amendment Bill 2021 and look at what it addresses, we see that it is perfect. It is a very well-balanced piece of legislation that tries to provide a sensible response to this issue. The bill is fairly targeted at addressing the behaviour that sparked the genesis of this legislation—that is, the illegal behaviour of activists who trespass onto property and even steal animals from farms. No-one condones illegal activity; however, in saying that, we need to provide the opportunity and avenue for people to be able to protest. We have to be careful how we balance that.

This legislation will introduce a new offence of aggravated trespass, but it will not change the general trespass legislation, which I think is really important. I will explain why it is important to keep this balance. We have to have balance in everything. It cannot all be one way. Some producers have opposed some of the other amendments contained in this bill, such as the provision for designated inspectors. If someone has nothing to hide, they should not fear someone coming to have a look at what they are doing. That is really the genesis of this legislation.

Historically, we have seen that some people who have not been happy with something or have witnessed an animal welfare issue that they could not stand have felt that they have needed to somehow shed light on those activities and have been driven to undertake activities that could be considered illegal. However, the end result was an improvement in the circumstances that led them to undertake the activities they did. That is my point about maintaining balance. To try to explain that a little better, I have a few examples of when this has occurred and what the outcome has been.

For my first one, I refer to a documentary that was on *Four Corners* back in 2011. It contained horrific footage from inside an Indonesian abattoir where exported Australian cattle were processed. The *Four Corners* documentary resulted from an investigation that it undertook that involved capturing video footage of some of the practices in another country. It led to people in Australia reacting to the inhumane treatment and slaughter of these animals. We know what the end result of that was. My good friend, the minister at the time, Hon Joe Ludwig, put an end to the export of live cattle to Indonesia for a period. That response caused further reactions within the industry.

**Mr P.J. Rundle:** That is an understatement.

**Mr S.J. PRICE:** Yes, I know. There is a fairly large legal suit as a result of it as well. Joe's reaction may have been a bit of an overreaction but there was a real issue with the way these animals were being processed over there. The covertly captured footage and the documentary shone some light on the issue and enabled some improvements to be made. There have been some improvements to the way these animals are processed in other parts of the country. We need the balance. We cannot have it all one way and say we cannot allow people to protest and to be activists to stop them doing these things. That is probably one of the more recent examples of this.

I was reading from an ABC online media release dated 30 May 2011. I will move to another recent example. The article I will cite next refers to a *60 Minutes* episode that showed disturbing video from a live sheep export vessel. This is from 9 April 2018. As we know, once again footage was captured on one of the large sheep export ships coming out of Australia. The article states —

On board, the sheep were stacked 10 storeys high and forced to stay standing for three weeks—that's if they survived the trip.

After three weeks, the ship reached blast-furnace conditions of summer in the Persian Gulf.

On one voyage, ship records confirm more than 880 sheep died in one day from heat stress. That's one death every two minutes.

The next day, 517 died.

When we read about the ship that was involved in this case, we learn that for the boss, Graham Daws from Emanuel Exports, this was not a huge concern until it was pointed out. For example, the industry inducted Mr Daws into the LiveCorp Hall of Fame in 2017. As a result of someone capturing this footage covertly on the vessel, the footage was then aired, the public was made aware of what was going on and there was a subsequent reaction to that.

The restriction of live sheep being exported during a particular hot summer period in the Northern Hemisphere has resulted in those conditions being avoided for the sheep. However, there is still a lot of evidence around that highlights that the conditions—the penning, the stocking, the feeding, the ability for the animal to undertake normal activity—can have a horrific impact on an animal. I should have got the details of this, but there have been studies on the number of breaths that a sheep takes when it is under heat stress. There have been studies on sheep on live export ships, and the display of distress is absolutely incredible. It is taking hundreds of breaths per minute as a result of —

**Ms C.M. Rowe:** I think it is over 160.

**Mr S.J. PRICE:** It is 160. I thank the member for Belmont. I make no bones about it. I do not support live sheep export.

**Mr P.J. Rundle:** You do not agree with the Premier who said now that the changes have been made, he thinks that live export is a viable industry since the various companies have adapted to make those changes?

**Mr S.J. PRICE:** Member for Roe, as I just said, I do not support the live sheep export trade and I commend the federal government and the federal Minister for Agriculture, Hon Murray Watt, for what they intend to do and how they intend to phase out the industry. Once again, the industry has not had enough light shone on it. As a result of some footage coming to light, people have become more aware of the conditions that these animals have to suffer for them to get to their end destination. There are alternatives. We can process onshore. We do not have to live export. We can create an industry here, which would replace some of the displacement as a result of shutting the industry down. It would be a more profitable and a more humane way of treating these animals.

Even more recently, another example of covert footage being taken that has resulted in significant changes was once again in a *Four Corners* report. I am reading once again from the ABC news, dated 17 October 2019, on the widespread slaughter of racehorses for pet food and human consumption at abattoirs and knackeries in New South Wales and Queensland. We all remember this footage of these horses—ex-racehorses, ex-pets—going to these knackeries and the way they were treated. It was just horrific for anyone who saw it, and I am sure a lot of people saw the number of horses that went through these knackeries. I will come back to the term they use—“wastage”. Wastage is such a horrible term. I will read briefly from this news article. It says —

Australian horse racing is a big business that requires big breeding.

Last financial year the industry produced 14,000 foals.

That was the 2018–19 financial year. It continues —

Each year around 8,500 horses are retired from the track.

According to the racing industry less than 1 per cent are ending up at a knackery ...

But Professor McGreevy says —

“The industry tells us that 0.4 per cent of horses leaving the racing industry are ending up in a knackery or an abattoir, which I think equates to 34 horses per year,” ...

“That’s what the industry is assuring us of.”

But those assurances are unreliable.

“The figures don’t add up,” ...

“If my concerns are substantiated, then we’re talking about a large number of horses that are meeting a very grisly end.”

He said the number of horses disappearing each year could be in the thousands.

“In the order of at least 4,000 horses,” he said.

As a result of this horrific practice of disposing of racehorses, particularly through a knackery, there were changes to the way they were dealt with. Here in Western Australia we introduced the Off the Track program for our retired racehorses. That has since seen an Off the Track passport developed and established. Off the Track has gone through and identified close to 3 000 racing horses in WA that have actually retired recently and can still be identified. Significantly more of those animals have retired but Off the Track is only able to trace what it can. Those that retire now have the option to go to Off the Track and they get to live a much more wholesome and fulsome life undertaking another more pleasurable activity, whether that be riding or dressage or something like that. Once again, if it had not been for someone going into someone’s property, taking footage and making it public, none of this would have happened. It comes back to the balance; people still need to be able to protest and undertake activities, and do that without too much fear of significant prosecution.

I have left the best one, in my view—not the best one, the worst one—until last. This is going back to 2016. This is one of the most significant examples of undercover surveillance on a particular industry and it had a significant

outcome. I refer to the live baiting scandal in New South Wales. I will read from ABC news article, “How the live-baiting scandal led to the downfall of greyhound racing in NSW”, of 7 July 2016. It states —

The program, which aired in February 2015, revealed shocking footage of live piglets, possums and rabbits being used to “blood” greyhounds during secret race training sessions.

As a result of this particular program, given the way the animals were trained and the way in which they were disposed, the industry was to be shut down by the government; it just could not believe it.

Another article titled “Greyhound racing: Piglets, possums and rabbits used as live bait in secret training sessions, Four Corners reveals” states —

Australia’s greyhound racing industry is in turmoil after a Four Corners report revealed conclusive evidence of live baiting during secret training sessions.

...

One clip from the footage, secretly filmed at training tracks in Queensland and Victoria, showed dogs being allowed to attack a writhing possum suspended from a lure.

Another clip showed a possum flung around a track 26 times at high speed. When the lure stopped 56 minutes later, the possum had been snapped in half and was only attached to the lure by its spinal cord.

These horrendous practices went on until this was exposed.

[Member’s time extended.]

**Mr S.J. PRICE:** The exposure of these particular practices led to the Special Commission of Inquiry into the Greyhound Racing Industry in New South Wales. I will quickly touch on the inquiry. It produced three volumes of material and there were 767 pages of information, plus a fourth volume that contained appendices. I will read from the preface of the report —

This Report is the result of an extensive inquiry into the greyhound racing industry in New South Wales held under the Special Commissions of Inquiry Act 1983 (NSW). The Inquiry was set up by the New South Wales government in February 2015. It followed the exposure by the Australian Broadcasting Corporation’s Four Corners program of the horrific practice of live animals being used to train greyhounds and the resignation of the then members of the Board of Greyhound Racing New South Wales ... and its Chief Executive Officer.

The live baiting was just the tip of the problem. The first chapter “Overview of the Special Commission of Inquiry” refers to wastage. I mentioned this before. Wastage refers to the non-productive animals that are involved in the industry. The report states that in New South Wales —

The normal life expectancy of a greyhound is between 12 and 15 years. Over the last 12 years, 97,783 dogs were whelped in NSW. Currently, there are about 6,809 registered greyhounds. A greyhound is eligible to be registered when it is 12 months old. Absent death through misadventure or illness, the average life expectancy of a greyhound indicates that another 90,974 greyhounds should still be alive.

It goes on —

... of the 97,783 greyhounds that were bred in New South Wales in the last 12 years, the evidence suggests that somewhere between 48,891 and 68,448 dogs were killed because they were considered too slow to pay their way or were unsuitable for racing.

These people say they love their dogs, but this is how they treat them. This is how people treat their animals when they say they love them. It is a result of people undertaking the activities that we are trying to stop that these things come to light and changes are made to improve the circumstances and the welfare of the animals.

It is interesting that the special report goes on to talk about social licence. I know the member for Cockburn touched on social licence. Social licence is a difficult thing to define because it has a moving definition. It is interesting that one of the definitions of social licence in the report refers to a definition made by the CSIRO. It states —

... a “social licence to operate” refers to the “ongoing acceptance or approval from the local community and other stakeholders” involved in an industry, project or operation. It is “intangible and unwritten” and can therefore be distinguished from a statutory licence.

Social licence is very important. I will stick to the greyhound industry at the moment—it is not an industry, so I will say greyhound racing. It goes on —

Rather than a simple binary framework in which a social licence either exists or is absent, Parsons, Lacey and Moffat have described a social licence as something that exists on a continuum. They suggested that

a social licence involves expectations, which may shift over time. In this way, it is possible to conceive of a social licence that may be firmly established at one point in time, but may lose legitimacy as community standards develop. This version of the social licence applies comfortably to the greyhound racing industry. Because of an increased social focus on animal welfare and the giving of a higher priority to animal rights than was the case in earlier times, the legitimacy of the greyhound racing industry throughout the world and the strength of its social licence to operate has been declining for several decades. In many jurisdictions, legislatures have withdrawn the social licences of their commercial greyhound industries.

That social licence has led to the decline of greyhound racing around the world. According to the most recent documentary I have seen relating to greyhound racing around the world entitled *Run to Death: The Rise and Fall of Greyhound Racing* by Ryuji Chua, only 115 legal greyhound racetracks are left in the world.

**Ms L.L. Baker:** How many have we got?

**Mr S.J. PRICE:** Unfortunately, 64 of them are in Australia. The home of greyhound racing is the United States of America, where it was first started. It has only three tracks left, with one of them shutting at the end of this year—so only two tracks will remain in the USA. Greyhound racing is old, archaic, inhumane and unsustainable. It has lost its social licence. Part of that social licence is integrity and why people do not actually trust the people who tell us what is going on in that industry. One of those aspects that I wish to talk about is animal welfare and the injury rate of greyhound racing in Western Australia. According to Racing and Wagering Western Australia's 2022 annual report, 2.95 per cent of all racing dogs received an injury in the 2021–22 financial year. We could take that on face value. This is a conversation that I have had with numerous people who question why injuries are not reported. We would think that 2.95 per cent is not much. A total of 1 630 unique dogs raced during 2021–22. That does not mean that 2.95 per cent of those 1 630 dogs were injured. That 2.95 per cent refers to the number of starters, so there were 29 000 starters—that is, dogs in a race times the number of races. There were 911 injuries in 2021–22. Those 911 injuries of the 29 000 starters gives us that 2.95 per cent. If we make the assumption that every injury referred to one dog, 911 dogs out of 1 630 dogs were injured in that year, which is 56 per cent of them. Why does Racing and Wagering WA not just say that? I know that some dogs received multiple injuries, so the number of dogs injured could well be closer to 50 per cent, but why try to make it look better than it is? That is why people do not trust what is going on. That is why greyhound racing is losing its social licence.

People are concerned about a number of issues relating to greyhounds. The breeding of puppies is one such issue. We have a whole-of-life tracking system here in WA. Once a greyhound is registered to race at around 16 weeks, it is tracked for its whole life, which is a very good thing because previously the dogs were considered wastage and they would have been destroyed. The problem with greyhounds is that they are a very unique animal. Greyhound puppies are not covered by the Animal Welfare Act or “stop puppy farming” legislation; they are covered by regulations of racing by RWWA. One cannot own a greyhound puppy as a pet, breed a greyhound unless it is bred for racing or breed a greyhound unless they are registered with RWWA to breed greyhounds.

Greyhounds are beautiful dogs that are tracked in this horrendous world. All these people who are hell-bent on making as much money as they can through the exploitation of these animals are the only ones who can breed them. There is no limit on how many they can breed and they do not have to register them until they are 16 weeks old, once they have been vaccinated, which is required under the rules. Who knows how many puppies are being bred. I do not know. I do not know whether there is a register. One way this could be fixed is by having a bond. One of the issues with the dogs is that once they finish racing, they are given to agencies to be rehomed. The person who adopts one of these dogs has to carry on the financial burden of making sure these dogs are looked after by vets as best they can. That becomes quite expensive. The majority of their injuries are the result of racing injuries. A simple thing to do would be to have a bond for each puppy. If someone breeds a puppy, they should pay a \$5 000 bond, which could go into an account and follow that dog for life once it retires. It is not too hard.

Another outcome of the commission of inquiry in New South Wales was the establishment of an independent welfare and integrity commission in both Queensland and New South Wales. WA could do the same. How can RWWA be in charge of breeding, training, racing and integrity—one government trading enterprise looking after all of its own requirements? We could limit the number of puppies and the number of races. Members may or may not know that greyhound racing in WA goes on seven days a week. We do not need that many races.

These are the reasons this legislation is a good balance between ensuring there is protection for farmers and protection for activists who need to undertake their activities to continue to expose some of the horrendous practices that go on. The big issue when it comes to animals and profit is greed. Whenever there is an opportunity to exploit an animal to make money, people take advantage of that. It is an unfortunate fact. The more we can shine a light on it, the better it will be in achieving positive outcomes for the animals and animal welfare. We will also see better outcomes for the farmers and the producers because they will not have to deal with those who are not doing the right thing. A lot of them do the right thing, and unfortunately a lot of them do not. If they cleaned up their act, we would not have to put up with these sorts of issues. I commend the bill to the house.

**MRS L.M. O'MALLEY (Bicton)** [3.26 pm]: The Animal Welfare and Trespass Legislation Amendment Bill 2021 is about one thing—protection. This bill is about the protection of people and their livelihoods and of animals involved in that occupation. It contains two key elements that aim to achieve this dual protection through amendments to the Restraining Orders Act to deter trespass, thereby protecting our agricultural sector and, in particular, regional farming families, and the Animal Welfare Act to introduce a targeted animal welfare inspection regime to ensure protection of animals involved in “intensive production”. I will expand on the definition of “intensive production” later as this is an important point that requires further examination.

Opposition members would have us believe that there is a conspiracy behind why these two seemingly at odds issues are being dealt with in this one bill. There is no conspiracy; the reality is that bringing these two equally important elements together in this one bill is a responsible, considered and holistic best-practice approach by the McGowan Labor government. I am incredibly proud to be a member of a government that takes this approach to policy and legislative reform.

This bill balances two complex issues that are intrinsically linked and responds to several high-profile incidents of animal activism—related trespass on agricultural properties in recent years and introduces a proactive modern compliance and inspection regime in respect of key aspects of animal-source food production. Taken together, these reforms address the difficult question of how best to encourage transparency in, and extend protections to, commercial animal food production and animal lovers who do not want to see animals being mistreated. However, we equally do not support the activity of those who trespass on agricultural land, causing distress to animals, farmers and their families, as well as negatively impacting on biosecurity.

The raising of animals for food production is an important activity, as is the right to protest. The Animal Welfare and Trespass Legislation Amendment Bill contains important legislative changes for when these two activities interact, and will deter the negative, damaging, dangerous and inhumane practices that, sadly, are associated with both. Previous members who have spoken have given many examples of these, so I do not feel it necessary to add more. I would, however, like to acknowledge the importance of putting them on the record and thank those who have shared testimonials, which may be confronting to hear but are vital for an informed debate. In particular, I acknowledge the member for Maylands' contribution and thank her for her passion, eloquence and enduring commitment to animal welfare. On the other side of the chamber, but not as far away as he may think, sits the member for Roe, who displays equal commitment to the farming communities that he represents in this house. I recognise from his contributions where our views align, as well as where they differ. I believe that the Animal Welfare and Trespass Legislation Amendment Bill 2021 can achieve some reconciliation of divergent views in this place and in our communities, both country and city. It will do this by, when it is required, significantly improving practices relating to the raising of animals for food production while also protecting those who raise the animals.

I will take a look at the detail of the bill, including the definition of “intensive production”, the types of animal food production businesses, inspection powers and the limits to those powers. A closer examination of these points will provide a greater understanding of the benefits of bringing the two elements of trespass and animal welfare together in this bill.

I will begin with the trespass and restraining order amendment, which reflects the risks associated with trespass onto farming properties and other places housing live animals. Trespass also causes undue stress to farmers, farm workers and their families. The McGowan Labor government recognises the seriousness of and risks inherent in this offending and has responded in this bill by seeking to introduce a new aggravated trespass offence into the Criminal Code. In doing so, it is important to make clear that the new offence is not aimed at generally stifling protest and activism. The new offence is carefully targeted at trespass that has an adverse effect on animal-source food production and people engaged in it. As a result, the new offence can be committed only by a person who trespasses on an animal-source food production place without lawful excuse in circumstances of aggravation. Put simply, the term animal-source food production place covers farms, dairy farms and egg farms, when those places are operated for commercial food production, as well as abattoirs and knackerries. The circumstances of aggravation are that the person interferes with or intends to interfere with production, or assaults, intimidates or harasses a person in the context of their engagement in that production. Those circumstances extend to family members of people engaged in animal-source food production, recognising that many farming properties are also family homes.

The aggravated trespass offence will apply to a property subject to inspection under the animal welfare amendments in the bill; however, it is important to note that the protections afforded by the aggravated trespass offence extend beyond that narrow class to cover commercial farms as well. The penalty for the new aggravated trespass offence is double that for trespass, meaning those who are convicted will face a potential penalty of imprisonment for two years, a fine of \$24 000 or both. A minimum penalty has also been established. If imprisonment is not imposed, the court must impose a community order with a supervision requirement, including that the offender must not enter an animal-source food production place, together with a community service requirement and a fine of \$2 400. This is in recognition of the fact that some animal activists have found themselves able to seek crowdfunding to assist in paying off court-ordered fines. A community order cannot be crowdfunded away.

Although I will not give more examples of extensive trespassing and the impacts that has had on both animals and people, I will speak to this point in the bill. I have a well-known and high-profile activist who lives in my community. I will not say her name because she actually seeks attention, so I will not give her the benefit of that by adding her name to *Hansard* in my contribution. However, let us reflect on some of the activities that this individual undertakes, which I would like to think is for the higher purpose of drawing attention to matters related to animal welfare, but I feel that there is a strong element of attention seeking around this individual as well. There was an incident in a local business in Bicton. The business, a veterinary clinic, had only recently established itself. It did so just prior to the COVID pandemic. The owners had barely established their business when COVID hit, so they were in really difficult times. I know the individuals well and I know the commitment that they have to animal welfare through their practice and in their personal beliefs; in fact, the whole purpose of their business is to protect animals, so they would never put any animals at risk. They happened to put one of their, let us say, little feathered friends who was in the clinic to be monitored just outside the front of the clinic for a brief time. This individual walked past and started having herself filmed berating the business owners for animal cruelty because they had this bird in a cage outside the vet's practice, and proceeded to talk about how this animal was being enslaved in its cage. It was a budgie and had lived its entire life in the cage and we can only imagine what would happen if the budgie were released. It probably would not last very long with the other birds in the area. The video was uploaded and members can imagine the damage that caused that particular business. Needless to say, they sought legal advice and assistance for that matter.

It goes to highlight how, I suppose, a higher belief in something can be turned around to be so incredibly damaging to others that the need for this type of legislation is paramount. It is also well known that some of these activists are repeat offenders with established patterns of behaviour. To deter this, the bill provides that a person who commits another offence while subject to a community order or who breaches a condition of that order may be resentenced for the original offence. This will enable an escalation of the court-ordered penalties to the maximum of two years' imprisonment and a \$24 000 fine. The bill will also extend the grounds on which a restraining order can be granted to include instances in which the respondent, the person subject to the order, is likely to commit the specific aggravated trespass offences. This will give farmers an extra layer of protection.

The other element of the Animal Welfare and Trespass Legislation Amendment Bill deals with amendments to the Animal Welfare Act. The bill introduces the concept of designated inspectors into the Animal Welfare Act. A designated inspector must be a member of the staff of the administering agency, the Department of Primary Industries and Regional Development, and will be appointed by the CEO of that agency. It is really important to highlight that paragraph just to ensure that members understand that not just anybody can come onto a farmer's property and claim a right to access their animals on the farm or to have access to the business itself. That is a really important protective mechanism. Quite frankly, if farmers are undertaking appropriate animal welfare practices, they would not be concerned about that at all. There is a little bit of conflating done in this house around that to make it sound like those going about the business of farming will potentially be under interrogation at some point following the passage of this bill, which, of course, is completely unfounded and untrue. Designated inspectors will have particular functions in the context of their responsibility to ensure the welfare, safety and health of animals under part 3 of the Animal Welfare Act. Those functions include the monitoring of compliance with part 3 of the act, with directions given by inspectors and with court orders in relation to particular kinds of activities, facilities and production methods.

**Limiting the powers of entry with reference to intensive production places will ensure that the activities carried out at abattoirs, knackeries and the like, which generally take place behind closed doors, can be effectively monitored.** Again, that is a very important part of the second reading speech. The animal welfare amendments are complemented by, and will work with, the bill's introduction into the Criminal Code of a new offence of aggravated trespass. This is being progressed as part of this bill in recognition of the fact that if trespass of this nature is to be deterred, the government needs to be able to demonstrate that appropriate measures are in place to monitor industry compliance with Western Australia's animal welfare laws.

I want to put on the record some points about intensive production. I thought I had it in my notes but I cannot see it. I am talking about animals that are raised using commercial practices. In other words, they are not raised on a family farm or place of residence for the purpose of farm production. The introduction of the narrowly focused inspection powers in this bill is not intended to be, and should not be considered as, a replacement for the much broader considerations and recommendations made by the independent panel that reviewed the Animal Welfare Act 2002. The panel notes in its report, which was released on 2 June 2021, that inspectors have limited powers to monitor compliance with the act, and recommended strengthened powers.

The bill proposes an integrated response to the interconnected issues of farm trespass and animal welfare by deterring the illegal and damaging "monitoring" practices employed by some activists, while simultaneously strengthening the capacity of regulatory agencies to undertake lawful monitoring activities. To separate these measures would

be to deconstruct what is a coherent and cohesive bill that responds to a complex and multifaceted issue that can also be highly emotive and polarising and has significant public interest.

In recognition of this, I would like to conclude with some reflections on why I believe the unified approach taken in this bill is the best way forward to achieve greater protection of people and their livelihoods and the animals involved in that occupation. I do this under the theme “animal welfare is farm business”. I also do it with some personal insight as a family-run business owner and as someone who is proudly country born and raised, having spent my first 23 years in the lovely little town of Korumburra, which is nestled within the beautiful rolling green foothills of the Strzelecki ranges in South Gippsland, Victoria. Korumburra has a population of around 4 000, with dairy farming and related businesses its primary industry. I know firsthand that for farmers, the welfare of the animals on their farm is a top priority—their lives and livelihoods, and the very survival of their wider communities, depend upon it. I know that I join many members in this Parliament who are grateful to have spent their formative years in regional and remote places and acknowledge the benefit of personal experience that this brings, particularly in relation to bills like the one before us today.

I would like to finish my contribution with an extract from an article on the University of Queensland website. The article was originally published in the journal *Agriculture*. It is titled, “Costs and Benefits of Improving Farm Animal Welfare”, and it makes particular reference to social licence. The article states, under the heading “The Cost of Doing Nothing” —

When it comes to addressing farm animal welfare, possibly the easiest option is to do nothing at all, but there may be a cost associated with doing nothing. This cost comes in the form of a risk. Public concern about farm animal welfare has been researched over a considerable period, and there is some evidence to indicate that public concern is growing. The risk to those with farm animals under their care is that if they do not adequately address the public’s concerns about the welfare of the animals, their right to own and use the animals for their commercial purposes may come into question.

This “... latitude that society allows to its citizens to exploit resources for their private purposes” is what Martin, Shephard, and Williams (2011, p. 4) refer to as social licence.

[Member’s time extended.]

**Mrs L.M. O’MALLEY:** The article continues—

Social licence is granted when industries behave in a manner that is consistent, not just with their legal obligations, but also with community expectations. Animal welfare issues, together with issues relating to climate change, water scarcity, and declining biodiversity, have all been recognised as potential threats to a farmer’s social licence to operate, but some argue that animal welfare has recently become the most crucial consideration underpinning social licence for Australian animal use industries.

The article continues, under the heading “Costs of Improving Farm Animal Welfare” —

Many people assume that if there is a risk to social licence, those with farm animals under their care should undertake any necessary changes to their businesses to improve the welfare of the animals. There are costs associated with these changes, however. Some of the costs are one-time costs associated with changing infrastructure and switching practices, some are ongoing operational costs, and some are costs to which all businesses in an industry must contribute indirectly. All of these costs are likely important factors in the decision about which improvements should be made.

The article continues, under the heading “Benefits to the Business” —

The most readily assessed benefits of improving farm animal welfare are the benefits to the business, which take the form of tangible gains in productivity or of competitive advantage and market premiums. It is often taken for granted that improving farm animal welfare will improve productivity of the animals. There are numerous examples in the literature of positive correlations between farm animal welfare and various measures of productivity (e.g., weight gain and reproduction).

The article continues, under the heading “Benefits to Society” —

In areas of farm animal welfare that are of ethical concern to the community, there may be societal benefits to improving farm animal welfare, even when there is no clear benefit to businesses. For instance, improving the welfare of farm animals may result in social benefits, such as creating jobs and sustaining industries in rural areas. Certain individuals may benefit psychologically from more positive interactions with animals. For example, interviews of several hundred stockpeople in the pig and dairy industries in Australia revealed that the majority of stockpeople (86% and 76% of pig and dairy stockpeople, respectively) enjoyed working with the animals under their care. Therefore, there may be societal benefits associated with improving the quality of human–animal interactions and with the knowledge that the farm animals in one’s society are being treated well.

The Animal Welfare and Trespass Legislation Amendment Bill 2021 will protect farmers and farm animals. It will be good for people and it will be good for the planet, and I commend it to the house.

**MS J.J. SHAW (Swan Hills — Parliamentary Secretary)** [3.47 pm]: Deputy Speaker—sorry, Acting Speaker! It has been a long week. Members can tell it is our last week in Parliament for this year.

I rise to make a brief contribution to the debate on the Animal Welfare and Trespass Legislation Amendment Bill 2021. I actually made a contribution a couple of years ago when this bill first came on for debate. Animal welfare is pretty close to my heart. It is something I am passionate about. Animal welfare issues come up quite often in my electorate. People often think I am the member for Ellenbrook, but I am not. My electorate takes in about half of Ellenbrook, and about 1 500 square kilometres of other communities, many of which are involved in farming. Even in Ellenbrook, there are many avid animal lovers. When I doorknock, it is always lovely to see the number of dogs that greet me, although some people have set their dogs on me—that has not happened recently, but it certainly has happened. Nonetheless, a lot of people care about animal welfare, and I am among them.

I must say, as I freely admitted in my contribution a couple of years ago, that I am a meat eater, but I care deeply about animal welfare. It is also important to put on the record that much as I am a meat eater, which sometimes causes me a bit of angst, I suppose, I also firmly hold the belief, as the member for Maylands also spoke about, that animals are sentient beings, and we are responsible for their existence. When we farm sheep, chickens, cows, horses, pigs or goats, or whatever, the reason they have come into the world is because of a conscious decision that we have made. Kangaroos, wallabies, possums and quokkas occur naturally. Farm animals exist because of the choices that we have made as a society around eating meat. If we make the decision to bring these beings into existence, we have a very important responsibility to ensure that their welfare is always front of mind because, but for us, they would not suffer; but for us, they would not exist.

I also acknowledge the importance of the farming sector. There are a number of farmers in my electorate and agriculture is our second-largest industry, behind the resources and energy sector. It is a very important industry and farmers have rights that deserve to be protected. I think that the vast majority of meat-producing farmers care deeply about animal welfare. I listened to the member for Bicton's contribution about the care taken and the relationships that a lot of meat producers have with the animals in their charge. Certainly, the ones I have had the privilege to speak to really do care about the creatures that they produce. This legislation seeks to strike a balance between those people who care about animal welfare and those who produce meat. I think they are two sides of the same coin, which I discussed a couple of years ago.

Fundamentally, I do not think we can divorce the consumption of meat from the circumstances in which that meat is produced and the implications for the animals that we purposefully bring into existence in order to exercise our choice to consume meat. This legislation will protect farmers and their legitimate business operations and those who do the right thing and adopt ethical animal welfare practices in the production of meat. It will simultaneously address the concerns that so many people in the Western Australian community have regarding animal welfare. As has been discussed by other members, this legislation came into being in the last term of Parliament following a spate of incidents in which people undertook extreme and, I think, sometimes inappropriate activities to protest meat production. Particularly, there were a couple of incidents that occurred on farms. Insofar as this legislation will operate to try to strike a balance, the first thing it will do to address the actions of extreme protesters will be to amend the Criminal Code and the Restraining Orders Act to deter people from trespassing on land used for animal-source food production. It will increase the current maximum penalties of 12 months' imprisonment and a fine of \$12 000. It will also amend the Criminal Code to create circumstances of aggravation when the conduct occurs on an animal-source food production place. It will be a "circumstance of aggravation" if someone interferes with, or intends to interfere with, animal-source food production or they assault, intimidate or harass, or intend to assault, intimidate or harass, a person in the context of their engagement in an animal-source food process or a family member of that person. That is appropriate.

It is important to appreciate that this legislation is not about stopping people from protesting. It is absolutely legitimate to protest and I think it is very important to protest. People can protest; they just will not be able to do it on land used for the production of meat or undertake inappropriate activities like trespass. Under this legislation, the proposed maximum penalties for doing that will be doubled to two years' imprisonment and a fine of \$24 000. There will also be community service orders, which, as the member for Bicton also pointed out, are designed to prevent people from being able to crowdfund. There will be consequences beyond financial impacts for those types of activities. The second thing the bill will do to protect food producers is it will strengthen the restraining order provisions. As is well known, the bill followed a series of media reports that detailed the appalling treatment of animals at meat production facilities, in addition to some inappropriate activities that were carried out. In balancing those interests, the bill will increase the emphasis on animal welfare. Part of the reason that animal activists commit extreme acts is that there have been some flagrant animal welfare abuses on some premises. I know that many Western Australians were absolutely horrified to see the 7.30 report in October 2019 that documented the absolutely appalling mistreatment of horses in eastern states knackeries and abattoirs. As a horse lover myself, I was absolutely



appalled. Many of my constituents—many are engaged with horses—were horrified and sought assurance that we had a proper inspection regime in place. I would argue that, before this bill, we probably did not have the most robust scheme, but I think this bill intends to address that.

Department of Primary Industries and Regional Development investigators will now have powers of entry and inspection to investigate animal cruelty. At the moment, inspectors call ahead to say they are going to pop in and inspect a facility. They must also have some sort of suspicion that some sort of animal welfare offence is being committed. It does not take a genius to work out what someone would then do; they would get on and probably fix up things that were happening on their property and—what do you know?—when the DPIRD inspector comes around, everything is fine. I think it is very important that inspectors are able to go onto premises without having to overcome that hurdle of needing some sort of suspicion that an offence has been, or is likely to be, committed. It will be more effective if inspections can happen at any time and without notice so that meat industry participants are always on notice that they need to ensure their animal welfare practices are topnotch. The meat producers I have spoken to who do adopt ethical animal treatment practices have no qualms about this legislation. They say, “We do the right thing and we’re very happy for inspectors to come onto our properties to see that we uphold appropriate levels of animal husbandry and animal welfare standards.” I think that putting these inspection provisions in place will meet community expectations about the ability to maintain animal welfare compliance.

Other members have spoken about having a social licence to operate. One of the biggest threats to the meat production industry is resisting steps to provide comfort that animals are being appropriately treated. It gives oxygen to extremists. It sends the wrong signals. The public will be assuaged if the many producers I have spoken to about this say, “Yes, absolutely. We want to do the right thing!”, clearly demonstrate that they are taking appropriate steps to enhance animal welfare and are open to scrutiny. If producers say, “Actually we do not want these provisions; go away. We don’t want people coming and having a look at the way we treat our animals”, it will really send the wrong signal and undermine the public’s confidence in the legitimacy of the meat production industry. Resistance to these animal welfare provisions in the long term will undermine the producers’ own cause. I want to reiterate what I have heard other members say about the importance of being transparent.

As part of the consultation on the original bill, I spoke to meat producers. Linley Valley Pork is located in my electorate, and it is a big employer. I went right the way through the process at Linley Valley Pork, from the receipt of the pigs through to the dispatch of meat products at the end of the process. I found it particularly confronting, but one thing that came home to me very strongly, which I noted when I made my earlier contribution, was that the folk there genuinely are very concerned about the welfare of the animals that come to them and the welfare of the animals prior to them getting to the facility. Badly treated animals do not produce the best quality meat and Linley Valley Pork understands that. It has the ability to track provenance, and if animals have been poorly treated, they can tell. It is very important to them. It has a whole free-range pork thing going on there and the people care very deeply. When I spoke to them, they said, “We have no qualms about this legislation because we do the right thing.” I think it is very important to acknowledge that.

This legislation is about respect and responsibility. It is about respecting people’s choices but understanding that we have a responsibility to protect animals, protect farmers and address people’s concerns about animal welfare issues. I think this legislation does that.

I want to close by saying in my capacity as the Parliamentary Secretary to the Minister for State Development, Jobs and Trade that I think fostering a humane, high-quality meat-producing industry is a very good thing for Western Australia. It is about economic diversification.

I think there is a growing need for chilled meat in our immediate neighbourhood. We did a parliamentary inquiry that referred at length to WA being the gourmet deli of Asia, not just a food bowl. I strongly support efforts to concentrate our meat industry on the production of chilled meat for exports, processed here in WA where we can ensure the ethical treatment of animals, generate onshore jobs for WA workers and contribute to the diversification of our economy.

Debate adjourned, pursuant to standing orders.