

ANIMAL WELFARE AND TRESPASS LEGISLATION AMENDMENT BILL 2021

Second Reading

Resumed from 30 November.

MS C.M. ROWE (Belmont) [11.34 am]: I rise to today to make a brief contribution on the Animal Welfare and Trespass Legislation Amendment Bill 2021. I made a contribution to debate on this bill when it first came to our house two years ago. I would like to again put on the record my views on animal welfare and the reasons I feel this is a really important bill. I want to especially highlight the elements of the bill that deal with animal welfare.

I took my first steps in activism when I was 10 years old. I read a newspaper article about battery hen farming, and was adequately outraged. I cut out the article and wrote a letter to a federal member of Parliament. I am a child of the eighties, so this was well before the internet and it was very difficult for a 10-year-old living in country Victoria to hunt down a federal member of Parliament's address. Nonetheless, I wrote a letter asking that this practice I thought was incredibly cruel be outlawed. Indeed, it is incredibly frustrating that I stand here more than 30 years later and we are still no closer to achieving that goal.

It should be noted that the RSPCA estimates 11 million hens—that is, 70 per cent of Australian hens—live out their days confined to cages that are the size of an A4 sheet of paper. The hens are in such a confined space that they are unable to do any of their natural activities like perching, foraging and things like that. The confinement also restricts their growth and can be crippling painful. Often, the hens' feet grow into the wires of the cage. It is absolutely appalling.

I was really surprised that my community wanted to see this change come about. It is something that not only I am passionate about; I have been inundated by people who want to see changes from the review of the poultry code, which I think was about two years ago, brought into effect. I feel the community wants us to be more progressive than we are presently.

Globally, there are around 7.6 billion hens laying eggs each and every day in cages with a base no bigger than an iPad. An independent body has suggested that battery hen farming be phased out in the coming decade. Of course, industry thinks that it should be closer to 24 years before this practice is banned. I am not sure why. It is high time that we do this. Many jurisdictions globally have already done so. It has been phased out in the UK, New Zealand, Canada, Austria, Belgium, the Czech Republic, Denmark, Finland, Germany, Greece and I could go on. There are 10 million egg-laying hens in Australia that are still in confined, cruel cages. I think it is time to move on and phase out those cages as well.

Ms J.L. Hanns: You can invite some of the chickens to come and view my chicken coop. It is called "Cluckingham Palace". It is purpose-built for our eight chooks.

Ms C.M. ROWE: I love it! It sounds like a glorious place for hens, indeed.

I referred to information from the Humane Society International Australia, as well. It is also worth noting that in recent history—just a few years ago—we witnessed atrocities on our screens. In 2018, footage aired on *60 Minutes* showing breaches of the Australian export regulations and animal cruelty laws. It depicted deliberately cruel treatment of Australian sheep on a live export voyage. It was really troubling viewing. To be honest, just printing out an article on this for my contribution today made me feel really sick. On one particular voyage, 880 sheep died on one day. They saw young lambs die. Apparently, no sheep are meant to go on these voyages if they are pregnant, but that was completely ignored. The live sheep export trade earns Australia, on average, \$250 million a year, and a large percentage of that market share is from Emanuel Exports. The cruelty that goes on on these voyages is really quite remarkable. Even in light of the *60 Minutes* footage, it was interesting that the chief executive of the Australian Livestock Exporters' Council at the time said —

Reality is Australia actually has the best standards in the world when it comes to livestock exports and movement of livestock by transport ...

That is really interesting when we also look at a more recent analysis that was conducted by some pre-eminent researchers and university lecturers as part of the Australian Alliance for Animals. They have an image in a document, which I am happy to table, of day 19 on one of these live sheep export voyages. It was determined on day 19 that no animal cruelty issues were identified. I am looking at the photograph here and the animals are standing in thick faecal matter, which was acting as their bedding for the voyage. They had to endure 24-hour lighting on the voyage, 90 decibels of noise and a constantly moving deck. Stresses were identified in every sheep on every voyage in 2021. I think that is worth noting.

I do not want to take up too much time, but in my original contribution, I mentioned many examples of animal cruelty that go on right across the world and right across Australia in many different areas. I feel like I am picking on the agricultural industry, but I am just highlighting that this is what occurs. That is not to say that examples of animal cruelty do not go on in other industries as well. In my previous contribution when the bill was before the

house, I talked at length about horseracing practices amongst breeders and in knackeries in the eastern states. That was not happening here, but footage came to light in which horses were whipped, kicked and punched. Their genitalia were mutilated with electric prods. This was deeply distressing. One thoroughbred was captured in the 7.30 report in October 2019. It was a hugely successful racehorse, War's End, which won \$400 000 during his career. It ended up on the floor of a slaughterhouse and was shown to be kicked, punched and abused, and then tossed away and left to die in a horrific fashion. In knackeries, it is the same situation. An abattoir in New South Wales was hit with a \$60 000 fine for treating animals in a really sick fashion. That was horrendous to read about. It was captured by a hidden camera. One worker was seen bleeding out a pig that had not been properly stunned. When the pig continued to kick violently, it was repeatedly bashed with a metal pipe. An inadequately stunned goat was subjected to a prolonged decapitation and a stockman deliberately used an electric jigger on a bull and the animal behind it, even though they could not move to escape the shocks. This highlights some of the atrocities. I could draw on a lot more, but I want to highlight that these things go on when there are already mechanisms in place—legislative frameworks that are designed to protect these animals that are meant to be in our protection. We are failing them. The overwhelming community expectation is that we deal with these animals in a humane manner. We are clearly not doing that.

Members of the opposition are trotting out the same arguments that they did last time around, which is that they cannot have somebody going onto properties because of the biosecurity risk. I went to Walpole recently on holiday with my family. When we wanted to go on one of the little boats around the inlet, we had to put our shoes through all these different washes so that we were not taking any biosecurity matter onto the boat that could pass on risk to the beautiful trees in that environment. It was pretty straightforward. I am fairly certain there would be mechanisms in place for inspectors going onto farms. They could readily access these mechanisms to ensure that there is no biosecurity risk.

I would also like to add that if farmers feel they are doing the right thing, they should not shy away from having this oversight. They should absolutely welcome it, because there should be no industry that is above scrutiny and oversight. For an opposition that is always screaming for transparency, I think it is really interesting that when the shoe is on its foot, it says, "Not us." Farmers should welcome this opportunity to show that they are doing the right thing and that they are looking after the animals in their care. I think they should welcome this legislation, as I do. I would like to congratulate the Attorney General on bringing these provisions to ensure that adequate oversight is provided where there is currently none. I commend the bill to the house.

MS J.L. HANNS (Collie–Preston) [11.46 am]: I rise to make a very brief contribution on the Animal Welfare and Trespass Legislation Amendment Bill 2021. I understand that the opposition wants to go into consideration in detail, so I will keep my contribution very brief, but I felt it was very important to rise to speak in support of this bill. Many members know that my electorate is called Collie–Preston and the majority of the electorate sits in the Preston area. It encompasses the Shire of Capel, the Shire of Dardanup, the Shire of Collie, the Shire of Harvey and the Shire of Donnybrook–Balingup. They are all very well known and very well established farming communities in terms of the economic activity within those local government areas. I highlight that as this bill aims to do two very important things and people in my community expect both of them to occur. They are to balance animal welfare considerations with the importance of this part of the economy—the farming and agricultural industry and the food industry—and deter trespassing by activists onto what are essentially people's family homes. We have seen a number of examples recently in the media of the attention those activists have attracted by trespassing onto farms. It is really unfortunate and should not be happening. The flip side is that, obviously, the concerns around animal welfare need to be considered and, if needed, inspected and investigated. This bill will do both those things. It is through that lens that I will speak to this bill today and provide my support.

I grew up in Yarloop and went to Harvey Senior High School, as members may have heard me say previously. Harvey high school was home to Harvey agricultural college, obviously going back to when I was at school. They are now separate entities, but it was a combined campus back then. I want to acknowledge the great work that ag schools do right across the state in providing training and career pathways into agriculture for young people. I want to talk about how important the farming industry is. I grew up on a dairy farm. We rented the house of the farmer and lived there. My aunty and uncle owned a 100-acre beef farm at the back of Yarloop. They grazed cattle for the beef industry. I just want to highlight a couple of things about the beef industry and its importance to the local economy within the south west, and particularly focus on the fact that the Boyanup saleyards are in my electorate. I managed to get the livestock trade sale market report from the Nutrien Ag Solutions website this week. It turned over 912 head of cattle at the Boyanup saleyards this week. It is an incredible local employer and is very important to the agricultural and farming industries. I note with much interest that the prize Angus bull sold at the Boyanup saleyards this week was a whopping 865 kilograms and sold for \$1 816.50. That is a lot of bull I might say! In relation to the herd of cattle within Western Australia, the most recent figures I could find on the Department of Primary Industries and Regional Development website show that Western Australia has approximately two million head of beef cattle distributed around the state, with the majority in the Kimberley and south west regions.

I have talked about the large range of farming and agricultural food activities within my electorate. I want to highlight Ferguson Valley as an amazing part of my electorate. It is a really diverse electorate, as I said, and someone was surprised to find out that there is a beach within the Collie–Preston electorate. It is hidden; it is tucked away. It is Peppermint Grove Beach. Ferguson Valley is an outstanding place and takes in the towns of Crooked Brook, Dardanup and the amazing Gnomesville. The residents are very quiet in Gnomesville, but there are lots of them! I am astounded at how peaceful that part of my electorate is.

I want to highlight some really great work done by our Minister for Regional Development; Agriculture and Food. I understand that the minister will not continue in Parliament next year. Even today, the final sitting day of the year, the minister was hard at work alongside the Premier announcing \$320 million for a world-class agricultural headquarters in Perth. I want to put on the record the outstanding job that Hon Alannah MacTiernan has done over her career in Parliament and the passion and absolute willingness she has shown in delivering for the agriculture portfolio, which is really important for regional communities, and the regional development portfolio across Western Australia. On behalf of the many, many constituents who have spoken to me since the minister announced that she was retiring, I pass on my congratulations and thanks for everything she has done within the agriculture portfolio for Western Australia.

Mr P. Papalia interjected.

Ms J.L. HANNS: Okay; great. It is all very weird in the house today.

Several members interjected.

Ms J.L. HANNS: With those comments, I would like to wind up my contribution and commend the bill to the house.

MR J.R. QUIGLEY (Butler — Attorney General) [11.52 am] — in reply: I have copious notes prepared for my second reading reply on the Animal Welfare and Trespass Legislation Amendment Bill 2021, which should not take me longer than 35 minutes if I go through them all. However, it feels a bit like a scene from *Dog Day Afternoon* and I am standing up for the second time to give a second reading reply on this bill, having done it before. So we will take all that I have said before as read.

Mr P. Papalia: You mean *Groundhog Day*. Is that what you were after?

Mr J.R. QUIGLEY: Yes.

Mr P. Papalia: That was a different movie.

Mr J.R. QUIGLEY: As I said, coming back to consideration of this again feels like a scene from *Groundhog Day*.

Mr P. Papalia: It was Bill Murray.

Mr J.R. QUIGLEY: That is right; it was Bill Murray in *Groundhog Day*, who just kept going back to the same spot. That is what it might feel like in consideration in detail.

On a more serious note, it is a serious piece of legislation. I thank members for their contributions. They are all concerned with both animal welfare and the preservation of the sanctity of property owners, especially owners of rural properties and rural businesses, from invasion by activists or protesters—really, I should call them trespassers. The bill has sought to balance those two aspects—that is, the right for the community to be assured by way of inspection that no cruel practices are taking place in animal rearing, especially intensive farming settings, and protecting food producers and the agricultural sector from invasion by trespassers.

With those few remarks, I thank all members for their contributions. I know that the opposition wants to raise matters again. I am not being demeaning by saying that it is groundhog day, but I am sure that the member who will be speaking for the opposition —

Mr P.J. Rundle interjected.

Mr J.R. QUIGLEY: We will get on to consideration in detail. I thank all the members.

Question put and passed.

Bill read a second time.

[Leave denied to proceed forthwith to third reading.]

Consideration in Detail

Clause 1: Short title —

Mr P.J. RUNDLE: I know that the Attorney General thinks it is groundhog day, but, as I have said, there have been a few minor changes and the opposition wants to raise a few questions. Once again I reiterate that, to me, the bill deals with two totally separate subjects. The other point that is interesting to me is that the other day, the minister said that the Animal Welfare Act had been reviewed and that a new bill will come in in the third quarter of next year, so I question the whole process in a lot of ways. Nonetheless, I just want to ask a few general questions on clause 1

and then I will work through some other detail in some of the other clauses. Given what I have just said about the review of the Animal Welfare Act and the new legislation, why was the decision made to proceed with this legislation?

Mr J.R. QUIGLEY: It is because this bill deals with an important aspect not dealt with in the animal welfare legislation, and that is the crime of trespass and the uplift in the penalties for trespass. That is why we want to proceed with this legislation—to deal with trespass.

Mr P.J. RUNDLE: Further to that response, why did the Attorney General not deal with trespass as a single bill and leave the animal welfare side of it until the third quarter next year?

Mr J.R. QUIGLEY: The government wanted to deal with the question of trespass. We do not know how long the Animal Welfare Act amendments will take to pass through this Parliament in the third quarter next year. It might go off to a committee in the other place like it did before, which will be for a long time. In the meantime, rural landholders, people living in remote areas and people living on isolated properties are feeling vulnerable to trespass. They made their concerns abundantly clear to the government. These things seem to go in waves. At the moment, the fashion is to glue oneself to something, be it an expensive painting or the doors of Dumas House. Gluing is the fashion at the moment. Ten minutes ago, the fashion was going onto farmers' properties and stealing stock. I do not know what these extreme protesters will go back to. We are going to deal with them all, but we wanted to get on with the anti-trespass legislation to protect all our very valued food producers in rural areas.

Mr P.J. RUNDLE: I guess that leads to the comments that I made back in my second reading debate contribution. If it was such an urgent scenario to deal with—it was going to be dealt with within two to three weeks back in early 2019—why are we here dealing with it three and a half years later? Nevertheless, how will the legislation compare with that of other states?

Mr J.R. QUIGLEY: I am advised that when we compare our penalties introduced in this bill for trespassing in the circumstances defined, they will be among the highest, if not the highest, penalties in the nation. It is different from the biosecurity legislation, but for straight-out trespass, these will be the stiffest penalties.

The ACTING SPEAKER (Mr D.A.E. Scaife): Before I give the member for Roe the call, I am going to make this point because I was going to make it the last time we were debating the first clause of a bill. It is not the practice of this place that clause 1 is the place for general questions and general debate. I will allow this to continue so long as the Attorney General is willing to indulge it. However, I am not going to allow the practice of the other chamber to creep into this chamber because it is not the practice of this chamber and it never has been.

Mr P.J. RUNDLE: Thank you, Acting Speaker; I appreciate that. I have just a few other general questions and then I will move on to the other clauses. Hopefully, the Attorney General will answer those questions for me; otherwise, I will re-ask them elsewhere.

Since the bill was restored to the notice paper in August this year, what consultation has occurred?

Mr J.R. QUIGLEY: There has not been specific consultation on the terms of this bill, but there has been consultation by the department on the Animal Welfare Act. There has been a review of that act. Questions about the inspector's powers of entry were discussed in consultation with industry at the time of the review of the act.

Mr P.J. RUNDLE: Thanks for that, Attorney General. Noting the consistent trespass events that have occurred at the Perth Royal Show and so forth, can the Attorney General outline why the likes of agricultural shows have been precluded from this bill in relation to aggravated trespass?

Mr J.R. QUIGLEY: The aggravated trespass provisions were really designed to protect farmers and other rural food producers who are living in rather isolated circumstances, like a farmhouse on a 1 000-hectare property up some country road. They are very vulnerable. Those food producers and farmers really need the added protection, we believe. There are issues involved around biosecurity, with trespassers entering the land. The member asked a lot of questions about biosecurity the last time we debated this, as I recall. Agricultural shows have lots of people around and, usually, police are there. Those events are attended by lots of people. The exhibitors and the stock that they bring to the show are not vulnerable like they are at night-time up these country laneways.

Mr P.J. RUNDLE: We had an occasion this year, I think at the Perth Royal Show. There was a gentleman displaying cattle. The farmer had to take matters into his own hands to try to protect his livestock from a certain protester. There are not always going to be police on hand. The other situation might be in an agistment facility for racehorses. I am still not quite clear. I hear what the Attorney General is saying about people being isolated, but I am just not clear why some of these other venues such as ag shows and agricultural colleges have not been included as part of this legislation?

Mr J.R. QUIGLEY: What we are dealing with are these trespassers who are conducting protests against intensive farming in vulnerable areas. It was a specific problem that we wanted to address. Other laws protect steakhouses in Northbridge, or whatever, from these protesters. We have seen them used. When protesters go there, they are arrested and hauled before the courts. They are given bail orders and community supervision orders that prevent the repetition of that sort of conduct. We set about trying to deal effectively with the set of circumstances of country

folk living on farms—doing the absolutely essential occupation of producing food for our nation—needing the extra protection. We will be giving that to them.

Mr P.J. RUNDLE: I appreciate the Attorney General allowing these more general questions. We saw aggravated trespass offences picking up around the 2018–2019 period. The Attorney General obviously expressed his outrage and said, “I’ll be bringing on this legislation.” I noticed that some of those trespassers have turned to crowdfunding et cetera to cover their legal fees. Does the Attorney General intend to bring in legislation down the track to circumvent that situation?

Mr J.R. QUIGLEY: Firstly, I seek the chamber’s indulgence to reply while sitting down. I am due for end-of-season surgery in the morning.

The ACTING SPEAKER: I am happy to grant you that permission, Attorney General.

Mr J.R. QUIGLEY: Thank you, Acting Speaker.

The answer to the member’s question is no, but we have included in the bill a minimum penalty, which includes supervision orders. People might have a rich mummy or a rich daddy who can pay the fine. How do we ban them? That happens all the time. Now people go crowdfunding to pay the fine. That is why we propose to bring in a minimum penalty requiring an ongoing order. These people will not necessarily be deterred by the fine, but they will be deterred if they know they will be arrested for breaking a supervision order and brought back before the court for a much more serious offence.

Mr P.J. RUNDLE: I have a final question on this clause. Given the long gestation of this bill and the fact that it fell off the notice paper in the previous Parliament, and given the anticipation of the new animal welfare bill in quarter 3 of next year, as per Hon Alannah MacTiernan’s statement yesterday, will this bill progress to the government’s agenda in the other place prior to June next year?

Mr J.R. QUIGLEY: That is our intention. That is why we hope to get it through this chamber today, so that the other place can deal with it early. We especially want the trespass aspect of the bill dealt with pronto. It has been too long.

Clause put and passed.

Clauses 2 to 4 put and passed.

Clause 5: Section 35A inserted —

Mr P.J. RUNDLE: I have a few questions about the designated inspectors. Could the Attorney General provide an example of a scenario in which the designated inspector will be appointed by the director general of the Department of Primary Industries and Regional Development and the qualifications and abilities of those inspectors?

Mr J.R. QUIGLEY: I am not prepared to hypothesise about circumstances, but I can say that the department has a tiered system of inspectors already. When inspectors are initially hired, they are required to undertake comprehensive training conducted by the department, which is a combination of online and face-to-face learning, classroom teaching and on-the-job experience. The current training modules include understanding the Animal Welfare Act and receiving tuition in the inspectors’ powers, body condition scoring—I would fail on that one at the moment, with my body!—common welfare issues, humane destruction of animals, emergency animal disease early response and detection, post-mortem necropsy, executing search warrants and the legal obligations thereunder, using body-worn cameras and writing direction notices. Once an inspector has received this initial training, they undergo ongoing mentoring and tracking of their professional development needs and progress. Ongoing advice is provided by supervisors and veterinarians, and periodic inspector workshops are held to facilitate new or refresher training. There is also competency and refresher training required for staff authorised for firearms and captive bolt use.

Mr P.J. RUNDLE: That seems to be slightly more comprehensive than when we last discussed this bill. The Attorney General’s response last time was that they had to have certificate IV qualifications. Is that still the case?

Mr J.R. QUIGLEY: When applying for the job, one of the requirements is a certificate IV, but a certificate IV does not cover all the modules that I described to the member. They have to show the academic competence of obtaining a certificate IV, and then they are given specialised training on the modules that I previously outlined.

Mr P.J. RUNDLE: I can recommend a couple of good orthopaedic surgeons, Attorney General.

Mr J.R. Quigley: I am making an adequate contribution to the superannuation fund of a couple in West Perth at the moment!

Mr P.J. RUNDLE: Very good!

Further to that, I may have missed it, but I did not hear anything about biosecurity in that list of requirements. The biggest occurrence between the last time we considered this bill and now has been the biosecurity threats of foot-and-mouth disease and lumpy skin disease. We now have real concerns about people moving from one farm

to another and creating biosecurity risks. I know on my own farm I have increased signage about biosecurity, with a mobile phone number and the whole package. Given this, what will the biosecurity training be?

Mr J.R. QUIGLEY: I remember the member raising biosecurity concerns on the last occasion that we were considering this bill. I have told the member about the training that the inspectors receive. These inspectors are very professional and they work for the department that is leading the state's response to the key biosecurity threats that we face. At the top of the department's concerns is biosecurity risk, including foot-and-mouth disease and lumpy skin disease. The department has standard operating procedures and policies in place that inspectors must follow when attending certain properties. These procedures reflect the risks associated with specific types of animals. For example, the work procedure for pig and poultry properties is to ensure that 48 hours has elapsed since the inspector previously visited a pig or poultry property. The inspectors have biosecurity kits in their cars, which allows them to undertake sanitation procedures before and after entering a property, including the disposal of their gumboots, overalls, used paper towels et cetera following an inspection. They are expected to be aware of and minimise biosecurity risks associated with their access to a property and to observe the biosecurity and safety requirements of a specific property. Let me repeat: biosecurity concerns are a foremost concern of the department.

Mr P.J. RUNDLE: I thank the Attorney General for that answer. It is a little more comprehensive than I recall, but that is good. Under proposed section 35A(2)(a), the designation will be cancelled by the CEO by written notice to the inspector. Under what circumstances would the designation be cancelled?

Mr J.R. QUIGLEY: The designation would be cancelled if they have not exhibited competency in the areas of training. Similarly, as I have explained to the member before, there will be reassessments of their work, and if they are judged to be below standard during those reassessments, their designation will be cancelled. It is very important to the department and the government that when inspectors enter properties, they are at all times alert to any risk that they might introduce to the property. The member described the pastoral biosecurity signs on his front gate. This is core business of the department in this time of biosecurity risk. If any of them show a want of competence in their assessment, they will be, if I can invent the word, de-designated.

Mr P.J. RUNDLE: The concerns of some of our farming members and business owners is that, as I have said before, an inexperienced 20 or 21-year-old will just come into the mix. They may have completed all the modules, but they will have no real-life experience of working in broadacre livestock farming. They might be fresh out of university or their TAFE certificate IV course and might not have an understanding of the real world and what occurs in the world of livestock farming. Can the Attorney General provide any assurance on that?

Mr J.R. QUIGLEY: It is hypothetical that the department will send out a 20 or 21-year-old inexperienced person. It is just not going to happen. The member can assure his neighbours, as the government will assure the farming community, that that is not going to happen. I will not go through the whole job description for a livestock officer, but essential criteria are that they must have demonstrated experience in establishing, implementing and managing compliance programs, preferably in animal welfare. These will not be just young, raw recruits; they must have demonstrated knowledge and understanding of relevant compliance legislation, compliance governance frameworks and, importantly for biosecurity issues, operational procedures. They must be able to build effective relationships and have well-developed interpersonal negotiation skills with the member's constituents, including the ability to maintain internal and, importantly, external relationships with the farming community. They must demonstrate an ability to develop practical and innovative solutions to problems and they must be able to think strategically and demonstrate an ability to conduct complex investigations, including prioritising, interpreting and applying legislation, policy, procedures and guidelines. These are not criteria that could be fulfilled by a 20 or 21-year-old inexperienced grad.

Mr P.J. RUNDLE: I thank the Attorney General for that explanation. I note that under proposed subsection (3), the CEO may, by written notice, restrict the authority, limiting the places or the circumstances in which the power may be exercised. Can the Attorney General clarify what that means? I thought they would either have the job or not. How will they be restricted?

Mr J.R. QUIGLEY: There might be a specific animal or type of animal that is susceptible to a disease or suchlike, or it might be that we want to conduct an inspection of intensive chook sheds in an area of Wanneroo, and we can say that we want the inspector to go out and inspect chooks, and not just wander around the countryside inspecting everything. There might be specific industries requiring inspection. One that has come up recently is the condition in which some piggeries are maintained. The inspector might be given limited powers to search and investigate piggeries. They will not have the power to stop off at every farm on the way to a piggery, but will have the power to have an intensive investigation of piggeries or intensive chicken sheds. I think there are even intensive dairies now.

Mr P.J. RUNDLE: Will that practice continue so that certain types of inspectors will have a more specialised field and they might take on just piggeries or egg farms, for example? Rather than having a broad-based inspector, will someone be more specialised in each field?

Mr J.R. QUIGLEY: Given the size of Western Australia and the jurisdiction, they will have to be designated for all fields; however, the department might concentrate on a specific area of agriculture—as I said, chooks, pigs or whatever at the time. It is important, therefore, that the inspectors build their competency across the field. Obviously, as in any field of endeavour, be it politics or wherever, on a given day a particular person is chosen for a particular task, be it a minister to hold a particular portfolio or an orthopaedic surgeon. I saw one last week for my hand and the guy said, “No, I only do knees.” There must be specialists that they can refer people to, but they have to build competence over the whole field, and that is what will happen here.

Clause put and passed.

Clause 6: Section 36A inserted —

Mr P.J. RUNDLE: I seek some clarification on the terms used. The Attorney General has done some work on intensive production and the provision for animals to have an opportunity to graze or forage outside. Firstly, I want to go back to proposed section 36A and proposed subparagraph (b) in the definition of “abattoir”, which states —

includes a holding yard or other place used for or in connection with the slaughtering of those animals;

Once again, I refer to my hometown of Katanning, which has a WAMMCO abattoir. Obviously, WAMMCO has the abattoir and the lairage where all the sheep are stored on boards six feet in the air for slaughter the next day. Then there is an area 300 or 400 metres away with irrigated grass where sheep might be held for six weeks or three months to be slaughtered somewhere down the track. It is not really what I would call a holding yard. It is a place where those sheep will graze for the next two or three months until they are moved in towards the abattoir. How will that be treated?

Mr J.R. QUIGLEY: I think that the answer to the member’s question is to be found in clause 6, which will insert proposed section 36A into the act. The definition of “abattoir” states, in part —

includes a holding yard or other place used for or in connection with the slaughtering of those animals;

If sheep are held close by in a paddock and are brought in for the purpose of being taken through the abattoir, that paddock will be within the ambit of the bill.

Mr P.J. RUNDLE: My real issue is that I do not consider it a holding yard because the sheep will potentially graze there for another two or three months. The definition of “intensive production” says that “any animals involved in the production do not have an opportunity to graze or forage outside”. That definition is over the page. To me, it is not a holding yard. It is a grazing paddock where the sheep might stay for the next three months until they get moved to a holding yard or a lairage facility.

Mr J.R. QUIGLEY: If it is not a holding yard and they are out there grazing at large, it is not intensive. They are out there grazing. This is to deal with those areas surrounding an abattoir where animals are brought in and held prior to slaughter. No-one wants to see those animals that are held and contained prior to slaughter being mistreated.

Mr P.J. RUNDLE: Are we saying, therefore, that because they can graze in a paddock over here for three months, the inspector can only inspect, from here, the rest of the abattoir facility or they can inspect the whole facility that the abattoir owns—the whole 50 hectares or whatever?

Mr J.R. QUIGLEY: The member is demonstrating on the back of the chair “from here to here”. I am not making fun of him, but I do not want to hypothesise. All these cases, as anyone who has been in a court knows, will turn on its facts. Obviously, a holding yard right next to the slaughter line will be covered. A paddock 500 metres away where animals are grazing at will would not be covered. It is a question of degree and fact and each case will turn upon its individual facts. The designated inspectors will be well schooled and trained on the application of this legislation. They will focus on the areas of highest risk where the animals are contained in density.

Mr P.J. RUNDLE: Will trucks that bring stock onto the abattoir property be excluded from this legislation?

Mr J.R. QUIGLEY: The inspectors will not have power to enter upon the trucks under this bill. I do not want to speak about the animal welfare bill because that one has not been presented to the Parliament yet. But under this bill, the inspectors will not have statutory right to enter upon those trucks. Nor will truck owners have the protection of the enhanced trespass penalties. They will still have the normal law, but they will not have these enhanced protections.

Clause put and passed.

Clause 7 put and passed.

Clause 8: Section 38 amended —

Mr P.J. RUNDLE: Most abattoirs and knackeries should be registered businesses, so will the designated inspectors have a list of these businesses, and who will manage that list?

Mr J.R. QUIGLEY: The department will decide upon its particular list of places to inspect, but a place does not have to be registered to be a knackery. Someone might just start up a knackery. There is no knackery licensing board.

If it is a knackery, if it is an abattoir, farmers sometimes slaughter—sometimes illegally slaughter—so they might be described on the facts as an abattoir.

Mr P.J. RUNDLE: Minister, has Department of Primary Industries and Regional Development developed over the last two years a set of standards or a code of conduct to which it expects designated inspectors to adhere?

Mr J.R. QUIGLEY: DPIRD has a code of conduct for its employees, which is probably discoverable under the freedom of information process or something like that. But there is an existing code of conduct that the member could inspect. I do not have it here to table this afternoon, but the member could get it.

Mr P.J. RUNDLE: Let us say we get one of these inspectors who decides to go off the reservation and takes it upon themselves to inspect anything and everything. Will some sort of penalty be in place for those inspectors?

Mr J.R. QUIGLEY: There would be internal disciplinary proceedings. A formal complaints procedure is available online that the public, constituents and farmers can use when they think an inspector has acted unreasonably beyond power. I hesitate to say that the complaint procedure is not being used because the inspectors are reasonable, but there is a complaint procedure available to take care of that high stress, only hypothetical situation.

Clause put and passed.

Clause 9 put and passed.

Clause 10: Section 70A amended —

Mr P.J. RUNDLE: Clause 10 will amend the Criminal Code. I go to the definition of “animal source food production facility”, which states —

... operated for the purpose of commercial food production —

(a) a farm or other place where an animal is reared or fattened;

Can the Attorney General outline this to me because, once again, I have trouble with this definition. I would have thought, quite frankly, that every production facility is looking to rear or fatten produce but, once again, I want to clarify that if someone has a broadacre farm where their position is to rear and fatten everything but there is an intensive feedlot—a little area that they might want to take the sheep or whatever over to at the break of the season—would the broadacre operation be covered under this situation?

Mr J.R. QUIGLEY: Thus far we have been examining and interrogating the inspections of intensive agriculture. We are now looking at the Criminal Code. These aggravated offences will apply more widely to offer protection to farmers than the more narrow areas under the preceding clauses relating to intensive agriculture and the inspector’s powers. These are throwing out a wider blanket of protection for the farmer.

Mr P.J. RUNDLE: Under this scenario, the Attorney General is basically saying that any animal food production facility is covered, as long as it is a commercial food production place looking to rear or fatten—a dairy farm, an egg farm, or an abattoir or knackery.

Mr J.R. Quigley: By way of protection.

Mr P.J. RUNDLE: They are all provided protection against trespass.

Mr J.R. QUIGLEY: Could I answer that, or respond to that comment by rhetorical question? Did the member see that photograph of some rooster—I do not mean a chicken rooster; I mean the colloquial expression of some rooster—carrying a calf off a property?

Mr P.J. Rundle: Yes, I did.

Mr J.R. QUIGLEY: I do not know whether that calf was intensively raised or not, but there we have a farmer in a reasonably isolated area and someone has come onto their property and carried off a calf. I am not interested about whether that is intensive or un-intensive agriculture. Here we have a person who is really important to our community producing necessary food that we all need, and someone has trespassed upon their property for no good. We have no time for them. People in remote areas are raising all this. We are here to support the farmers, not hinder them.

Clause put and passed.

Clauses 11 to 13 put and passed.

Clause 14: Section 35 amended —

Mr P.J. RUNDLE: I would like a little clarity on this clause, which states —

(a) the need to ensure that the following persons are protected from the effects of an offence under *The Criminal Code* ...

(i) a person engaged in animal source food production ...

(ii) a family member ...

I assume that under normal circumstances children would not come under this. Is that about adult children or children under the age of 12? What is the definition of “children” in this case?

Mr J.R. QUIGLEY: The definition of “family member” is under clause 10 on page 8 of the bill. It states —

- (a) the spouse or de facto partner of the person; or
- (b) a parent, child, —

A child is a minor —

brother, sister, uncle, aunt or cousin ... the person’s spouse or de facto partner ...

It is all defined there, and continues —

- (d) a grandchild or grandparent of the person or of the person’s spouse or de facto partner;
- (e) a guardian or ward of the person;
- (f) if the person is an Aboriginal person or a Torres Strait Islander ... a person regarded under the customary law or tradition of the indigenous person’s community as a member of the extended family ...

We have tried to make it as wide as possible for these protected people.

Mr P.J. RUNDLE: As an example, let us say someone who had been a worker at an abattoir or a knackery has then decided that they might like to become an activist against that establishment. Would they be protected under this scenario?

Mr J.R. QUIGLEY: Just because a person has worked at an abattoir in no way means they are a protected person. We are also bringing forward amendments to the Restraining Orders Act; there will be an applicant and respondent. The abattoir can be the applicant bringing an order for restraint against their former employee. Just because the person has been a former employee will not give them a blanket of immunity.

Mr P.J. RUNDLE: I have a final question to wrap it up. Will that also apply to hardship—that is, if a person loses their job or income?

Mr J.R. Quigley: What do you mean?

Mr P.J. RUNDLE: Proposed section 35(2A)(d) states —

hardship that may be caused to the respondent if the order is made ...

Mr J.R. QUIGLEY: A loss of employment is always regarded by the courts.

Debate interrupted, pursuant to standing orders.

[Continued on page 6317.]