

CRIMINAL INVESTIGATION AMENDMENT (PROTECTION OF LAW ENFORCEMENT ANIMALS) BILL 2023

Second Reading

Resumed from 29 November.

MS L.L. BAKER (Maylands) [3.26 pm]: I would like to pick up on the second half of my speech; I started yesterday. This is the Criminal Investigation Amendment (Protection of Law Enforcement Animals) Bill 2023. I congratulated the Minister for Police for getting this bill to the house. It is a small but important development in animal welfare for this state. I also reflected on the fact that a number of mentions of the Animal Welfare Act 2002 are contained within this bill. I draw the house's attention to where the review of the Animal Welfare Act is up to at the moment, and what we are looking forward to debating early next year, I hope.

The government response to the review that was conducted quite a number of years ago contains the following background —

Animals are living beings and science tells us that they experience some of the same feelings that humans do. Western Australians care about the treatment of animals and are calling for a modern animal welfare law to protect and promote their welfare.

We are looking at drafting a modern animal welfare act that reflects science-based concepts and appropriate relevance to animal welfare.

How does that play out in the recommendations that the government is supporting? I will run through a few of them, because they interact with the bill we are discussing today. Firstly, there is a recommendation—which the government has supported—around recognising that we have a duty of care obligation and that it should be an offence to breach that duty of care obligation. Something that makes me think about the meaning of this is the recent decision to not proceed with the live export case against Emanuel Exports. One of the reasons cited for not continuing with that case was that it was not possible to prove whether the sheep actually died in Australian waters or international waters. My thinking is that we should have a duty of care to the animals, and I am sure that farmers in this country would think the same thing. I know that once they relinquish their ownership of the animals to the exporter—in this case, Emanuel Exports—they probably feel that their duty of care has been met, but I am sure many of them are aching over the vision they saw of what happened to their animals when they put them on that ship.

Animals are living beings, and the act needs to be amended to expressly recognise that animals can perceive, feel and have positive and negative experiences. Along with that, we need a proper definition of animal welfare that expressly recognises that good animal welfare requires a satisfaction of not just the animal's physiological and behavioural needs, but also its general wellbeing. It is not just about whether it is fed and watered, but also about whether it has a life worth living, and the provision of positive experiences is part of that. The definition should be amended to include all this.

The panel recommended, and the government supported, amending section 5(1) and the definition of “harm”, paragraph (c), in the Animal Welfare Act to take account of the fact that an animal may be experiencing distress before its observable physiological or behavioural reactions to such distress become severe. Again, I am thinking of cases in which animals, dogs in particular, in the security industry have been found locked in small tin sheds when the external temperature has risen to 40 degrees. I have been told that it has been impossible to pursue action because a dog was given water. That is not an acceptable way of looking after an animal in the modern country that we live in, and in my view, it is certainly not something that the public would support.

The creation of indictable offences is a particular point that I want to raise. It is fully supported by the Cook Labor government. The recommendation stated —

... the Animal Welfare Act 2002 be amended to include indictable aggravated cruelty offences for acts of cruelty that:

- (a) If committed by an individual, are committed intentionally and which do in fact result in, or which are capable of resulting in, serious harm to, or death of, the animal.
- (b) If —

Those acts of cruelty are —

- committed by a corporation, are committed intentionally or recklessly and which do in fact result in, or which are capable of resulting in, serious harm to, or death of, the animal.
- (c) Impact adversely upon a large number of animals, even where the resultant harm to each individual animal may not be individually described as ‘serious harm’.

Aggravated or indictable offences for aggregated cruelty are something the sector has been calling on for quite some time.

[Member's time extended.]

Ms L.L. BAKER: I would now like to move on to another clause, which is permanent prohibition orders. I mentioned yesterday that the state of affairs at the moment under our existing Animal Welfare Act, which is, of course, 21 years old, is that someone cannot be banned entirely from having animals, so we constantly see offences and cruelty against animals being repeated by people who have been convicted.

The community has been waiting patiently for about sixteen years to see all these issues come through in an updated, modern Animal Welfare Act. The many thousands of Western Australians who stand alongside me, many members of this house—in fact, probably all members of this house—and I look forward to seeing the animal welfare amendment bill come into this Parliament as early as humanly possible. I stress the word “humanly” because it is not we who will suffer; it is the millions of animals. My heart goes out to the sheep that are currently being loaded to be transported to the Middle East in December on Emanuel Exports’ live export ships, because I am well aware that even the vet reports and scientific experts are on board. During the new transitional arrangements that have been put in place, which some people claim have worked, the mortality rate on live export ships is relatively unaffected, even though amendments and what the industry claims are improvements have been made. Those animals will suffer, and many will die. The heat on board those ships is unbearable. We have seen video footage of that. Do not think for one moment that it will not happen again. It will.

One of the other issues that I should mention about both the animal welfare amendment bill and this bill is the need to improve the way we treat animals. I do not think it is necessary for me to say too much more about that, but I was amazed this morning when my research officer sent me a story from the *Broome Advertiser* dated 30 November 2023, which is today. The news story is about Yeeda, a pastoral company, facing a Department of Water and Environmental Regulation probe.

It states —

The pastoral company that owns northern WA’s only major abattoir has been accused of negligence leading to the deaths of more than 400 cattle ...

Yeeda Pastoral Company is at the centre of the shock allegations, which have prompted an investigation by WA’s environmental regulator.

I was particularly horrified about this. It should not really have surprised me. I do not know why I sound horrified. This is not the first time that we have seen this pastoral company in the news for animal cruelty. I go back five years to 2019, when ABC news in the Kimberley reported “Major Kimberley pastoral company investigating animal cruelty allegations aired on Israeli television”. It was not shown on Australian television until after the Israelis broke the story. The article states —

- The WA Department of Primary Industries is investigating after an Israeli national news program aired footage depicting animal cruelty on four Kimberley cattle stations
- The footage, shot by activist group Sentient, depicted cattle being hit in the face by workers, dehorned without painkillers, and shot multiple times without being killed
- Yeeda Pastoral Company has condemned the acts of cruelty carried out on its lease and has appointed independent investigators to identify the culprits

They might have identified the culprits five years ago, but clearly things are still grim. It does not appear that much has changed. A really interesting point came to light when I was comparing the two reports. I am only going on newspaper reports, by the way; I have no external research or supporting evidence, but I cite these two newspaper articles: one from ABC news and the other from today’s *Broome Advertiser*. The Broome-based vet Dave Morrell, who said he has been in the Kimberley for 42 years, mostly involved in the cattle industry, also decried the cruelty that he saw. Five years ago, he said that the footage brought certain issues to light and he welcomed the footage that was shown to try to get the industry to smarten up. I refer to Dr Morrell’s comments because, interestingly, in today’s story about cruelty, Dr Morrell was cited again as having worked with Kimberley cattle for decades. He said that it was a common practice to process scrub bulls as quickly as possible as the stress and injuries associated with yarding those animals for long periods could be fatal. He went on to say —

... the “continuous stress” of being packed together in a yard could also lead to secondary diseases including pneumonia, among other health issues.

Remember that we were talking about respiratory infections like pneumonia being a direct result of cattle being yarded or feedlotted the way these cattle are. I want to take members back five years ago, when it appears that the same thing was happening. Station manager and Kimberley cattle producer at the time, Jack Burton—by the way,

he is no longer involved in the Yeeda Pastoral Company; I just point that out—said that it was disappointing to see that this type of footage is carefully crafted to make them all look like barbarians. He then went on to say —

“We were in the middle of a disease outbreak at the feed yard where our animal losses were very high.

“We had several visits by ... vets and it was deemed that we had a ... Bovine Respiratory Disease ... outbreak.”

Why did Dr Morrell say that we get bovine disease outbreaks? Basically, it is because animals are put in unsustainable conditions. It seems pretty clear to me that the welfare of animals is still not taken seriously in many places in this country.

I refer members once again to the urgent need to see the animal welfare amendment bill presented to this house and passed into legislation. This level of abuse will simply not be accepted by the public any longer. If farmers want to improve their reputation and get through the reputational risk that they are all exposed to at the moment, they will want this to happen as well. We pulled the animal welfare groups together, including those involved in live export, about a year ago, and they wholeheartedly agreed. In fact, they signed a letter to the Premier asking for the animal welfare amendment bill to be prioritised by this government. Along with my colleagues in this house, I am looking forward to the new year when we will see an amendment bill come into this place to improve conditions for animals, in the same fashion that we have seen the Minister for Police bring in an animal welfare bill to address the welfare of police animals.

MS C.M. ROWE (Belmont) [3.40 pm]: I rise to make a contribution to the second reading debate on this very important bill.

Mr R.H. Cook: Are you sure about that?

Ms C.M. ROWE: I really am. I will hopefully make a very short contribution on the Criminal Investigation Amendment (Protection of Law Enforcement Animals) Bill 2023. This is a fantastic bill that will enable the trained dogs and horses of the Western Australia Police Force to be protected by law. The bill will ensure that the very well trained and excellent animals that are used to keep our community safe will be protected by law, so that when people are violent towards these animals and injure them, they will face criminal prosecution. I put on the record my support for this very important bill. I acknowledge that it is always important to support any bill that enshrines the protection of animals in our community. I reiterate my support for everything the member for Maylands put on the record today. She always does a huge amount of work, both publicly and privately, to ensure that animal welfare is promoted in our community.

On that note, it is the last sitting day. I would like to conclude my comments so that we can hear the wonderful adjournment speeches. I acknowledge the great work of the Minister for Police in bringing this really important bill to the house and thank him and all his staff for their great work.

Debate adjourned, on motion by **Mr D.A. Templeman (Leader of the House)**.