

Mr John Quigley; Mr Peter Rundle; Mr Peter Katsambanis; Mr Terry Redman; Ms Cassandra Rowe; Ms Janine Freeman; Dr Tony Buti; Ms Lisa Baker; Mr Shane Love

ANIMAL WELFARE AND TRESPASS LEGISLATION AMENDMENT BILL 2020

Third Reading

MR J.R. QUIGLEY (Butler — Attorney General) [3.48 pm]: I move —

That the bill be now read a third time.

MR P.J. RUNDLE (Roe) [3.49 pm]: I want to make a short contribution to the third reading debate to consolidate the position of the Nationals WA that we will not be supporting the Animal Welfare and Trespass Legislation Amendment Bill 2020 in its current form. We still consider that this bill is about two totally separate issues. One is a crime issue; the other is an animal welfare issue. As I said during the second reading debate and in consideration in detail, Linda Black and her committee still have not reported on the inquiry into the Animal Welfare Act. It is premature for the Attorney General to come into this place and talk about how the animal activism section of this bill will only go through contingent on the animal welfare section going through. It is quite bizarre in a way that the Attorney General has introduced this bill when the committee led by Linda Black is looking at the animal welfare bill at the moment. This government has no genuine intention of passing this bill when it is linking two totally separate issues. As I said previously, this is demonstrated by the fact that the legislation will be listed as item 16 in the Legislative Council. That shows how interested this government is in getting the animal trespass section through, trying to link it to animal welfare, and listing it at item 16 in the Legislative Council. There is no genuine intent.

The other thing that is really disappointing is that just about every other state government managed to bring in animal trespass and animal activism legislation by September 2019. They have not complicated their legislation with animal welfare legislation. That clearly indicates to me that this government does not have a genuine intent to deal with animal trespass and animal activism. We have a genuine intent to deal with animal activism and animal trespass. We went to a lot of effort to put a string of amendments on the notice paper last week. They were all lost, of course; voted down by the government. We have an intent to get the animal trespass section through. As I have previously pointed out, my private member's bill has already been drafted by Parliamentary Counsel's Office, which could be introduced at the appropriate time. It is ready for when this government is genuine about bringing some legislation through. It will be good to see that put on the agenda.

I want to run through a couple of things that we raised during consideration in detail. All members of the Nationals WA are very concerned about the designated general inspectors. I know that the member for Warren–Blackwood is very concerned. There is very little clarity about the general inspectors, apart from the fact that they can be appointed by the director general of the Department of Primary Industries and Regional Development. As we learnt the other day, the only qualification they seem to need is some animal husbandry experience and maybe a certificate IV. Anyone with those limited qualifications and experience can wander onto properties unannounced. We have some real issues with that. For starters, we have concerns about the biosecurity factors. We are not happy that these inspectors will be able to wander into anyone's place unannounced, nor are our stakeholders. The designated inspector proposal was floated in 2017. It was rejected by industry and by the majority parliamentary committee as not being needed as the RSPCA and DPIRD already had sufficient powers. It has been roundly rejected by all stakeholders and the parliamentary committee in the other place, but the minister is bringing it in to try to link it to his animal trespass legislation as a way of trying to slide it through. We are awake to it. We are not impressed with it. All our stakeholders are overwhelmingly concerned that this bill and this unexplained link between animal trespass and animal welfare does not cut it. The Pastoralists and Graziers Association of WA, the Western Australian Farmers Federation, pork producers, egg producers, the Green Shirts Movement and the Livestock and Rural Transport Association of WA are all of the same mind. That is a real concern for me.

During consideration in detail we also raised the issue of the narrow scope of the places covered by the government's animal trespass/welfare legislation. That was a real weakness. My amendments tried to bring in animal source food production places and supply places such as saleyards, ports, road train assembly areas, supermarkets, agricultural colleges, restaurants and the like. As I said, we have a genuine intent to improve the legislation and to improve the number of places that are affected. This legislation has such a narrow scope. I find it quite disappointing. Quite frankly, if this legislation goes through, those activists would move further down the food supply chain. The government has made it so limited, they will just move on. As I said, we have set out our concerns about qualifications and training of inspectors. They are not up to it. The member for Moore and I raised our real concerns about biosecurity issues during consideration in detail—whether the inspectors would have the qualifications and the knowledge that would cut it as far as inspecting these places and having biosecurity knowledge. I think it falls well short.

Another concern we had was the stocking density issue. The Attorney General moved his amendment on that, which helps the cause, but we are still concerned. To be honest, during consideration in detail the Attorney General did not answer the question about deferred grazing. That is a very common practice in farming today. At the break of the

Mr John Quigley; Mr Peter Rundle; Mr Peter Katsambanis; Mr Terry Redman; Ms Cassandra Rowe; Ms Janine Freeman; Dr Tony Buti; Ms Lisa Baker; Mr Shane Love

season, farmers bring all their stock into a narrow small area to allow the clover and pasture to get away. That deferred farming practice is becoming more and more common. It is bringing in that intense production method. We did not seem to get an answer to that. The other issue that fell well short in consideration in detail, which the member for Moore and I also spoke about, related to the grazing areas that are next to abattoirs. I raised the example of 20 or 30 hectares of pasture that sit alongside the likes of the Western Australian Meat Marketing Co-operative Limited in Katanning. It irrigates that pasture. Some sheep might be left out for two, three or six weeks, depending on the numbers going through the abattoir. That is another weakness that has not been covered properly.

Ms J.M. Freeman: Are you saying those things are cruel? Are they cruel to animals?

Mr P.J. RUNDLE: No, I am not saying they are cruel.

Ms J.M. Freeman: If they're not cruel to animals, then what's the problem?

Mr P.J. RUNDLE: That is a totally separate issue. The Attorney General's legislation refers to abattoirs. He does not have the concept that there are grassed areas next door to abattoirs. All he is talking about is holding yards. It is not covered properly in the legislation. I am not talking about cruelty or anything like that; I am talking about the limitations of the legislation. I did not think that area was covered properly during consideration in detail or in the legislation, quite frankly.

In summary, we have tried to widen the scope of the legislation. We have tried to improve the bill. We have tried to move amendments to allow the trespass activism bill to go through without the Attorney General's wording that it is contingent on the animal welfare part of it, which is totally lacking when a committee is looking at it as we speak. As I said, the problem of trespass will move down the supply chain. As far as I am concerned, this legislation demonstrates that this government is disingenuous when it comes to dealing with this issue.

MR P.A. KATSAMBANIS (Hillarys) [3.59 pm]: I, too, rise to speak on the third reading of the Animal Welfare and Trespass Legislation Amendment Bill 2020 and make the Liberal Party's position very clear, as it was made clear during the second reading debate and consideration in detail, that it is prepared to support parts 3 and 4 of the bill. Although parts 3 and 4 are not ideal, the Liberal Party supported the amendments that were moved to part 3 to make them better. They are not exactly what we would have introduced if we were in government, but this is the best attempt that this government could be dragged kicking and screaming to provide. The agricultural sector and the food supply sector have suffered from animal activism protests for far too long. Those protests have gone beyond the bounds of free discussion of ideas and the right to protest and are essentially attempts to damage businesses and shut them down illegally by methods of either trespass, or sometimes even worse than trespass—direct criminal damage. The Liberal Party pointed out during the second reading debate and consideration in detail that these changes do not go far enough. As the member for Roe reiterated, they will move the problem further down the supply chain and allow activists to target other areas that perhaps they have not yet targeted. The proposed changes in parts 3 and 4 of the bill are not comprehensive, but they are better than what we currently have. If this is the best the government can come up with—obviously we need to get it through a chamber such as this—we are willing to support the changes in parts 3 and 4 on the basis they are better than they are currently and hope that in the future a different government, with perhaps a sharper and better focus on protecting the livelihoods and the homes of the people who are suffering from this illegitimate activity, which crosses the bounds of fair and legitimate protest, could consider some better changes. What we do not support is this attempt, by stealth, to introduce this new form of “designated inspector” that is included in part 2 of the bill. It is completely unrelated to the issue that is supposed to be addressed by this bill—that is, when animal activists cross the line from legitimate protest into illegitimate activity that harms and threatens the livelihoods of others.

Part 2 of the bill cannot be supported because, right now, there is a ministerial review underway looking at these particular issues in relation to the Animal Welfare Act 2002. The legislation before us essentially neuters the ability of that ministerial review to report to the minister, which raises the question: why was the review called in the first place? We know why it was called: it was because the government tried to introduce these changes a bit earlier in this term, in 2017. It was caught out then and scurried along and called for a review rather than admit total defeat. Give that review panel—those people who are volunteering their time—the opportunity to complete its work, hear from all the stakeholders and make a set of recommendations. The fact that the government has not even bothered to wait for its own review panel to report to the minister highlights once again that it is not coming to this Parliament with clean hands with regard to part 2. Most stakeholders this will affect are diametrically opposed to it. As I and others pointed out during the second reading, the Western Australian Farmers Federation and the Pastoralists and Graziers Association oppose it. The Attorney General argued the PGA probably will not be subject to this sort of inspectorate—maybe that is the case; maybe it is not. Both organisations are legitimate stakeholders and they are entitled to their opinion. Their opinion is very strong on this—it is wrong and it should not go ahead. None of the other stakeholders that the member for Roe pointed out are supportive of this.

Mr John Quigley; Mr Peter Rundle; Mr Peter Katsambanis; Mr Terry Redman; Ms Cassandra Rowe; Ms Janine Freeman; Dr Tony Buti; Ms Lisa Baker; Mr Shane Love

The Liberal Party was looking forward to the ministerial review panel, chaired by Linda Black, reporting on this issue so it could weigh up the pros and cons of needing an additional group of designated inspectors over and above the inspectors from the department and from the RSPCA who are out there in the field, and considering the pros and cons of going down this path, but the government has not waited for that. It has not bothered to wait for its own review panel to report. It has just continued on its merry way trying to find another window of opportunity —

Mr J.R. Quigley: It is not our review.

Mr P.A. KATSAMBANIS: It is called a ministerial review. Whose review is it? It is the Minister for Agriculture and Food's review. If she is not part of the government, let us know, let the people of Western Australia know and perhaps let the Premier know! It is the government's review.

Mr J.R. Quigley interjected.

Mr P.A. KATSAMBANIS: The Attorney General's government commissioned it. The Attorney General sits in cabinet. I do not know what he was doing that day! Did this not go through cabinet? Does the minister for agriculture have this sweeping portfolio in which she can do anything she wants outside of cabinet, including forcing the Attorney General to include a clause in his own bill that he has no responsibility for? I do not get it. The Attorney General, who is responsible for this bill, says, "It's not our review." It is the Attorney General's government. It is its ministerial review; it commissioned it. It is on the Department of Primary Industries and Regional Development's website! If the Attorney General does not know about it, do not blame me; but it is the government's review and it has not waited for its report. I understand that the Attorney General is wedged here because this is not his legislation. He is not responsible for the Animal Welfare Act; he is just bringing this in because he was told to do so—balancing up those various sections of the Labor Party that were at war over this.

If a Liberal government or a Liberal–National government were in place, we would not have waited this long. We would have brought in amendments to deal with the issue at hand—the amendments to the Criminal Code and the amendments to the Restraining Orders Act. But the Labor Party is in government and it sought to bring it in this way. In its current form, we would be letting down the very people who are waiting for this bill in order to get the protection that they deserve. But they are not going to get it. We would be letting them down if we supported the bill in its current form, and we will not. We hope that when this bill goes to the other place, like many other bills, it comes back to this place in a better form and that the Animal Welfare Act changes are excised. They ought never have appeared in this legislation in the first place. We hope they are excised and that this bill can come back to this place in a form and manner that we can support. Make no bones about it: this Western Australian Labor government is letting down the agricultural sector. It is letting down the animal production sector in this state and it is letting down everyone along that food chain—from paddock to plate, from farmers to the people who run abattoirs, to the people who run the stockyards, to the transporters, to the butchers, all the way into the restaurants and supermarkets. The government is letting down every single person along that food chain, including the retail and hospitality workers who have to bear the brunt of some of this unfair and completely illegitimate activism masquerading as legitimate protest.

The Liberal Party's position is very clear: it cannot support this bill in its current form. The Liberal Party is disappointed that it cannot support it, but the reason it cannot is all on the government's head. The government has chosen to bring in two completely unrelated concepts and merge them together. It has tried to use the goodwill of a sector that is crying out for support—the sort of support that would be brought in by parts 3 and 4. It has tried to use that goodwill against that very sector by introducing part 2, by stealth, before the ministerial panel has even had a chance to report to the minister. When the government sees its way to separating these two principles and comes back with a bill after part 2 has been excised from it, and when the ministerial panel reports to the minister and the government comes up with a properly calibrated set of amendments to the Animal Welfare Act that can be supported by all parties, we will be in a much better place. Make no bones about it, I do not think anyone in the agricultural sector will feel let down because people who are not in the Labor Party are not prepared to support the changes that the government is introducing in part 2. In fact, the agricultural sector is asking us not to support part 2 and we are standing up for it.

MR D.T. REDMAN (Warren–Blackwood) [4.10 pm]: I also want to speak in the third reading debate of the Animal Welfare and Trespass Legislation Amendment Bill 2020 to reinforce much of what has been said and to highlight that the government has chosen to bring together in a bill two entirely different concepts that are not acceptable to our constituency. Unfortunately, I was not here at the close of the consideration in detail stage on Thursday—I had to get back to my electorate—but I listened to the debate on the radio. Both the member for Roe and the member for Moore did an outstanding job to represent the Nationals WA and the interests of regional Western Australia as they apply to this bill. They endeavoured to put on the table a strategy that the government would support to deal with these issues and to get the bill through this house and through the upper house, in particular, and to respond to what the Attorney General said in very emotive language 18 months ago, when he said that he would fully support new trespass laws to deal with issues that are confronting farmers and other people in that

Mr John Quigley; Mr Peter Rundle; Mr Peter Katsambanis; Mr Terry Redman; Ms Cassandra Rowe; Ms Janine Freeman; Dr Tony Buti; Ms Lisa Baker; Mr Shane Love

sector. The Attorney General said that he wanted to respond to those issues and even said that it would be two to three weeks away.

We gave the house a chance last week. The member for Roe, in particular, did a lot of work to move amendments to separate two parts of the bill and to enhance some of the issues in the bill to make it better. But those amendments were not accepted. The government is now prosecuting the argument that the Nationals, and the Liberal Party for that matter, do not support upgrading trespass laws. We absolutely do, but when a bill is packaged like this, it does not have the support of regional Western Australia and, therefore, it does not have our support.

It has been pointed out on a number of occasions that the government did not wait for the benefit of the independent panel's report so that its recommendations could be put into this bill. Instead, the government chose to draft something and ram it through this house so that it could be taken to the upper house. Who knows when the independent panel is going to report and who knows whether that work will benefit the bill as we move forward. A lot of work has been done by Nationals WA members, including work on a private member's bill. That is on the table. That would give us a chance to deal with an issue that the government rightly pushed 18 months ago but has not done a damn thing about since.

I want to reinforce a couple of things that have happened. The sector that is probably most impacted by the scope of the bill—the very nature of how it works in terms of both animal welfare and trespass laws—is the agricultural sector. The agricultural sector is defined by a range of different groups; they collectively do not support the bill. I would have thought that when the government introduces legislation to deal with trespass and animal welfare matters, it would consult with the very sector that could have an input into the scope and nature of how that legislation works. It is not good enough to say what the member for Mirrabooka said. It is not good enough to say, “Are there animal welfare issues, because if there are not, it does not matter.” That is not good enough to say that.

Ms J.M. Freeman interjected.

Mr D.T. REDMAN: It is not good enough to say that, because it is about the scope of the act. The legislative provisions are in the act.

Ms J.M. Freeman interjected.

Mr D.T. REDMAN: Yes. People who are likely to be impacted by the bill have a right to put forward their views, but the government did not seek that advice or get a response. That is why we find ourselves here. In the collective, we do not have those organisations in regional Australia. The bill provides for rights of entry and a range of matters that potentially impacts upon them. It is right that they should be included in that consultation and it is right that if the government does not accept any changes at this point, and if it is unpalatable to them, then it will be unpalatable to us.

I found it interesting that the member for Moore—I did not hear this bit when I was travelling down south—talked about deferred grazing and those sorts of strategies that are employed by farmers. Indeed, I recently visited a farm in South Stirling where deferred grazing was in play; because of the nature of the season, they were trying to take the pressure off the pastures. The member for Moore wondered whether the quasi-feedlot arrangements that occur as a product of deferred grazing would fall under the legislation. The member for Roe said that the Nationals did not receive a response. Again, there is an issue about whether parts of these management strategies used by farmers in Western Australia are captured by this legislation. Clearly, that is unclear. Why is it unclear? It is because consultation has not happened. The various groups that will be impacted by this legislation have not been consulted and they are none the wiser about whether what the Labor Party is going to pass through this house today will affect those particular arrangements. It makes sense that they should be consulted and have some input into it. The very sector that is likely to be substantially impacted by the bill is not supportive for a range of reasons. Largely, the Nationals have prosecuted those arguments.

For that reason—I highlighted this in my second reading contribution—we see that what has happened here is largely political. The government has packaged something into this bill that it knows is probably going to be unpalatable to the National Party and the Liberal Party. It knows the likely consequences of those decisions but it is saying, “We looked at the trespass laws. We tried to put that through caucus and struggled, so now we have to do something that satisfies other parts of caucus. Let's put this stuff together knowing that it is not going to be palatable.” The government is really not serious about dealing with these issues because 18 months went by before the government presented this unacceptable bill to us. Therefore, this is political. This is not about making a difference to those people who are impacted by others who choose to trespass on their property and take action that can compromise farming activities and result in biosecurity risks. The member for Moore prosecuted a very good argument that biosecurity risks are significant, particularly for intensive agricultural sectors. Spreading of disease and pests by its very nature can impact on the welfare of animals. He said that the government does not seem to be taking seriously the issue of biosecurity risks posed by people who trespass onto property. Control over those biosecurity issues is being taken away and this legislation is an example of that. Therefore, this would seem to be very political, which is sad,

Mr John Quigley; Mr Peter Rundle; Mr Peter Katsambanis; Mr Terry Redman; Ms Cassandra Rowe; Ms Janine Freeman; Dr Tony Buti; Ms Lisa Baker; Mr Shane Love

because it is not the right outcome for those who are impacted by trespass issues, which we saw play out in very stark terms not that long ago.

I, with my colleagues, will not support this bill. We also do not accept the government's argument that we do not think the trespass issues are real; we do not think that trespass issues are something that should be dealt with by the government. The government has put up a package that is not going to work and, therefore, it needs to wear the consequences of this legislation perhaps not getting through the upper house.

MS C.M. ROWE (Belmont) [4.20 pm]: It is with great disappointment that I listened to Nationals WA members talk about why they oppose the provisions in the Animal Welfare and Trespass Legislation Amendment Bill 2020. I spoke during the second reading debate exclusively about the animal welfare provisions because I feel so passionately about the need for them. That was apparent when watching the footage of former racehorses on 7.30 and the wholesale cruelty that was going on in abattoirs right across the eastern seaboard. It was quite shocking. In fact, it was sickening to watch. People in my community and friends of mine from all walks of life were absolutely disgusted that it was going on and they wanted assurances that it was not going on here.

I find it bizarre that anyone in this place can argue that there is no need to having transparency and oversight in any industry, let alone an industry that deals with live animals. A member talked about the qualifications of inspectors, which I thought was interesting. What kind of qualifications would be appropriate to conduct an audit or a review of the processes going on in intensive farming to ensure that the animal welfare legislation is upheld? I would be very keen to know what qualifications those who are opposed to the legislation insist such officers should have, because I feel that is a very poor argument. There are easy ways around that by ensuring that appropriate training is provided to the inspection officers to ensure that there is no risk to biodiversity and that the inspectors do not intervene in the production on a farm that is subject to a random inspection. If I am honest, I feel that is an absolutely pathetic reason not to want to see better animal welfare outcomes in this state. It is a farce.

I come back to the point that I mentioned in the second reading debate about the random inspection provisions that we included in the bill. Their randomness is precisely the point; they are random. They are neither expected nor anticipated. That is the case for hospitality venues. Cafes and restaurants are subject to random health inspections at any time. That is precisely the point of them.

Ms J.M. Freeman: Do you think those inspectors would be able to think about the biosecurity and health concerns around that? Do you think they would have the appropriate qualifications?

Ms C.M. ROWE: I am glad the member asked that question because I was pondering that when listening to the Nationals labour the point about qualifications. I draw members' attention to the health inspectors. I would like to know what their qualifications are. What expectations do we place on them? Do they have university qualifications and the appropriate training? They go into people's businesses unannounced to inspect food production. There is very little difference, in my view, between them and the proposed inspectors. I respect the right of farmers to run their business, but I also expect them to run their business in a way that ensures that no animal cruelty is going on in their premises. If there is nothing to hide, they should not be afraid. They should in fact welcome these provisions with open arms. They should say, "This is great. We have nothing to hide here. You can come and see how well we are treating these animals." I am shocked that the Nationals are opposing these reforms.

I will highlight something else that I touched on in the second reading debate, and that is the continual instances of animal cruelty that we see in abattoirs and the like right across this country. An article I have just seen is titled "NSW abattoir's cruelty sickening: court". The article states —

A Sydney abattoir has been hit with a \$60,000 fine for treating animals in a sickening and grossly inhumane manner.

Hidden-camera footage emerged in February last year showing livestock that were conscious being brutally bashed with poles and slashed with knives at the Hawkesbury Valley Meat Processors, in Sydney's northwest.

One worker was seen bleeding out a pig that hadn't 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 couldn't move to escape the shocks.

If anyone in this house thinks that is okay, I think that is appalling. If they think that it is okay for this to go on behind closed doors, something is clearly wrong. The community expects more from us. We have an obligation to protect the animals that we use for our own food consumption, even more so than other animals. If we are using them for meat or for any other product, we have an obligation to do the right thing. Farmers should not be afraid of transparency; they should welcome it. If they have nothing to hide, there is nothing to see and nothing to fear. I commend the bill to the house.

Mr John Quigley; Mr Peter Rundle; Mr Peter Katsambanis; Mr Terry Redman; Ms Cassandra Rowe; Ms Janine Freeman; Dr Tony Buti; Ms Lisa Baker; Mr Shane Love

MS J.M. FREEMAN (Mirrabooka) [4.25 pm]: I, too, rise to speak on the third reading on the Animal Welfare and Trespass Legislation Amendment Bill 2020. I am also very disappointed, shocked and, frankly, disgusted that the opposition parties—it is the opposition, really; they are one and the same party, but they just like to act like they are not—which have very little relevance in this state, have shown themselves to have less relevance by opposing this legislation by creating a dispute around two separate principles. The principles are the same. They are about crimes that occur on farms. It is either a crime against a farmer when someone trespasses or it is a crime against the animals. This bill is about ensuring that crimes against animals cannot be perpetrated and that crimes against people cannot be perpetrated, in the manner of trespass. Let us get away from the idea that there are two different principles, and, therefore, why is the government confusing things? Let us just say that it is about addressing what we, as a government, are very good at addressing, which is community safety and crimes in the community. The farming community is one community in which crimes occur.

The member for Belmont outlined that these are hideous crimes on defenceless creatures that have no way of going to the police and reporting it. At this point, that occurs only when something is revealed by activists or in other surreptitious ways. That is why this bill is important, positive and proactive in its ability to deliver to the community. This bill upholds animal welfare standards by making provisions for monitoring and randomly inspecting abattoirs, knackeries and intensive food production places. It introduces a compliance and inspection regime, which is needed. On the other hand, this bill responds to knowing what is of benefit to the animals. I thought that farmers would want provisions that are of benefit to the animals. This is their livestock, their business and their production. The bill will also ensure that farmers will have recourse when animal activists do something illegal or people trespass illegally. There are very serious penalties for doing something that puts others at risk when they commit a crime. The bill basically tells animal activists that we understand that they have been actively trying to prevent cruelty against animals. What we are going to do, as a state, is put in the processes, procedures and people who can inspect farms to ensure that the activists do not need to break the law. Activists can campaign and argue and express what they think about our society's industry of animal husbandry or wifery—I cannot quite get over why it is such a male word; in any event, I digress—and be active against people who grow animals for production and food. However, this legislation means that activists can no longer put those people at risk. They can no longer trespass. We will make sure that the penalties are appropriate deterrents against that. But we will also take into account the fact that the government has been vacant in this area. It has not been able to defend the rights of these sentient beings—these animals that can feel pain in the course of cruelty. We have seen demonstrations of that. We saw the cruelties to retired racehorses revealed by the ABC's 7.30 report. It was stomach churning; it was sickening. We wanted to turn our heads away from how anyone could do that. That situation has brought this to the fore. It has made us more aware that these cruelties occur. They should not occur; there should be proper inspections to prevent these situations.

This legislation will ensure that these inspections will be effective. The member for Belmont pointed out that, like health inspectors, the inspectors will be able to turn up at any time. That is how health inspectors ensure food health and safety, which allows us to be assured of the quality of our food. Those health inspectors are trained. Many of them have university degrees, but they have to gain further qualifications to become health inspectors. But what is really impressive about this legislation is that it will deliver the necessary resources for these investigations. It will ensure that there are good guidelines to execute these investigations, and a capacity to prosecute. The member for Belmont pointed out that it is about transparency and accountability, and no industry should hold itself above that. No industry should see itself as being somehow unable to be investigated. The community wants transparency and accountability, the community requires and demands it, and we are delivering it.

On the other hand, people who engage in animal source food production demand protection from activists trespassing on their property. In response, we have put together what could really be called a protection bill. This legislation will protect animal production. This bill is a very powerful disincentive to the abuse of animals, but it is also a powerful disincentive to people who wish to use trespass in their activism against the abuse of animals. It is a really important framework that fits together. This is not a framework that we can suddenly separate, because the foundations of this bill—the things that this bill are established on—will fall away if we separate those two things. It is an intermeshed idea. The opposition has the idea that we can somehow separate those two things, which is just bizarre and obscene, and undermines this good piece of legislation.

This bill does not say that people cannot protest. I come from a long background of protesting. I have engaged in protests for most of my adult life—probably before my adult life began—and I know that to protest is not to break the law. Protesters make their voices heard so that they can outline what is not right in the community and what should change. If we did not have protests for women and the vote and women in Parliament, I would not be standing here today, because people said that we should not allow that to happen. People said that it was not the role of women. The opposition says that it is not the role of government to go onto farms to investigate and reveal abuse. No; we should only do it in the way that the opposition thinks it should occur.

Mr John Quigley; Mr Peter Rundle; Mr Peter Katsambanis; Mr Terry Redman; Ms Cassandra Rowe; Ms Janine Freeman; Dr Tony Buti; Ms Lisa Baker; Mr Shane Love

This legislation is specific. It is targeted at activities that have an adverse effect on the animal source food production industry and the people in it. The bill introduces “circumstances of aggravation”, whereby a person interferes with or intends to interfere with animal source food production, or assaults, intimidates or harasses a person in the context of their engagement in that production. I think that is a really reasonable way of dealing with this. 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. What is really interesting is that this legislation allows for a community order. The intention of that is that an offender cannot crowdfund a community order away. They cannot get support from people who say, “We agree with what you did and we’re going to fundraise so that you don’t have to pay this fine.” The government and the legislator are saying that if someone commits aggravated trespass, they have to be held accountable for their crime and make amends to the community for what we say is not acceptable. We are not telling people that it is not acceptable to be an activist or to protest. We are saying that we are putting in place a process and procedures and really good, strong legislation to ensure that the industry will be regulated and investigated. We hear people’s concerns and we will make sure that we meet them. Activists have never been allowed to trespass onto a property—it has always been a crime to trespass—but some believe it is right and just to trespass for the purpose of their protest. This legislation makes it clear that trespassers are acting beyond their protest. They put people at risk, they put livelihoods at risk, and, as the definition makes clear, they put production at risk.

I am also impressed that this legislation introduces the protection of a misconduct restraining order, so that those who are affected can take their own action. I cannot believe that the opposition is opposed to these protections. People want for themselves the protection of being able to get a restraining order against activists, but they are not willing to consider those protections for the animals that are part of their production, that they profit from and that form their business. People in this business may say, “Only we know. Only we get it. Don’t you tell us these things.”

I was particularly taken by the member for Armadale’s second reading contribution on the Animal Welfare and Trespass Legislation Amendment Bill 2020. He pointed out the hypocrisy of opposition members, particularly the Nationals WA members, and how they conduct themselves in this place, particularly on this sort of legislation.

The member for Maylands gave a great contribution to this debate. One of the strongest things she said was that this legislation will send a clear message to people who seek to do things that are illegal because it provides for more jail time and increased penalties. That message will be sent to people who do illegal things by either trespass or cruelty to animals—damaging animals and not caring for animals. This bill is a clear message to both types of people. It is not a separate principle. It is not something we can simply divide and say, “You just give us this because we don’t want you to question us. We don’t want you to scrutinise us. We don’t want you to think that we could do anything wrong because if you think we are doing something wrong, you must be animal rights people.

Those are the only people who think that we don’t do things right because we could never do anything wrong.” That is not what we are saying. What we are saying is that if they want protection, to deliver that protection and make sure that activists stop trespassing in an aggravated manner on their property, we need to take action to provide protection for the animals.

It is incomprehensible to me that the Nationals WA moved a motion to remove “animal welfare” from the short title of the bill. Can I just say that again? The National Party sought to remove “animal welfare” from the short title of the bill. It wanted those words deleted because it concocted the idea that it somehow has to protect farmers and their livelihoods but it does not have to protect the animals that give them that livelihood. It has concocted a spurious argument because it does not want to be told what to do. Cruelty against animals is a crime. Trespass is a crime. This bill deals with crime. It is about the prevention of crime and I am really proud of this legislation. As was referred to by the member for Belmont, Nationals members are also concerned about the designated general inspectors. This is about a sector that has the worst occupational health and safety record in the state. These people injure more people than does any other industry in the state. These people, frankly, kill more people in a workplace than any other people in this state. Farms are workplaces but they are telling us that we cannot have inspectors. Occupational health and safety inspectors are limited in the way that they can enter farms. They argue that they cannot inspect farms because they are also people’s homes. Meanwhile, children lose limbs and suffocate in wheat bins. Those are dreadful accidents. Dreadful things happen because farmers think they stand away from the rest of us. Frankly, I am over the squattocracy. These people should stop saying that theirs is a different industry. Farms are a workplace and farming is an industry. Farmers have responsibilities and they are the same responsibilities that we all have in workplaces. I am over hearing, “You don’t understand; it’s different.” I understand that this nation’s history was well and truly established on the sheep’s back and on the export of wheat. We have a lot to thank the farming community for. My partner comes from a farming family. He grew up on a farm in Corrigin. Farms now are big business. My partner’s family would not be able to survive on that farm now. It was sold to a bigger business. Farms nowadays are massive, as is food production, such as chicken farming and abattoirs. These are not small niche industries on the back of which we have built a nation. These are now large organisations that absolutely have to meet the requirements of

Mr John Quigley; Mr Peter Rundle; Mr Peter Katsambanis; Mr Terry Redman; Ms Cassandra Rowe; Ms Janine Freeman; Dr Tony Buti; Ms Lisa Baker; Mr Shane Love

a modern-day industry, the requirements of community interest and the requirements of ensuring that the animals used in their production are not subject to cruelty. I am flabbergasted by the whole idea that no-one can question their expertise. I am lost for words that people in a certain industry think that no-one can question them. I have to say it—that is so male! It is so male in that paternalistic, patriarchal way—not men in particular, but patriarchy. The whole idea of patriarchy is “Don’t you question us. Don’t you question power. Don’t you question how we operate.”

Mr R.S. Love: What a ridiculous thing to try to run down an entire industry. That’s a disgrace.

Ms J.M. FREEMAN: I am not running down the industry. I am running down the member for Moore. I read what the member said and it is arrogant.

Several members interjected.

The ACTING SPEAKER (Mr T.J. Healy): Members! Member for Mirrabooka, are you seeking to take interjections?

Ms J.M. FREEMAN: No, but I will respond to that.

The ACTING SPEAKER: Member, if you can please talk to the Chair.

Ms J.M. FREEMAN: Yes, I will talk to the Chair.

I am not talking about an industry. I am talking about the people in this chamber who act like they represent an industry and who say things such as, “We could potentially be looking at a scenario in which a 21 or 22-year-old graduate from the University of Western Australia, with absolutely no experience in the livestock industry, could wander onto someone’s farm.” Another member went on to judge the Department of Primary Industries and Regional Development and stated, “The Department of Primary Industries and Regional Development is no longer the department of agriculture, as it once was. It is a very broad department.” Of course, I am not quoting from the uncorrected *Hansard*. I am reading it for reference. I was not picking on the industry. I was picking on particular members of the National Party whose arrogance basically says, “Don’t question us. We represent these people and no-one else can claim to have any other knowledge.” Of course, the Attorney General pointed out that those inspectors would have adequate training and capacity to do that work. But for some reason, the member decided to go on and stated, “We do not want people who happen to be geographers or economists venturing out and putting themselves forward as inspectors, charged with the zeal of ensuring animal welfare.” That is arrogant, paternalistic and unacceptable. The member went on to say, “We are not talking about the way we would treat our pets.” Do we treat only our pets with humanity and kindness? We cannot possibly treat other sentient beings as we would treat our pets. The member for Moore said we could not possibly do that. The arrogance of it is palpable. He implies that saying we can treat animals like we treat our pets is akin to not understanding what it takes to run an efficient and humane commercial production system. Animal welfare is animal welfare; there should not be a different focus on cruelty depending on what it is applied to. I asked the member for Moore whether docking or mulesing still occurs and he said that it is now done with anaesthetic and painkillers. I am old enough to remember a time when sheep were docked or mulesed without anaesthetic or painkillers. When the system changed because of a push on agricultural departments through regulations, there was an outcry. People asked, “How can we do that? How can we possibly have to put that into our production system? What about the cost?” Things can change. This bill is about change. The bill is important in a framework to bring together two elements so there is a change, and so animal activists know that we, as legislators, want change. They need to know that we want change otherwise they think that we are not responding to and we do not hear their concerns. They think we do not see the things we see on our televisions or hear the stories we heard from the member for Belmont about people not properly stunning a pig and then beating it.

All through the state, our public servants are well trained, well placed and well qualified to do all sorts of work, whether they are occupational health and safety inspectors or public health inspectors. They may be people who work for the Department of Biodiversity, Conservation and Attractions as forestry workers who know about biosecurity risks from going to one place from another and not taking dieback. The idea that members can somehow try to unpick a really good piece of legislation because they are worried about some sort of spurious argument around people not being trained in biosecurity is arrogant. It is because those members do not want to support this bill. They want to act like they represent their communities but, frankly, I cannot believe they do. If that really was the case, those members would be going out to reassure their communities that this legislation is important to underpin the delivery of what producers and farmers are concerned about, which is aggregated trespass, and carrying it out in a way that delivers animal welfare and animal safety. If those members were really good representatives in this chamber, they would not be playing politics—they would just deliver.

DR A.D. BUTI (Armadale) [4.53 pm]: I would like to follow on from the words of the member for Mirrabooka. The Animal Welfare and Trespass Legislation Amendment Bill 2020 is a balancing act between complex issues. That is what we do in this place. We deal with complex issues and they often have to be balanced. We cannot always get what we want and we have to try to get the best outcome overall. I am incredibly surprised and disappointed that the Liberal Party does not support this legislation. Its members will be answerable to their constituents. I am

Mr John Quigley; Mr Peter Rundle; Mr Peter Katsambanis; Mr Terry Redman; Ms Cassandra Rowe; Ms Janine Freeman; Dr Tony Buti; Ms Lisa Baker; Mr Shane Love

not sure whether the member for Hillarys' constituents will be happy that his party does not support this legislation. Of course, then I will come to the Nationals WA. I think I may have said enough things about the Nationals WA in my contribution to the second reading debate, but I will say one more thing. The member for Warren–Blackwood goes on about us not being concerned about agricultural regions or anything like that. Member for Warren–Blackwood, go back to my inaugural speech. I sat where the member for Belmont is sitting and I think he sat in the front row where the Attorney General sits. I will quote from page 6 of my inaugural speech —

Let us become the clean and clever country. We must ensure that the agricultural sector is not cast aside for the mining and resource industry. This we must ensure for reasons of sustaining a stable domestic food supply, and out of respect for generations of farmers and pastoralists who have an attachment to the land not unlike our Indigenous people.

I will not listen to any more accusations that I do not care about the agricultural sector. We do care about it, but we need to balance complex issues. It cannot all be one way. I wanted to put that on the record. I reckon I am probably the only person to have those words in their inaugural speech!

The member for Roe, whom I respect enormously, is currently a farmer. I take his concerns very seriously but I do not understand what the real concerns are about this bill. One part of the bill deals with the animal activists who trespass on agricultural properties and, in some cases, in people's homes, which is not acceptable. Penalties have been increased for those cases. Surely, the member must be delighted with that. I do not quite understand why he has concerns about the enhancement of the animal welfare regime that this bill seeks to address. It deals with intensive agricultural production. As the member for Roe and his colleagues have said, farmers have concerns for and care about their animals, and not just their pets. I totally agree but my question is whether the member is saying animal welfare is not compatible with sustainable economic agricultural production. Can we have animal welfare and an economically viable agricultural industry?

Mr P.J. Rundle: Yes.

Dr A.D. BUTI: Yes, of course we can. As the member and I both know, most farmers do the right thing. But as in every industry, some of them will not do the right thing. The member for Belmont highlighted some cases of animal cruelty. That will happen. Occasionally, there have even been corrupt politicians. There are corrupt police officers. In every industry, there will always be some bad apples. This bill seeks to improve the surveillance regime of intensive animal agricultural production. The member for Warren–Blackwood used the analogy of a police officer using a search warrant to get onto someone's property. He was definitely comparing apples with oranges. A police officer goes onto someone's property to investigate a criminal matter. They have completely different powers from those of an inspector. Members do not complain about food safety inspectors going to restaurants. They understand the need to inspect restaurants and so forth to ensure that food is safe for people to eat, so they do not complain about that. Food safety inspectors do not need reasonable suspicion to act; it is done on a random basis.

As I mentioned in my contribution to the second reading debate, being a sports expert, the member for Roe would understand the anti-doping regime that we have in sport. In that case, the Australian Sports Anti-Doping Authority agent does not need a search warrant to knock on the door of an athlete's home. They do not need a search warrant or suspicion; the key is that the search is random. Because it is random, hopefully 99 per cent of athletes—but maybe fewer—would ensure that they are clean. If they are on a doping substance and know that an inspector is coming to test them, they will ensure that they stop taking it for the time needed to get a negative reading. We need a random regime to ensure that people behave. Having an inspector at someone's property 24/7 is obviously not sustainable from a resourcing point of view and I am sure no farmer would want an inspector on their property 24/7, so the random nature of the regime will act as a deterrent.

I return to the point of whether farmers are doing the right thing. I honestly believe that most farmers are, but some are not. The cruelty to animals that we have heard about and seen has to make one cry or feel that it is just not right. All we are doing is giving these inspectors the same powers that restaurant inspectors have. The powers are less than those of anti-doping testers, because they can go into someone's house or flat, and if the athlete is not there and does not have a reason for not being there, they will have committed an offence. They have that power as a deterrent. Rightly or wrongly, there is no doubt that at times animal activists have discovered animal cruelty. I am not justifying the means; I am just saying that when they have put secret cameras in animal premises, they have discovered animal cruelty. If those cameras had not been there, we would never have known about those cases. The 7.30 report last year about animal cruelty in Queensland came about because there were cameras and whistleblowers et cetera. I am not justifying animal activists trespassing onto people's properties, but the fact is that their actions do result in revealing some animal cruelty. We are trying to remove that aspect. Of course, Nationals WA members are happy that we are trying to remove or increase the penalties for trespass on people's properties, but they cannot then expect us not to think about what legal, orderly regime that is not all-pervasive for farmers should be put in its place. What we will put in place is no more and no less than restaurateurs have to deal with. That is all we are doing, and the Nationals are still voting against it.

Mr John Quigley; Mr Peter Rundle; Mr Peter Katsambanis; Mr Terry Redman; Ms Cassandra Rowe; Ms Janine Freeman; Dr Tony Buti; Ms Lisa Baker; Mr Shane Love

I really do not understand that because, as the member for Mirrabooka said, surely farmers would want to ensure that their animals are treated properly because they are part of their economic sustainability. I will argue any day against members opposite who say that increasing the animal welfare regime is detrimental to the economic sustainability of agriculture. Most farmers are doing the right thing, so how would the regime we are trying to implement detrimentally affect farmers? I just do not get it. If most farmers are doing the right thing, how will tackling trespass and allowing inspectors to have the same powers as inspectors who enter restaurants and so forth be detrimental to farmers? It is not going to be detrimental to farmers. We need a way to ensure that we can find those small cases of animal cruelty, because there always will be some farmers, or some pet owners in the city, who will engage in animal cruelty. Unfortunately, it is just human nature. Surely members opposite do not want that; they want their industry to be well-respected. The industry is well-respected and this regime poses no danger to it.

Why is the National Party coming to this place seeking to vote down this bill? Is there something to hide? I do not think there is anything to hide, but Nationals WA members are acting as though this legislation will endanger the livelihoods of farmers in Western Australia. We all rely on agriculture, so why would we do something to endanger that industry? In fact, we will enhance it, because cruelty to animals is not necessarily economically sustainable in any case. It does not have an economic benefit. For the life of me, member for Hillarys, it is beyond me why the Liberal Party would oppose this bill. I was not in the chamber for the member's contribution to the third reading debate, but I heard nothing in his or his colleagues' contributions to the second reading debate that indicated any rational reason why they oppose this bill. Maybe the member brought up something that provides a rational basis for that opposition to the bill in his contribution to the third reading debate or maybe the member was just supporting his National Party colleagues. I do not think that is a strong reason to vote down this bill. Anyway, the member will have to live with that, and when it comes to the ballot box next March, his constituents will live with it. I would like to see the members for Nedlands and Churchlands go to the polls standing on this approach to animal welfare.

I will bring my contribution to an end shortly. This bill tries to balance two complex issues that are linked. No-one can say that they are not linked; they are linked. The bill deals with trespass on agricultural properties, which, of course, is linked to what happens on those properties. We are trying to deter and punish animal activists who trespass and at the same time ensure that an enhanced animal welfare regime is in place to deter and eliminate animal cruelty. That is what we are trying to do. The National and Liberal Parties have not convinced me that this regime will affect the livelihoods of farmers—they just have not. The main reason given in the second reading debate for voting against this legislation was that a review of the Animal Welfare Act is going on. That is not a good enough reason. Anyhow, that is the way they want to run this, and that is up to them. But, as I said, good animal welfare equals good animal husbandry practices and good farming, and that is good economics. I know that the member for Roe practices good animal welfare but I do not quite understand why he cannot see that there is no danger to that livelihood. We are asking the agricultural industry to agree to a factor as a deterrent that other parts of other industries have to agree to, such as random inspections of restaurants and so forth. As I said to the member for Warren-Blackwood, I will not sit here and listen to him again say that we are not concerned about the agricultural industry. He should look at my inaugural speech on 30 October 2010—nearly 10 years ago. Thank you, Acting Speaker.

MS L.L. BAKER (Maylands — Deputy Speaker) [5.09 pm]: I rise to make a contribution to the third reading of the Animal Welfare and Trespass Legislation Amendment Bill 2020. All the issues that I will refer to are directly related to my speech on the second reading, and a couple of points that I missed in the heat of the moment, as one does in a second reading contribution, but they are all relevant to the comments I made. I started by talking about the issues around farm animal welfare, moving from what was probably a peripheral issue in the minds of the public 20 years ago—not something that stood out as being of concern to the majority of Western Australians and not something that challenged farmers' social licence. We trusted farmers—it was okay—to look after animals and produce the things that we either eat or use from animals with extensive ethics and moral integrity. That is the whole issue around animal husbandry.

In the last 30 years—this is evidence based, as I took great lengths to point out in my second reading contribution—this issue has moved to a very central issue in the minds of the public. I want to start by picking up an issue that was raised that I did not address specifically. I have found the reference, so I want to tidy up my comments. I have heard members of the opposition say that this is an urban issue, not a rural issue, or an issue that concerns people who live in the city, not people who live in the country. I want to refer members to the "Inquiry into the Impact of Animal Rights Activism on Victorian Agriculture", which is a document I referred to during my second reading contribution. I want to paraphrase the summary of chapter 5. It states —

The Committee also considered the question if a divide between urban and rural communities can explain criticisms of animal production methods.

That is exactly the point that the opposition made—that it is all about the urban versus rural divide. I continue —

Mr John Quigley; Mr Peter Rundle; Mr Peter Katsambanis; Mr Terry Redman; Ms Cassandra Rowe; Ms Janine Freeman; Dr Tony Buti; Ms Lisa Baker; Mr Shane Love

It found a lack of knowledge of animal welfare practices and related legislation is a bigger driver of community attitudes than an urban–rural disconnect. The Committee recommends ways in which it believes regulators and industry can work together to better inform the public.

In essence, it is saying that no matter whether some think that the issue of animal welfare is an urban versus rural divide, it is an issue of knowledge and information and not based on urban or rural divides at all. That was the finding of the Victorians, who presented that report only in February 2020, just before COVID hit the country. I thought it was worth putting that on the record because I understand why it is easy to pigeonhole farm animal welfare into an urban versus rural divide issue. That is not the evidence gathered by this committee. I wanted to put that on the record. Also, it used to be the attitude that the industry would give us. Sometimes I still hear that echoed in comments made by opposition members when they say, “Everybody just look away; it’s all okay. Don’t worry. Trust us.” When it comes to the animal production industry, that does not hold true with the public anymore.

The discussions and exposés that have taken place over the last eight years in particular and the very vocal and visible pushback that has arisen against the abuse of animals are making it absolutely vital that the members opposite who claimed to be the farmers’ representatives—we represent farmers as well, of course—understand that the pushback is very real and they need to address it, which is why this bill has been crafted in the way that it has been. I will talk about that in a little more detail by referring to the 2019 Futureye report. I referred liberally to that—pardon the pun—in my second reading contribution. I wanted to refer to a couple more excerpts of that report. One particular focus group participant in the Futureye research is quoted as saying —

“If animal welfare was regulated properly by the industry and the government, the consumer wouldn’t have to make a choice, they would be assured that the animal products they bought had good animal welfare standards”.

That is the crux of the issue. At the moment, the public does not trust that the government regulations are doing enough to ensure that we have good welfare standards. There is a trust issue as well, which I will refer to in a minute. The report states —

Following the current trajectory of the social maturity curve, we could expect the growing numbers of exposés and media scandals implicating farm animal welfare issues. Less-informed members of the general public will continue to call for more dramatic and firm regulation as farm animal welfare issues become public presenting a growing social licence threat for the government. A perceived lack of responsiveness from the government ... will only amplify outrage and extend the expectations of these members.

Futureye’s findings clearly show that the Australian public’s view on how farm animals should be treated has advanced to the point that they expect to see more effective regulation. I am quoting directly from the opposition’s own report—the Futureye report. It continues —

In Australia today, 95% of people view farm animal welfare to be a concern and 91% want at least some reforms to address this.

I hope members opposite took that on board. Ninety-five per cent of people view it as a concern and 91 per cent want reforms to address this. It continues —

This perceived gap between expectations and regulation spells increasing risk for the ... government ...

It also spells increasing risk for the industry and for agriculture in general. I am not making these comments up; I am quoting directly from the opposition’s own research paper—the industry’s independent report. Another comment from one of the people interviewed was, “I don’t trust the industry, or the way things are portrayed. Certain things are kept hidden.”

It is clear that this legislation should really be about cleaning up, not about covering up. Industry transparency is absolutely vital to keep the respect of people. I think I referred to the link between trust and transparency in my second reading contribution. They are integrally linked; we cannot have one without the other. The Futureye report states —

Industry transparency was also raised ... stating “we don’t know what happens on industrial farms, we don’t know enough about industrial farms to determine whether the standards are good” ... Quantitative data —

It is quantitative, not qualitative —

found 29% of respondents did not trust the information available to them on animal welfare, while 31% felt that the agricultural industry is not transparent about its practices ...

A demand for regulatory transparency was also noted by participants in that Futureye research, with the report stating —

“I feel that there’s a lot we don’t know. It’s not actively put out there and we don’t know what is happening.” Where there is an apparent lack of transparency, perceived conflicts are more likely to arise—“government

Mr John Quigley; Mr Peter Rundle; Mr Peter Katsambanis; Mr Terry Redman; Ms Cassandra Rowe; Ms Janine Freeman; Dr Tony Buti; Ms Lisa Baker; Mr Shane Love

should make sure there isn't any conflict of interest ... "the government should do more to ensure the transparency of agricultural practices" ...

Futureye was also told that there should be better oversight, regulation and governance of animal welfare issues. Those quotes are from page 8 of the report, under the heading "Societal expectations on farm animal welfare are evolving"—in the words of the opposition's own industry. It refers in some detail to the issue of public trust and the link to this bill, which endeavours to catch people doing the right thing and return some of the trust and integrity around farm production methods and processes. It will give the industry a very real opportunity to show that it is doing the right thing. The proof of the pudding will be in the audits. Farmers will be given the chance to show they are doing the right thing. There will be far more integrity.

I have just had a meeting with the head of Racing and Wagering Western Australia and we talked about the regulation in that industry. His comment was, "We don't have an industry if we don't have integrity in it and if we can't keep the trust of people in what we do." He completely gets it. I said, "I really wish that some members of the National Party would understand that principle too."

Mr P.J. Rundle: Did you ask him about his \$800 000 salary as well?

Ms L.L. BAKER: No, because he is retiring next week and going on to a different job.

Mr P.J. Rundle: I would retire, too!

Ms L.L. BAKER: I can only hope that he is going on to at least double that. Good luck to him. It is a job that, I am sure, many members of this house would love a chance to get!

I have had the pleasure of working with RWWA for four years now to try to look at the integrity issues. We have done a lot of work around government regulations and how to apply them to the benefit of the industry. There will be no industry if it cannot meet public expectation. I hate to say this, but I think that is exactly where we are at publicly with our animal production industries as well.

The increasing media attention given to animal welfare activism has resulted in a growing proportion of the population becoming more aware of the issues around the welfare of farm animals. People will understand how important it is to make sure that the industry is regulated effectively. Members have heard me quote directly from farmers in the industry who say that that is not happening. What does it take to build and maintain trust in animal farming systems? It takes genuine transparency and a commitment to continuously improve. I know that farmers understand continuous improvement. They have had to live with that for probably 25 years; that I can remember anyway. It is part of their language. Farmers understand that, but they also have to understand that genuine transparency also shows warts and all. It acknowledges limitations where they exist. It acknowledges that some things may need to improve with some people who do not do things quite the way they should. What builds trust? This is what builds trust, and this is what can bring the community along with industry. If public relations is dressed up as transparency, it has the opposite effect, particularly if and when the portrayal of public relations is juxtaposed with reality. I mentioned the live export industry as an example of what happens when we keep saying, "There's nothing to see here; it's all okay", and when people stand up to defend that industry, yet the reality of what is being exposed—more often than I would ever care to want—is a horrific situation. The public understand the horror of what they are seeing.

Temple Grandin, who, of course, is one of the leaders in abattoir building and animal welfare—I think she is an adjunct professor in the US—said that animal welfare practices, particularly farm animal practices, should stand the airport departure lounge test. She said that if it can be shown on television in an airport departure lounge that this is how an animal is slaughtered—this is how this works—we are doing okay. Systems have been designed and things put in place. We all know that food production and animal welfare must be managed and balanced, but if someone is brave enough to show it, and it is transparent enough and there is enough rigour in the practices, we are doing okay. Temple Grandin was in Western Australia helping us design feedlots at one point. She is an amazing woman. Nothing damages trust more than when the public feels that they have been taken for a ride. If it does not pass the airport departure lounge test, it should not be done. The practices in 1950 are no longer publicly acceptable—we know that. Things have changed. Culture changes; the world changes. It is up to us to keep up with it if we want to keep that social licence to operate.

I would like to say a few things on the importance of having a balanced approach to illegal trespass and farm animal welfare. The Victorian upper house inquiry into animal activists condemned animal activist trespassing. It also made a number of recommendations to strengthen animal welfare compliance. It suggested mandatory CCTVs in abattoirs; reviewing blunt force trauma of goats, cows and pigs, and the maceration of chicks; and establishing an independent standards-setting body at the federal level to oversee these issues.

If we ask what are the additional arguments for compliance monitoring powers with better regulation, I would like to finish by saying a few things about that. WA is the only jurisdiction in Australia that does not have compliance monitoring powers. I mentioned that in my second reading contribution. Major investors, including the big

Mr John Quigley; Mr Peter Rundle; Mr Peter Katsambanis; Mr Terry Redman; Ms Cassandra Rowe; Ms Janine Freeman; Dr Tony Buti; Ms Lisa Baker; Mr Shane Love

four Australian banks and international pension funds, are increasingly incorporating animal welfare into their investment and banking policies and strategies. They will increasingly want assurances around animal welfare before investing in WA agriculture. This bill will provide a doorway for safety, and for public and trade credibility.

Australia is currently negotiating free trade agreements with the Europeans and the British, two of the most sensitive markets for animal welfare anywhere in the world. If WA wants to continue to access those lucrative markets, we need a robust system of animal welfare compliance. This bill will help us open that door.

These are very strong points about the way we should be moving forward in order to protect the industry. The Futureeye report, which I have referred to a lot, is titled “Australia’s Shifting Mindset on Farm Animal Welfare”. I will cite a number of its findings. The first finding is that there is a high level of concern about the treatment of farm animals and the way farm animal welfare is regulated. I have already given the percentages—95 per cent and 91 per cent. There is a gap between the expectations of society around farm animal welfare and the regulatory reality. In other words, governments are seen to not be doing their job at the moment. The public is demanding stricter regulations. The final finding is that there is an increasing tendency for the public to align with the views of activists because they see activists as the only way to get information about what happens to animals on farms. It is not rocket science. I heard the gentlemen from the other side—and ladies—say that these two issues are not linked. I am sorry, but they are not looking at the issue in an intelligent way that is going to help support the industry into the future. These two issues are integrally linked.

At the very beginning of my second reading contribution, I mentioned the member for Hillarys’ argument that increasing the fines for illegal trespassing and the length of jail time—although it is a fine aspiration—will not stop illegal trespassers. It absolutely will not stop it. This argument looks at the modern theories of law and justice. I will use mandatory sentencing as an example. If we say we will lock up everybody for doing X, Y or Z, but have not looked at the causes of why they are committing crimes—say, drug addiction or violence—all we would be doing is locking up someone in a cell. If we were to ever let them out, we would need to be responsible for addressing what went wrong. We have to understand why they are there. If we do not strike a balance with our policies, such as the balance we are trying to strike with the Animal Welfare and Trespass Legislation Amendment Bill, we will be trying to stop something without finding out what created the problem in the first place. We must absolutely do both because one without the other does not work; all it does is fill up our jails. Members should remember that we are writing this legislation for only six people at the moment. If the intention of the bill is to capture and lock up any one of those six people without looking at why they are there, then all we will be doing is creating laws and increasing fines to stop law-breakers.

What are we going to do? Are we going to bring in the death sentence for breaking into an animal production facility? That is where we could end up going with this argument. As with all criminal justice issues, at the beginning we need to ask why a crime would be committed and what we as a society could and should be doing to stop the offence occurring. If we can do that, we should do it. That is how I see this. We are trying to stop the cause of the problem. We are trying to address transparency in the industry. We are trying to strengthen the industry and give farmers the reassurance that they need so they can go about their business. At the same time, we need to be taking some of the wind out of the sails that causes people to become activists and forces them into a corner so that they feel as though they can only take this kind of action. Historically, this is activism. When governments are seen to be not regulating effectively or something is galloping in an unregulated fashion, problems occur and people act against it.

Before I sit down, I want to mention the Dog Amendment (Stop Puppy Farming) Bill 2020. I mentioned that bill in my contribution to the second reading debate regarding the opposition of the Liberal Party and the Nationals WA to this bill. I said that there had been three bills that had dealt with improvements in animal welfare. The puppy farming bill was the second of the three. The Royal Society for the Prevention of Cruelty to Animals WA has been quoted as saying that the puppy farming bill is the most significant improvement in animal welfare in 20 years in this state. Members may have seen the news today about a New South Wales puppy farmer who has been charged for sending animals to a Claremont pet shop. They may have seen the photographs of a dead boxer, which are beyond disgusting. I do not think anybody in this room would sanction that, knowing that the puppies that that poor bitch had given birth to were being sold in a Claremont pet shop only a few weeks later. She was less than a year old when she was left to die on the floor with rotting puppies in her tummy. When these kinds of issues arise and there is this kind of public exposure, members must understand that the government needs to step in and regulate these unregulated industries.

The National Party and the Liberal Party’s opposition to this bill, the puppy farming bill and the original Animal Welfare Amendment Bill, which was debated nearly three years ago, is soul destroying for the people in this state who care about these issues. Members opposite should realise how much that undermines their party and the people whom they claim to represent. If they truly represent them, they would stand up for the credibility of the industry and support the steps that the government is trying to take to reassure people that these animals are being looked after and to take away from activists the reasons why they think they have to expose bad practices on animal production facilities.

Mr John Quigley; Mr Peter Rundle; Mr Peter Katsambanis; Mr Terry Redman; Ms Cassandra Rowe; Ms Janine Freeman; Dr Tony Buti; Ms Lisa Baker; Mr Shane Love

That is all I want to say in support of this bill. I thank the Attorney General and his staff for the very long journey that they have taken to get this bill to this place. I commend the bill to the house.

MR R.S. LOVE (Moore — Deputy Leader of the Nationals WA) [5.34 pm]: I want to make a contribution to the third reading debate on the Animal Welfare and Trespass Legislation Amendment Bill 2020. I say at the outset that Peter Rundle is the Nationals WA spokesperson in this area. I think he has done a fine job in prosecuting the Nationals' argument as we progressed through the second reading, consideration in detail and now the third reading of this bill. We think this bill is poorly thought through legislation and we have made that point consistently throughout the debate.

I want to take up one point that the member for Maylands made at the conclusion of her speech. We have not opposed the Dog Amendment (Stop Puppy Farming) Bill 2020. We put forward amendments that were not accepted by the government. I do not think there was a voice raised in dissent in the final vote. Certainly, we reserve the right to oppose that bill if it is not amended, but that is not a decision that we have reached so far. Our position is that we will support the bill with the amendments that we discussed.

Our opposition to the provisions of this bill that pertain to part 2—the Animal Welfare Act amendments—is not based on a view that animal welfare is not important or that animal welfare cannot be improved or that animal welfare should not be continually improved, nor does it indicate that the Nationals consider animal welfare to be a secondary aspect of farming and food production. That is certainly not the case. We have said that a far-reaching review, being led by an eminent person in Linda Black, which has been going on for some time, will come up with a number of important recommendations. We expect that the minister, who initiated that review, will be willing to take on board the findings of that review and bring forward legislation that can be considered on its merits and will make necessary changes to the Animal Welfare Act. We are not saying that that act cannot be improved or that we should not be having that discussion. We are saying that the conflation of the two arguments—parts 3 and 4, which amend the Criminal Code and the Restraining Orders Act 1997, along with the Animal Welfare Act 2002—is a mistake and that the two should be treated separately. That is our position. That position is not based on a view that animal welfare is not important. It is not a position based on any sort of view of farming as an industry that ultimately produces food—food is something that most people take a great deal of interest in to ensure that that food is produced in a clean, ethical manner.

We have seen the consumer drive towards certain types of changes in farming produce. We have seen the rise of free-range eggs, for instance, as a reaction to consumer concerns about some of the practices that take place in the production of eggs. Whether a person believes that caged eggs are produced in an inferior welfare condition, free range is a choice that a consumer makes, and that choice is there for them. Free-range eggs are slightly more expensive to buy, but if people want to make that choice, that choice is available. Fundamentally, this is a consumer-driven industry, so we understand the importance of people having confidence in the product that they are consuming and purchasing. That is why we are not opposed to changing the animal welfare legislation, per se. We are saying that we are concerned about the conflation of these two issues. Towards the end of my contribution, I will talk about why that particularly concerns me. I have mentioned eggs. I noticed today an article in *The West Australian* about the increased trust consumers have in the safety and efficacy of egg production. People are now more trusting of the products that they are offered. That is important if we want them to continue buying them. We understand that completely. It is the conflation in this bill that we are opposed to.

I will run through a few of the other issues that we have discussed. Clause 4 introduces the definition of “designated inspectors”, which is a class of inspector that was attempted to be introduced in 2017. That went to a committee, I believe, but did not come to fruition. We saw that attempt fail in 2017 and it is being tried again in 2020 without coming through as part of a review into animal welfare. We have not seen any evidence produced of the need for these inspectors. There is no clear understanding of why these inspectors are seen to be necessary. Clause 6 of the bill defines “animal source food production” and “intensive production”. The government needs to understand that biosecurity, which we have been talking about, and the safety of these businesses, equals food security for our communities. I just spoke about the importance of the egg industry and the increasing trust in it. To give members some idea, because I think the Attorney General mentioned a few chooks running around the yard, we are discussing an industry in Western Australia in which 1.5 million eggs are consumed each day. Some enterprises may have 500 000 birds on the property to produce some of those eggs. To have unannounced visits and inspections is a worry from a biosecurity front. I spoke about that during the consideration in detail stage. It is a genuine concern that we have.

Questioning during the consideration in detail stage on those unannounced inspections by the designated inspectors, which are authorised under clause 8, revealed that as yet no protocols have been drawn up for the entry of inspectors and the methods of inspection or the biosecurity measures that will occur during those unannounced visits. Some protocols are in place for the inspections that currently occur through the front door, if you like, but the necessary protocols are not in place for unannounced visits, and they are different. That really illustrates that this process is

Mr John Quigley; Mr Peter Rundle; Mr Peter Katsambanis; Mr Terry Redman; Ms Cassandra Rowe; Ms Janine Freeman; Dr Tony Buti; Ms Lisa Baker; Mr Shane Love

being pushed through without a great deal of thought or the necessary understanding of the industries that is required. There are huge risks to food security. There is also the risk to the safety of the designated inspectors and the workers in some of these environments. Going into an abattoir is an active and potentially very dangerous workplace. I do not mean that in any way to be a threat to the inspectors, but an abattoir is a dangerous place. Processes are in place because there are sharp objects, heavy objects and chains. They are potentially dangerous places for someone who does not understand the layout of that premises. That is why it is very important that these inspections are not done without regard to what is going on in the industry. People would need to talk to the industry and work out what is a safe way to enter the premises and discuss how people can keep themselves safe while also ensuring the biosecurity. That work has not been done yet, and that is of great concern to me.

Clauses 6, 7 and 8 include provisions allowing inspectors to enter abattoirs. The Attorney General spoke about the need to ensure that the beef or pork belly that he eats is produced humanely. We know that we have a clean and efficient abattoir system in this state. Most of the operations that are carried out in Western Australia are very heavily inspected and regulated. The safety of the product and the humane treatment of the animals, as I understand it, is already being well catered for. Therefore, to bring abattoirs into the discussion at this point is a mistake. I note that the member for Belmont, and maybe the member for Mirrabooka, spoke about the need for inspectors to visit knackeries in the eastern states. However, the members—especially the member for Belmont—seem to be confused about the difference between a knackerie, which is a place for the destruction of unwanted racehorses and other livestock that are not fit to go into the human food chain, and an abattoir, which is where our food is processed. Abattoirs are very heavily regulated already, as I said. I do not know enough about knackeries to know whether the same level of inspection is going on, and that could be a valid point, but I think that the inclusion of abattoirs within clauses 6, 7 and 8 needs to be re-examined.

There was a discussion about the definition of “intensive production”, as defined in clause 6. That discussion revealed there is a fair bit of uncertainty about the situations that the member for Roe described regarding deferred grazing. The member’s recollection of the discussion is that those matters were not defined, or at least were not captured, by the definition of “intensive production”. However, from my reading of the uncorrected *Hansard*, admittedly, which I think gives the gist of the discussion, is that the Attorney General responded to some comments I made. I talked about animals being penned for a time when the animals are either to be finished off for market and are fed in a small feedlot on a property or they are penned in confinement during a drought or other tight seasonal conditions. Animals might be penned when farmers are waiting for the rain so that the animals do not destroy the land by walking over it when there is no food at all on the land. When they are penned, they are totally reliant on the farmer to feed and water them. My understanding is that the Attorney General indicated that in the ordinary course of commercial food production, the premises could be subject to inspection when intensive grazing of animals is occurring. My understanding is that those deferred grazing systems could be caught under the definitions in clauses 6 and therefore be subject to the inspections of the designated inspectors as outlined in clause 8. That was my take, which was different from that of the member for Roe. That just goes to show the uncertainty around that and the need for further definitions and further work to ensure that we know exactly what types of operations will or will not be subject to these measures.

We certainly supported the Attorney General’s amendment to the definition of “intensive production” in clause 6. I understand from what the Attorney General said that that came about because of the concerns of the Nationals WA. In spite of the bagging that we have received from some members, apparently the Attorney General listens to what has been brought forward and discussed in briefings and at least moved to tighten up the provisions of clause 6 to take out the powers, through regulations, to change what would be defined as an “intensive production system” and to make it clearer at the outset what those production systems might be. Having said that, I go back to the point that the definitions need to be tidied up and the industry needs to be provided with clarification on exactly what will be captured under clauses 6, 7 and 8.

In the main, the Nationals WA support the measures being brought forward in parts 3 and 4, which will make changes to the Criminal Code and the Restraining Orders Act. However, in expressing that support, we moved that the measures be broadened to include other places. At the moment, as we know, there is a fairly narrow definition of what areas are captured by the additional trespass regulations. We were hoping to see a further amendment to expand the definition of what an animal source food production activity, place or facility might be, because we felt that the definition should include places such as shops and supermarkets where food suppliers are being harassed by activists and, in our view, should be afforded greater protection. It would have been good if those amendments had been accepted by the government and those narrow definitions had been expanded to include those other places and activities, which could be captured under parts 3 and 4.

Some government members made comments in the third reading debate that I want to talk about briefly. The member for Armadale spoke about the need for animal welfare to be seen as an important aspect of the food and animal production industry. We do not disagree. However, we do disagree with its inclusion in this bill—with its very narrow

Mr John Quigley; Mr Peter Rundle; Mr Peter Katsambanis; Mr Terry Redman; Ms Cassandra Rowe; Ms Janine Freeman; Dr Tony Buti; Ms Lisa Baker; Mr Shane Love

and, I have to say, preconceived measures in animal welfare changes—rather than a bill that is dedicated to a much wider review and understanding of animal welfare.

Mr D.R. Michael: So you would be open to supporting it if the review found that that’s what should have occurred?

Mr R.S. LOVE: We would look at the merits of the review and support or not support measures that are brought forward, but we would have that discussion in the context of that review and what comes out of it. We would pay very close attention to the recommendations and pay due respect to the work done by that group and to the concerns or recommendations that they brought forward, and consider them properly in the light of that as a standalone bill and a standalone measure. As I said, we are not opposed to increasing animal welfare outcomes. We understand that consumer and public confidence is important to animal production industries because, ultimately, those industries rely upon people feeling safe and comfortable and buying the product believing that the animal has been treated well and the food is safe to eat. There are those two aspects. We do not want to see biosecurity or food safety systems interfered with by the inappropriate introduction of inspectors without having looked at the wider ramifications of that across the industry.

I felt that some of the comments were quite condemning of the agricultural industry, and I take umbrage at that. I thought that some of the speakers made comments that indicated that they lacked a certain degree of confidence in the industry under its current regulation and the good intent of people within that industry. Intrinsic to the view advanced in the discussion by some government members is that the activities of activists are somehow a public good and need to be replaced with these inspectors. We have heard people say that activists are important, and that activists and protesters initiate some changes that are to the public good. That may be true in some cases, but when we are talking about people trespassing on private property and exposing the industry to biosecurity and other risks, and exposing people to physical intimidation and making them feel threatened in their own homes and places of work, that is not to the public good. I take umbrage at members of this government who seem to feel that activists play some sort of part in monitoring activities. They ask who will monitor the activities if we restrict activists from entering these premises. I am paraphrasing what I heard from several members in the discussion here. I utterly reject that notion. There is no public good to be had from these activists entering people’s places of work illegally and irresponsibly. Notwithstanding the improved measures in parts 3 and 4, if we employ language like that, we will be not stopping but encouraging further activity from those activists, and I think that would be a very poor outcome.

With that, I will conclude my contribution to the third reading debate. I will just say that, in the main, Western Australian farmers and food producers are very proud of their activities. They are very proud of the product that they grow. They take pride in producing food of a very high standard and ensuring that people in Western Australia have access to some of the safest food products from animals that are the most humanely treated in the world. The surplus that we produce in Western Australia is sent overseas. Consumers in other countries pay a premium to buy Western Australian product because they know that it is consistently of a high standard and is grown in an environmentally safe and sustainable manner, and that we have the hygiene and high animal welfare standards in this state that ensure both the safety and ethicalness of the food that they are purchasing. People across the world are voting with their wallets by buying Western Australian produce, and that is why I am very proud of the Western Australian livestock industries. I do not feel that they need animal activists to be monitoring their activities and I do not feel that the removal of animal activists from the scene should necessarily trigger the imposition of an inspection regime that has not been defined properly. The government does not seem to have thought through the implications of inspectors coming onto people’s properties, which include implications to not only safety, but also biosecurity, and, in some circumstances, the welfare of the animals. If biosecurity is breached, there could be a poor outcome for the animals. There could be 500 000 birds in one shed, and they would be threatened by an inappropriate intrusion.

We are concerned about the qualifications of the inspectors and the manner in which they will be operating. Nothing has been designed or brought to our attention that allays any of those concerns. That is very disappointing. This legislation has been two years in the making; it is two years since the Attorney General first said that he would bring these measures forward. I remember asking these questions to the Attorney General, who said that there was going to be some action taken very shortly. “Very shortly” turned into “not too shortly”, and then turned into “a very long time”. Then the bill that came forward had two arms—the inspectors and the changes and modifications to the trespass legislation. We do not believe that was appropriate. Given the time that the government had to do it, we would have thought that it would have actually gone and spoken to the industry about an appropriate way to introduce the inspection regime and had protocols drawn up, so that we, as parliamentarians, could feel assured that the inspections would be carried out in a responsible way. The government has not done that, despite the fact that it has had two years. To me, that is a failing on the part of the government. It has failed to take action for two years and, when it did finally take action, it failed to introduce legislation that has the important issues at its heart.

Mr John Quigley; Mr Peter Rundle; Mr Peter Katsambanis; Mr Terry Redman; Ms Cassandra Rowe; Ms Janine Freeman; Dr Tony Buti; Ms Lisa Baker; Mr Shane Love

Sitting suspended from 6.00 to 7.00 pm

MR J.R. QUIGLEY (Butler — Attorney General) [7.01 pm] — in reply: I will now speak in reply to the third reading debate on the Animal Welfare and Trespass Legislation Amendment Bill 2020, which we promised to bring in; of course, Labor always keeps its promises, and we did bring it in. It is perplexing that after almost taunting us to bring in this legislation, the opposition is now going to vote against it. It has come up with all manner of excuse to oppose the legislation in this chamber. As Attorney General, I thought that the calls for the legislation in the first place were perhaps a little unwarranted, but on reflection and on balance I thought, “Yes, I can see the point given the remoteness of some of these properties.”

Through all the hot words that have been said in this chamber, especially by members of the Nationals WA and, for that matter, by the member for Hillarys, no more than six offenders, maybe eight maximum—I think six—have been brought before the courts, and I do not think there would have been more than 12 convictions for those six offenders. It was not a matter of pressing community interest in the sense that we were being overrun by housebreakers, car thieves, amphetamine addicts or clandestine laboratories producing drugs or anything like that. Rather, six or eight offenders entered farm properties that were not just farm properties—they were mainly places of intensive agricultural production—to protest against the manner in which some intensive agriculture was being conducted. They were absolutely misguided and their protest absolutely misplaced. As I said, there were only six or eight offenders and they committed about 12 offences. That does not excuse the offences or lessen the gravity of invading someone’s place of business. The government was berated for taking 18 months to bring the legislation forward, but I note that in my less than four years of being a minister, this is the fifty-sixth bill that I have presented to the chamber.

Mr Z.R.F. Kirkup: Outstanding; well done!

Mr J.R. QUIGLEY: I thank the manager of opposition business.

Mr P.A. Katsambanis: Where’s the uniform evidence bill?

Mr J.R. QUIGLEY: See, that is what I get: “Where’s that one?” We are trying to do them all, member for Hillarys.

Mr P.A. Katsambanis: You gave me a solemn promise three years ago.

Mr J.R. QUIGLEY: It has been drafted and the consultation draft will be out. See what happens, member for Roe? There are so many demands on a reforming government that keeps on reforming. My record is different from that of my predecessor, who introduced only 21 bills in just under seven years. In the less than four years that I have had the pleasure and responsibility of being a minister, I have been told—not that I keep count—that this is my fifty-sixth bill, and later tonight we will get to body count number 57 with the Sunday Entertainments Repeal Bill 2019. We have to look at the priorities of legislation when getting bills drafted. We had to consider that six or seven offenders had committed a dozen offences, which got a lot of publicity, and where that ranked, for example, against the law reform surrounding the lifting of the statute of limitations for child sexual abuse. I know the member for Roe is also interested in that legislation because there are many victims in country towns that fall within his electoral district. We had to determine where this bill fits in the hierarchy of things. I do not accept the criticism that the government was dilatory in the ordering of the legislation. We promised to bring this legislation forward.

I thought it was rather cynical of the member for Warren–Blackwood, unless he was being funny, to mimic me as saying at the cabinet table, “We’ll give it to them but we’ll put these inspectors in to upset them.” Would I do that? That is a very cynical view of the way that I approach legislation. I try to approach it in a balanced way, and the balance that is exhibited in this bill is that the community has suspicions that there is endemic cruelty in places of intensive agriculture. It is not a theory that I subscribe to because, as one member of the Nationals WA said, the production of animals in our food chain is part of a profit business and it is best that farmers look after what they are producing rather than cause them harm and diminish the value of the stock they produce. It is counterintuitive to behave in that way but, nonetheless, from time to time vision has appeared, which has been illegally gathered, of gross cruelty to animals in intensive farming situations and in knackeries and abattoirs. We are all responsible people in this chamber and when we see that sort of cruelty on our television sets we, like the rest of the like-minded public, are shocked by it. No-one could have seen the vision of *The Final Race* and what was happening to retired racehorses at the knackery without being appalled. No-one who looked at their TV set and saw the cruelty that live animals were exposed to in the practice of the live baiting of greyhounds could have been anything less than appalled. No-one who has seen the recent still photographs in newspapers of chickens with broken legs and wings in intensive chicken production can be anything less than shocked and saddened that this is happening to live animals.

These rather rare instances that seep out cause public disquiet and suspicion about what is happening in intensive agriculture. I do not accept that it is a widespread practice but any repetition of it is, of course, disturbing to the general public. It has been brought to the general public’s attention only by people illegally entering properties

Mr John Quigley; Mr Peter Rundle; Mr Peter Katsambanis; Mr Terry Redman; Ms Cassandra Rowe; Ms Janine Freeman; Dr Tony Buti; Ms Lisa Baker; Mr Shane Love

and videorecording it, or making other recordings, and I believe in one case a recording was made surreptitiously by an employee. I do not accept the assertions made by members of the Nationals WA that we see public good and purpose in the activities of trespassers upon the properties of farmers who practise intensive agriculture and that we are now going to replace those who are doing public good—the trespassers—with inspectors. That is contrary to what is set out in this legislation because it states that trespassers will face greatly increased aggravated penalties for their incursions onto other people's properties for the purpose of their protests.

We do not see trespassers as performing any public good at all. Indeed, as I have pointed out, in *Kadir v The Queen*; *Grech v The Queen* [2020] HCA 1, the High Court decision published on 5 February 2020 held that evidence gathered by protesters was gathered illegally and that it would be against the public interest to allow the product of their illegal activity to be adduced into evidence in an animal cruelty case. The conviction of Kadir and Grech was overturned and the judgement of conviction vacated because their activities were adjudged by the High Court to be illegal, and it was therefore not in the public interest that anything they gathered during those incursions be used in a court of law.

We do not gather around the cabinet table to ask, “How can we make the bill unpalatable to the opposition so they will not support it?” It is far from that. I stand here with no doubt in my mind that if we took a referendum in Western Australia on the question of whether certain establishments should be permitted to let government officers go inside and see whether cruelty is occurring, members of the public of Western Australia would vote in favour of those inspections taking place because they are revolted by the images they have seen on TV. The referendum would look not at particular, isolated electoral districts or at general farming, but at places where intensive agriculture is carried out—where the animals rely upon humans for their food supply and they cannot go out to forage—at abattoirs where animals are slaughtered, and at knackeries where racehorses are slaughtered and turned into pet food. We are not talking about the member for Roe's constituents. I do not think there would be many, if any, circumstances of intensive agriculture in the member for Roe's electorate. There might be abattoirs at Katanning, but the general farming population does not engage in intensive agriculture—containing animals within enclosures where they are wholly reliant upon humans for their food supply and are not allowed outside to forage.

In the closing speeches of the second reading debate, references were made to the inadequacy of definitions. The member for Warren–Blackwood said that more work needed to be done on the definitions. I thought his criticism was that we had taken too long to do the work, but now he wants us to extend the definitions and do more work. That does not make sense. We have said that inspectors will be able to inspect abattoirs and the yards associated with them. Goodness gracious, someone does not need a veterinary degree to go in and gather evidence by taking a picture or video footage. That is all that is required. There are all these questions about, “What's their training?” As I have said, they will have a TAFE certificate IV qualification in investigation and they will be trained by the Department of Primary Industries and Regional Development in biosecurity safety. If I came into this chamber and said that this government was going to ban anyone from entering onto any property to shoot a kangaroo, anyone from entering onto any farm to shoot a rabbit or anyone from entering upon any farmer's land to pick a mushroom, the Nationals WA would not be railing against biosecurity measures. They would be saying, leaving aside the last example of mushrooms, that we were stopping the suppression of pests.

Mr P.A. Katsambanis: They do it with permission!

Mr J.R. QUIGLEY: They do it all the time.

Several members interjected.

Mr J.R. QUIGLEY: They do it all the time.

Several members interjected.

Mr J.R. QUIGLEY: I am not taking interjections. I have heard and the chamber has heard what the member for Hillarys had to say. As I said in my second reading speech, a wide variety of inspectors can already enter onto farming land. They include pests —

Mr Z.R.F. Kirkup: The old Potato Marketing Board, which I was very pleased to see you get rid of, had inspectors who could pull cars over to make sure people were not carrying 40 kilos of potatoes!

Mr J.R. QUIGLEY: Let us not enter into a side argument, but the member is right. Fisheries inspectors can also enter people's properties to see whether they have crayfish. Up in Geraldton, if a fisheries inspector thinks a farmer might have undersized crayfish or too many cray tails, they can enter the property to count them, as the Acting Speaker knows because he is the member for Geraldton.

Mr Z.R.F. Kirkup: Straight to your fridge!

Mr J.R. QUIGLEY: They go straight to the fridge to count the cray tails. In our society, we have decided there are a range of circumstances in which inspections can take place for the public good. As I said earlier, in Katanning,

Mr John Quigley; Mr Peter Rundle; Mr Peter Katsambanis; Mr Terry Redman; Ms Cassandra Rowe; Ms Janine Freeman; Dr Tony Buti; Ms Lisa Baker; Mr Shane Love

if the local health inspector wanted to go into the local Chinese restaurant's kitchen to see whether it was chicken and not cat in the chicken and cashews, he could.

Mr P.A. Katsambanis: That was extremely prejudiced; it is horrible.

Mr J.R. QUIGLEY: They do.

Mr P.A. Katsambanis: Withdraw that.

Mr J.R. QUIGLEY: I withdraw it about Katanning; they have a very good one there, but it could be in any country town.

Withdrawal of Remark

Mr P.A. KATSAMBANIS: I have a point of order. That comment was extraordinarily racist, stereotypical and offensive and I call on the Attorney General to withdraw it without any further comment. What a disgrace!

Several members interjected.

The ACTING SPEAKER (Mr I.C. Blayney): I will let the comment stand, Attorney General.

Debate Resumed

Mr J.R. QUIGLEY: It is confected outrage. Health inspectors can and do enter restaurants to check the quality of the food. In country towns, health inspectors enter kitchens to inspect the health conditions in which food is prepared. The Nationals WA members do not come to this chamber demanding in outrage that this be stopped and nor does the member for Hillarys, with his confected outrage, demand that about the restaurants in Hillarys; in fact, he is comforted by the fact that when he goes to restaurants within his electorate, he can eat there with the assurance that health standards are being maintained because there is the deterrence of on-the-spot inspections by health inspectors.

Mr P.A. Katsambanis interjected.

Mr J.R. QUIGLEY: Listen to him! You know what they say, Mr Acting Speaker (Mr I.C. Blayney), an empty tin drum makes the most noise! That is the only comment I will make.

Mr P.A. Katsambanis interjected.

Mr J.R. QUIGLEY: Bang, bang, bang! Bang, bang, rattle, bang!

Having inspectors being able to enter kitchens assures us that the kitchens are maintained in good order. Having inspections of intensive agricultural food production facilities ensures the public that cruelty is not occurring. Each one does not have to be inspected, but the mere fact that they can be inspected carries a deterrent effect. Therefore, increasing the penalty for trespass and providing for inspections at will are not misplaced within the scope of the bill. The opposition members say, "What an outrage!" There was a ministerial review of the inspection regime and opposition members said that this was all getting ahead of the game and the government was being irresponsible in not waiting for the minister's review. Let us look at the circumstances under which the minister was reviewing that whole act because when she presented the bill to the Legislative Council, it went to committee and the National Party and Liberal opposition opposed it and thwarted its advancement. I would be more comfortable to take this out of this bill if the Leaders of the Opposition in this chamber and the other chamber said that they would support whatever the ministerial report comes up with, but they have no intention of doing that. They just want to kick the ball out of play to further delay the inspection regime. They have no intention of supporting whatever the outcome of the ministerial review is. They say, "Well, we don't know what that's going to be. How can we support it?" Here it is: inspection at will as a balance to aggravated penalties for trespass. Opposition members do not have to wait; they can vote tonight.

What is really offensive to the people of Western Australia, and what they should take offence at, is the manner in which the opposition members have conducted themselves during this debate and have said outright to the government, "This will not pass the Legislative Council." This democratically elected government's well thought out legislation on trespass on intensive farming together with an inspection regime will not pass the Legislative Council. Consequently, that strips away the notion that the Legislative Council in relation to this bill will operate as a house of review; it will operate as a house of hostage! It will take this bill hostage and kill it! We have already been told that by the opposition members here, "You can get it through this chamber, but we'll defeat democracy in the other place. It will not operate as a house of review. The outcome is already preordained by our party." So much for the notion of a house of review—it is preordained. It is the same as the Corruption, Crime and Misconduct Amendment Bill 2020, which we will get to later in the week, but that is preordained for death, too.

The Legislative Council does not operate as a house of review. The members of the National Party stand here with confidence and say —

Dr D.J. Honey: We've got a minority of numbers there.

Mr John Quigley; Mr Peter Rundle; Mr Peter Katsambanis; Mr Terry Redman; Ms Cassandra Rowe; Ms Janine Freeman; Dr Tony Buti; Ms Lisa Baker; Mr Shane Love

Mr J.R. QUIGLEY: That is right; we have a minority, and so the opposition members know that up there they can kill whatever they want killed, and they killed clauses of the Work Health and Safety Bill 2019 up there this afternoon.

Mr P. Papalia: Basically, it's where decent legislation goes to die.

Mr J.R. QUIGLEY: That is right!

Several members interjected.

The ACTING SPEAKER (Mr I.C. Blayney): Members! Attorney General! Can members keep their comments non-existent—that would be good—but otherwise quiet so that I can hear the Attorney General, please.

Mr J.R. QUIGLEY: Thank you.

Therefore, I find it somewhat offensive that we are told by opposition members to do what we like here because they will kill it in the other place. That is what they say here. That is offensive to democracy and they will be held to account to that in the election; there is no doubt about that. All the government is doing is simply making it so that government inspectors can enter to make sure that cruelty is not happening. The government is not exposing the intensive agricultural sector to increased aggravated penalties. National Party members do not want that. They want to confuse and throw fog over the argument by saying that the agricultural sector is very important to Western Australia and that this bill is an offence to them. We agree that the agricultural sector is important and 95 per cent of agriculture in Western Australia is not conducted in intensive circumstances in which our animals are farmed for food. Probably 98 per cent of agriculture in Western Australia is not conducted in intensive circumstances; cattle, sheep and lambs graze up north and are not farmed in intensive circumstances in which they are not allowed outside to graze for food. This is a very narrow area of agriculture that we are dealing with.

No-one in the community wants to see cruelty occurring in places such as abattoirs where animals are slaughtered. If nothing is happening in those places, why not allow inspections? If nothing is happening in knackeries, why not allow inspections? This bill deserves the support of this chamber and it should not be sent off to the knackery that the other place might be, given what opposition members have said about the future of this bill in the other place.

Therefore, I very much commend this bill to this chamber.

Division

Question put and a division taken, the Acting Speaker (Mr I.C. Blayney) casting his vote with the noes, with the following result —

Ayes (34)

Ms L.L. Baker	Mr W.J. Johnston	Mr P. Papalia	Mr C.J. Tallentire
Dr A.D. Buti	Mr D.J. Kelly	Mr S.J. Price	Mr D.A. Templeman
Mr J.N. Carey	Mr F.M. Logan	Mr D.T. Punch	Mr P.C. Tinley
Mrs R.M.J. Clarke	Ms S.F. McGurk	Mr J.R. Quigley	Mr R.R. Whitby
Mr M.J. Folkard	Mr K.J.J. Michel	Ms M.M. Quirk	Ms S.E. Winton
Ms J.M. Freeman	Mr S.A. Millman	Mrs M.H. Roberts	Mr B.S. Wyatt
Ms E.L. Hamilton	Mr Y. Mubarakai	Ms C.M. Rowe	Mr D.R. Michael (<i>Teller</i>)
Mr T.J. Healy	Mr M.P. Murray	Ms J.J. Shaw	
Mr M. Hughes	Mrs L.M. O'Malley	Mrs J.M.C. Stojkovski	

Noes (13)

Mr I.C. Blayney	Mr A. Krsticevic	Dr M.D. Nahan	Mr Z.R.F. Kirkup (<i>Teller</i>)
Ms M.J. Davies	Mr S.K. L'Estrange	Mr D.C. Nalder	
Dr D.J. Honey	Mr R.S. Love	Mr K.M. O'Donnell	
Mr P.A. Katsambanis	Ms L. Mettam	Mr P.J. Rundle	

Pairs

Mr M. McGowan	Mrs A.K. Hayden
Mr R.H. Cook	Mrs L.M. Harvey
Ms R. Saffioti	Mr V.A. Catania
Ms A. Sanderson	Mr D.T. Redman

Question thus passed.

Bill read a third time and transmitted to the Council.