ANIMAL WELFARE AND TRESPASS LEGISLATION AMENDMENT BILL 2021

Committee

Resumed from 23 February. The Deputy Chair of Committees (Hon Dr Brian Walker) in the chair; Hon Matthew Swinbourn (Parliamentary Secretary) in charge of the bill.

Clause 8: Section 38 amended —

Hon STEVE MARTIN: The good thing about having a break between consideration of the clauses is that we get to carefully scan *Hansard* for what was said the last time. I draw the parliamentary secretary's attention to some of his remarks, if he does not mind, without spending too much time going over old ground. Before we ran out of time several weeks ago, the parliamentary secretary and I were having a discussion about the roles of the Department of Primary Industries and Regional Development inspectors. I made some remarks and the parliamentary secretary made some remarks. At the end of that debate, the parliamentary secretary said —

> … it strikes me that he —

That is me —

> has no regard for the professionalism of DPIRD inspectors. He is casting a slur against them and their potential professionalism. Tell me I am wrong, member, but that is what I heard you say.

It would be remiss of me not to take the opportunity to explain why I think the parliamentary secretary was wrong. What I was doing in consideration of clause 8 was outlining what the bill will allow inspectors to do. Effectively, the parliamentary secretary reassured me that they would not use this bill to the extent that they could because they have vast experience and they will be trained and will do the right thing. I did not disagree with that. I certainly was not calling into debate the professional abilities and standards of the inspectors.

However, when I first arrived in this place, we saw an example of a power being given to people and whether we expected them to use every bit of that power. That was around the SafeWA bill. We were assured over and again that it was for health purposes only. The police read the bill and discovered that it gave them the ability to do all sorts of things, and it should not have surprised us that the police used those powers. The point I was attempting to make, perhaps not as well as I could have, is that the powers that these inspectors will have are significant and that we would be naive to think that they would not use the powers available to them, perhaps not immediately or perhaps not in a couple of years' time, but at some stage.

I was also trying to determine the type of facility that the DPIRD inspectors could inspect without notifying anyone that they had been on the property after the event. They could inspect a facility and leave. The parliamentary secretary and I engaged in a discussion about some of the terminology. I will start today by going back over that again. There was a discussion about the commercial scale of a facility. Commercial food production was mentioned a couple of times. I want to clarify this because I raised the example of a small feedlot with 150 head on a farm. I think the parliamentary secretary said that if it was not on a commercial scale or for the purposes of intensive food production, it would be okay.

Again, without labouring the point, I would like to ask: who will decide whether a 150-head facility on a farm—there are lots of them—is, in fact, capable of being inspected under this regime?

Hon MATTHEW SWINBOURN: I am not going to go into those matters that were raised previously in the exchange that we had. I do not think that will take us anywhere. I think if we can just focus on clause 8, which is the current question before the house, we might be able to make some progress on that.

I want to take up a point. The first thing is that the member made a connection between commerciality and size. I do not think I have made that connection. The member talked about a small lot with 150 heads. The concept of commerciality is not related to the size of the farm. Although size might be a factor that comes into it, it is not a set rule. When we use the word "commercial", we are trying to distinguish those people who might hobby farm from those who farm for a commercial purpose. They might sell some eggs or a few bits and pieces on there, but they are not a commercial farm in that regard. Generally speaking, a commercial farm would be for the purpose of making a profit. Of course, as the member would know, whether they make any profits is an entirely different matter, but it would be a farm for the purpose of profit, rather than, as I say, a small hobby farm that might be in the back areas of Wooroloo or somewhere like that, on which they run a few head of sheep but they are mostly pets, or something along those lines. I do not want to get too caught up in those things.

The other issue is who decides whether a place is an intensive production place. In the first instance, it would be the designated inspector forming the requisite state of mind on whether a place is an intensive production place. If we look at the terminology, it says that they must have reasonable grounds for forming that particular opinion. As is always the case with these sorts of things, the inspector will form that view on reasonable grounds. There may

be a dispute between the inspector and the occupier, who may take a very different view, but if that dispute arises, as in every other case in which we have an attempt to force entry—not physically force entry, but enter a property without the consent of the occupier—a court will ultimately decide whether it is an intensive production place. That is where those things end up when they are in dispute. Obviously, as a matter of practice, if there is a dispute in a particular situation, it will come back to the department's policies on how it manages those particular disputes and what is appropriate in the circumstances. The department may go to court or get the police to assist its inspectors to enter a particular property.

We are talking about extreme cases here. I would imagine—not imagine; I think it is reasonable to assume that, overwhelmingly, these matters will proceed on a fairly rudimentary basis. Remember that the department's purpose here is compliance and monitoring, and most of the activity here is monitoring, so it will become a routine thing. That will obviously—how can I describe it; I do not want to use the word—develop over time. In an earlier conversation outside the chamber, I said to the member that the concept might start widely like that; however, over time, it will start to narrow, and people's understanding will become embedded.

That is probably a more fulsome answer than I intended to give the member, but I am just trying to cover the field, if the member will pardon the pun, on this matter.

Hon STEVE MARTIN: I will not labour the point, but there are some issues. The parliamentary secretary mentioned that the initial determination would be—I will use the phrase—the "state of mind" of the inspector. I refer to some responses that were given on 23 February, in which the parliamentary secretary said —

> The example that the member gave in which a feedlot is created for 150 head of lambs for three months of the year might be done because there is not enough food on the farm, which becomes a matter of farm management. It is not being done in connection with an intensive food production facility. It is a consequence of the seasons and the availability of food on that property, but in and of itself, is not necessarily an intensive production activity.

That feedlot with 150 animals in it—ignore the number, small or large—will look absolutely identical to another feedlot with a similar number of animals in it that might not be a matter of farm management and might trigger an inspection. I am unsure how an inspector would make that call, unless, of course, they take the word of the farmer, who tells them, "I'm out of feed and it's a farm management issue rather than a commercial enterprise." That inspector does not have to talk to the farmer prior to inspection. Again, I am concerned that there is a lot of "could" and "might be" around this, which I think is a risk. I do not understand how that distinction of farm management and intensive food production facility will be determined, unless the inspector takes the opportunity to discuss that with the farmer first. Of course, the inspector might not believe the farmer. Can I have a bit of clarity on how the department sees that process working in a practical sense?

Hon MATTHEW SWINBOURN: We need to go back to the wording in the bill. It is important to note that "feedlot" is not a defined term in the bill, but it is obviously a farming practice. I cannot point to a uniform definition of "feedlot". There is a dictionary definition, but that does not form part of the wording of the bill. We have to go back to the wording in the bill. For example, as stated in the bill, "intensive production" means an activity that is carried out at an animal source food production facility at which the animals do not have an opportunity to graze or forage outside and that lack of opportunity to graze or forage outside is in the ordinary course of animal source food production; that is, it is the usual practice at that place and a key component of that production system. As the member would be aware, there are large-scale commercial feedlots, and that is their business. They advertise as a place for people to take their animals for the purpose of fattening them up for slaughtering at a later date—that is their business.

We seem to be bogged down on the more ad hoc examples that the member might have been given about a particular farmer and whether they have fenced off an area in which they are feeding animals without the animals having any opportunity to forage for food. If the elements of this are not satisfied in a particular circumstance, it will not be—what is the wording I am looking for?—an intensive production place. The key here is to not focus on the concept of a feedlot as such because it is not a single thing; it can be a multiple thing. I did a bit of Google searching to determine whether there is a uniform definition of "feedlot"; different groups give definitions. It is a problematic because, as I said, it is not a defined term in the bill. We know about the things that will not allow it to fall into this definition. It cannot be a residential place. It must be a place at which animals do not have an opportunity to graze or forage. It will definitely not be a residential place. A designated inspector does not have any right to enter the residential part of a farm because it is a residential place. It is places at which the activity is not undertaken in the ordinary course of animal source food production. I used the example of three months; perhaps that is not consistent with actual practice, but let us say that a farmer has yarded his animals in a temporary or permanent structure for a short period for a specific purpose that is not related to that. Indeed, animals penned due to drought or flooding and animals confined due to breeding or sickness would not be included in this. I refer also to places at which animals are kept inside but have an opportunity to graze or forage; for example, free-range chickens, or places at which there are deferred grazing practices. The type of facilities that are intended to be captured are intensive piggeries and

commercial-scale feedlots that are connected to intensive food production and intensive poultry farms for chicken and egg purposes. I hope that provides the member with a bit more clarity.

As I said, I think we have become stuck in the feedlot cul-de-sac and have been going around in circles. It is not a term defined or used in the bill. We need to move away from that and focus on intensive feed. I cannot give the member an exhaustive list, "Yes, that will be in" and "No, that will be out" because it is very much circumstantial.

Hon STEVE MARTIN: There are no cul-de-sacs in feedlots, parliamentary secretary. They move smoothly around the facility.

The parliamentary secretary referred to a situation in which an inspector turns up at a property and is told, "No, you're not coming on." Is there a code of conduct process or a formal set of guidelines about what would take place?

Hon MATTHEW SWINBOURN: I am not sure whether there is a code of conduct, but there are standard operating procedures for existing practices. As the member knows, currently when inspectors present themselves at a facility and consent to enter is not given, they have to leave because they have no right to enter without obtaining a warrant. The department will be developing those procedures; of course, it has a responsibility under work health and safety laws to protect its employees so it must have practices in place to manage potential conflict. Let us hope that that never happens. There is the potential of physical and psychological risks when there is conflict in a workplace so the department will put practices in place for when there is a refusal, as the member defined it. It will be an offence to refuse. In more general circumstances in which people have a right of entry and a refusal takes place, unless they are the police, they do not use force. They record the refusal and speak to their lawyers about whether there is the prospect for prosecution as a consequence of the refusal rather than continuing to exert their rights because that could lead to a cascading series of issues. I must admit that I am speaking as a former union official who had a right of entry to property and things of that kind. Obviously, in those circumstances —

Hon Nick Goiran: Did you use force?

Hon MATTHEW SWINBOURN: No. Actually, I never exercised the right of entry, but I dealt with a lot of situations. I am talking about a different regulatory regime here but in effect we are talking about a similar legal principle, which is that they have a right to enter under certain circumstances and that right is regardless of whether or not there is consent. However, the practice employed is that when faced with a refusal, a record of the refusal is made and a legal process is used to deal with it because typically significant fines are associated. As far as people getting into a physical altercation, I do not think the Department of Primary Industries and Regional Development has any interest in seeing its employees engaged in that kind of circumstance.

Hon STEVE MARTIN: I thank the parliamentary secretary for that detailed response. I assume that the offence of refusing entry is part of the Criminal Code.

Hon Matthew Swinbourn: It is in the Animal Welfare Act 2002.

Hon STEVE MARTIN: What are the penalties?

Hon MATTHEW SWINBOURN: I refer the member to section 77 of the Animal Welfare Act 2002, "Obstruction of inspectors", which reads —

> A person must not hinder, obstruct, abuse or threaten —
>
> (a) an inspector exercising a power under this Act; or
>
> (b) a person assisting an inspector to exercise a power under this Act.
>
> Penalty: $20 000 and imprisonment for one year.

No new penalty is associated with the provisions that we are introducing; that provision currently exists.

I think there are also Criminal Code provisions that relate to interfering with someone performing an official function, but I cannot tell the member what they are off the top of my head. Typically, if someone was exercising their own power, they would use the power within their own act to prosecute the individual or the corporation concerned, depending on who was responsible for the obstruction or hindering.

Hon STEVE MARTIN: I have just one more question, as I know my colleague has some questions on clause 8. Just out of interest, how will the inspector know which entity they are dealing with if they inspect a property, either attended or unattended by anybody? Will there be different levels of responsibility? Will the landowner be included as well as someone who leases the land to run an intensive production facility? Can I get a bit of clarity about that process?

Hon MATTHEW SWINBOURN: It comes back to the Animal Welfare Act. The definitions section refers to a "person in charge". It states —

> ***person in charge***, in relation to an animal, means —
>
> (a) the owner of the animal; or

(b) a person who has actual physical custody or control of the animal; or

(c) if the person referred to in paragraph (b) is a member of staff of another person, that other person; or

(d) the owner or occupier of the place or vehicle where the animal is or was at the relevant time;

Obviously, it is about control and who has that control. The member gave the example of someone who owns land but they lease it to someone else. The provisions of the Animal Welfare Act apply to all the circumstances in which there are prosecutions or entry. It is not particular to these provisions; it is uniform. I will give an easier example. If a person who owns a property rents it to someone who is engaged in animal cruelty, unless that person is a party to those actions, they will not be subject to these provisions because the person who rents the property has subsumed control over the land. Although the person might own the property, there are restrictions on how they can enter the property and do a range of other things. However, if someone leases a property to their mate and they engage in illegal dog fighting or those sorts of things, the fact that they are the owner might be a relevant factor in those circumstances. If the landowner who has leased the property to a company that is engaged in animal welfare issues has no knowledge of it, because they might be interstate or overseas, they will not be subject to these provisions. That is not how it will work, because they would not be a person in charge of the animal in those circumstances.

Hon NICK GOIRAN: Just picking up on the issue of the procedure that will guide the designated inspectors and the power that they will be given under clause 8, the parliamentary secretary mentioned to Hon Steve Martin that they currently have operating procedures but some further procedures will be developed in due course. When we last considered this bill and, indeed, this clause on 23 February 2023, the parliamentary secretary made some reference to a tabled document, *Regulatory compliance approach*. Is that the operating procedures to which he has referred or is that a separate guiding document?

Hon MATTHEW SWINBOURN: That is not what I was referring to in terms of procedures. Procedures would be the day-to-day way of dealing with this situation. The document that the member referred to is a more high-level approach for the department's regulatory compliance stuff.

Hon NICK GOIRAN: Are the more precise operating procedures for an inspector who has to deal with a landowner, in contrast to, as the parliamentary secretary said, the high-level regulatory compliance approach, capable of being tabled either today or at a later stage?

Hon MATTHEW SWINBOURN: The current ones exist, but we do not have them with us today. The issue is that they are not in a form that we would be comfortable tabling, because some of the information they contain is sensitive to the way the department operates its compliance activities. We are worried that tabling that information or making it public would give opportunities for people to avoid the activities.

Hon Nick Goiran: It would undermine the compliance process.

Hon MATTHEW SWINBOURN: Yes, that is a good way of putting it. We will consider whether part of it can be redacted, but the problem with redacting is that it can lose all its context and meaning. We will give it consideration overnight.

Hon Nick Goiran: For what it's worth, I'm not pressing the point at this time.

Hon MATTHEW SWINBOURN: Thank you.

Hon NICK GOIRAN: Thank you for that, parliamentary secretary. The parliamentary secretary indicated that the document he referred to, the operating procedures, will need to continue to be developed. To what extent will the changes that are envisaged in clause 8 necessitate the need for those operating procedures to be enhanced moving forward?

Hon MATTHEW SWINBOURN: Regarding the need for development, firstly, these laws have not yet passed, so the department will not work on those things until it becomes the law of the land. Secondly, this bill will introduce a monitoring regime that it does not currently have. The department will have to develop and manage that monitoring regime and the identification of these intensive production places, because that information, including who the players are and those sorts of things, is not readily available and will need to be developed into its procedures. Inspectors have not had a right of entry; they had to do it by consent. The kind of practices about what will happen at the point at which they are refused entry will include whether that person's refusal could be negotiated, when to go back, and how will they elevate that through different levels within the department to make a decision about whether there is prosecution or to go back. Those kinds of things will have to be expanded on as the department does not currently have those arrangements in place. That work will be undertaken over time.

Hon NICK GOIRAN: What we see is that the current operating procedures are not adequate for the new powers moving forward. The new powers will create new scenarios for the inspectors. For example, they will need to expressly consider whether they intend to use this new power of entry, rather than simply trying to seek voluntary compliance on the part of landowners. This is not a criticism; this is simply an acknowledgement that the current operating procedures will be inadequate to guide inspectors under the new regime with this new power. We can

therefore see just how important these operating procedures will be. These operating procedures will guide the use of this new law. These operating procedures will not be tabled in Parliament, for the very reason the parliamentary secretary identified earlier, because if they were, it might undermine—although that was my interjection—the compliance process. I can appreciate why any government might not want to table those operating procedures for exactly that particular reason; however, it makes it all the more important for us to provide guidance to the government, the advisers and the departmental officials now before the operating procedures are developed so that those people who are drafting it understand precisely what Parliament would like to see with regard to these right of entry of powers.

The parliamentary secretary indicated to Hon Steve Martin that the penalty that will apply for what I would describe as not facilitating entry will be a fine of up to $20 000 or one year's jail. As I said, my expression is "not facilitating entry", because the actual term the parliamentary secretary indicated was obstruction —

Hon Matthew Swinbourn: It was hinder, obstruct, threaten—a range of things.

Hon NICK GOIRAN: Yes. The scenario at the moment is when an inspector asks the landowner for consent and the landowner says no. Once this new regime comes into place, we can see a scenario whereby that might happen. The inspector will come along and the secret operating procedures—I do not use the word secret to denigrate the process—will tell the inspector that at first instance they must seek to enter voluntarily. The inspector does so, and is told to get lost. The inspector then gets lost. He or she removes themselves from the premises. In that scenario, even though they have been denied entry, that would not seem to be an obstruction or hindering of the process. Are we saying that there will need to be something more from the landowner to be deemed to have breached this right of entry and to have obstructed, hindered or threatened? I appreciate that it is entirely different if the landowner says, "You better get lost; otherwise, I'm going to get my shotgun out." That would be a threat and, yes, they would have fallen foul of that. It is different if the person says, "Can I come and inspect", and the landowner says, "No, get lost." That is not a threat. I would respectfully submit it is neither to hinder nor to obstruct in that scenario, either. I would think that the inspector would have to do more than that, but can we get confirmation that that is the case?

Hon MATTHEW SWINBOURN: I think the member said that they would seek consent at the first instance, and if the person said, "No, get lost", consent has not been given. The inspector has not then forced their right or exercised that right. It will take positive acts for those rights. The inspector would have to be clear. For example, if the inspector says, "I would like your permission to come onto your land, and these are the purposes I want to do it for", and the person said "Rack off, hairy-legs; you're not coming on here", the inspector would typically then be in a position in which they would then make it clear that they have rights under the particular act—not that there is a prescribed firm form of words, but courts generally look at whether there has been an active exercise of a positive right and that that right has been communicated to that person and then that person acts in a manner. A refusal is hindering; I think the member can accept that that would be. Other acts say "refusal" rather than "hinder and obstruct", but we can put under those two headings—"hinder" or "refuse". I think it is then a matter of evidence before a court about whether the court would accept that the actions of the designated inspector elevated themselves up to the point at which they had exercised their right of entry and the actions of the other person effectively amounted to a refusal, therefore hindering and obstructing those rights.

Hon NICK GOIRAN: Excellent. Is it the intention with the operating procedures moving forward that this positive expression of a right to enter will manifest itself in some kind of a written notice? Will the inspectors, having been denied voluntary entry onto the premises, say, "Well, I'm now exercising my rights under the Animal Welfare Act and I'm now giving you this notice which warns you of the consequences if you choose not to now allow me to go and inspect." Is that the kind of thing we can anticipate will be found in these operating procedures so that these landowners, who, the parliamentary secretary can understand, may have no expertise into the elements of compliance in the Animal Welfare Act, will have some general understanding of it? In terms of the specifics, we do not want otherwise good, law-abiding citizens to be caught up because emotions run high when somebody comes onto their premises.

Hon MATTHEW SWINBOURN: As the member would appreciate, the bill itself does not require the giving of a written notice for the person to have the legal right to enter the property. These things are to be developed and we can contemplate that they may develop materials that they will hand people when they are doing these things. What we have to understand about what we are doing here is that even though it might feel as though it is, it is not the case that we are dealing with a situation similar to when police effect right of entry on someone who is engaged in a criminal enterprise. There is not exactly a lot of civility in those circumstances. This is the introduction of a compliance and monitoring scheme. One of the keys that the Department of Primary Industries and Regional Development is conscious of is the relationship it continues to have. The point here is to ensure that there are appropriate animal care practices going on within these facilities and to get these facilities operating in a way that is consistent with that. Part of that is to ensure that one is not going onto a particular facility with a view to instantly forming conflict. Page 7 of the *Regulatory compliance approach* document that was tabled earlier is headed

"DPIRD's regulatory compliance objectives". This is what will help inform the development of these new procedures. It states —

> DPIRD is committed to ensuring that primary industries and the Western Australian community understand, respect and adhere to the legislation DPIRD administers. DPIRD strives for an outcome where participants in primary industries and the Western Australian community believe in and understand their legislative responsibilities, are aware of the practices and behaviours required, and display high levels of willing compliance. Further, stakeholders trust that DPIRD will monitor behaviours, and where there are non-compliant behaviours, appropriate and proportionate action is taken according to risk.

That is what drives this. It is quite possible, without making a firm commitment, that written material will be developed, including about the rights. I am not sure whether the honourable member was out of the chamber on urgent parliamentary business when we discussed that they will have an ID card, and although it is not prescribed by the regulations as to its form, if the person is a designated inspector, it will say so on that card and make reference to the provisions of the Animal Welfare Act 2002 under which their powers exist—and they will be required to show that card if they are asked to do so when they have the interaction at the gate, if I can say that.

Hon NICK GOIRAN: That gives some comfort that it will be contemplated. I note that the panel that conducted the review of the operational effectiveness of the Animal Welfare Act recommended that inspectors must provide reasonable notice of entry unless there was a reason to suspect that the provision of notice would jeopardise the purpose of the entry. The bill has not done that. As the parliamentary secretary indicated, not only does it not require written notice to be provided to the owner, it does not require any notice to be given to the owner. All it does is require as a matter of law the agent, or in this case the designated inspector, to assert to the landowner that they will exercise this statutory right of entry—nothing more—and that can be done at no notice. It can be communicated orally rather than in written form. I strongly encourage the department as it is developing these procedures, consistent with the *Regulatory compliance approach* document that the parliamentary secretary just read from, and the objects of that, the intent of that document, to prepare some form of written notice or package that will then be delivered to the landowner so that there can be no confusion as to the rights of the designated inspector at that time, but also the rights that still remain for the property owner.

In that respect, what is intended to be the mechanism that might then break the deadlock or dispute between the landowner and the inspector? There is little to be gained by a designated inspector just forcing their way onto the property. In the overall scheme of a compliance and monitoring function, there is little to be gained by that, other than perhaps creating potentially even a violent episode to occur, which no-one wants. Rather than create a system that might lend itself towards that kind of outcome, is there intended to be some form of mediation process or right of review? Even if a landowner says, "Oh, well; it sounds like I have no option here but to allow you onto my premises", even after the event, will there be some form of mechanism by which the landowner can then go to someone in the department? I know that ultimately they can always write to the minister and, as we have just debated recently, they could even petition Parliament and do all those kinds of things. However, I am talking about something far more simplistic than that—an immediate dispute resolution mechanism.

Hon MATTHEW SWINBOURN: There is no formal process of mediation—I think that was the member's word—or right of review. If we gameplay this a little to say that somebody has an issue with the way an inspector has conducted themselves or there is a dispute, the person might wish to raise that, and can raise it, with the CEO, who is the person who appoints inspectors and has the power to revoke an inspector's designation as a designated inspector. The CEO could do that; that would be a particular circumstance.

The department has a structured complaints process through which it could make a complaint and it would be dealt with. We think it is pertinent that similar powers exist in the Food Act for inspectors. There is no formalised right of review or a mediation role, and it is the same with the Fisheries inspectors. We have not created a scenario in this legislation that is dissimilar to current regimes in which inspectors have a right of entry.

I would whimsically hope that over time the industry will have an understanding of the role the department is playing and the department will develop its processes and procedures in a way that works towards education, compliance and those sorts of things and we do not see the kind of disputes that we can probably anticipate occurring now, particularly the violent ones that we want to avoid under all circumstances. The likely people who are refusing entry are probably those doing the wrong thing rather than those who are just confused or ignorant. That is where this is heading over time. By way of a general fluffy statement, that is what we are hoping for here.

Hon NICK GOIRAN: This structured complaints process that already exists is the type of thing that should find itself in what I referred to earlier as the package of documents that would be provided to the landowner, where the designated inspector says, "I am exercising my rights to enter under the act and here is a notice of your rights, which includes the fact that the department has a structured complaints process. If you would like to take that up, you are free to do so." That type of thing would be helpful in this scenario. I hope that is taken on board by those who will be responsible for this, as I am sure they will.

Will there be any reason the landowners themselves will not be able to monitor the designated inspector carrying out his or her functions on their premises?

Hon MATTHEW SWINBOURN: Nothing will prevent them from doing that, so long as they do not hinder, obstruct or those sorts of things. My advisers at the table and I think that in most instances it would be facilitative for the landowner to accompany the person. Quite frankly, the point about the monitoring is to elevate animal husbandry practices—that is not a technical term—but to get this intensive food production industry to provide assurances around what it is doing around the humane and ethical treatment of the animals concerned.

Hon STEVE MARTIN: We have talked a lot about the revised guidelines that are required by DPIRD inspectors because of the significant change in their role. I wish to inquire about the planned rollout to educate and illuminate the industry about what is coming. I assume that would be significant.

Hon MATTHEW SWINBOURN: At the outset, because the bill has not passed the Parliament, no such thing has been designed yet. That will not happen until this legislation becomes law. On the passage of the legislation, we intend to engage with industry and stakeholders to push that education. When I read out the regulatory compliance material, I said that one of the key parts is education. I forget the wording, but it was quite helpful. It said that the Western Australian community believe in and understand their legislative responsibility, are aware of the practices and behaviours required and display high levels of willing compliance. That can only happen with education. Some of the things that are contemplated include workshops, engagement with key stakeholders in the agricultural industry and getting that information out there. To some degree, these laws will apply to a quite narrow group because obviously there has to be that intensive production place rather than everybody in the agriculture —

Hon Steve Martin: Don't get that ahead. They'll get a bit worried.

Hon MATTHEW SWINBOURN: I know. There will obviously be a range of agricultural things that will have absolutely no relationship to this particularly narrow right-of-entry power.

Clause put and passed.

Clause 9 put and passed.

Clause 10: Section 70A amended —

Hon COLIN de GRUSSA: Clause 10 is in part 3 of the bill, which seeks to amend the Criminal Code. Clause 10 seeks to amend section 70A of the Criminal Code to insert a number of different things, including several definitions such as "abattoir", "animal source food production", "animal source food production facility" and so on. A number of those definitions refer back to the original act. The definitions of "abattoir" and "knackery" both refer back to the Animal Welfare Act 2002. The Biosecurity and Agriculture Management Act 2007 is also referred to in these definitions. Presumably, contemplation has been given to the fact that those acts are currently under review and will have to be amended further. This clause will eventually have to be amended as part of that review process.

Committee interrupted, pursuant to standing orders.

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