

Hon Colin De Grussa; Hon Steve Martin; Hon Samantha Rowe; Hon Dr Brian Walker; Hon Dr Brad Pettitt; Hon Dan Caddy; Hon Dr Steve Thomas; Hon Shelley Payne; Hon Wilson Tucker

ANIMAL WELFARE AND TRESPASS LEGISLATION AMENDMENT BILL 2021

Second Reading

Resumed from 1 December 2022.

HON COLIN de GRUSSA (Agricultural — Deputy Leader of the Opposition) [12.32 pm]: I rise to contribute as lead speaker on behalf of the opposition on the Animal Welfare and Trespass Legislation Amendment Bill 2021. From the outset, I will say that the opposition will not be opposing the passage of this bill. We have some questions and concerns, which we will outline during the Committee of the Whole stage and during contributions to the second reading debate. It has been some time since we debated this bill. In fact, it was second read in December last year and we have not had the opportunity to continue the second reading remarks since then. It is a bill that has had some lengthy gestation, having been a bill in the fortieth Parliament as well, which I will outline. As a refresher on what the bill does, it will amend three primary acts: the WA Criminal Code, the Restraining Orders Act and the WA Animal Welfare Act 2002. It was created primarily some time back in response to a number of issues that occurred nationally and here in Western Australia of incidents of trespass on agricultural properties by animal activists who drew attention for their own reasons but also put significant risk to those businesses and the people who occupy what are for many not just a business but their homes. In response, this legislation was originally created back in 2020. We now have the 2021 bill, which we are debating today. It is substantially the same as the 2020 bill, albeit it with a different name. The amendments to the Criminal Code are aimed at deterrence: increasing criminal penalties, improving accessibility to restraining orders and increasing fines. The restraining orders amendments will make it easier for a person who has been or may be affected by aggravated trespass to obtain the protections of a misconduct restraining order. The Animal Welfare Act amendments are related to powers of entry provisions and inspections of intensive animal production places. I will go into some detail on that in due course. They are the main things that the legislation intends to deal with.

I want to talk a bit about the gestation of the legislation and the period that led up to the necessity for these changes. Back in 2019 in this place, I read in a petition on 13 February—four years ago as of Monday. The petition called on the Legislative Council to review legislation that will —

... increase protection of landholders against trespassing, hunting or fishing on private land without permission, theft, damage or destruction to livestock or property ... and the potential creation of an aggravated trespass offence where there is an enhanced biosecurity risk, intent to engage in stock theft, or the presence of hunting equipment.

A gentleman down in the south west, Geoffrey Charteris, approached me and a former member of this place, Hon Colin Holt, with his very real concerns about what was happening with some of the issues around crime and trespass in that part of the world. The Standing Committee on Environment and Public Affairs' fifty-sixth report, *Overview of Petitions 1 July 2019 to 30 June 2020*, includes the Attorney General's response at paragraphs 2.8 and 2.9 —

In particular, the Attorney General advised that new amendments to section 70A of the *Criminal Code* will define circumstances of aggravation for the offence of trespass:

Consistent with the proposal contained in the Petition, the circumstances of aggravation will make reference to biosecurity risks and the commission, or intended commission, of further offences (such as stealing).

The circumstances of aggravation will also apply where the trespasser intimidates or harasses farming families or workers—an important inclusion in light of the conduct described in [the principal petitioner's] submission.

The Attorney General also advised that:

- Additional reforms will include an increased maximum penalty for trespass committed in circumstances of aggravation and amendments to the *Restraining Orders Act 1997*.
- A review of the *Sentencing Act 1995* will commence later in 2019 and that he will “ensure that the review process includes consideration of the role of ‘geographic isolation’ in the sentencing process.”

In response to that petition, there was certainly an indication that the government was taking these issues very seriously and was looking at amending relevant sections of legislation in order to add those necessary protections for farmers and places that produce livestock. At the same time—in late 2018 and early 2019—there was a sharp rise in or more reporting of some quite disturbing animal activist activity. A number of things occurred that were really worrying people—not just farmers but people in general in the community. They were becoming increasingly

Hon Colin De Grussa; Hon Steve Martin; Hon Samantha Rowe; Hon Dr Brian Walker; Hon Dr Brad Pettitt; Hon Dan Caddy; Hon Dr Steve Thomas; Hon Shelley Payne; Hon Wilson Tucker

concerned about their safety. One particular thing that happened at that time was a map for animal activists that named and shamed. I will read from an article that appeared in January 2019 in *Farm Online* —

A animal activist group branding itself as a charity is targeting producers across the country with a map of farm locations published on Facebook. The map is sourced from a database ... which is based on information submitted by the general public. This interactive map lists the locations of hundreds of rural properties, including livestock farms, meatworks and dairies.

Obviously there was a pretty strong outcry against what was happening because, as I said before, these places are not only for production and businesses, they are also people's homes. The potential impact of putting these maps online and therefore giving activists targets, if you like, to attack or infringe upon the rights of people going about their lawful business was very concerning, and at that time there was a marked increase of this sort of activity. It was also unbelievable, of course, that this organisation was a registered charity at the time and could take charitable donations to do this sort of work. Further on in the article, Mr Whitelaw, who is a rural market analyst for Mercado, goes on to say —

... encouraging individuals to upload information, photos and videos about farms, feedlots and processing operations, the website was promoting on-farm activism which could be in breach of biosecurity regulations.

That is another important consideration in this whole debate. It is not just the aspects of trespass and crime, but also biosecurity. I will talk a little bit more about that later on, but, obviously, that really came to the fore last year with the dual threat of foot-and-mouth disease and lumpy skin disease.

The president of the National Farmers' Federation, Fiona Simson, said in this article —

... NFF has sought legal advice on Aussie Farms implied link between farmers represented on the map and animal cruelty and in regards to any infringement of privacy and trespass laws.

Therefore, there was obviously a bit of a flurry of activity around that time. Of course, these sorts of issues are not going away. They are still occurring regularly. There was a new story just yesterday about an infamous activist, whom I am not going to name, and her latest exploits. There was also an incident of animal cruelty, in which a farmer down in Bridgetown found that a number of his sheep had been shot by intruders and left to die or walk around injured and bleeding, and some were stolen at the same time. That incident appeared in an article on 23 November 2022. Clearly, those incidents of crime, trespass and activism are still happening and we need to ensure the community has some protection and some semblance of safety from them.

The other issue with this activist activity is—as I have said before, this is on the farmers' home and business—we have seen incidents of activists climbing on trucks and things like that, putting their own lives at risk. We have to think of the implications if one of those activists got run over by a truck or fell off a truck or whatever might happen. That would certainly have an implication for them, their family and friends, but it would also have an impact on the truck driver or business owner who was going about their lawful business and would unfortunately have to witness such a horrific event. That sort of thing really does need to be stamped out.

Back in 2019, other states were also seeing the same sort of activism and attacks occurring. In fact, in 2019 the previous Minister for Agriculture and Food in WA declared that she thought that the current trespass laws were a sufficient deterrent. But only a matter of weeks later, the Premier contradicted that assertion and said that the laws needed to be reviewed, which was encouraging.

In July 2019, the federal government introduced laws into Parliament that sought to curb some of those activities, and laws were also introduced into the federal Parliament in September of the same year to stop the carriage of certain information on the internet that was being used by activists to gain addresses of farms and other places where animals are processed. Those matters have been taken seriously in those other jurisdictions as well.

In August 2019, the New South Wales government implemented the toughest trespass laws in Australia at that time. Criminal activists who trespass on agricultural properties in New South Wales now face fines of up to \$220 000 for individuals, \$440 000 for groups and on-the-spot fines of \$1 000.

Back in April 2019, the Queensland government introduced heavier fines for unauthorised entry to places where animals are kept, recognising that that is also a breach of biosecurity. These are situations that have been dealt with very well in those other jurisdictions.

In February 2019, I asked a question of the former Minister for Agriculture and Food, Hon Alannah MacTiernan, and she suggested that one way to stop animal activists from trespassing was stricter animal welfare controls. She said that we needed to further reform our animal welfare system, which is based on taking action only when there is a suspicion of cruelty. Effectively, that encourages animal activists to seek out that sort of evidence, so there is this kind of assertion that we need people to go out and have a look to find out what is going on because there must

Hon Colin De Grussa; Hon Steve Martin; Hon Samantha Rowe; Hon Dr Brian Walker; Hon Dr Brad Pettitt; Hon Dan Caddy; Hon Dr Steve Thomas; Hon Shelley Payne; Hon Wilson Tucker

be cruelty out there. I am not sure whether I agree with that. I think a proactive approach to that, which is being taken by the department already, is needed, and I will come to that later on.

Here we are in 2023, some time after these incidents occurred, and we are going to be debating this legislation here in Western Australia. It has taken some time to come to the fore. I want to reflect on biosecurity a little bit before I go into some of the details of the bill itself. Obviously, in addition to the rural crime issues and the need for the protections for the safety of people and prevention of crime and so on that was going on, there is an ongoing concern for the producers about protecting biosecurity, as they have always had. Ultimately, farmers are responsible for making sure that they do everything they can to prevent the spread of diseases that could affect other livestock and other industries. They are keeping a keen eye on what goes on. We have our recognised biosecurity groups around the state that do a power of work to ensure that they keep pests and diseases out as best they can. The department, obviously, plans for this and works towards making sure our biosecurity is very strong. We have always had a good reputation in Australia and, indeed, in Western Australia as having some of the best biosecurity protections in the world. Having trespassers come on and off people's properties can also increase the risk of biosecurity issues becoming a problem. That issue was really brought to the fore last year with lumpy skin disease and foot-and-mouth disease, which threatened Australia on our doorstep. A large amount of education was required to make sure that people really understood how important it was that if they had travelled to the affected areas, when they came back they had to do everything they could to prevent the spread of disease and ensure that we keep our state's livestock industry strong. It was really good to see those sorts of things happening and also see that, eventually, our department really got things going in terms of protecting biosecurity.

I wrote to the minister on this issue back in May of last year. She wrote back and responded with some of the things that were happening, which was encouraging to see. One of the things she talked about in that letter was the on-farm biosecurity measures that producers can implement now and the importance of meeting livestock traceability requirements at all times as part of emergency animal disease preparedness. That is fine. I accept that that is absolutely something that producers need to do, and they do take their responsibilities for biosecurity very seriously. But, of course, if people are coming in and trespassing on your property without your knowledge, it does not matter how many biosecurity signs you put up or footpaths you use, those people can still spread disease across your farm and potentially cause a significant biosecurity issue for the state. Therefore, biosecurity is another aspect that warrants for the protections that are proposed in this bill.

I turn to the time line for the gestation of this legislation. As I said, it took quite some time to come forward. In 2019, we received a petition and further debates occurred in this place and the other place. On 22 February 2019, the Premier promised that a review of the legislation would occur. A bill was introduced in 2020. The Animal Welfare and Trespass Legislation Amendment Bill 2020 was passed in the Legislative Assembly. Unfortunately, when that bill arrived in this place, it was not prioritised and fell to number 16 on the list, from memory. Unfortunately, as a result, it was not passed prior to the 2021 election. After the election, it took until 1 June 2021 for the current bill to be introduced into the Legislative Assembly, which is the bill that we are dealing with today. Again, it failed to get priority, which was surprising given the pledges and commitments made by the Premier, the Attorney General and the Minister for Agriculture and Food that it was a priority. There were no impediments to its passage following the 2021 election by the sheer weight of numbers in this place and the other place. There was nothing to stop that bill from passing. Unfortunately, the legislation was not brought on for debate in the other place and it fell off the notice paper because it sat there for so long without being debated. In 2022, the government realised that mistake and moved hastily in August last year to restore the bill to the notice paper and bring it on for debate. Finally, the bill came on for debate in the other place and was passed late last year and read into this house in December. Finally, we have a bill to debate in this house. It is now being debated, and we now have the opportunity to analyse its various aspects.

I have been through a little of what the bill will do. I also want to talk about the second reading speech. The second reading speech states —

The bill was introduced into the previous Parliament as the Animal Welfare and Trespass Legislation Amendment Bill 2020. The 2021 bill I am reading in today is identical to the 2020 bill that was introduced into the Legislative Council during the fortieth Parliament. The bill will amend three ... acts:

I have gone through the three acts that that bill will amend.

One of the other issues identified in the second reading speech of this bill is the powers-of-entry provisions and amendments to the Animal Welfare Act. The provisions in this bill essentially will create what is called a designated inspector employed by the Department of Primary Industries and Regional Development who will have powers of entry but can only exercise those entries in monitoring activities at abattoirs, knackeries and intensive production places.

Hon Colin De Grussa; Hon Steve Martin; Hon Samantha Rowe; Hon Dr Brian Walker; Hon Dr Brad Pettitt; Hon Dan Caddy; Hon Dr Steve Thomas; Hon Shelley Payne; Hon Wilson Tucker

I am a little uncertain of one thing that I hope the parliamentary secretary will be able to explain or help me understand when we reach the committee stage of the bill. I asked a question in August last year about the review of the Animal Welfare Act. Former minister Hon Alannah MacTiernan said that the drafting of the bill to amend the Animal Welfare Act had commenced. At the same time, we have this legislation going through, we have a full review, and possible rewrite—likely some very significant changes—to the current Animal Welfare Act. At the same time, we are amending that act with some provisions in this bill. The questions are: Are we going to interfere with the proposed amendments under that review? Will we need to make further changes at a later date because of that review? What is the interaction between this bill and the review of the Animal Welfare Act? How has this bill been considered in that review? I would like a bit more detail about that because it seems a little premature to amend a bill that is likely to be amended relatively soon. If the draft was ready at the end of last year, as the minister said, I imagine it is likely that we will see that bill sometime this year. Perhaps we need to think about what amendments we are making now and how they will interact with the potential amendments to that act. When the 2020 and the 2021 bills were first introduced, the opposition consulted a number of peak bodies. All the feedback from those consultations was that the amendments proposed in the bill to provide protections from trespass and amendments to the Restraining Orders Act 1997 were welcomed, but all the peak bodies were perplexed about why there was a need to amend the Animal Welfare Act at the same time.

This bill arose out of a need to protect farmers from potentially threatening trespassers and other criminal activity. At the same time, the bill before us and the bill that was introduced in 2020 had amendments to the Animal Welfare Act. I guess the stakeholders wondered why there was a need to conflate those issues. Why was Parliament conflating animal welfare issues with issues relating to rural crime and trespass? During that consultation, those stakeholders also raised key issues about the creation of the new class of inspector—the designated general inspector. It is something that we have seen before. Early in 2017, the government introduced the Animal Welfare Amendment Bill 2017. At that time, that bill was referred to the very hardworking Standing Committee on Legislation for inquiry, and it reported on it. I want to take some time to go through a few of the observations that were made during that inquiry. That bill introduced the concept of designated general inspector. It is fair to say that the committee spent quite a bit of time looking at the new provision within that 2017 bill. Perhaps we can reflect on some of its observations. The parliamentary secretary may be able to advise whether they still hold true for the current bill.

I am talking about the thirty-sixth report of the Standing Committee on Legislation titled *Animal Welfare Bill 2017*. It is quite a lengthy report. A number of members of this place were on that committee, chaired fantastically by Hon Dr Sally Talbot. I turn to chapter 7 of that report, a lot of which relates to the designated general inspector provisions in the legislation. It also refers to the current provisions in the Animal Welfare Act and the role of inspectors under the current act. It also mentions a number of other acts in this state and other states and the different inspection powers.

Paragraph 7.33, on page 43 of the report, relates to hearings with the Department of Primary Industries and Regional Development, stating —

The Department has stressed that what is sought is the ability to actually monitor compliance with the standards. The new powers for designated general inspectors are not, it is said, intended to be an expansion of the current role in respect of animal cruelty, but an ability to take a more preventative role.

Paragraph 7.34 states —

In fact, the Committee observes that the activity of ‘monitoring’ is already being carried out, and that preventative role appears to be established. For example, in the Department’s response to questions taken on notice during the hearing held on 2 May 2018, it was said of the Livestock Compliance Unit (LCU) of the Department:

The LCU currently undertakes routine inspections at livestock establishments, including but not limited to; saleyards, abattoirs, knackeries, export depots, live export wharves and intensive industries such as piggeries and poultry units to monitor compliance with the Act and identify where there is a risk of noncompliance. Inspections are proactive, are initiated by the LCU, and are not a response to a report of animal cruelty.

It would appear from what the department said that it felt that those proactive inspections and assessments were already being undertaken by the department through the livestock compliance unit.

Further on, paragraph 7.54 states —

The Committee questions whether the new designation of inspector is needed. It appears to the Committee that previous reports and inquiries were correct in saying that the existing provisions around inspectors are confusing. There are many types of appointees, all of whom can prosecute in their own name. There

Hon Colin De Grussa; Hon Steve Martin; Hon Samantha Rowe; Hon Dr Brian Walker; Hon Dr Brad Pettitt; Hon Dan Caddy; Hon Dr Steve Thomas; Hon Shelley Payne; Hon Wilson Tucker

seems to be no centralised coordination of what duties the varying types of inspector might be undertaking. The risk is that the addition of a new class of inspector potentially adds to the overall confusion.

Sitting suspended from 1.00 to 2.00 pm

Hon COLIN de GRUSSA: Before the adjournment for lunch, I was reflecting on the thirty-sixth report of the Standing Committee on Legislation from 2017 and, in particular, chapter 7, which goes into some detail on the proposed amendments to create a new class of inspector for animal welfare called a “designated general inspector”. The committee did a great deal of work on that particular aspect of the legislation, as well as other aspects, and I believe it has relevance to the bill we are contemplating today as it also seeks to introduce a “designated inspector”.

As I was saying before lunch, at paragraph 7.34 of the report, the committee observed that the activity of monitoring was already being carried out and that a preventive role had already been established. In response to questions that were taken on notice during the hearing on 2 May 2018, the department said —

The LCU —

That is the livestock compliance unit —

currently undertakes routine inspections at livestock establishments, including but not limited to; saleyards, abattoirs, knackeries, export depots, live export wharves and intensive industries such as piggeries and poultry units to monitor compliance with the Act and identify where there is a risk of noncompliance. Inspections are proactive, are initiated by the LCU, and are not a response to a report of animal cruelty.

If a possible breach of the Act is identified during a routine inspection an inspector may investigate the incident and/or use other enforcement measures to ensure good animal welfare outcomes. Inspectors may also respond to and investigate animal welfare complaints regarding commercial livestock referred to the LCU by the RSPCA.

At paragraph 7.35 of the report, the committee says —

That Departmental response went on to describe the LCU’s activities in some detail. The number of inspectors within the unit has increased from 4.9 ... (FTE) ... in 2011 to 11.4 in 2017. The LCU’s ‘compliance activities’ are described as follows:

From 1 July 2011, detection of non-compliance resulted in a range of regulatory responses, consistent with the Department’s Compliance, Enforcement and Prosecution Policy. Response options include;

- Advice: Livestock Management Advice (LMA). Non-compliance with a Code of Practice or industry guideline may result in either verbal or written Livestock Management Advice, providing there has been no adverse animal cruelty outcome.
- Industry liaison: Where systemic problems have been identified in relation to compliance with the Act in one establishment or a sector of industry, and an LMA is unlikely to achieve the necessary changes, the LCU may undertake training or more detailed industry liaison.
- Direction: Where there is a direct risk of non-compliance, a direction can be issued under Section 40 or 47 to protect the health, safety or welfare of an animal.
- Prosecution: If a potential offence of cruelty is detected an investigation with a view to possible prosecution may be initiated.

There have been over 340 LCU investigations or responses during inspections which have resulted in Livestock Management Advices being issued.

What was established by the committee through that hearing with the department was that the compliance and monitoring aspects were already being undertaken under the powers of inspection in the animal welfare legislation. The need for a designated general inspector is certainly something that I would question, and I look forward to the parliamentary secretary outlining whether the response provided by the department to the committee in 2017 is still accurate and that that sort of proactive work is still undertaken by the livestock compliance unit.

At the end of that chapter, the committee concluded by saying —

The Committee questions whether the new designation of inspector is needed. It appears to the Committee that previous reports and inquiries were correct in saying that the existing provisions around inspectors are confusing. There are many types of appointees, all of whom can prosecute in their own name. There seems to be no centralised coordination of what duties the varying types of inspector might be undertaking. The risk is that the addition of a new class of inspector potentially adds to the overall confusion.

At paragraph 7.55, the committee went on to say —

Hon Colin De Grussa; Hon Steve Martin; Hon Samantha Rowe; Hon Dr Brian Walker; Hon Dr Brad Pettitt; Hon Dan Caddy; Hon Dr Steve Thomas; Hon Shelley Payne; Hon Wilson Tucker

Perhaps more importantly in terms of the exercise of existing powers, which would extend to the matters prescribed from national standards (that is, the welfare, safety and health of animals, as well as the investigation of cruelty offences), the Committee was also told that a warrant has never been refused. Reasonable suspicion that the welfare, safety or health of an animal is under threat is already grounds for the grant of a warrant under section 59 ...

Further on, in paragraph 7.63, the committee refers to fundamental legislative principle 5, which is outlined in the report and states —

Does the Bill confer power to enter premises, and search for or seize documents or other property, only with a warrant issued by a judge or other judicial officer?

Paragraph 7.63 states —

The Committee is of the view that this fundamental legislative principle is clearly breached. The powers of entry that would be afforded designated general inspectors under clauses 16 and 17 of the Bill are generally unfettered, Section 38(3) of the Act merely states that an inspector (which would include a designated general inspector) may give not less than 24 hours' notice of an intended entry to premises.

Paragraph 7.64 states —

Given that these enhanced powers of entry are intended only to be exercised in the context of 'monitoring' activities, rather than enforcement of the wider cruelty provisions, the Committee is unconvinced that a statutory notice provision should not be included in the Bill—either by amending 'may' to 'shall' ... or by making a provision along the lines of that contained in ... the *Biosecurity and Agriculture Management Act 2007*.

I guess what the committee was saying is that the department itself said that it was doing proactive engagement under the existing powers that its inspectors had and that the powers to be granted to the designated general inspectors under that bill—not the bill we are debating, although it deals with a similar type of designated general inspector—appeared to offend that fundamental legislative principle. I wonder whether the parliamentary secretary can reassure us that that will not be the case with the new inspection powers in the bill currently before us.

As I said at the start, the opposition is not going to oppose the passage of this bill. We support very much the changes that are proposed to protect people from trespass and also to improve the availability of restraining orders. Indeed, they are changes that we have been calling for for some years and were implemented pretty quickly in other jurisdictions in Australia. What we cannot understand is why the government would want to seek to amend the Animal Welfare Act, as it is currently being reviewed. It is possible that a draft bill may have already been produced, as promised by the then minister in August last year. It should have been ready by the end of last year, so it may well be very close to being ready now. This bill will amend an act that potentially may be amended or completely rewritten, depending on the outcome of that review. We do not understand why the government would want to progress the amendment of the Animal Welfare Act 2002 when it is already in line for a review potentially later in the year.

The other aspect, of course, is why the government is conflating rural crime and animal welfare. We believe that animal welfare issues are best addressed in the Animal Welfare Act. A full review of that act will perhaps lead to significant changes and possibly better outcomes for animal welfare. We also do not believe that rural crime issues should be addressed in the Animal Welfare and Trespass Legislation Amendment Bill 2021 through the trespass and restraining orders amendments. It is certainly clear that there is a need to protect producers from the activism and crime that was as apparent in 2018 and 2019 as it is now. It is disappointing that it has taken this long for the legislation to come before us in the Legislative Council. However, it is good that it is finally here, and I look forward to the opportunity to go through the Animal Welfare and Trespass Legislation Amendment Bill 2021 in more detail when we get to the committee stage.

HON STEVE MARTIN (Agricultural) [2.10 pm]: I rise to make a reasonably brief contribution to the second reading debate of the Animal Welfare and Trespass Legislation Amendment Bill 2021. My colleague Hon Colin de Grussa has outlined the bill in some detail, so I will not spend too much time repeating his good work, but I remind members that this bill will amend three acts: namely, the Animal Welfare Act 2002, the Criminal Code and the Restraining Orders Act 1997. I will talk briefly about that odd combination and what the government is attempting to do with this bill. It is a strange mixture of intent that we are dealing with trespass issues that have been some time in the making and changes to the Animal Welfare Act when, as we heard from Hon Colin de Grussa, a major rewrite of that legislation is approaching.

If we go back to 2019 when this was first floated, there was a spate of fairly serious and well-publicised incidents in which activists trespassed on Western Australian farms. The Attorney General, John Quigley, leapt to the defence of farmers. His comments, which are some of my favourite remarks from a member of the McGowan government,

Hon Colin De Grussa; Hon Steve Martin; Hon Samantha Rowe; Hon Dr Brian Walker; Hon Dr Brad Pettitt; Hon Dan Caddy; Hon Dr Steve Thomas; Hon Shelley Payne; Hon Wilson Tucker

were reported in *The West Australian* in May 2019 after a series of events in which activists had trespassed on farms. Indeed, one gentleman carried a calf away from a dairy and there was a confrontation on the roadside outside a farm. The Attorney General's response was as follows —

“I don't know what the mushy-headed vegans think or why they think but they better get this through their mushy heads—that we are changing the law in a substantial way that spells trouble, big trouble for anyone who goes trespassing on agricultural land with the intention of disrupting agriculture ...

Hon Darren West: Hear, hear!

Hon STEVE MARTIN: Hear, hear indeed!

That was in 2019. He went on to say that that would be happening soon. We are nearly there, almost four years later. I agree with the sentiment expressed by the Attorney General that action needed to be taken. It is disappointing that it has taken so long. Sometime between when those comments were made and the legislation that is in front of us was presented in this chamber, changes to the Animal Welfare Act were somehow tacked onto this. In February 2020, the then Minister for Agriculture and Food, Hon Alannah MacTiernan, stated why this was necessary. She said —

The legislation has been prepared in response to a number of incidents in which activists have trespassed on agricultural land for the purpose of drawing attention to animal husbandry practices they oppose.

She further stated —

The McGowan Government has worked hard to create legislation that not only protects the agricultural sector, and in particular farming families, from the adverse economic and personal effects of trespass but also addresses the need to maintain community confidence in the animal welfare practices employed by the State's agricultural sector.

That is fine, but where is the evidence that community confidence needed to be maintained to the extent that it was not being maintained? In 2019 we saw a number of serious trespass events; where is the evidence that the animal welfare laws relating to farms and intensive agriculture needed beefing up? The Attorney General did not mention that; he was concerned about the mushy-headed vegans and he was correct. But now we are dealing with two issues. By the way, the farming and agricultural sectors, especially the intensive agricultural sector, will welcome as much transparency as is appropriate. They will not get in the way of this. However, it is a slight on their reputation to say, “We are going to beef up trespass laws but, by the way, you'd better tidy up your front yard.” There is an assumption in the former agriculture minister's comments that they had issues to deal with before the government could deal with the trespass situation, which is disappointing. There were other ways that the former agriculture minister could have boosted community confidence. She could have said, “We have an amazingly well-regulated and well-run agriculture sector in Western Australia. You can put your faith in that sector. We will deal with the trespass issues, but the record of the Western Australian ag sector and the intensive ag sector is topnotch.” She did not say that; rather, she said, “We have to build that confidence and, in exchange, we'll deal with the trespass laws”, so here we are today.

Parliamentary secretary, I flag that there are a number of definition issues, which we will tease out in the committee stage. I will come back to the designated inspector situation. Clause 6 will insert proposed section 36A. Proposed paragraph (b) of the definition of “abattoir” states that it —

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

I would like a clearer definition of that. Under the definition of “intensive production” on page 5 it states —

... any animals involved in the production do not have an opportunity to graze or forage outside;

We need some clarity about that.

Clause 10 will amend section 70A of the Criminal Code. Under the proposed definition of “animal source food production facility” it states —

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

That definition needs to be investigated. I have some issues with the amendments to the Criminal Code in proposed section 70A(2B) and (2C). There appears to me to be a discrepancy with the flow-on effects of the full penalty not being applied. I am referring to the deletion of section 70A(2) and the insertion of proposed sections 70A(2A) and (2B). I will ask for more detail in the committee stage.

I want to refer to the excellent work of the Standing Committee on Legislation in its thirty-sixth report, which Hon Colin de Grussa mentioned. It is a detailed report. I will not go over the areas of interest that he raised, but page 47 of the report refers to the qualifications and experience of new inspectors. I know from conversations with various stakeholders that there are concerns about what qualifications these various classes of inspectors will have. Paragraph 7.49 of the report states —

Hon Colin De Grussa; Hon Steve Martin; Hon Samantha Rowe; Hon Dr Brian Walker; Hon Dr Brad Pettitt; Hon Dan Caddy; Hon Dr Steve Thomas; Hon Shelley Payne; Hon Wilson Tucker

Another area of concern for some submitters was that the Bill is silent as to the qualifications and experience of potential designated general inspectors. For example, the Pastoralists and Graziers Association of Western Australia (Inc) was concerned that the proposals would allow the Minister ‘to appoint any person’.

It went on:

This is simply unacceptable. These inspectors must be able to demonstrate experience of, skills in and knowledge of animal husbandry for their authority to be accepted by the livestock industry.

They must have suitable qualifications; operate within clear terms of reference (and not a poorly drafted amendment to the current Animal Welfare Act), and have a clear reporting structure that is subject to adequate checks and balances.

It is obvious that the authors of the report were unconvinced that changes needed to be made around the designation of a new inspector, so that is also a useful point from that report. Again, I would like some clarity from the parliamentary secretary around who will be able to be appointed and what training will be required. I believe the report mentions the possibility of an online training program. I am not sure whether that would be appropriate given the seriousness of the task. It was also put to me that the Department of Fisheries does a wonderful job with the training of its inspection staff so that might be something to look at as well.

Also, the issue of changes to penalties is covered; they will be beefed up. One of the responses to those sorts of animal activist events on farms is that crowdfunding appears to be the modern response to a fine. The fine might sound substantial, but if someone can create a fund across the world, I am guessing \$10 000 or \$12 000 takes probably 30 minutes to raise. I might have missed it, but I do not think there is a cascading impact of those fines. I think it is the same amount over and again.

Hon Matthew Swinbourn: That issue about crowdfunding for fines—I know you are asking in relation to this bill, but it is an issue in relation to all fines that are levied under any circumstance, so this does not just happen in this instance.

Hon STEVE MARTIN: I take the parliamentary secretary’s point, but I think this industry of animal activism and encroaching on farms is a particularly fertile ground for that. I think that should be reflected in the possibility for those fines to be increased over time.

Another issue I would like to raise is vexatious reporting of incidents on farms. I am not sure whether there is any method in the legislation that would identify that.

Another issue is around the Criminal Code. I am not sure that proposed section 70A pays enough attention to the other supply chain elements—for example, transport vehicles, port and air facilities and so on, and even the product destination such as butchers, grocers and markets. I am uncertain whether that is outside the remit of this legislation, but I think there is a role for that to be considered.

I cannot overstate the importance of this legislation regarding the element of trespass. We have seen in the last probably 18 months the threat of some very, very serious biosecurity risks coming to our shores, such as foot-and-mouth disease and lumpy skin disease. Farmers and the general public are, hopefully, more aware of the biosecurity risk than they ever were. I think this is timely. The ag sector has been waiting for this for some time. I hope it will have the impact that is designed in the bill, but the vital ag sector in this state, as we heard from Hon Colin de Grussa, is second only to mining in value and needs every protection the state can afford it. This would be a good start.

I will confine my remarks and look forward to some detail from the parliamentary secretary in the Committee of the Whole stage.

HON SAMANTHA ROWE (East Metropolitan — Parliamentary Secretary) [2.24 pm]: I rise today to make some brief comments in support of the Animal Welfare and Trespass Legislation Amendment Bill 2021. I feel quite strongly about animal welfare issues, so I am really pleased to support the legislation that is before us.

I followed with interest the debate that occurred last year in the other place. My interest was piqued when one of my colleagues, the member for Bicton, Lisa O’Malley, referred to a research paper that was originally published in the journal *Agriculture*. That paper is titled “Costs and Benefits of Improving Farm Animal Welfare”. It is a 14-page document. I have no intention of going through all of it, but I want to share four points with the house today. The first one is “The Cost of Doing Nothing”, on page 2 of this paper. It reads —

When it comes to addressing farm animal welfare, possibly the easiest option is to do nothing at all, but there may be a cost associated with doing nothing. This cost comes in the form of a risk. Public concern about farm animal welfare has been researched over a considerable period ..., and there is some evidence to indicate that public concern is growing ... The risk to those with farm animals under their care is that

Hon Colin De Grussa; Hon Steve Martin; Hon Samantha Rowe; Hon Dr Brian Walker; Hon Dr Brad Pettitt; Hon Dan Caddy; Hon Dr Steve Thomas; Hon Shelley Payne; Hon Wilson Tucker

if they do not adequately address the public's concerns about the welfare of the animals, their right to own and use the animals for their commercial purposes may come into question.

This "... latitude that society allows to its citizens to exploit resources for their private purposes" is what Martin, Shepherd, and Williams ... refer to as social licence. Social licence is granted when industries behave in a manner that is consistent, not just with their legal obligations, but also with community expectations ... Animal welfare issues, together with issues relating to climate change, water scarcity, and declining biodiversity, have all been recognised as potential threats to a farmer's social licence to operate, but some argue that animal welfare has recently become the most crucial consideration underpinning social licence for Australian animal use industries ...

Under the heading "Cost of Improving Farm Animal Welfare" on page 4 of the paper, it states —

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

The other point I wanted to share is made under the subheading "Benefits to the Business" —

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

The last part I would like to touch on in this paper is titled "Benefits to Society" —

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

During my teenage years I had the benefit of growing up in Mt Macedon in Victoria. We did not have a farm but we had about 17 acres of land. During our time in Mt Macedon we had cows, horses, alpacas, chickens, ducks and geese. I believe absolutely that animals are sentient beings. A lot of evidence from multiple scientific studies has helped us to understand that a wide range of animals are sentient beings, meaning that they have the capacity to experience positive and negative feelings, such as pleasure, joy, pain and distress. Having said that, I am a consumer of meat. I also purchase leather goods—I wear leather shoes and I have a leather handbag. As a society, humans farm certain animals for our own consumption and we have a responsibility to make sure that if we are doing that, we do it in a humane and ethical capacity. I support 100 per cent the agricultural sector and what it brings to WA. For the most part, that sector does the right thing. However, over the years incidents have been reported across the country when things have not gone well and severe acts of animal cruelty have occurred. I do not condone illegal trespass and any form of risk to the farmers and their families in that intense high animal producing environment and the biosecurity risks that causes. We need to address illegal trespass so that the farmers are able to continue their business. This bill is clever in the way it deals with what are, to be honest, two complex issues: we have to protect the farmers against illegal trespass but also ensure that we meet community expectations on how animals are treated in that environment and that it is done in a humane way. I am pleased that these new investigative powers will be brought in. It is important that inspectors are able to go onto properties to ensure that things are being carried out in the correct way. To be honest, I am not sure that farmers who are doing the right thing have anything to worry about. Our first priority is to ensure that they are protected from illegal trespass. If they are doing the right thing, there is absolutely nothing to worry about with these new investigators, who I believe will be staff from the department.

I feel quite good about what we are trying to do with this legislation because the issue is not simple. The bill will affect two different acts and I can understand why people would wonder how it is going to work. It will tie together nicely how we can protect farmers and also ensure that we continue to have the confidence of our community and are meeting those expectations. They are not unreasonable expectations. For most people who are consumers of

Hon Colin De Grussa; Hon Steve Martin; Hon Samantha Rowe; Hon Dr Brian Walker; Hon Dr Brad Pettitt; Hon Dan Caddy; Hon Dr Steve Thomas; Hon Shelley Payne; Hon Wilson Tucker

meat and animal products, it would be pretty normal to want to make sure that those animals are treated humanely. I do not think that is unreasonable. I am pleased this bill has come forward. I am glad we have been able to debate it in our first week back. I thank everyone involved in bringing this bill to the house.

HON DR BRIAN WALKER (East Metropolitan) [2.34 pm]: I was delighted to hear the contribution from my colleague Hon Samantha Rowe, especially to hear it voiced that animals are sentient beings. It speaks to my heart and I expect it would speak to the hearts of all of us. Anyone who has owned a pet will know that even if the pet does not understand us, we speak to it as though it does. And, blow me down, I think they do understand—at least that is the strong sense I get. Treating animals with respect and dignity is an essential part of proving our own humanity. I am grateful to the government for bringing on the Animal Welfare and Trespass Legislation Amendment Bill 2021, a bill I heartily support. I am grateful to the opposition for pointing out the areas in which it could be improved, although that might be difficult to see. I am grateful also to have heard from the minister yesterday during question time that a complete rewrite of the bill is being drafted and I expect to see the next iteration that will take account of how we can improve things further.

My colleagues know of course exactly what I am going to say now about the welfare of animals, following on from that which so intrigued the honourable member who delighted in the concept that fish wellness could be enhanced with cannabinoids. Hon Sophia Moermond and I talk a lot about that because it does enhance the wellbeing of animals. It is something we ought to look at in more detail because we are considering now how we can improve the wellness of animals in all areas in Western Australia, whether it is in farming or in the home.

My colleagues think I am being flippant about this; I am not. A paper from the Kansas State University College of Veterinary Medicine is titled “Marijuana toxicosis in 2 donkeys”. My first thought was: Which two donkeys? Can we name them? We are looking at this very seriously and we ought to be very careful about how we nourish our animals. Every horse owner I know will happily feed their horse with turmeric to manage inflammatory conditions in the bowel and, indeed, the joints. How are we nourishing ourselves? Sometimes we nourish our animals better than we nourish ourselves. I want to make that a feature of how we care for our animals across the board. A lot of my experience in Asia was that we treated animals very differently. Yesterday when passing the members’ bar I saw on television an advertisement asking us to fund protection for animals that are being treated with abominable cruelty—bears being tied down with chains and harvested and dogs being slaughtered. It is beyond belief. We ought to do everything we can in this country to ensure that we abide by best practice.

A National Autonomous University of Mexico study concluded that dogs and cats that suffer from seizures or epilepsy, contact and atopic dermatitis, degenerative myelopathies, asthma, diabetes and glaucoma and other inflammatory diseases could have a greatly improved quality of life if prescribed cannabinoids. When it comes to the human consumption of animals, when I am driving or cycling past an abattoir, I feel pain at the sound of the animals glimpsing their own mortality. I will enjoy eating the meat, but I am a hypocrite and I could not be the one killing the animal concerned. I could not do it. Of course, it would depend how hungry I was! It is a conflict we have: how do we care for those animals? The idea of being humane about how we treat our animals is a concept dear to my heart and, I suspect, dear to the heart of all in this chamber and the wider society in Western Australia.

When we are nourishing ourselves with hemp products, that is fine; it is a very good food, omega-3-6-9, and very useful for us. I heartily recommended that we incorporate more hemp products into our own nutrition. However, the Department of Primary Industries and Regional Development has recently investigated the effect of feeding hemp products to animals and how much THC would be present in their systems, and whether that needed to be banned or whether that meat could be exported because of the restrictions on having a so-called dangerous substance in an animal’s system. The real question is: how many kilograms of meat would we have to consume to have the effect of one joint of cannabis? It would be thousands of kilos of meat! Members know that I deprecate smoking in all its forms, but being worried that a tiny amount of THC in meat will cause people to have a high is completely illogical, unscientific and wrong in every aspect, and will prevent us from feeding our animals a substance that could be very helpful and beneficial to their wellbeing. We need open minds. I will talk again and again in this chamber this year about innovation; it is going to be an important part of what I speak about. We need to follow the science and have an innovative mindset. If there is shortly going to be a revamp of this legislation, I beg the department to consider introducing this into the concept of how we can care for our animals better. Chronic pain in animals is also covered in the research. A fine study in Poland looked at the benefit of hemp as a food source for pigs and other animals.

One notable improvement in the bill is that the designated inspector will be a member of staff of the Department of Primary Industries and Regional Development. This addresses a number of concerns and should reassure some industry stakeholders.

As I pointed out in the briefing, which I thank the department for providing, there is the potential issue that the minimum sentence for aggravated trespass, of a community order or fine of at least \$2 400, could actually be removed in exceptional circumstances. The minimum will not need to be applied if the court is satisfied that exceptional

Hon Colin De Grussa; Hon Steve Martin; Hon Samantha Rowe; Hon Dr Brian Walker; Hon Dr Brad Pettitt; Hon Dan Caddy; Hon Dr Steve Thomas; Hon Shelley Payne; Hon Wilson Tucker

circumstances have been proven. On the one hand, we are trying to tie the judiciary's hands with mandatory sentencing, and on the other hand we are providing a loophole. There is a lack of clarity and certainty. I personally would like there to be no excuses for those who put animals at risk of harm or, importantly, put at risk the health and welfare of those who care for animals. There ought to be a limit that says that this behaviour is unacceptable. Although we might accept that someone had a concern about the safety of an animal, there is a limit to what they can do, and if they overstep that limit, as is laid out in this bill, there will be a minimum penalty of a fine or community order, and we should leave it to the judge to decide. We should impose a proper punishment on those who put others—animals or humans—at risk. Mandatory sentences are often problematic as they limit the discretion of judges. I will talk about this and other aspects on other bills, but that is my opinion on the mandatory sentencing component.

Another significant proposal is the exclusion of extensive farming operations where grazing is a key component in the animal-source food production system. That will ease some concerns, but it may be worth examining this in the Committee of the Whole House to see whether it is genuinely justified and not overly restrictive. Apart from that, I am very happy with the content of the bill and will support it. Some points will no doubt be brought out during the second reading and Committee of the Whole House stages, but I look forward to supporting the bill in due course.

HON DR BRAD PETTITT (South Metropolitan) [2.43 pm]: I rise to share my thoughts on the Animal Welfare and Trespass Legislation Amendment Bill 2021. I will start by saying that, on balance, I support this bill, noting that from a Greens' perspective, there are both good and bad elements in this bill. Let us start with the positives—the good stuff. There are some really excellent elements in this bill that the Greens have supported for a long time. I think it is important to highlight them, and I acknowledge the government for bringing them forward.

Importantly, this bill will increase the powers of inspectors and improve oversight of places where animal-source food is produced. As members know, the Greens have been calling for this for some time. For example, this bill will enable inspectors to conduct more proactive inspections of places of intensive animal production, such as abattoirs and knackeries. That is a good thing. There is no doubt that this will be a positive change from WA's current model, under which animal welfare inspectors are constrained and have no right of entry to these places unless a cruelty offence has been committed, the owner consents or advance notice has been given. My sense is that there is growing community support for this. In fact, I would say that there is very strong community support for improving animal welfare in WA, so it is really great to see that this bill will enable a more proactive approach to inspections and oversight.

As previous speakers have indicated, a good animal welfare system benefits not only the animals, but also consumers and producers. I have no doubt that most farmers and producers care about their animals and are serious about their welfare, and would agree that the highest possible standard of care for animal welfare ensures public confidence in their products. That is a good thing. It is also what consumers expect more and more nowadays. Often, our laws and regulations lag behind consumer sentiment and expectation, so it is nice to see that with this bill we will catch up and make sure that we put in place things to improve animal welfare in WA. Those are really good changes, and I am certainly very happy to speak in support of them going forward.

There are some downfalls. I am obviously coming at this from a very different angle from some other opposition speakers, in that the Greens have concerns about the increase in penalties for trespass and perceived intimidation on places of animal production. WA clearly already has laws in place for trespass, harassment, threatening behaviour, assault and all these things, and breaking those laws already results in hefty fines or jail time. There is concern that we are carving out a very narrow, targeted criminal offence in this bill, and there have been precedents in legislation in other states. It feels to me like this will target animal activists and protesters, and I flag some concerns around that. When legislation tries to precisely target a small cohort, which we see happening quite regularly in this state at the moment, it rings alarm bells.

The state government has indicated that these laws will improve biosecurity. Of course, the Greens are in full support of improving WA's biosecurity. When we received a briefing on this bill from the minister's office, we were informed that to the best of their recollection, there had been no instances of an animal activist or protester creating a biosecurity threat. I am happy for that to be corrected in the Committee of the Whole stage, but if this really is about biosecurity and there have been no previous instances in that regard, why are we creating these unique laws and hefty fines to target something that has not yet happened? When animal activists trespass onto farms and other places where animal-source food production occurs, they are often protesting against animal cruelty or awful living conditions. In that same ministerial briefing, the important role of animal activists in bringing to light some of these issues was acknowledged. I want to be very clear: harassment or any kind of intimidation or violence should be cracked down on very hard. We have laws for that. Animal cruelty issues have been brought to light by activists or whatever we want to call them in a range of instances over the years, be it in the live export trade or factory farming. I am concerned that some of these laws will actually stop what I think is a really important process of shining a light on a reality that none of us would be happy with. I wonder whether a better way to improve

Hon Colin De Grussa; Hon Steve Martin; Hon Samantha Rowe; Hon Dr Brian Walker; Hon Dr Brad Pettitt; Hon Dan Caddy; Hon Dr Steve Thomas; Hon Shelley Payne; Hon Wilson Tucker

WA's biosecurity would be to strengthen some of our laws on factory farming. That would be the way that I would prefer these things to happen. For example, there could be a mandatory phasing out of sow stalls, the banning of caged egg production and the doing away with live export practices. These are things that the Greens and I have talked about for some time. Again, I hope that farmers who are serious about looking after animals and ensuring public confidence would agree that embracing our food production model based on animal welfare is not only what the community expects, but also, importantly, protects WA's biosecurity.

The larger review of the Animal Welfare Act is certainly something that we welcome. In 2019 the state government commissioned a long due review of the outdated Animal Welfare Act. The report on the review was finalised back in 2020. Here we are now, in 2023. I understand that we are getting close, but I think that we all agree that it is high time that we got on with reforming the Animal Welfare Act more substantially.

As part of these reforms, the Greens will certainly be supporting the five domains model of animal welfare, whereby a range of factors like nutrition, health, behaviour et cetera are all taken into consideration to assess the welfare of animals and that people not appropriately taking care of animals is an offence. As part of this larger review into the Animal Welfare Act, the Greens would really like to see the expansion of powers with respect to conducting random inspections at any place where animals are kept for a commercial purpose including dairy farms, pig farms, horse racing stables, greyhound kennels and the like.

Greyhound racing and horse racing in WA is another issue. I have been on the public record many times before saying that it should be phased out or fully banned. Obviously, that is a conversation for another day. In conclusion, if the chamber were not quite so lopsided and I thought I had a chance of getting an amendment up, I would probably actually be moving some amendments. Particularly, I would move them with regard to some of the trespassing aspects around how animal activists are targeted. I think that they are in danger of overreaching and could do with some refinement. In a different kind of Parliament where we were considering amendments from the opposition and crossbench, those are the kinds of amendments that I would be moving during this process. Of course we could —

Hon Kyle McGinn: They are considered.

Hon Dr BRAD PETTITT: The interjection was "They are considered." To the best of my knowledge, there has not been an amendment put by the opposition —

Hon Pierre Yang: That's not true.

Hon Dr BRAD PETTITT: Okay, well let me state this for the record —

Hon Pierre Yang: We had this conversation at the end of last year, and that is not true.

Hon Dr BRAD PETTITT: No, it is. Follow the floor. Maybe during members' statements today, the member can provide me with one example from when —

Several members interjected.

The DEPUTY CHAIR (Hon Dr Brian Walker): Order, members!

Hon Dr BRAD PETTITT: I am posing a question here. If the member can provide me with one example when a member of the opposition or a member of the crossbench has moved, from the floor, an amendment that has been accepted and voted on —

Hon Kyle McGinn: So not one that has been put around to everybody?

Hon Dr BRAD PETTITT: No. One in which we have actually been able to move an amendment and get it passed. The only way that amendments have happened, as I understand, is from behind the chair.

Hon Dan Caddy: An amendment is an amendment is an amendment.

Hon Dr BRAD PETTITT: No. So —

Hon Kyle McGinn: So you don't want to negotiate the amendments?

The ACTING PRESIDENT (Hon Dr Brian Walker): Members, I would like to listen to the conclusion.

Hon Dr BRAD PETTITT: I do not think it is unreasonable to say that the way that the Parliament is designed to work is that members of the opposition and the crossbench move amendments and they get debated and they may or may not be passed.

Hon Martin Pritchard: Are you taking interjections?

Hon Dr BRAD PETTITT: Of course.

Hon Colin De Grussa; Hon Steve Martin; Hon Samantha Rowe; Hon Dr Brian Walker; Hon Dr Brad Pettitt; Hon Dan Caddy; Hon Dr Steve Thomas; Hon Shelley Payne; Hon Wilson Tucker

Hon Martin Pritchard: I think it is unreasonable to expect the government to take an amendment from the floor. There have been a number of cases in which an amendment has been proposed, the government took consideration of that amendment and then proposed, through consultation, to get that amendment made.

Hon Dr BRAD PETTITT: And who moved that amendment?

Hon Martin Pritchard: Hon Nick Goiran.

Hon Dr BRAD PETTITT: On one occasion —

Several members interjected.

The ACTING PRESIDENT: Order, members! I do not like having to shout. This is actually a second reading contribution, and I would like to hear it to the conclusion. We can debate behind the chair the other points.

Hon Dr BRAD PETTITT: For those who could not hear over the cacophony, I did hear that there was an example when Hon Nick Goiran did move an amendment from the floor and I stand corrected on the basis that that is true. If there are others, I will happily be informed that that is the case. As somebody who has put a lot of effort into amendments to previous bills, both behind the chair and from the floor, and has had no success with those, I think that is an irrational use of my time and the chamber's time to expect that they are likely to get up.

If there is a different approach that is going to be taken in 2023 around amendments that will be different from how it was in 2021 and 2022, I highly welcome that and I look forward to moving many of them and discussing them behind the chair in the months ahead.

From what I have heard today, and what I am taking on board, there is a great openness to taking amendments from the opposition and the crossbench. I appreciate the advice that the government looks forward to those coming up. I really do think that bills like this can be improved and I think there is a danger that when so few amendments do happen, we do not see the really important role of the Parliament of refinement through the process of negotiation. I think that is what we are actually here for. The more of that that can happen, the better.

Hon Dan Caddy interjected.

Hon Dr BRAD PETTITT: Sorry?

I certainly think that is the way that good legislation happens and good decisions are made. I suspect that this is in the interest of not just the Parliament, but also the people of Western Australia and the government. I think it is a danger if any party is in a position in which they have overreach and are not being forced to negotiate and refine. That is just a more general statement.

I talked about members in that way as a way of wrapping up, because under these circumstances I am not comfortable with all aspects of this bill, as I pointed out. However, I think that as a whole this bill is an improvement. That is why I am going to get up and say that I support it, whilst acknowledging that I do think there are parts of the bill that are perhaps overreach. I certainly think some parts could do with refinement. Nevertheless, I am hoping that as we go forward and as the new Animal Welfare Act comes to us, there will be an opportunity to actually make further improvements. Thank you for the opportunity to speak today.

HON DAN CADDY (North Metropolitan) [2.56 pm]: It is worth noting today that the bill we are debating, the Animal Welfare and Trespass Legislation Amendment Bill 2021, has only 13 pages. It is a bill that exists to amend just two substantive acts and the Criminal Code, but it is a bill that is very necessary given recent events. I might say it is necessary in its entirety. It is an excellent bill. I have sat here today and listened to the previous speakers. It is no surprise to me that the two shades of green that we have in the chamber, the National Party and the Greens, are at opposite ends of this debate. They would both like to change things in the bill and they both want to take those changes in opposite directions. To me, that is absolutely an indication, and probably the best sign that we have got, that this bill is exactly where it should be.

I do not intend to speak for long, but friends and colleagues would be very surprised if I did not stand to talk on a bill that included animal welfare in the title. I will concentrate mainly on the specifics of the bill, but I do intend to briefly talk more broadly on the importance of animal welfare and clear ties between some improvements to animal welfare and economic return that can be realised through technological advances. I will seek the leniency of the chair to do that.

I think the bill before us is a well-balanced and well thought out approach to deal with the very highly publicised issues that led to its creation. I do not need to rehash those because they have gone through the media. The Deputy Leader of the Opposition in this place went through them in a little bit of detail. There has been some debate from those opposite, and from the National Party in particular—although I notice that the Liberal Party is now on board from what Hon Steve Martin said—who want a bill purely to deter trespassers from entering properties and production facilities. That bill would tackle only one side of the problem and do absolutely nothing to solve the

Hon Colin De Grussa; Hon Steve Martin; Hon Samantha Rowe; Hon Dr Brian Walker; Hon Dr Brad Pettitt; Hon Dan Caddy; Hon Dr Steve Thomas; Hon Shelley Payne; Hon Wilson Tucker

broader issue. I was looking at some of the contributions in the other place, and specifically the contributions of the member for Roe in 2020 when he moved several amendments —

Hon Darren West: I hope you didn't watch it.

Hon DAN CADDY: No, I did not watch it, honourable member. I read *Hansard*. That way I was very easily able to skip through the rubbish and it took me about two minutes.

The contributions made there have been picked up today by Hon Colin de Grussa. The fact is that the production of meat products for our consumption is intrinsically tied to the circumstances of how the meat is produced. That vital fact is the catalyst for this legislation being produced in the format that it has been. That is why it was thought out the way it was and that is why the bill has been laid out as it has been before us today. One aspect of it—the production—cannot and should not be divorced from the surroundings, the environment and the facility, for want of a clinical term, in which the meat is produced. On one side of this legislation, we will amend the Criminal Code and the Restraining Orders Act to increase the penalties for trespass and provide earlier or easier access, in some instances, to enact restraining orders. At the same time, we are acknowledging a genuine approach to animal welfare through the provision of departmental officers having the right of entry not only for inspection to assess and investigate possible animal cruelty, but also just to investigate and assess facilities. As Hon Samantha Rowe so eloquently said, this dual approach is not only the best way, but also the only genuine way we can approach this issue, and it is appropriate that we do it in this way. The bottom line is that we cannot separate the product from the means of production.

For me, on a personal level, the most important aspect of this bill, obviously, is the animal welfare component. To that end, all the aspects of this bill are about animal welfare. The prevention of trespass through the amendments to the Criminal Code and the Restraining Orders Act 1997 will also serve a direct animal welfare service. There is no doubt that the trespassers create stress in the animals that are caught up in their activities. That is clearly also about animal welfare. It is also about the welfare of the trespassers, which is no small thing. I am sure Hon Darren West would agree with me. I spent a lot of my younger years on a farm. There are many weird and wonderful ways for the uninitiated who find themselves on a working farm to injure themselves, and sometimes quite severely. This is a really important aspect of the legislation. The amendment to the Animal Welfare Act 2002, through the monitoring of the production of these animals, is all about animal welfare as well.

I will take the opportunity to talk more broadly about animal welfare before coming back to the specifics of the bill. I want to talk about possible technological improvements, specifically in the boxed-meat export industry, and the way that those improvements lead to an economic return, sure, but also to an animal welfare return. I acknowledge up-front that I do not have the specific knowledge that some members of the chamber have, such as the Minister for Agriculture, Hon Jackie Jarvis, nor the understanding of sheep and wheat farming of Hon Darren West, the only working sheep and wheat farmer in the Parliament. But I do come from a sheep and wheat farming family, as many in this chamber are aware, and I will draw on that experience. Members have heard me speak often in this chamber about my maternal grandfather. I think I spoke about him in my inaugural speech. He was a lifetime sheep and wheat farmer. He died in the first month of the COVID pandemic, unrelated to COVID, just before his ninety-seventh birthday. I spent hours upon hours with him, right up to that time, talking about a gamut of things, but predominantly about politics, world history and agriculture. On the matter of agriculture and government intervention in agriculture, he always sought to impress one main thing on me. The thing he wanted to impress on me the most was that whenever there are changes in agriculture, whether through market forces, but especially through government intervention, we should make sure that the farmers of this state are as well prepared as they can be and have all the help they need to adjust to or adopt new technology. Also—this is the important thing—we must make sure that the farmers are protected. It is with his words in my head that I speak today. I think it is important to protect our primary producers. Hon Colin de Grussa quite rightly said that the family farm is a small business and a farmer is a small business man. Some families have been farming for generations and giving to our state for generations. The farm is also the home. I believe that at the forefront of this, as well as the animal welfare side of it, we absolutely need to make sure that our farmers are protected.

I want to flip back to what I talked about earlier, which is the future of boxed-lamb export. I will talk about lamb because I do not pretend to have any knowledge about the beef market. That is not the background that I come from. As far back as 2015, boxed-lamb exports made up about two-thirds of all exports of this state, so it is a really important industry. I think there is a role in making sure that the people who process the lamb tool up with new technologies. I will talk about the economic benefits that will eventually flow from technological advances in this space, which I think are self-evident. The expansion of the industry and the jobs that will be created have the potential to benefit specific areas in the regions economically and also benefit the economy as a whole. Additional technology, as well as improving economic outcomes, can and does lead to animal welfare outcomes. I am digressing by talking about the economics. I will talk about the potential economic benefits later.

Hon Colin De Grussa; Hon Steve Martin; Hon Samantha Rowe; Hon Dr Brian Walker; Hon Dr Brad Pettitt; Hon Dan Caddy; Hon Dr Steve Thomas; Hon Shelley Payne; Hon Wilson Tucker

I acknowledge this bill is about animal welfare, so I will talk about the massive advances in animal welfare that can be realised through technological advances. I am using the boxed-meat industry as an example. The meat that is processed here in Western Australia is primarily for export, but some is also processed for local consumption. The best way to demonstrate how this works—it might sound counterintuitive—is to talk about the pork industry. I will reflect on a conversation I had with a good friend of mine. She is far more knowledgeable than I about the Western Australian pork industry. I want to talk specifically about provenance. Although she was talking to me about the pork industry, the same would apply to the sheep industry if it had the same technology. Some members in this place—certainly not those who are familiar with agriculture and the meat industry—may be surprised to know that when the meat in this state from one pork supplier that I am aware of is packed and prepared for either local or export sale, the provenance of an individual pork chop can be completely ascertained. The animals—pigs in this case—are all coded, and the meat someone is about to purchase can be traced back to a specific farm, a specific herd and the specific sow and boar. The date of insemination can be traced back. Everything can be traced back through a bar code that I believe in the pork industry is imprinted in the pig's ear, and all this information is available when the animals arrive to be processed.

The question may be asked: how does this improve animal welfare? The animal welfare benefits of keeping a tight control on provenance are pretty clear. There is obviously an economic benefit. For markets around the world—I look to the Japanese market as an example—food provenance is critically important. That means that people will pay more if they can be shown the history and where the produce has come from. Those prices that they pay will filter back, so we end up with a higher price at the farm gate.

There is another benefit to the fact that when these animals arrive at the processor, they can be traced back to the herd, the farm and the primary producer. Animals may arrive that are in some way substandard. If there are one or two, that is fine. If a few substandard animals arrive and they can all be traced back to the same place, it may well be that through this process we can approach those primary producers, look at their methods, and, through that ray, possibly raise their standards. It may be that there are many substandard animals that come from one place. This again goes to animal welfare and economic benefit. They may all be traced back to matching the same boar and the same sow, so that pairing can then be avoided in the future. Through doing that, we are creating a healthier herd of animals and at the same time improving the quality of the meat that comes through. Obviously, animal welfare is critically important to me, but I think, as we go through and look at further advances in animal welfare, these are some of the things that we need to consider.

Before I get back to the technical aspects of the bill and close off, I want to look at the history of this bill a little bit as it has passed through the lower house—in fact, it has passed through the lower house twice—and look at the Nationals WA view of the world, which has now also been taken up by Hon Steve Martin. The word that Hon Steve Martin used was “odd”. He said that it is odd that there are two elements to this bill—an animal welfare element and a criminal prosecution element, if that is the way we put it. I said right from the outset that I do not think this is odd at all. I think it is important that we realise that these are two sides of the same coin.

In the last Parliament, the member for Roe moved a series of amendments. The key to the National Party amendments was basically to strip away the elements that allowed Department of Primary Industries and Regional Development inspectors to go in and inspect the nominated production facilities or abattoirs. I think it would have been incredibly short-sighted to have done that. It would have been an incredibly simplistic approach to a problem that needed to have a bit more thought put into it. Luckily, we put that thought in. It is hardly surprising that such a simplistic and ill-conceived approach came from the National Party. I say to my National Party colleagues that they are in trouble now. Their most valuable player has hung up her boots; she does not want to play anymore, and I question whether it will get any better.

The element of the bill that the National Party had the biggest problem with was the amendment to the Animal Welfare Act 2002. The National Party and now the Liberal Party have a clear issue with inspectors. I want to reflect back years ago to our family farm down in the Stirling Range. We had an issue in our local area whereby people were coming onto our farms. They were not animal protesters; that had not evolved yet. They were basically thieves. People were coming onto farms in the area and stealing bulk fuel.

Hon Dr Steve Thomas: It still happens.

Hon DAN CADDY: I am sure it still happens, Hon Dr Steve Thomas and Hon Darren West. I can tell members that at no time have I ever felt more—Hon Colin de Grussa said this—that it is a business but it is also a family home. Everyone is there. As most farmers know, fuel tanks are generally reasonably close to the house—the house and the machinery shed are usually not too far removed—so these people are in close proximity to where the family is living. I tell members that if all we had to do was agree to inspectors coming onto the farm in any sense to alleviate that problem, there would not have been a farmer in the district who would not have said, “Yes, let's have it; we'll have that”, because for a couple of years there, it was a massive issue in our area.

Hon Dr Steve Thomas: They already exist. They're called the police.

Hon Colin De Grussa; Hon Steve Martin; Hon Samantha Rowe; Hon Dr Brian Walker; Hon Dr Brad Pettitt; Hon Dan Caddy; Hon Dr Steve Thomas; Hon Shelley Payne; Hon Wilson Tucker

Hon DAN CADDY: As the member knows, when someone is several hundred kilometres from the nearest police station —

Hon Dr Steve Thomas: There are still inspectors. They're called inspectors—detective inspectors.

Hon DAN CADDY: Hon Dr Steve Thomas knows exactly how it works. Let us look at the issue of inspectors a little more closely, because inspectors are not a new thing. When we go out for a nice meal somewhere, we all expect that council health inspectors are doing their job. We expect inspectors to go in to where our food is being prepared for us to eat and do their job there. We expect that food is being produced in a —

Hon Samantha Rowe: Hygienic.

Hon DAN CADDY: Thank you, Hon Samantha Rowe—in a hygienic environment. I am unashamedly a great meat eater, much to the chagrin of my good mate the member for Balcatta, and I like to know that my hamburger or steak has been prepared in a hygienic kitchen. We expect inspectors to go in at that level. I do not see the difference in having inspectors go in at other points in the life chain of the food I am eating to make sure that the means of production is being inspected the whole way along that line.

The proposed amendments that members opposite put forward sought to not only remove any animal welfare component from the bill, but also expand the places in which new offences of aggravated trespass may be committed. One of those places—going back to what I was saying a minute ago—is restaurants. I find this curious because, as I have just said, restaurants are already subject to spot inspections by local government inspectors. I said this only five minutes ago. It is a very similar role to that of inspectors as outlined in this bill.

I refer to previous amendments and maybe foreshadow what may be coming later. There are three key reasons that these measures that were proposed last time in the debate on this bill do not and should not apply to restaurants and similar enterprises. They are typically less vulnerable than farming properties, and, going back to what we were talking about, Hon Dr Steve Thomas, they typically have ready access to the police. Farming properties are typically located in regional areas and are far removed, and are therefore more isolated.

Hon Colin de Grussa: We've got restaurants out there!

Hon DAN CADDY: Yes, the restaurants tend to be in regional towns. I know; I have eaten at many of them. Those that use local produce usually produce a sensational meal. Also, picking up on something that a speaker from the other side has spoken about, trespassers into restaurants and places such as that do not carry with them the same biosecurity risk that everyone was talking about. There are other reasons, but I will move on.

I think that the National Party has failed to grasp the issue, as shown through those defeated amendments last time. I look at the *Hansard* this time of the member for Roe, and this time it has come through. He knows that those amendments have been defeated. There are five pages of *Hansard*. He said that they still begged to differ about the fact that the two are separate, and that it is about a bill that deals with two totally different ideas. He said that they were trying to improve the bill and make it so that we could get trespass through as its own element. He said —

Why do we have a blend of a trespass bill and an animal welfare bill?

If, after all this time and after the bill has been debated twice in the other place, those on the other side still fail to understand why all these components have been put together in this bill, I am afraid there is very little hope. It is clear to anyone who thinks it through that we cannot have one side of this bill without the other. A strong and robust monitoring system, or compliance regime if you like, will reduce the incentive for activist trespassers to take matters into their own hands and will provide assistance to the community. All of this bill is about animal welfare. All of this bill is about doing the right thing by farmers, primary producers, those who run abattoirs and knackeries, and egg producers. It is all about doing the right thing by the people of this state.

I will go through the technical side of it. As part of the reform package, improvements to the Animal Welfare Act will mean that designated inspectors will have the right of inspection at intensive food production facilities. That is super important; it is a very important leg of the bill. The Department of Primary Industries and Regional Development already has specialist livestock inspectors. They are well equipped and trained to undertake monitoring of livestock facilities. They are already trained in, and highly mindful of, biosecurity requirements. These inspectors will be required to complete regular compliance and competency assessments to continue to act as designated inspectors.

Hon Samantha Rowe briefly touched on social licence. Previously, the Animal Welfare Act permitted inspectors to enter animal food production places only either by consent or when the inspector had, as I call it, probable cause—a reasonable reason to be there. These strengthened powers will allow DPIRD to establish a monitoring program for high-risk facilities where activities are considered to take place—I do not mean this in any sinister way—behind closed doors just because of the nature of the facility. By increasing the powers for inspectors, the bill aims

Hon Colin De Grussa; Hon Steve Martin; Hon Samantha Rowe; Hon Dr Brian Walker; Hon Dr Brad Pettitt; Hon Dan Caddy; Hon Dr Steve Thomas; Hon Shelley Payne; Hon Wilson Tucker

to increase transparency within the animal food production industry and to lessen the moral argument by activists who justify their trespass onto agricultural businesses as exposing animal welfare concerns.

I have a lot to go on with, but I know that many members want to speak. I make the point that this bill has been well thought through. The McGowan government committed way back to improving animal welfare in Western Australia, and this is becoming increasingly important to the general public, to consumers and also to local markets, especially export markets. A strong and transparent animal welfare system is absolutely critical. It is a vital component of the long-term sustainability of our state's agricultural sector. This bill has been well thought through and is well structured. As I said before, when the Greens are on one side and the Nationals WA are on the other, it is clearly well balanced. Importantly, the bill has a large focus on animal welfare. I commend the Attorney General on the bill and I commend the bill to the house.

HON DR STEVE THOMAS (South West — Leader of the Opposition) [3.23 pm]: Thank you, Acting President, for an opportunity to contribute to the debate on the Animal Welfare and Trespass Legislation Amendment Bill 2021. I will address some of the things that my good friend Hon Dan Caddy said about this bill. I noted, however, that when he referenced people who had knowledge and experience in the animal welfare area, he mentioned the farmer and the Minister for Agriculture and Food, but he neglected to mention the only person who is actually trained in the area of animal welfare, but I will let that pass because we are good friends! I did not take it personally—much! But that is okay.

Hon Dan Caddy: I think you were out on urgent parliamentary business.

Hon Dr STEVE THOMAS: No; I heard the member say it. I will be expecting compensation for that at the appropriate time!

The critical questions before the house, which I will explain as I answer some of the issues raised by Hon Dan Caddy, are: What does the Labor Party in Western Australia have against the farming and food production industries? Why does it take such offence? Why does it try to manipulate the outcomes? What does it have against the farming community that it has to vilify it as part of what it does? I do not understand that. I do not get why the Labor Party is so driven with its animal rights agenda that it cannot let go and support farmers and food producers as a component of that. I really just do not understand that.

Hon Kyle McGinn: You should be a storybook writer.

Hon Dr STEVE THOMAS: We will go through some history, honourable member, because a lot of things have been said. I listened very carefully to Hon Dan Caddy. I probably should start by saying that we should have some basic truths. It is absolutely the case that the government has accepted some amendments that have been moved by the opposition over the previous few years. The member who suggested that that was not the case is absent on urgent parliamentary business, but it has been the case, so I give the government some due. The most recent was the amendment moved by Hon Nick Goiran last year. I remember when we debated the Environmental Protection Amendment Bill a few years ago, the then Minister for Environment, Hon Stephen Dawson, went through and accepted a certain number of the opposition's amendments. Those passed through and the others he got wrong and did not, but that is okay.

Hon Stephen Dawson: Actually, I think the will of the chamber was to support me on that.

Hon Dr STEVE THOMAS: Not on all of them. On some of them, no divisions were called. I am not confronting the will of the chamber, ultimately. I say this regularly and in the press, because sometimes people ask what the upper house is here for: the upper house is here to scrutinise legislation, amongst its many other roles, including holding the government to account. The upper house not only scrutinises legislation, but also amends legislation, and it does it relatively regularly, but less so now, obviously, than when the upper house was balanced. The imbalance is not a good thing for the people of Western Australia. I bristle when people suggest that the upper house does not do its role in providing good scrutiny of legislation. As part of that, on occasions the government has accepted amendments moved by the opposition. I do not think the parliamentary secretary managing the bill will have any of those this time. We might do? Okay; we will see. We might get stirred —

Hon Matthew Swinbourn: It has only 15 clauses.

Hon Dr STEVE THOMAS: We will see.

The government's case for rolling two aspects into one bill was put quite well by Hon Dan Caddy. I will explain the other side of the argument for why they should be separate and why each should have to stand on its own merits. It is as simple as this: when the government rolled these two aspects together into this bill—that is, farm trespass and animal welfare—it did so to placate and appeal to those members of the community who do not like farming and the farming community. It did so to placate those groups. There is a group in the Labor Party—I think the “ginger group” would be okay to use, because ginger is obviously a vegetable—that is very powerful in not only its animal welfare, but also its animal rights arguments. I suspect that it would have us all be vegan, so Hon Dan Caddy and I would be out the door, because I like my steaks as much as he does! That group has been pushing the

Hon Colin De Grussa; Hon Steve Martin; Hon Samantha Rowe; Hon Dr Brian Walker; Hon Dr Brad Pettitt; Hon Dan Caddy; Hon Dr Steve Thomas; Hon Shelley Payne; Hon Wilson Tucker

Labor Party in a certain direction, and the previous Minister for Agriculture and Food had a large degree of sympathy for that group.

Why should these aspects be in separate bills? Hon Dan Caddy suggested that these are two ends of the same thing. With animal welfare, we have to look after the welfare of animals and with farm invasion, we have to look after farming families. The reason that it is wrong to put them together is that by doing so, the invaders will be empowered. By doing so, the government will empower those people because it will justify their position. That is what the Labor Party is doing in the Animal Welfare and Trespass Legislation Amendment Bill 2021 and what it did in the previous bill. There is no doubt that that is what is happening.

Hon Dan Caddy: It's two separate amendment bills to get to the same thing.

Hon Dr STEVE THOMAS: If the government had presented two separate amendment bills, we could debate the protection of the farming community and the animal welfare issues in the state. But that is not what the government is doing. There has been a fair bit of rewriting of history by various members today. We have to remember that the Labor Party was dragged kicking and screaming to its original proposals on farm invasion. There was a campaign of animal activists invading farms. Lists were formed and put online so that animal activists could find and invade farms and abuse farmers. This government did nothing until it was dragged kicking and screaming to the table because of a public campaign and the outrage of farmers. The farming community was incensed, yet this government did nothing. It was dragged to the table. What did it do when it was dragged to the table? It said that it could not just protect the farming community because that would be far too big a step because some of its supporters might be amongst that group that would have us all—I do not know what they do—release the cows or kill the cows or release the sheep or kill the sheep, whatever their final solution. Perhaps we would have to live on kangaroo or become vegetarians. That group had to be placated.

When they were first proposed, these changes did not limit inspectors going to—let us call them—animal processing facilities; these inspectors were originally going to have access everywhere, including family-run farms. Again, there was outrage; the farming community was incensed because this Labor government demonstrated yet again its absolute contempt for the farming community. It was going to allow inspectors access to farms, which was the pay-off for daring to put in legislation that just increased the penalties a bit and allowed for restraining orders against people who were going to processing units and protesting and abusing farmers and their families. The Labor government could not stand up and say that it would protect the farming community as a priority without having to compensate those activists who appear to have a far greater ear of the Labor Party than they should have. That is the history here; that is what happened.

In the early stages of the next step along in the process—of course, those members who were around will remember that under the previous Parliament, there was a different dynamic—it became obvious to the government that the opposition and the crossbench in this place had decided that running those two bills together was utterly inappropriate and the legislation was put on the backburner. In all the negotiations that went on in parliamentary committees of which I was a part, and in all those things, it was demonstrated that this was the wrong way to do it. This was the wrong way to proceed to protect the farming community in particular, but also processing facilities.

The government put it on the backburner but it did not say, “We cannot get through the upper house our intent to merge these bits”, and I will come to more detail about why they should not be merged. Rather than simply saying, “The farming community deserves protection. I will tell you what we’ll do. We’ll take that bit to the upper house and that will pass through the upper house.” We might have had amendment—you never know—to make it even tougher. We might have come up with an amendment to increase the penalties. We might have thrown in an amendment to make them mandatory. Those are all the things we might have done. I suspect —

Hon Matthew Swinbourn: Those pesky Western Australian voters who interfered with your ability to make those amendments; how terrible of them not to put a majority of you in this house!

Hon Dr STEVE THOMAS: I have a lot of respect for the parliamentary secretary, despite the cynicism he just displayed. It is not a good outcome for the people of Western Australia to have such one-sided politics. Yes, the government had COVID-19. Well done, it had COVID. COVID gave the Labor Party a massive majority and now that it has this massive majority, it no longer has to pay respect to anybody else. It can push through whatever it wants to do. That is absolutely right.

Several members interjected.

The ACTING PRESIDENT (Hon Dr Brian Walker): Order, members! I would like to hear the second reading contribution in its entirety.

Hon Dr STEVE THOMAS: Thank you, Acting President.

The government could have put through a bill that dealt with the issue about which it was dragged kicking and screaming to the table. It could have put that bill through in the previous Parliament.

Hon Colin De Grussa; Hon Steve Martin; Hon Samantha Rowe; Hon Dr Brian Walker; Hon Dr Brad Pettitt; Hon Dan Caddy; Hon Dr Steve Thomas; Hon Shelley Payne; Hon Wilson Tucker

Hon Dan Caddy: You just told us that you would've voted it down.

Hon Dr STEVE THOMAS: No. The government said that it did not bring it forward as combined issues because it would not be able to get it through Parliament because of the opposition, the crossbench and this house. We have had a previous discussion about thwarting the will of the house but that never went to a vote.

Hon Stephen Dawson: Are you saying that the Greens would not have supported the bill in the last Parliament?

Hon Dr STEVE THOMAS: Funnily enough, we did not always need the Greens to thwart the government's agenda. Does the minister remember the numbers? He was here. There were 36 members. The Labor government had to provide the President and the President lost the vote. It was 18 versus 17 even when the Greens supported the government. There were 14 Labor members and four Greens members—that is fantastic. I am sure the previous President remembers this.

Hon Peter Collier interjected.

Hon Dr STEVE THOMAS: I forgot about that, Hon Peter Collier. Yes, the Labor government was so desperate to get its legislative agenda through, it tried to hand it off; it tried to give the role of President to somebody on this side of the house so that the vote would be 18 versus 17 its way.

Several members interjected.

The ACTING PRESIDENT: Order, members! This has devolved into a topic of history; I would like to hear about the present.

Hon Dr STEVE THOMAS: The government could not get combined issues through in one bill. It could have protected farmers by splitting the bill, but it would not do that. Why would the government not do that? Why would it not offer protection to farming families from invasion from activists because that part would have gone through the house so rapidly—it would have passed—but the government did not do that.

Hon Stephen Dawson: Nothing goes through this place rapidly!

Hon Dr STEVE THOMAS: Hang on! Minister, we have got through a few bills very quickly. One night it took 20 minutes to get through a bill for which Hon Kyle McGinn had responsibility. Perhaps the government should give Hon Kyle McGinn responsibility for more bills. The second one took a bit longer. The bills for which the parliamentary secretary has responsibility have taken a while. Debate on some of the bills of the Minister for Emergency Services has been fairly long as well. If the government gives more responsibility to Hon Kyle McGinn, perhaps it will get its legislation through more quickly.

The government could have got that through, but it refused. Why did it refuse? Because it had to empower the animal rights community within its constituency and it could not possibly protect farmers without some compensation for them. What is the result of that? Government members argue that the two issues had to be together but they are completely and utterly wrong. It had the opportunity to demonstrate that, but it did not. The government empowered the very people that the legislation, when it comes to farm invasion, is trying to control. It says that it has a justification. It is not sufficient for the Labor Party to say to animal activists that they have no right to interfere with a family farm that is going about its lawful business—that is too much for the government—without empowering those activists by saying that they have a right to do what they do. The way that it is empowering —

Hon Dan Caddy: That's not true.

Hon Dr STEVE THOMAS: That is absolutely true. The government is empowering the group that is the problem by refusing to split this legislation. The government is giving them a message—talk about dog whistling! I have heard the Labor Party talk a lot about dog whistling in recent years. Talk about dog whistling to its constituency. That is exactly what the Labor Party is doing. It is saying, “Those horrible farmers produce livestock and livestock is eaten. We will support you. We will absolutely support your attack on farmers and food production because we will make sure that the message is that we'll look after farmers but only if we can increase scrutiny on animal production.” If government members had an ounce of legitimacy or an ounce of care for the farming community, they would have split the bill when it was stuck and provided protection for farmers as a priority, but they did not do that.

Hon Dan Caddy: If we had only gone for the inspectorate, it would also have, because it would have said that we are honest.

Hon Dr STEVE THOMAS: Is the member saying that if only you had put the animal inspectorate in place —

Hon Dan Caddy: Following your argument, which I do not agree with, but following your argument —

Hon Dr STEVE THOMAS: I am struggling to follow the member's argument. If the suggestion is that if only the animal rights part of the bill had been done —

Hon Colin De Grussa; Hon Steve Martin; Hon Samantha Rowe; Hon Dr Brian Walker; Hon Dr Brad Pettitt; Hon Dan Caddy; Hon Dr Steve Thomas; Hon Shelley Payne; Hon Wilson Tucker

Hon Dan Caddy: I am suggesting that both sides of it are good for farmers.

Hon Dr STEVE THOMAS: Is the member suggesting that if the government did only the animal rights component and did nothing about farm invasion, that would have been a good outcome?

Hon Dan Caddy: No. That's following your argument. You're saying one or the other. They are both good.

Hon Dr STEVE THOMAS: No. That is not true. I am saying that we have to argue both issues on their merits, and members opposite refuse to do that.

Hon Dan Caddy: You are clouding the water.

Hon Dr STEVE THOMAS: No. I am actually providing some clarity. You guys have been trying to obfuscate.

Several members interjected.

Hon Dr STEVE THOMAS: The Labor Party has obfuscated and kept this issue fuzzy and murky for years now. The Labor Party has absolutely refused to step up and protect the farming community when it could do that. That needs to be remembered by the farming community. This is absolutely critical. Every farmer and every family farm should remember this: the McGowan Labor government could have split this bill easily and could have offered protection to farming families and it could then have come back into this place and debated its animal welfare activities. However, it refused to do so in complete contempt of the farming community and the farming families that it still claims to be supporting and protecting. What an absolute nonsense. I am happy to debate animal welfare. However, that debate should not be contingent upon whether farming families deserve protection. People need to remember that that is the position of the Australian Labor Party. That is exactly what the Australian Labor Party did when this bill came to the previous Parliament.

There is a history here, though, of the Labor Party using this animal welfare argument for its own political advantage and to look after its constituency. I will tell members a story that I still find interesting but also quite outrageous at the same time. In the other place—that place that shall not be named—between 2005 and 2008, the Labor Party moved a motion to condemn the then Leader of the Opposition, Paul Omodei, who has come up in discussion today—I think he is still Hon Paul Omodei, actually—because he dared to make comments criticising the RSPCA's prosecution of a farmer. The outrage on the Labor Party side at the time was palpable. But that is not the funny and interesting part of the story. The interesting part of the story is that in that Parliament was a new parliamentarian who was a veterinarian from down in Donnybrook.

Hon Stephen Dawson: Who was that guy?

Hon Dr STEVE THOMAS: Who was that masked man? They seek him here; they seek him there.

I was able to describe instances in which the RSPCA had got it wrong. The Labor Party said, "Paul Omodei is not allowed to criticise the RSPCA; it is outrageous." I said, "Hang on a minute. Let me tell you some stories about interactions with the RSPCA on animal welfare." I have been an expert witness in animal welfare cases, just quietly, so I have some experience in this area. I said that I would tell some stories. The Speaker at that time was a man called Fred Riebeling. He probably also is still Hon Fred Riebeling. After 10 minutes of me saying, "Before you condemn the Leader of the Opposition, we should have a discussion about whether there is a vague possibility that he might be right and the RSPCA might be wrong", and I had given a few examples of where the RSPCA might have been wrong, the Speaker at the time, Hon Fred Riebeling, said that that was not relevant. I said, "Hang on a minute. We're discussing criticism of the RSPCA and how it might have got a case wrong, and you're telling me that discussing cases where the RSPCA might have got it wrong is not relevant to that." He did not actually explain himself. He simply said, "If you disagree with me, I will name you."

Hon Sandra Carr: Maim you?

Hon Dr STEVE THOMAS: Maim? No! He was not that rough. Fred Riebeling is a bit rough but he is not that bad. I do not think he would be capable of that anymore either.

That was a classic example. In trying to score some cheap points, the Labor Party had to use the rules of the house completely inappropriately, in my view, to shut down debate. It was so sensitive about having an educated discussion about animal welfare that it would not allow it in the Parliament. That still outrages me; it truly does. Go and read the *Hansard*. I think that was outrageous. That is the kind of thing that we deal with when the Labor Party tries to take advantage of this argument and targets, in my view, the farming community. That is what happens. The Labor Party cannot control that section of its constituency.

It is important that animal welfare standards are maintained. It is important that animal welfare is looked after. I do not think anyone would stand up and say anything different. I do not think we will have a conversation that animal welfare does not matter and it cannot be improved. It can always be improved. The reality is that animal welfare has been improved many times over many years. I will try not to tell too many descriptive stories about my experience

Hon Colin De Grussa; Hon Steve Martin; Hon Samantha Rowe; Hon Dr Brian Walker; Hon Dr Brad Pettitt; Hon Dan Caddy; Hon Dr Steve Thomas; Hon Shelley Payne; Hon Wilson Tucker

with livestock because we had some of the best ones of those during the debate on the Veterinary Practice Bill 2021. Animal welfare has absolutely improved. In the old days, animals were often sent to abattoirs when they were maimed, injured or extremely sick. That does not happen anymore. Inspectors in the abattoir system would prevent that from happening. People get prosecuted for that. It sometimes becomes quite difficult. What can a producer—big or small, it does not really matter—do when they have an animal that is slightly injured and cannot go to an abattoir but they do not have the capacity to euthanise on their place? That is a difficult question to answer. An argument can be put about whether that is the best animal welfare outcome. It is certainly the case that animal welfare has changed over many years. Therefore, it is important to recognise and support what currently happens. That is not to say we cannot improve it, because we always can. It is interesting that in the arguments from the government I have heard no recognition of what currently goes on. I have heard no recognition of the positive side of animal welfare that is provided by the farming community, because I think that is anathema to the Labor Party. The Labor Party struggles to say that a lot of farmers are doing a really good job. I am sure Hon Darren West looks after his sheep.

Hon Darren West: Yes, he does.

Hon Dr STEVE THOMAS: I am sure that he does. He probably does a very good job.

Hon Darren West: Yes, and I'm not concerned about this bill.

Hon Dr STEVE THOMAS: That is right. It would be nice if you and the Labor Party actually said that a lot of farmers do a really good job, because I have not heard that said yet. A lot of farmers care very much about animal welfare.

Several members interjected.

The ACTING PRESIDENT (Hon Dr Sally Talbot): Order! The Leader of the Opposition will resume his seat. Thank you. The Leader of the Opposition is well versed in the traditions of this place. One of those traditions, which I will enforce with an iron fist, is that remarks are addressed to the chair. That means that you do not include the word “you” when you are speaking unless you are inviting interjections. Leader of the Opposition, please address your remarks to me. Thank you.

Hon Dr STEVE THOMAS: Thank you, Acting President. I will try to refrain from using anything other than e-w-e from now on!

Those who have been around for a long time, such as Hon Darren West, would remember the days when, unfortunately, livestock had a very low commercial value. I remember when people would put livestock on trucks to send them to market and take them back again because no-one would buy them. There were periods when taking them back was more expensive than having them shot. I remember a number of people who had to shoot stock for which there was no market, and I suspect Hon Darren West does as well. It is not an easy job. At the moment the prices for most livestock, particularly cattle and sheep, is pretty good. Sheep have come back a bit. Cattle remains reasonable, but it might come back a bit from the peak. In those circumstances it is fairly easy to make a profit in farming and, therefore, it is probably easier to provide good animal welfare outcomes. I am sure the vast majority of farmers do precisely that, and that should be recognised by the government.

When times are tough it gets much more difficult. That is not to say that animal welfare standards should drop when times get tough, but it is much more difficult when the animal is worth less than the bullet it takes to euthanise it. It is a difficult process. I would like to see from the government, firstly, a little recognition that the farming community generally looks after animals very well; and, secondly that it will probably have more tough times in animal production than good times. The port price has been difficult for a number of years, and the milk price remains difficult. All those farmers are struggling and doing the very best they can. This is important: the bill addresses the rights of entry and the powers of inspectors and, as I said, this originated with the government intending to send inspectors out everywhere, including on farm. It pulled back from that, which is good; however, it had to be forced to pull back. For all the protestation and outrage from the government, that is what happened; it had to be forced to pull back from that. The bill now goes to processing units and abattoirs et cetera.

The marketplace is important to how that works. The changes that are required are also important. I do not know how many people have spent time in abattoirs. They are not the most pleasant places to work and they are not the easiest places to live near, but they are essential, to both the food chain in this state and also the economy. I will come to live export in a minute because I think that is critically important and it ties in to all of those things. It is interesting that the RSPCA opposes live export. My understanding is that the previous Minister for Agriculture and Food vehemently opposed live export. From what I understand from the comments of the new Minister for Agriculture and Food, she supports live export with the intent of ultimately transferring it to chilled meat export. That is the same position I have enunciated in here numerous times. Hon Darren West and I have debated this matter and agreed on it. We agree that eventually there will be a shift to chilled meat export. We argue over the time frame over which that will take place, but that is a pretty healthy place to be in the debate. I think it will be much slower

Hon Colin De Grussa; Hon Steve Martin; Hon Samantha Rowe; Hon Dr Brian Walker; Hon Dr Brad Pettitt; Hon Dan Caddy; Hon Dr Steve Thomas; Hon Shelley Payne; Hon Wilson Tucker

than does Hon Darren West. That is the natural end of politics at which we sit: I am prepared to let the market drive it with some help and the left wing of politics would drive it irrespective of the outcome. Ultimately, maybe the best outcome is somewhere in the middle. It is going to be market-driven because live export meets a certain market where the people who it is going to demand to see it live. I think that will change—I have said that before—but it is generational change. That group of people who were raised to experience this and consider it both normal and essential, and in many cases an essential part of their life, and on occasions their religion, will not change. Unfortunately, in a rather cruel and scientific sense, which I think suits my personality, we have to wait for that group to die off, effectively, because the next generation will shift and we will see an increase in the acceptance of chilled meat. That will happen across the world. Members should remember that when we are talking about what goes out as live export, we are not talking about prime lamb going out to feed the princes and princesses of Arab countries. We are sending old mutton to feed the low-paid workforce in many of those countries. This is not our prime lamb market. This is all of those animals that would otherwise be worth \$5 at best and potentially those that were shot on the property because they had no commercial value and it was not worth sending them to an abattoir. Live export underpins the price of those animals. The simple fact that it underpins the price of those animals lifts animal welfare outcomes for this state. Problems and welfare issues frequently arise during the transport of the animals, but they have got much, much better. Again, we have seen massive improvement.

Obviously, I would like to see massive improvement at the other end. I have always said that foreign aid should be focused on improving animal welfare at that far end. But that takes time and investment, and probably generational change. In the meantime, we need to support the industries that underpin the marketplace that keep this state going along. Yes, that is the farming community, so it deserves some support; I do not think it has seen very much. It also means the processing facilities. We should be working with those processing facilities. For the most part, they are more than happy to do that because they have an interest in animal welfare as well. They have an interest in a high-quality product and in animal welfare. It is critical that we give them some support. The message from the Labor Party's position that we will put the activists' wishes above the rights of the farmers and the processors is dreadful. It is one that undermines the government's own argument. It is a shame that we get to this point. It is a shame that that is where we end up. To be honest, the Labor members who have spoken on this bill enunciated the Labor argument quite well. I think they are wrong, but I think they have done a good job.

Hon Samantha Rowe started talking about social licence. That is the position of the Labor Party: we need society's permission to do the things we might have done for three generations. Social licence is a dangerous tool because it is a way in which the left wing—no insult intended—controls what people do. People cannot do the things they have traditionally done because they require a social licence. It is almost the definition of left wing versus right wing. What are we? I am right wing. I believe in the rights and responsibilities of the individual. Out on the left wing are the rights and responsibilities of the communal. In this debate we have had the absolute definition of left wing versus right wing. That is probably a healthy thing; I just do not like the balance at the moment. It is quite reasonable. I accept that Hon Samantha Rowe says that the farming community should have a social licence to be able to do its job. I do not agree, but I think it describes and defines what the left wing of politics thinks about this. It is a good, honest position, as was the position of Hon Dan Caddy, who also takes a left-wing approach to these things, which is quite reasonable given the party he is in. Ultimately, I am happy for people to be wrong most of the time. The problem is that when you are wrong and you are dictating the outcomes, it becomes an issue. That takes me back to the lack of balance, and the lack of balance is problematic.

I briefly want to address a couple of issues in the area of what will happen with inspectors. Someone said—I forget who it was; it might have been Hon Dan Caddy—that inspectors are trained and their argument is that they need to be empowered, because it is not sufficient power for inspectors to give notice of entry or, alternatively, use probable cause to seek a writ of entry through the courts. That is not sufficient. Some members might not be aware but a committee was formed to look at this bill way back in 2017.

Hon Matthew Swinbourn: No, it wasn't this bill.

Hon Dr STEVE THOMAS: It was the Animal Welfare Amendment Bill, which carried some of the same things, including —

Hon Matthew Swinbourn interjected.

Hon Dr STEVE THOMAS: It was not the exact same bill. It had the exact same intent of the government, but it was not the exact same bill. The member is quite right. I stand corrected. The issue of the inspectorate and its powers were looked at by the committee of which I was a member, being co-opted in 2017. I did mention before that this agenda has a long history within the Labor Party. I refer to the Standing Committee on Legislation's thirty-sixth report of the fortieth Parliament titled *Animal Welfare Amendment Bill 2017* and presented by its chair, Hon Dr Sally Talbot, MLC, on June 2018. It was a fine committee and a fine chair, Acting President. This committee looked at the powers of the inspectorate. The report put it in basically the same way as the member—apologies if it was not

Hon Colin De Grussa; Hon Steve Martin; Hon Samantha Rowe; Hon Dr Brian Walker; Hon Dr Brad Pettitt; Hon Dan Caddy; Hon Dr Steve Thomas; Hon Shelley Payne; Hon Wilson Tucker

Hon Dan Caddy who said it, but I think it was him—that the inspectorate’s powers are inadequate. The department’s position was put in the report that states on page 43 —

- 7.33 The Department has stressed that what is sought is the ability to actually monitor compliance with the standards. The new powers for designated general inspectors—

This is a bit similar —

are not, it is said, intended to be an expansion of the current role in respect of animal cruelty, but an ability to take a more preventative role.

- 7.34 In fact, the Committee observes that the activity of ‘monitoring’ is already being carried out, and that preventative role appears to be established. For example, in the Department’s response to questions taken on notice during the hearing held on 2 May 2018, it was said of the Livestock Compliance Unit (LCU) of the Department:

The LCU currently undertakes routine inspections at livestock establishments, including but not limited to; saleyards, abattoirs, knackeries, export depots, live export wharves and intensive industries such as piggeries and poultry units to monitor compliance with the Act and identify where there is a risk of non-compliance. Inspections are proactive, are initiated by the LCU, and are not a response to a report of animal cruelty

The committee questioned the LCU, as outlined in on page 45 —

- 7.38 In response to questions on notice put to the Department during the hearing on 2 May 2018, it was said:

5. *How often has consent to enter been sought, how often consent has been denied and the sorts of circumstances in which that has occurred? ...*

This was the response —

The vast majority of inspections currently undertaken by LCU inspectors are in public places where consent is not directly sought.

Over the last 4 financial years LCU inspectors have sought and been denied access to two places and six vehicles. There are no clear records of how many times access has been sought and granted.

I think that this specifically applies to livestock export vessels. I might as well read the whole thing in because I have time —

Over the last 6 months LCU inspectors have sought consent to enter vehicles (livestock vessels) on 11 occasions. Six of these have been denied.

Once national Standards are regulated it will be possible to undertake inspection for compliance with the regulations. This will entail a greater focus on on-property inspection, and so increase the number of times entry will be sought.

What they are saying is when they went voluntarily and sought permission to enter, they were denied entry, and that occurred mainly on livestock ships. But the next question is even more important —

6. *How many warrants have been sought and refused? ...*

Since July 2011, eight warrants to enter a place have been sought by the LCU. One warrant has been sought to enter a vehicle (livestock vessel).

All warrants sought have been granted.

Yes, the livestock compliance unit was denied access when it was voluntary on a few occasions, most probably on a vessel where there was a fair degree of tension. When the LCU went to the effort of seeking a warrant to enter, it was never denied. Perhaps the parliamentary secretary can tell us, either in his second reading response or during the committee stage of the bill, whether it has ever been denied since. But when the committee investigated this, the seeking of a warrant to enter for these purposes had never been denied. Government members suggest that we need to enhance these powers because it is not enough for an inspector to seek a warrant and approval for what they propose to do, despite the fact that when it has been done, the court has always allowed it to happen. But we still have to enhance those powers to walk on because seeking a warrant is not sufficient.

I claim a degree of expertise in animal welfare. I am going to hand over the next section on law to the parliamentary secretary because he has a lot more experience in that area than I do. But I am still of the understanding, and the parliamentary secretary might correct me, that when a police officer who is an inspector—some of them by rank—

Hon Colin De Grussa; Hon Steve Martin; Hon Samantha Rowe; Hon Dr Brian Walker; Hon Dr Brad Pettitt; Hon Dan Caddy; Hon Dr Steve Thomas; Hon Shelley Payne; Hon Wilson Tucker

wants to enter someone's house because he thinks that a crime such as the possession or storage of drugs might be occurring in that house, do they not generally have to get a warrant? Do they not go through that process?

Hon Matthew Swinbourn: Generally, yes. I think that is true. But, member, there are other areas of public administration in life whereby people enter premises without any need for notice. I will give you an obvious example. People who hold an entry permit under the Industrial Relations Act can enter places in which people are working without any notice if they suspect a breach of the Work Health and Safety Act. These are not foreign concepts to us. If I can just extend the analogy a little further, we have a regime whereby people can enter places at which workers might be in peril, and this is perhaps similar to a regime involving animals. Animals are less able than people, as you know, to speak up for themselves and complain about their situation, so it is not without precedent to have these kinds of regimes in place.

Hon Dr STEVE THOMAS: That is right, but it is not universal in any way, shape or form.

Hon Matthew Swinbourn: It is not universal, but it is not uncommon.

Hon Dr STEVE THOMAS: I kind of wish the parliamentary secretary had used a different example because I just picked up the role of shadow Minister for Industrial Relations and I might have to go on a right-wing rant about that in a bit, too.

A member interjected.

Hon Dr STEVE THOMAS: I am sure we will have an industrial relations debate at some point.

Hon Stephen Dawson: My understanding is that under the Fisheries Act, Fisheries can do it.

Hon Dr STEVE THOMAS: I was going to say that if Fisheries can do it, the tax office can do it.

Hon Dan Caddy: How many funds do you want to lose on it?

Hon Dr STEVE THOMAS: When I do lose on one, I will let the member know and we can work it out.

Hon Kyle McGinn: PFAS!

Hon Dr STEVE THOMAS: Hey, I am still winning on that. The government has 600 000 to 700 000 cubic metres of PFAS-infected soil it cannot get rid of.

The ACTING PRESIDENT (Hon Dr Sally Talbot): Members! It is not a free-ranging discussion. It is a second reading debate.

Hon Dr STEVE THOMAS: Thank you, Acting President. It is absolutely the case that there are plenty of precedents, even in terms of police officers accessing houses, when a warrant is—I am not sure how often a warrant is denied in terms of the police trying to find drugs in a house. I get lots of complaints, and I am sure every member does —

Hon Matthew Swinbourn: Just noting the Acting President's objection to interjections—this is an orderly one. You are aware that police officers are designated inspectors under the Animal Welfare Act and they can actually enter premises in certain circumstances where animal welfare is at stake—not in these particular circumstances, but when they are aware of an animal welfare concern. They have all the powers of an animal inspector.

Hon Dr STEVE THOMAS: That is right. With reasonable suspicion—that is not the right word.

Hon Matthew Swinbourn: I am not sure it is.

Hon Dr STEVE THOMAS: I think it is probable cause.

Hon Matthew Swinbourn: I think that is an Americanism.

Hon Dr STEVE THOMAS: The member is the law expert, not me. He might be able to correct me on that. He is absolutely right, and he is helping make my argument, which is great.

Hon Matthew Swinbourn: I don't think I have.

Hon Dr STEVE THOMAS: He is. He is suggesting that police officers already have the power of designated welfare officers under the Animal Welfare Act. That is exactly right. They simply have to have some reasonable suspicion, as in cases of domestic violence. They do not have to seek permission to enter a house where domestic violence is occurring to save somebody's life. That is reasonable suspicion—whatever the word is, the member will fill us in later. They walk in there. They have the same power right now in relation to animal welfare. If there is a reasonable suspicion, they can go in there now. The question before the house is twofold: Why is there this desperate need for additional power? Why does that additional power have to be tied to the protection of the farming community from invasion, abuse and attack? The funniest thing is that the need to disrupt farms, which the government seems intent on underpinning all the way along, is repeatedly reinforced. This is the issue that we face.

Hon Colin De Grussa; Hon Steve Martin; Hon Samantha Rowe; Hon Dr Brian Walker; Hon Dr Brad Pettitt; Hon Dan Caddy; Hon Dr Steve Thomas; Hon Shelley Payne; Hon Wilson Tucker

Much of what is happening in animal welfare is well handled now. There are always improvements that can be made. The ability for inspectors to go out and inspect currently exists. As far as I am aware, certainly when the committee looked at it, there has never been a case when a writ was not issued, when it was asked for, to look into animal welfare. It does not happen. It did not happen at that point, and we will find out if it has happened since. I suspect it probably has not. This is an argument that is very much about the level of support that this government has for the farming community.

The massive farm invasions basically started around the time that I came back into the Parliament in 2017. That dragged the government, kicking and screaming, to put in some legislation. The mere fact that the Labor government cannot bring itself to simply support farmers in those circumstances—in the same way that one would expect the police to support someone subjected to abuse in their own home—is appalling. The mere fact that this government cannot contemplate simply protecting farmers going about their lawful business in and of itself—because it is not enough for them—is appalling. It has to roll in some placatory words to the animal rights groups and the animal rights advocates amongst it, and in doing so it justifies those animal rights activists and actually empowers them. That is the sad part about the debate before the house. The government is actually empowering this group and it needs to be disempowered. Let us have a debate. We should be able to do that very simply. I am happy to debate animal welfare for hours. That is fantastic. There are good abattoirs and there are abattoirs that are not so good. There are good processing units and some that are not so good. I have spent a lot of time in them over the years. I have friends who work in them full-time. All those things are able to be, and should be, debated.

I can see the messaging in the government's press release now. It will not come from the Minister for Agriculture and Food, it will come out of the Attorney General's office. It will go, "Look, we have got more animal rights legislation in place. Six years past 2017, we have finally decided to do something about farm invasion and animal activists undermining the peace and safety of farmers." I remember the comments. In doing this, the Labor Party has said, "We understand why you are out there protesting. We understand why you are disrupting. We understand." The government has excused them. With other social debates about behaviour and crime, I think the government has also excused some terrible behaviour. However, that is a debate for another day.

In doing it the way it has done it, the government has empowered the activists. It has supported their cause. It is to the shame of this Parliament and this government that it could not simply support the farming community and tell them that they mattered enough that they would get the protection they deserved, irrespective of what else went on. This is a shameful day for this state.

HON SHELLEY PAYNE (Agricultural) [4.15 pm]: It gives me great pleasure to stand up here in support of this great bill, the Animal Welfare and Trespass Legislation Amendment Bill 2021. As a member for the Agricultural Region, I am really proud of the agricultural industry that we have here in WA. I really think there are a lot of great success stories out there. I would just like to mention some of them: for example, the piggery down in Cranbrook and the deal that it has made with Coles. We have some great places in Esperance as well; for example, fellow councillor Wes Graham, who was on the council with me a number of years ago, is a sheep farmer. His lamb is processed here, and as Hon Dan Caddy said, the whole supply chain is here. He has a photo of him and his wife and his name—Wes Graham from Esperance—on the packaging. This has gone all the way to some of the best supermarkets in Canada. It can be seen on the shelves there. Canadians love buying our Australian lamb because it is so good. Someone can get that lamb and know exactly which farm in Western Australia it has come from. Mt Barker Chicken is another success story.

We are very lucky with all the land area that we have in Western Australia, which means that as well as intensive farming, we can have a lot of this stuff out in the open. The abattoir in Esperance is another story. It has been through opening and closing, and opening again. Minerva Foods has moved in and is opening it up again. It is a really great employer of people in Esperance as well. Esperance Eggs is another success story. I was almost shocked when I went to Woolworths and saw that the whole end of one aisle was Esperance Eggs. It is great that Woolworths is actually supporting our local Esperance Eggs. I am really proud of this industry that we have in Western Australia.

I am not sure if many members heard the story the ABC did on the radio the other week about the bobby calves in the dairy industry in New Zealand. Fonterra actually banned the policy of killing bobby calves that were just a few days old. This practice happens over east, but here in Western Australia, we are actually really lucky—because of our land area, it happens very rarely here. I think we should be proud of the industry that we have.

I think this is a really great bill in that it is bringing these two issues together. I just wanted to mention the comments that Hon Samantha Rowe made about our WA community caring very strongly about animal welfare. The fact that we have taken these two issues and put them together in the bill is really important. The fact is, we really cannot tolerate some of the unlawful behaviour and we really need to protect our agricultural sector. We also really need to meet the needs of the public, who really want to have confidence in our agricultural sector.

Hon Colin De Grussa; Hon Steve Martin; Hon Samantha Rowe; Hon Dr Brian Walker; Hon Dr Brad Pettitt; Hon Dan Caddy; Hon Dr Steve Thomas; Hon Shelley Payne; Hon Wilson Tucker

I want to talk briefly about the amendments in the bill. The bill will amend the Criminal Code, the Restraining Orders Act and the Animal Welfare Act. With regard to the Criminal Code, a new offence of “aggravated trespass” will be added. This new offence is going to be really great for our agriculture industry as it will protect it from people coming onto properties. I will not name the offenders, but we know the issues that happened back in 2019 in Brunswick. People trespassed and stole a baby calf and a dead piglet from a dairy farm down in Pinjarra.

The government took action at that time to immediately address the issue. It is a shame that Hon Dr Steve Thomas said that this bill could not be supported during the last Parliament, because otherwise it would have been in place more than two years ago. It is good to see the support that we have seen today. Hopefully we will finally get it passed. It is great to see that the increased penalties in the Criminal Code that will be in place will provide for up to two years’ imprisonment and up to \$24 000 in fines. I note Hon Steve Martin’s comment that if the jail penalty is not given, a community order must be given. That will stop some groups from crowdfunding to pay the fines, as they will have to serve a penalty as a result of performing those acts of aggravated trespass.

Another issue is the amendment to the Restraining Orders Act. It is good to bring in a new way that farmers will be able to apply for a misconduct restraining order against perpetrators who are likely to commit an aggravated trespass. It is good that this provision will protect families. Police officers will also be able to apply for a restraining order.

Moving on to another part of the amendments in the bill to the Animal Welfare Act under the new inspection regime, I think it is really good that we will have new designated inspectors. We already have Department of Primary Industries and Regional Development livestock inspectors. The new designated inspectors will be DPIRD employees who are already very trained and competent. I think it will be a very good outcome to have new inspectors who can enter premises at any time and see what is happening. That will help build confidence among the public and our agricultural sector.

I note a couple of concerns that the opposition raised previously. One was about biosecurity. I know that DPIRD has done a lot of work recently in the biosecurity space, particularly with the foot-in-mouth disease outbreak in Indonesia. I think we can have confidence that the staff will have a high level of training on biosecurity when entering premises. Another issue the opposition had was about the training of those inspectors. As I said, a lot of the inspectors are already very competent and qualified livestock inspectors, and they undergo regular training. I think that will be a good outcome.

One of the things that we have not talked about too much is the review of the Animal Welfare Act that was done by an independent panel in 2020. That review made 52 recommendations. The government’s response was to support 49 of those recommendations. That will lead to an amendment bill to the Animal Welfare Act. Of course, the results of some of the recommendations in that report can be seen in the bill before us now to strengthen the inspection powers.

I want to make a couple of comments about the McGowan government’s commitment to animal welfare, not just through this bill. I had the opportunity before Christmas to travel with our former agricultural minister to Albany where we gave out community-based animal welfare grants. The round that we did just before Christmas provided \$549 000 to non-profits that are involved in animal welfare, whether for companion animals or for wildlife. It was great to meet some of the recipients of those grants. That is another great initiative showing the McGowan government’s commitment to animal welfare.

I am pleased to be able to stand in support of the bill. It is really great that we have brought these two issues together holistically. I thank the government for the bill.

HON WILSON TUCKER (Mining and Pastoral) [4.27 pm]: I rise to speak on the Animal Welfare and Trespass Legislation Amendment Bill 2021. I am still sitting on the fence about whether I will support or oppose the bill. I will be seeking some clarification from the parliamentary secretary either in his second reading response or during the Committee of the Whole phase. I support the McGowan government’s intention that this bill will provide more powers to protect animals and improve animal welfare in Western Australia, and also give greater protection to farmers following a number of incidents of trespassing that happened back in 2019. I have a number of questions not so much around the intention or the mechanics of the bill and how the provisions will be enforced, but rather the timing of the bill and the government’s approach to providing more protection for animals and farmers.

The first point I would like to raise is about the timing of the bill. I understand that this bill was in response to a number of trespass cases that happened back in 2019. In the words of the Attorney General, there were mushy-headed activists —

Hon Matthew Swinbourn: Mushy-headed vegans.

Hon WILSON TUCKER: Okay. They were mushy-headed vegans who presented on farming properties in Western Australia. Since the initial flurry of mushy-headed vegans—I think there were about six trespass cases back in 2019—we have not seen any other cases. There have not been any other cases of trespassing in the last four years. I have a number of questions about that. My first question is: why has it taken so long for this bill to appear today

Hon Colin De Grussa; Hon Steve Martin; Hon Samantha Rowe; Hon Dr Brian Walker; Hon Dr Brad Pettitt; Hon Dan Caddy; Hon Dr Steve Thomas; Hon Shelley Payne; Hon Wilson Tucker

when we had the initial cases back in 2019? It is now four years later and we are dealing with this bill. My second question is: do we need this bill? We had those six cases, but since then we have not seen any other cases in the last four years.

I think there could be a number of reasons that these mushy-headed vegans have disappeared from farming properties. The first reason could be that the police are doing a more effective job in deterring these activists from entering farming properties. However, given where the properties are located in regional Western Australia and that we are seeing a lot of police officers leaving the force, I do not think that is necessarily the case. I think it is likely the result of the negative public sentiment directed at the protesters. We saw a flurry of media conferences and media reports back in 2019 about these vegan protesters, and none of them were siding with the protesters. I think that the majority of public support and public sentiment was with the farmers who felt they had been violated by having those people trespassing on their property. The public support and sentiment was definitely with WA's farmers, and rightly so. Over the last four years, public sentiment has self-regulated. The negative sentiment and opinions expressed by the public has resulted in the changed behaviour of the vegan protesters. They have moved on and have got the message loud and clear that their behaviour of going onto properties and harassing farmers is not acceptable. That begs the question: why is this bill needed? That is the next question I have. If there have not been any more cases since then and if public sentiment has self-regulated and sent a clear message to the protesters that their behaviour is unacceptable, why do we need to give more enforcement powers to the farmers and inspectors against the protesters?

I have another question on the timing of this bill. It has now been four years since the initial flurry of trespass cases and we have this bill to give greater protection for animals and farmers. We know that there is larger reform coming in the animal welfare space. It has taken four years to get to this point, and we have seen zero cases of trespass in the last four years. I do not believe there have been any major cases of violations of our biosecurity laws, any major cases resulting in bad outcomes for animals or any incidents of serious animal misconduct in the last four years.

Debate interrupted, pursuant to standing orders.

[Continued on page 361.]