

**ANIMAL WELFARE AND TRESPASS LEGISLATION AMENDMENT BILL 2020**

*Second Reading*

Resumed from 16 September.

**DR A.D. BUTI (Armadale)** [10.21 am]: I want to recap where I left off yesterday on the Animal Welfare and Trespass Legislation Amendment Bill 2020 before I move on to other parts of the legislation. If members remember, I was talking about the way the Nationals WA operate. The history of the way the Nationals operate in this place shows the sectarian nature of the National Party. I go back to its time in the Barnett government, when its members were prepared to take the privilege of being ministers, but not exercise the discipline, which goes against long-established Westminster principles whereby if someone in cabinet does not agree with a position, they resign. People such as the member for Carine sitting on the backbench must have been absolutely beside themselves to see National Party members taking coveted positions on the frontbench, but not agreeing to the solidarity and discipline of being a cabinet minister. That is the way the Nationals have approached this legislation. Before I talk about that, we have seen the classic example of the Deputy Premier of New South Wales who happens to be the Nationals leader, John Barilaro, who decided that his Nationals members would go to the crossbench and not support any more government legislation, but who also said, “We are not going to give up our ministerial positions.”

Several members interjected.

**Dr A.D. BUTI:** Mr Acting Speaker, I am not asking for any interjections.

**The ACTING SPEAKER:** Thank you.

**Dr A.D. BUTI:** We have the sight of the Deputy Premier of New South Wales who said that he would take his party to the crossbench and not support legislation because the Nationals would stand behind its principles, as it did not agree with the government’s position on the protection of koalas. Good on the Premier of New South Wales, who said that it does not work that way.

Several members interjected.

**Dr A.D. BUTI:** Acting Speaker, again, I am not taking interjections, so I seek your protection.

The Premier of New South Wales stared the Nationals members in the eyes and said, “No, you will lose your ministerial position. If I have to go to Government House and swear in a new Parliament, I will.” That is probably what Colin Barnett should have done, but he did not, so that, of course, is history.

That goes to the way the Nationals WA have tackled this legislation. We have had question after question, particularly from the member for Moore, to the Attorney General asking when the government will bring in new laws to increase and strengthen trespass penalties in Western Australia. He said, “When are you going to do it? You are taking too long.” We brought it to the house and we have it before the house now, but what did the National Party do? It said it would oppose the bill because it did not believe in all of it, which is the National Party’s way of operating, just as it did in the Barnett government. The National Party says, “We will take what we want to agree with, because we are a sectarian party. We do not believe in governing for all of Western Australia, and if we do not agree with even a little part of the bill, we will oppose it. We will blow up the show.” The National Party has a chance to support the legislation it has been advocating for, with increased penalties for trespass, particularly in agricultural situations, yet it is opposing it. The National Party’s constituents and the public of Western Australia will know that the National Party is opposing the legislation that it has been advocating for. If this legislation goes down, it will be on the collective heads of the members of the National Party.

The member for Roe is a farmer, and I respect him immensely. I know that he has great farming practices. He indicated that he might put up a private member’s bill if this bill is defeated. He knows that will never get through. His chance of increased penalties for trespass in this Parliament is with this bill, and he knows that. If the Nationals members do not vote for this bill, they will oppose and vote down their only chance to increase the penalties against trespass in this Parliament. At the next election, the Nationals can say to their constituents that they were concerned about the animal welfare part of the legislation, so they did not pass the laws for an increase in penalties for trespass on properties. The Nationals will go to their constituents and say that there was a bill before Parliament to increase penalties for people who trespass on their land, but they opposed it. I wonder how that will go down with the Nationals’ constituents. I do not think it will go down very well. I think most of the Nationals’ constituents could live with the proposed animal welfare parts of this bill because, as I have said, most farmers have proper farming practices, just as the member for Roe does. If there is no problem and someone inspects their property, there will not be a problem. Why would they be concerned about someone inspecting their property if there was no problem and they were not engaged in animal cruelty? It will be on the National Party’s head if it opposes this bill before us.

I will come back to the bill in a minute. Where does the Liberal Party stand on the bill? I am not sure. I was a bit confused yesterday by the Liberal Party speakers. I hope that they do not feel they need to vote against this bill to

support the National Party, because, as I mentioned, the National Party was never backward in coming forward in opposing government legislation when it was part of government. The Liberal Party has to be very careful with the position that it takes, because I would not think that the constituents who live in the electorates of Churchlands, Nedlands, Cottesloe or South Perth would be happy if their local members opposed legislation that seeks to improve the regulatory regime for animal welfare protection in Western Australia, and, may I say, they would not be happy for the Liberal Party to oppose increased penalties for trespass of activists on agricultural property. The Liberal Party needs to be very careful how it approaches this legislation. There no reason in Liberal philosophy why it should oppose this legislation. It is interesting. Obviously when the Liberal Party makes a decision on this in its party room, which it probably has, Nigel Hallett will not be there. I do not make any comment on the merits of the charges that are facing him, but I will read in an article from *The West Australian* from 30 August 2020.

*Point of Order*

**Mr D.T. REDMAN:** My understanding is that there is a risk that this issue may well be before the courts. I think caution must be brought to the member's attention.

**The ACTING SPEAKER (Mr T.J. Healy):** The member has indicated that he is not speculating about the proceedings before the court. I believe he will be quoting from a media article, and as long as he keeps to that and is not speculating, I will allow it.

*Debate Resumed*

**Dr A.D. BUTI:** The article states —

A former Liberal MP who once served on a parliamentary committee investigating the RSPCA is facing serious allegations of animal cruelty at his Wheatbelt farms.

Nigel Hallett, 67—a former South West Liberal MLC and Shooters, Fishers and Farmers Party parliamentary hopeful—faces 13 charges for allegedly failing to provide adequate food and water to sheep in 2018.

His son Michael Hallett, 34, is facing 21 animal cruelty charges and is due to appear in Merredin Magistrate's Court with his father on September 22.

Two companies owned by Nigel Hallett—Hillview Farm Pty Ltd and Pinehill Farm Pty Ltd—are also each facing four animal cruelty charges.

A company owned by his son—Sunpride Sheep Pty Ltd—is facing 14 animal cruelty charges.

That article is in *The West Australian* and also in *Countryman*, written by Cally Dupe, who I am sure the member for Roe would know, because he is a real farmer, not like most of his parliamentary colleagues in the Nationals WA. While I am on that, the rhetoric we always get from the member for Warren–Blackwood is that we do not care about anything on the other side of the escarpment. What a load of crap, if I may say! Where do members think the member for Collie–Preston lives? I would have thought on the other side of the escarpment. I spent a considerable part of my childhood in the country; my dad was a market gardener in the country. We have many members with agricultural experience. The member for Warren–Blackwood is repeating a very tired point like a broken record. It does not wash with us anymore, because we do not care only for people on the other side of the escarpment; we care for people in Western Australia as a whole. We are not a sectarian party that thinks that our responsibility is to govern for only a portion of Western Australia. We do not work that way and I hope the Liberal Party does not work that way.

**Mr M. McGowan:** The funny thing is, I was born on the other side of the escarpment.

**Dr A.D. BUTI:** The Premier was definitely born on the other side of the escarpment—very much so!

I think I am right that the Labor Party has more country and regional representation in the two houses put together than the Nationals WA by a long way, and probably the Liberal Party on its own.

**Mr Z.R.F. Kirkup:** Well, there aren't many of us.

**Dr A.D. BUTI:** No, there are not many Liberal Party members.

Let us make it clear. The Nationals asked question after question of the Attorney General in this place, such as, “When are you going to bring in new laws to increase penalties for people who trespass on agricultural lands?” That legislation is before the house, and they are going to vote against it. How appalling can they be? We have brought the legislation to Parliament and the Nationals are going to vote against it. The headline in *Countryman* should be “National Party—the sectarian party of Western Australia—votes against legislation that increases penalties for trespass on agricultural land”. That should be the headline because this is typical of the Nationals. They only want to take parts that they feel comfortable with. Why would they not be comfortable with increasing the regulatory regime for animal welfare if they say, and I do not doubt it, that most farmers care for their animals? There is no doubt they do, but in any industry—it does not matter what industry we are dealing with—there will always be rogues and bad apples.

Dr Tony Buti; Mr Terry Redman; Ms Lisa Baker; Mr Ian Blayney; Mr Chris Tallentire; Ms Jessica Shaw; Mr John Quigley

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[Member's time extended.]

**Dr A.D. BUTI:** How do we deal with that? The Nationals say that we should just use the reasonable suspicion criteria. How will we know whether there is cruelty in a lot of animal production if we cannot actually inspect the site?

**Mr P.J. Rundle:** Just walk in.

**Dr A.D. BUTI:** But we will not be able to just walk in, member for Roe. An inspector has to have entry; that is the whole point! I thank the member for Roe: just walk in. Exactly. He should be supporting this legislation. That is what we are talking about: the animal inspector just walking in.

**Mr P.J. Rundle:** So, an inspector can just walk into your house?

**Dr A.D. BUTI:** The animal inspector is going to walk into your house? You have not listened.

**Ms L.L. Baker:** Read the bill!

**Dr A.D. BUTI:** Read the bill—exactly.

**The ACTING SPEAKER:** Member, have you changed your position about taking interjections?

**Dr A.D. BUTI:** I have.

**The ACTING SPEAKER:** Please continue.

**Dr A.D. BUTI:** That was a classic.

**Mr D.R. Michael:** If the interjections continue to support the bill —

**Dr A.D. BUTI:** We will take them!

In answer to my question, “How are you going to know there is animal cruelty?”, the member for Roe said, “Just walk in”. That is exactly right, member for Roe. That is what we are saying: just walk in. He is now talking about houses. It will be restricted to intensive production places such as abattoirs, knackeries and other like places. Do not talk about homes and such; we are trying to prevent activists going to homes by increasing penalties, and the Nationals are going to vote against it. I cannot actually get my head around that. They have been asking for this for so long, and now that it is before the house, they are going to vote against it. Then the member for Roe agreed with us that inspectors could just walk in, and that is how we find out whether there is animal cruelty—by inspecting.

The member for Roe is also an avid sports lover, like myself. He is very well aware of the drug testing regime in sport. That is done on a random basis, as the member for Roe knows very well. Why is it done on a random basis? So that athletes always know they could be tested. If the Australian Sports Anti-Doping Authority called up the member for Roe and said, “I’ve got a bit of a suspicion about you. Next Friday, I’m going come and test you”, what would the member, as an athlete, do if he has been taking prohibited substances? He will stop taking those prohibited substances. The random aspect is a deterrent. That is why we have said that the inspectors will have that power. That is no greater power than they have to inspect restaurants, fish and chip shops, and cafes. Why should they not be able to go to intensive agricultural production places to do the same? What does he think they are going to do when they are there? Get a gun and shoot all the animals? They are going to see whether farmers or whoever are abiding by proper practices, and, as the member said, the overwhelming majority will be abiding, there will be no problem and the inspectors can move on.

**Mr D.T. Redman:** Member, will you take a question by interjection?

**Dr A.D. BUTI:** No, I will not.

They can just walk in. Let us make it clear: there is a bill before the house that increases the penalties for the first time. Even though the Liberal–National opposition had eight and a half years in government, as far as I am aware, it made no attempt to increase the penalties for trespass on agricultural or food production sites—none. Of course, there has been greater scrutiny because of the increase in certain types of activism over the last few years. The opposition has brought numerous questions; it would be great to have a look at the tally of questions the member for Moore has asked the Attorney General on this issue. I ask the Attorney General whether I am right in my assumption that the member for Moore has asked him numerous questions about trespass: “When are you going to bring in legislation to increase the penalties for trespass?” The Attorney General’s nod of the head says it all. The member has asked questions on numerous occasions.

The government has now brought in this legislation, and the Nationals WA is going to oppose it. It is known as the party that allegedly represents the agricultural regions, but it is going to vote against laws that will increase the penalties for trespass on agricultural lands. It is going to be the party known for opposing legislation that would allow those penalty increases. Nationals WA members should not come back with their trickery about private members’ bills, either, because they know that when the member for Warren–Blackwood was minister, he never countenanced private members’ bills from the then opposition. Do not go on about private members’ bills not getting up; he knows the numbers would not allow for it. We have a bill before —

*Point of Order*

**Mr D.T. REDMAN:** The member is forgetting that a private member's bill was passed in the last term of government. It amended the Constitution to recognise Aboriginal people.

**The ACTING SPEAKER (Mr T.J. Healy):** I cannot uphold the point of order, because there is no point of order, but I think the member is trying to say something using a point of order. Member for Armadale, please continue.

*Debate Resumed*

**Dr A.D. BUTI:** The member very well knows that if he brings in a private member's bill, it will not succeed. There is now a bill before the house that will do what the Nationals WA has been advocating for for so long—to increase the penalties for trespass—yet it is going to vote against it. The members who spoke yesterday did not provide any rationale for the Nationals' opposition to the animal welfare part of the Animal Welfare and Trespass Legislation Amendment Bill 2020.

**Mr D.T. Redman:** The fact that there is a review on.

**Dr A.D. BUTI:** Is that the only reason? The review is what normally happens. It is a normal three-year review of the act. That is normal. Is that the Nationals WA's reason—because there is a review on? That does not go to the merit of the bill before us. That is just silly: "We will oppose something because there's a review going on at the moment." What a ridiculous position—absolutely ridiculous! Nationals members have not mounted any arguments of merit for why they are opposing the bill—none whatsoever. As the member for Roe said, to find out whether there has been animal cruelty, we need to inspect; we need to walk onto the property. Of course, if it is restricted to reasonable suspicion, we will not know. As the member for Roe said when I asked that rhetorical question, you find out by walking in. That is what the inspectors will do; they will walk onto the property. Remember, we are dealing only with intensive-production properties. That is all.

**Mr J.R. Quigley:** Exactly. Good point, member.

**Dr A.D. BUTI:** That is all we are dealing with. That just shows the narrow-mindedness of the National Party.

**Mr J.R. Quigley:** Not open-range pastoral properties.

**Dr A.D. BUTI:** No, exactly. It is just amazing that the Nationals would oppose a bill that will increase the penalties for trespass. It is the first time in the history of this Parliament that we have had such a significant increase in such penalties, and the National Party is going to oppose it because a review of the Animal Welfare Act is being undertaken. That is the reason! Give me a break; it cannot be that silly, surely—although it appears it is going to be that silly. The only reason the Nationals are opposing this bill is that a review of the Animal Welfare Act is being undertaken.

As the member for Roe knows, what makes the drug-testing regime in professional sport particularly useful is its random nature. No-one is given any warning that there is going to be a drug test. As members know, if sportspeople try to evade a drug test—as some high-profile footballers have in recent times—that carries a penalty in itself. If they deliberately go missing in action, that also counts as an offence under the drug-testing regimes of the World Anti-Doping Agency and the Australian Sports Anti-Doping Authority.

That is what we are doing. We are taking an incredibly measured position and we are increasing the penalties for trespass, which is what the Nationals WA has been advocating for, and it could be part of a Parliament that will pass that legislation. That would be a great thing for Nationals members to take back to their constituents, so that they could say, "We have passed legislation to increase penalties for trespass." But no; they are going to go back to their constituents and say, "We opposed legislation that will increase penalties for trespass. Why did we do that? Because there is a review going on of the Animal Welfare Act." I mean, surely Nationals members are not being serious. If they are being serious, something has happened in the National Party in recent times.

The Animal Welfare and Trespass Legislation Amendment Bill 2020 is a bill that the National Party and the Liberal Party should support. It is a position that has been reached after careful consideration, and it is a balancing act. I think the Attorney General in his second reading speech talked about how this legislation is a balancing act, but the National Party does not like balancing; it likes 100 per cent or nothing. Unfortunately, life does not work that way, Parliament does not work that way and government does not work that way. Before the member for Warren-Blackwood gets up to speak, I tell him that he has the chance to be part of a Parliament that will agree to increase the penalties for trespass on agricultural lands, but he is opposing it. That is quite amazing. The increase in inspectorial powers is really not an increase, in a sense. Inspectors will still have to behave as they normally would; they just will not have to have reasonable suspicion and, as the member for Roe told us, they cannot find out until they walk onto the property. That is all this legislation will do. I urge the Parliament to pass this fantastic bill. Thank you.

**MR D.T. REDMAN (Warren–Blackwood)** [10.48 am]: I want to make some comments as well on the Animal Welfare and Trespass Legislation Amendment Bill 2020. I was massively disappointed to see the member for Armadale, someone for whom I have the greatest respect, grab the Attorney General's running sheet and roll out the lines the government is going to use to try to wedge this side of the house over a bill that is clearly unpalatable to many people in the agricultural sector. The member for Armadale also said that we had not been over the hill. We talk about representation in regional Western Australia; if I can paraphrase the member for Armadale, he said, "You're in regional Western Australia; we represent all Western Australians." Therein lies the challenge. When the government is in its party room and the member for Collie–Preston wants it to stump up for something to do with regional Western Australia and it goes to the vote, what happens? That mob over there says, "No; we don't particularly like that. We're going to roll into a very city-centric focus on how business is done in Western Australia." That is why the National Party exists. We are unapologetic about representing and standing up for people who live in regional Western Australia. That is where royalties for regions came from.

Several members interjected.

**The ACTING SPEAKER:** Members!

**Mr D.T. REDMAN:** We know what happened at the 2008 election. The royalties for regions program was formed because the regions were missing out. The previous government delivered on that program. Since this mob has been in government —

Several members interjected.

**The ACTING SPEAKER:** Members! Minister!

**Mr D.T. REDMAN:** Give it a rest! Go and have a look at the Kimberley.

Several members interjected.

**The ACTING SPEAKER (Mr T.J. Healy):** Thank you, members! Member, do you seek to take interjections?

**Mr D.T. REDMAN:** I will have the normal banter that I have in conversation.

**The ACTING SPEAKER:** I will say that you are happy to take interjections at this stage.

**Mr D.T. REDMAN:** If the member wants to make formal interjections, of course I will have that discussion.

**The ACTING SPEAKER:** I will ask that you talk to the Chair.

**Mr D.T. REDMAN:** The member for Collie–Preston made an interesting point about pork-barrelling. I think that just over \$7 billion of royalties for regions was spent in our eight-and-a-half-year term. It is interesting that in eight and a half years, \$1 billion of royalties for regions funding went into the Kimberley seat—one seat, a Labor-held seat. Why? It was because it needed it, it was important and there are a lot of very disadvantaged people in that seat—\$1 billion. I am not going to accept the argument from the member for Collie–Preston about pork-barrelling during our term. The royalties for regions program was designed to bring a bit of equity to regional Western Australia. The reason it survived in our time and the reason the National Party exists is that we are uncompromising in our support for people who live in regional Western Australia.

Several members interjected.

**The ACTING SPEAKER:** Members!

**Mr D.T. REDMAN:** I am not going to accept the rubbish that comes from government members about where the National Party sits with its constituency.

Turning to the bill, it has been pointed out by our lead debater, the member for Roe, that the National Party will not support this bill in its current form, and there is a range of really good reasons for that. Pulling together two components that are really quite disparate does not make sense. Blending animal welfare and, essentially, rural crime into the one bill is an effort by the Attorney General to wedge the opposition parties into positions that might not be palatable to their constituencies. That is exactly what has happened. The bill as it stands is not palatable to our constituency, and we are going to represent it. The Attorney General has had plenty of chances. Eighteen months ago, he was asked what he was going to do about it and when he was going to take to cabinet something that he could then bring to this house to address the issue of trespass by animal activists. He said, "Two to three weeks." That fell on deaf ears—two to three weeks! It did not happen. Government members then sat around strategising about how they could do something to wedge this side of the house into getting other components up that had not been properly consulted with the rural constituency and then put forward a bill that would not pass the pub test in the regions.

**Dr A.D. Buti** interjected.

Dr Tony Buti; Mr Terry Redman; Ms Lisa Baker; Mr Ian Blayney; Mr Chris Tallentire; Ms Jessica Shaw; Mr John Quigley

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**Mr D.T. REDMAN:** As the member for Roe highlighted, the government is holding the Legislative Assembly to ransom. It is not delivering what should be delivered.

**Dr A.D. Buti** interjected.

**The ACTING SPEAKER:** Member!

**Mr D.T. REDMAN:** If the member supports the amendments put up by the member for Roe and we deal with the animal activist part of the bill, it will have our support.

**Dr A.D. Buti** interjected.

**The ACTING SPEAKER:** Member for Armadale, thank you!

**Mr Z.R.F. Kirkup** interjected.

**The ACTING SPEAKER:** Member for Dawesville, thank you!

**Mr P.J. Rundle** interjected.

**The ACTING SPEAKER:** I am on my feet, member for Roe. Member for Warren–Blackwood, please speak to the Chair.

**Mr D.T. REDMAN:** The member for Armadale will have his chance when these amendments are put before the house, because there will be a chance to carve out some issues that are still being considered by an independent committee. An independent report will be delivered. He will have his chance to vote. It will be interesting to see where he stands, because the rhetoric he delivers is that the National Party is going to oppose trespass legislation.

**Dr A.D. Buti** interjected.

**The ACTING SPEAKER:** Member!

**Mr D.T. REDMAN:** Of course, he will have the chance to take out the pieces that are not palatable at this time to the people who live and work in regional Western Australia. He will have a chance to support that position.

Several members interjected.

**The ACTING SPEAKER:** Thank you, everyone. Please allow the member for Warren–Blackwood to continue his remarks.

**Mr D.T. REDMAN:** It is kind of down my list a little bit, but the issue of right of entry has to be exercised with some caution. You made the distinction between businesses and houses. I can accept your argument when you make —

**The ACTING SPEAKER:** Member for Warren–Blackwood, through the Chair.

**Mr D.T. REDMAN:** What about other businesses? Right now, if police want to go into a business, they have to get a warrant.

Several members interjected.

**The ACTING SPEAKER:** Thank you, members!

**Mr D.T. REDMAN:** If someone wants to go into a business, they have to get a warrant. They do not have to have a suspicion; they have to get a warrant to do that.

Several members interjected.

**The ACTING SPEAKER:** Members!

**Mr D.T. REDMAN:** If police want to go into a small business, they have to have a warrant to do so. Right of entry has to be exercised with massive caution. Right now, a committee is dealing with these issues and it will report at some point after considering a whole wealth of things that go together, as it appropriately should. This government wants to put that on the table before the independent committee that is having a close look at it reports.

It is really hard to accept that the government is doing anything other than heavy politicking with this bill. The chance was there 18 months ago. The Attorney General said, “I’m over this; I’m dealing with it”, but he did not. He brought together a mishmash of legislation, half of which is ill-considered and half of which is before an independent panel, and then dropped in this place a bill that does not have the support of the agricultural sector. I would have thought that the government would have at the very least consulted and got the support of the sector that will be fundamentally impacted by what is on the table today, but it did not. The member for Roe highlighted in his speech all the groups that answered no when the government asked them whether they supported the bill in its current form. The consultation was not done. The government cannot just walk in with stuff that does not have the necessary work attached to it. That applies to just about everything that comes into this place.

Dr Tony Buti; Mr Terry Redman; Ms Lisa Baker; Mr Ian Blayney; Mr Chris Tallentire; Ms Jessica Shaw; Mr John Quigley

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**Dr A.D. Buti** interjected.

**The ACTING SPEAKER:** Member for Armadale!

Several members interjected.

**Mr D.T. REDMAN:** It has had two years!

**The ACTING SPEAKER:** Thank you!

**Mr D.T. REDMAN:** Go back and have a look at how regional Western Australia was fundamentally transformed and built in the last term of government, yet this government is saying that it has had two years. It was a massive agenda.

Several members interjected.

**The ACTING SPEAKER:** Members, thank you very much!

**Mr D.R. Michael** interjected.

**The ACTING SPEAKER:** Member for Balcatta, I call you to order for the first time.

**Mr D.R. Michael** interjected.

**The ACTING SPEAKER:** Member, I am still on my feet! I call you to order for the second time. Member for Warren–Blackwood, please continue to make your remarks to the Chair.

**Mr M.P. Murray** interjected.

**The ACTING SPEAKER:** Minister!

**Mr D.T. REDMAN:** I think the member for Collie–Preston is the best minister for seniors ever!

The National Party will move amendments to split off the animal welfare component, as it rightly should.

Several members interjected.

**The ACTING SPEAKER:** Members!

**Mr D.T. REDMAN:** It is because the government has some consultation work to do in that space.

**Dr A.D. Buti:** Why?

**Mr D.T. REDMAN:** It will have a community report to consider in that space. That is why.

Several members interjected.

**The ACTING SPEAKER:** Member, thank you very much!

**Mr D.T. REDMAN:** On top of that, if the government does not support that position, to reinforce the position of the Nationals WA, the member for Roe has also done work on preparing a private member's bill.

Several members interjected.

**The ACTING SPEAKER:** Members!

**Mr D.T. REDMAN:** That will be a chance for the government to support what the member for Armadale has said in this place: do we support legislation to deal with animal activists? Absolutely.

Several members interjected.

**The ACTING SPEAKER:** Members, please allow the member for Warren–Blackwood to continue his remarks. Thank you.

**Mr D.T. REDMAN:** The member for Roe's private member's bill, and some of the amendments he has put up, deals with not only the issues that we are trying to chase and that the government is trying to tell us we want, but also it expands and improves it because it increases the impact along the supply chain to include saleyards, ports, road train assembly areas, supermarkets, restaurants, agricultural colleges and ag shows. It makes it better.

Several members interjected.

**Mr D.T. REDMAN:** He is improving it.

Several members interjected.

**The ACTING SPEAKER:** Members! There are so many conversations going on—of very high quality!—but, member for Warren–Blackwood, please continue your remarks, without interjection. Member for Warren–Blackwood, do you seek to take interjections?

Dr Tony Buti; Mr Terry Redman; Ms Lisa Baker; Mr Ian Blayney; Mr Chris Tallentire; Ms Jessica Shaw; Mr John Quigley

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**Mr D.T. REDMAN:** I am happy to converse, so I will take an interjection —

**Dr A.D. Buti** interjected.

**Mr D.T. REDMAN:** I have not finished talking yet.

**Dr A.D. Buti:** Has the private member's bill been drafted? We have only about seven weeks of Parliament left. Has it been drafted, member for Roe?

**Mr P.J. Rundle:** Yes.

**Dr A.D. Buti:** It's fully drafted, is it?

**Mr D.T. REDMAN:** It is ready to go.

Several members interjected.

**Dr A.D. Buti:** Did you consult? Who did you consult?

Several members interjected.

**Mr D.T. REDMAN:** Do you know what? It should have been dealt with 18 months ago. That is the issue.

**Ms L.L. Baker:** How long has consultation taken place in the community?

**The ACTING SPEAKER:** Member for Maylands!

**Ms L.L. Baker:** Sorry.

**The ACTING SPEAKER:** I believe you were taking interjections. Have you finished interjecting, member for Armadale?

**Mr D.T. REDMAN:** I believe so, because he has left the chamber. He does not seem to be happy with my response, Mr Acting Speaker.

**The ACTING SPEAKER:** Can you take an interjection?

**Ms L.L. Baker:** Thank you.

**Mr D.T. REDMAN:** Member for Maylands.

**Ms L.L. Baker:** Sometimes I think my voice is not well heard in the house so I have to yell. I was wondering, given you were worrying about the consultation process for the amendment bill that was turned over two years ago, how long you have been consulting on this new private member's bill with your community?

**Mr D.T. REDMAN:** Member, can I make the point that the issue of animal activism has been on the table for 18 months. The view we held was that the government was dealing with that, but 18 months later it has not dealt with it. What was presented was the Animal Welfare Amendment Bill that contains a mix of animal welfare as well as animal activism issues. I think it was mentioned by the member for Roe in his speech that we have received direct feedback from a range of groups, and the distinct view was that they do not accept this bill in its current form. That view was held by the constituency we represent.

**Ms L.L. Baker:** So you've been consulting on your private member's bill for 18 months?

**Mr D.T. REDMAN:** No; that is not right because the private member's bill has only just been drafted because it is in response to what the government has put on the table. Had the government put on the table issues to deal purely with animal activism, I am sure it would have got the support of the opposition, certainly the support of the National Party. However, the government's bill blends in other stuff, so it is unpalatable to the people we represent. That is why the member for Roe has done the yards; he has a private member's bill ready to go. I will not accept an argument from government suggesting that the National Party is not taking a harder line on animal activists—we are absolutely, to the point at which we have a private member's bill ready to go. The government cannot bring in a bill that contains a whole lot of other stuff and say that as a product of that, we are not running a line on animal activists. That is absolutely not right at all.

I want to make the point again that the member for Roe has done some yards on this. Through our bill, and I think the amendments, we have improved the component of the bill on the table now to do with animal activists and to expand the agricultural supply chain that the bill will apply to. That is more than reasonable. There were even protests outside my good friend Vince Garreffa's business. Vince is a gourmet butcher who does fantastic work in promoting and fundraising in a range of not-for-profit areas. He does not do that work just within his business area; he has a high profile and people have been protesting outside his shop. I do not accept that at all and I do not think it is fair on his business.

There is an issue here, a component of which relates to an independent report being done. It is appropriate that it run its course. If that report is independent, it will inform the house, as it rightly should, of some of the more nuanced parts of this bill to ensure we get it right. However, I want to restate the point that in its current form, the National Party will not accept this bill. The ag sector certainly does not want the bill and the government has not made the case that the current act does not deal adequately with the animal welfare component. I do not think it has made that case, and, indeed, some of the report findings may well play out that way. I really struggle to see the play being made. I am told the Attorney General said yesterday, I think by interjection, that he was the one who came up with the idea; no-one else fed it to him. It would have had to go through cabinet. I can see him prosecuting the case in cabinet. He would have said, “Guess what? I’ve got a way to deal with these little National Party people across the other side. They’re going to be a thorn in our side. I’m going to package this little bill up. This is the bit they want and this is the bit they think needs some more work, so let’s put it all in there and see how they go.”

**Mr M.P. Murray** interjected.

**Mr D.T. REDMAN:** I can see him across the other side of the cabinet table smirking away, saying, “I’ve got an answer to this.” The member for Collie–Preston would have been sticking his hand up, I am sure: “Yes, I like that; I don’t like those National Party people down there, so let’s take that forward.” It would have rattled around the table. The Premier would have put the stamp on it and signed it off: “Let’s get these recommendations in and get it out there. I have to deal with the 18-month bit; that’s my solution to that. I had other stuff to do; I had to deal with the member for Maylands. That’s my solution to that. I had to deal with those pesky National Party and Liberal Party members. This is the solution for them.” I can see how it happened and I can see how it was brought into this place. It is politics 101. The government has attempted to drive an agenda here that is unpalatable to a big part of our constituency, but what it did not account for was the member for Roe, who has done the yards on consultation and on getting a private member’s bill on the table, so he has the answers despite the political games being played by the government.

Unless this government supports the National Party’s amendments, we will not support this bill.

**MS L.L. BAKER (Maylands — Deputy Speaker)** [11.06 am]: I am not sure that I will like standing here because I will not be speaking to many people!

I think members who have been in this place for a while and heard me speak, will understand that I do not very often speak without evidence or without citing that evidence. All my evidence is current—that is, within the last three to five years, if not the last 12 months. I will refer to some documents. I have tried really hard to listen to all the speakers on this Animal Welfare and Trespass Legislation Amendment Bill. I understand that it is challenging and I understand some of the concerns that have been raised. I think part of the issue is that personal experience is incredibly valuable when making decisions of this nature. However, it is really important to have a broader perspective about the historical and cultural context within which law is made on a particular topic. I will take this opportunity to try to address some of the concerns that the member for Hillarys raised. I find myself in furious agreement with one of the statements the member made, which he made several times. I hope the Nationals WA heard what he said. The member for Hillarys said words to the effect that this legislation will not stop activism. He is quite right. It will not stop a very small number of people from continuing to object to what their view of the world says is wrong. We know that we cannot do that in legislation. We know that from watching activists throughout history on a whole range of fields, whether it be religious, social or racial activism, or whatever else it is. We know this legislation will not stop people who feel very, very angry and have a different viewpoint.

I read a quote in the media either yesterday, or perhaps this morning, from the member for Roe, who stated that he thinks increasing the penalties in the illegal trespass provisions to \$24 000 and two years’ imprisonment will stop people. I am sorry, but it will not. However, it will send a clear message to people who seek to do things that are illegal, and who have the capacity to understand, that this law will make jail time more likely and the fine against them more real. In my view, that is the aim of that part of this legislation.

The other side of this issue, which is very important, is the cultural and historical perspective within which the very balanced views in this bill have been put. By the way, I am referring directly to research that has been published by the agriculture industry itself in the last 12 months. I am sure that National Party members, as people who represent the industry, would be very much across the Futureye report, the Victorian Parliament’s report on its inquiry into the impact of animal rights activism on Victorian agriculture, and the report by the Department of Primary Industries and Regional Development of November 2019, “WA Primary Industries Stakeholder Interviews Report”. That report, which was done as part of the Food Alliance WA DPIRD Trust in Primary Production project, in conjunction with DPIRD, WAFarmers, the Western Australian Fishing Industry Council and the Grain Industry Association of Western Australia, is about trust in primary production. I am not talking about any documents written by radical activists, or any documents written outside of the agriculture sector itself.

I also want to remind members that about two years ago, when we were talking about meat and food production, I think the member for Moore—I could be wrong; it could have been the member for Geraldton—said that he understood that farmers will have to be more transparent in the future if they wish to keep their social licence to operate. That is in *Hansard*. That was a very astute and correct comment. He gets it. I know that the other National Party members understand that, too. I know that they represent a group of people, and I value their input into this piece of legislation because of that.

I want to give members some context. These debates started in the United Kingdom back in 1964 when the British Parliament formed the Brambell committee, which investigated and released the five freedoms of animal welfare. In Australia in 1975, a guy called Peter Singer published the standalone document *Animal Liberation*, which started those debates here. Over the ensuing years, we have had the establishment of groups like the Animal Liberation Front in the UK, a very militant group; the Animal Legal Defense Fund in 1979, another fairly militant group; and People for the Ethical Treatment of Animals in 1980, which all drew attention to issues around intensive animal production facilities. In 1980, the RSPCA formed organisations in every state of Australia, which also championed the right of animals to be treated fairly. Animals Australia was also founded at that time.

In the ensuing years since the mid-1980s, unfortunately, the live export scandals have thrust again and again into clear public view the issue of animal rights and the treatment of animals. The first Senate review into live exports was completed in 1985 and proposed that on welfare grounds, the long-term solution would be to phase out the live trade and replace it with refrigerated meat exports. Since that time, the public in both regional and urban Australia has been confronted again and again with the atrocities associated with the industry. In 2002, four shipments of sheep recorded the highest death rates during export to the Middle East, when 15 000 sheep died. By the way, what I am quoting is all from the department of agriculture's own documents. In May 2011, *Four Corners* aired the program "A Bloody Business". In July 2011 and in March 2018, there were more live export debacles. A couple of weeks ago, 6 000 pregnant cows drowned off the coast of Japan in the live export industry.

The issue of farm animal welfare is moving in a cultural context from a discussion at the periphery to a discussion at the centre. We need to understand the glide path for that culturally. I want to read to members a bit about the social change theory that has been postulated by the agriculture industry to explain what is happening. The social change theory is a kind of universal theory, but when it is applied to livestock and agriculture, it is very pertinent. At some point in the debate, probably back in 1964, the level of social change was just emerging with those kinds of books being published and that kind of academic work being done around the treatment of animals. As we have moved through time up until today, we have gone through a social change called popularisation, which is special interest groups calling for specific regulations, and industry dismissing the need for external regulation and saying, "We've got it covered. We don't need any help. It's all okay. Everybody look away." We have moved on from that to a challenge in which regulators begin to set agendas for new policy, but industry still tends to insist that self-regulation is sufficient. That rings a bell for me when I listen to my National Party colleagues. The industry that it represents is still calling for self-regulation as a sufficient level of coverage. The relationship is now under strong public scrutiny and conflicts of interest are drawn into question. The regulator is criticised for failing to punish breaches. I think that with this legislation we are trying to stop the criticism that we are failing to punish breaches. Self-regulation remains, but it is becoming shaky. The governance stage of social change is the second last on the path towards achieving lasting social change. Governance occurs when regulations are tough but aligned with public outrage, rather than industry self-regulation on its own. Self-regulation is weakened, and the regulator comes under more intense scrutiny to prove that what it is doing is working. Enforcement has to be demonstrated and publicly communicated. The dialogue is about cracking down and pulling the industry into line. Self-regulation becomes untenable.

Do members understand that on the continuum of social change, we are moving from a place 30 years ago when this was an emerging issue and hardly registered publicly, to a space now when we are under strong pressure? I heard quite a few times members say that this is a city versus country issue. Again, I turn to the industry's own words and quote the following about the social maturation curve —

The social maturation curve has demonstrated that over the past eight years, there has been a steady increase in the social maturation of farm animal welfare. This growth —

That is, of moving into a more regulated environment —

reflects an increasing degree of media attention, activism and critical debate, as well as a growing portion of the population's awareness around the issue of farm animal welfare. The curve shows that this trend will continue to grow in coming years, suggesting increasing sections of the population will become informed and will be drawn into the debate on animal welfare.

I will stop there; it is growing. National Party members are quite right to call for stronger regulation, and that is what we are doing. However, the agriculture sector understands that there must be a balance. If we simply bring in penalties, we will not effect any kind of meaningful support for the industry in the long term. I am not the one

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saying this; the agriculture industry has said this in two massive reports. I am very sad if National Party members do not know about these reports, because this is goddamn integral to this debate. Members are representing their people. They should have read this. Members should be able to quote this line for line to me. It is very clear that this is not an issue of urban versus regional; this issue resonates across both demographics. It is not the country versus the city. It is about an emerging issue across the whole of our community. Again, that is cited very clearly in the paperwork that I am quoting from today.

I refer to the debates around whether this is a balance or is looking only at animal welfare and trying to combine two completely mutually exclusive agendas. It is extremely clear, because the industry knows it is absolutely critical that it looks at both sides of the debate if it wants to continue with a social licence to operate. I refer to the “Food Alliance WA DPIRD Trust in Primary Production Project: WA Primary Industries Stakeholder Interviews Report” of 2019. The report states —

**The Food Alliance WA DPIRD Trust in Primary Production project aims to establish a baseline understanding of the level of community trust in Western Australian primary industries, share insights from best practice approaches to building and maintaining social licence, ...**

This is what the whole report is about: how does the industry keep on doing what it is doing with the public support that it needs? We need the food that it produces—that is never going to change—but there has to be an ongoing level of community support. The key insights in that report are —

- There is **huge value in maintaining ongoing conversations** with key stakeholders and thought leaders to listen to the current concerns and issues.
- ...
- **Ongoing ‘listening’ and engagement** are essential to any industry effort to build and maintain trust.

Trust is the key thing that is needed for social licence. That is what this report is telling me. The report continues —

- Industry can do much to **improve how it communicates** with the wider community, and how it develops consistent and clear messages ...

Do members know what? That means transparency. Both these reports use the word “transparency” on almost every page. The problem that the agricultural sector has is that people do not trust it anymore. What started 30 years ago as being a small number of people who were firstly aware of the issue and secondly held concerns about the treatment of animals is now a burgeoning group of people. These contemporary reports from this and last year are telling me that the industry knows that this is a problem and it wants to fix it. Members do not fix it by blocking a piece of legislation that attempts to do both things in a very non-confronting way.

**Mr P.J. Rundle:** They are two separate subjects.

**Ms L.L. BAKER:** Has the member not listened to anything I have said? The member has clearly not read any of his own rhetoric. The industry itself is telling the member’s membership base absolutely clearly, in black and white, that if one is stupid enough to not address both, one will fail. In fact, somewhere in these two documents it says, “What happens if you don’t do this? You fail.” It says it in black and white. Primary industries stakeholders have said it to the Western Australian public: if we do not get this right, we are screwed. And here members are, not understanding that we are trying to balance illegal trespass. Let us just talk about the numbers for a minute. I hear the member say, and I totally agree, that the number of farmers who are actually doing the wrong thing is tiny—absolutely. That is the part of the member’s argument that he makes about why we should not have better inspectorate roles; mostly, people are doing the right thing. I want the member to think about the other side of the picture. Does he know how many members the direct action group has? This is the illegal trespass that we are trying to deal with. That group has six members.

[Member’s time extended.]

**Ms L.L. BAKER:** When the member said that there are not many farmers doing the wrong thing, there were six people in that direct action group, and I think two of them have been put in jail or fined. It is patently ridiculous to have to draft new legislation to address six people. But I go back to something I said before, and that is that those six people have a powerful social media presence. The public becomes absolutely outraged when it sees these instances, and this is what the member has to try to reflect for his constituency. It does not matter that someone is doing the right thing; perception is everything. If we fiddle with the laws for trespass and put more people in jail—great! It makes people feel good; I get that. But will it stop the problem? No, it will not. Absolutely unequivocally it will not. It did not stop people from protesting in the Black Lives Matter movement. It did not stop Rosa from sitting in the white section of the bus. Increasing fines and jail time will never change social attitude. What changes social attitude is when a growing minority—and I say that absolutely—of people are exposed more and more to information that is filtered by a particular perspective. That is what is happening. The industry has to learn how to

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communicate properly what it is doing right, and we are trying to help it to do that. It needs to be caught doing the right thing more often than not.

Let us assume that we get this regime through, this amendment bill passes, and we get the inspectorate role in. It is not going to make any difference to farmers. It is not coming into their houses. I understand that farmers think of the whole of their area as their home—the house, the sheds and everything. I do, too. If you go into my stables, I will kill you! I am exaggerating there a bit; I would not. But I totally get that. People have to understand that if somebody comes onto my property and looks at my stables and finds something wrong, I will fix it. But if they come onto my property and find me doing the right thing, that is a tick, and when it is added up at the end of the year, the Department of Agriculture and Food can say that it has randomly inspected 20 farms, or 20 commercial production facilities in this instance. I do not want to confuse anybody; we are not inspecting farms. We are inspecting commercial facilities, abattoirs and slaughterhouses, not farms. That is a good thing, because the industry can trumpet that from the highest mountain it can find in the Stirling Range. It can say, “Of the audits that have been done, 99.9 per cent of people were doing the right thing.” That is continuous improvement. That is a sensible attitude. Members know this to be the case, and to not support a balance in these issues is simply counterproductive and completely counterintuitive to the way the world is moving.

I want to turn back to some of these reports and give the house a little bit more information about why it is important to have a balanced approach to this issue. Obviously, I have referred to what is known as the Futureye report, which talks about balancing animal welfare and the rights of the farmer to produce food for the constituency. The Victorian upper house inquiry into animal activists condemns animal activist trespassing but makes a number of recommendations to strengthen animal welfare compliance. I will read those. First, I will read the key themes the committee came up with. This is not a group of radical lefties; this is a Victorian Legislative Council committee.

This is a report from last year. The chair’s foreword highlights the three themes that the committee came up with. Firstly, it needs to find how to support the rights of farmers and everyone in animal agriculture to do their job without fear. The second theme was to reject activists who break the law and intimidate farmers, their families and staff, and other workers in the sector. I am sure members all agree with that. The third theme was the awareness that public confidence in the industry and in its animal welfare practices protects the sector from unfair and misleading criticism. I think that might be what I have just been talking about for the last 20 minutes. What we are doing is protecting the sector, and members should be able to understand that, rise above what they have been saying in this house and actually do something positive for their sector. The report of the Victorian Economy and Infrastructure Committee inquiry into animal activism states —

We know that not everyone who wishes to see humans switch to a meat-free diet is a threat to the animal agriculture industry.

I am pleased about that because some of us sit with members in the house who have a meat-free diet. The report continues —

Some simply would like to see farmers stay in business by producing different food.

...

The Committee was concerned to learn that there is a great deal of misinformation in the community regarding modern animal welfare practices and legislation. Some activists exploit this to gain public support for their illegal actions.

Yes, they do. That is why we are telling members opposite that we need a balance. The report continues —

So while it may seem that many of the recommendations focus on animal welfare, they actually provide extra protection for the animal agriculture industry by ensuring well-informed consumers maintain confidence in the sector.

Nationals WA members are advocating to tighten the penalties, but that will not achieve what they have set out to do anyway. It will not keep activists off farms. That some members have turned their backs on a balanced view that will give far greater protection to farmers and animals is stupid. I am sorry I cannot put it any other way; it is just plain stupid.

Western Australia is currently the only jurisdiction in Australia that does not have routine animal welfare inspections of livestock production facilities. I am going to say that again because it is really important. Members tell me that the government has not consulted on this issue, but it has been kicking around for years. I have been in Parliament for 12 years, and during that time, neither the Nationals nor the Liberal Party have voted to support one positive change on animal welfare. Can the member come up with an example the Nationals have supported? I sat and watched —

**Mr I.C. Blayney:** How many have there been?

**Ms L.L. BAKER:** There have been three counting this one. Guess what? They were all brought in by a Labor government. Nationals WA members would not have put any of them on the table, because despite telling us that they support animal welfare, when it comes to the crunch, they vote to oppose all of them. I sat in the chamber and watched the Nationals oppose the puppy farming legislation. Seriously, guys! That is not the way to win the hearts and minds of anybody.

**Mr P. Papalia:** If we had koalas, they would be opposing that, too.

**Ms L.L. BAKER:** Let us oppose the quokka. Let us find —

**Mr P.J. Rundle:** What about the working dog amendments? Why wouldn't you include the working dog amendments?

**Ms L.L. BAKER:** The member opposed —

**Mr P.J. Rundle** interjected.

**Ms L.L. BAKER:** I am sorry; the member is a little off track with that comment. The Nationals opposed the puppy farming legislation and oppose the amendments that will give better rights to inspectors, which is what we are trying to do with this legislation, to strengthen farmers' protections.

Western Australia is the only jurisdiction in Australia that does not do routine animal welfare inspections in production facilities. Having routine, proactive inspections demonstrates a commitment animal welfare that is becoming increasingly important with international trade. Nationals members have spoken before about international trade links. Good animal welfare practices will be increasingly influential with free trade with the European Union and the United Kingdom, which are both moving towards tightening up animal welfare, despite Brexit. Industry should be embracing a commitment to animal welfare as a means of securing sustainability and trade. If WA continues to be the only state unable to demonstrate a proactive animal welfare compliance regime, it will compromise our trade negotiations.

Simply locking up activists without being able to demonstrate a proactive commitment to compliance will backfire on the industry. That is a fact that Nationals have told me and the Australian public. The three reports I have here are in the words of members opposite. In my last few minutes, I will read the major findings of the report "Australia's Shifting Mindset on Farm Animal Welfare, which I have quoted a lot, commissioned in 2018 by the federal Department of Agriculture and Water Resources. The report found that there is a high level of concern about the treatment of farm animals and current regulation. In fact, according to the report, 95 per cent of rural and urban people are concerned. There is a concern about the regulatory reality and a perception that at the moment governments are not doing the right thing. There is a gap between the expectations of society around farm animal welfare and the regulatory reality and the public is demanding stricter regulations. The report also found that there is an increasing tendency for the public to align with the views of activists because they see activists are the only way of getting true information about what happens on farms.

There is a serious problem that we are trying to help people fix, yet they claim we are putting forward an unbalanced and biased view. All I can say to Nationals members opposite is: wake up and smell the roses. If they seriously think that the agricultural industry is lying as represented in the Food Alliance WA Trust in Primary Production project, in the Victorian Parliament's inquiry into the impact of animal rights activism on Victorian agriculture, in the report "Australia's Shifting Mindset on Farm Animal Welfare" and probably another four of five documents I have not chosen to cite today, I am very sad for them. This is their constituency that is saying these things. I am not being selective; I have given members the good and the bad parts. I have said that I agree that if we do not properly manage communication about farming responsibilities, compliance and how farmers do their work, that body of knowledge will be unfairly biased in one direction. The Nationals are stopping that process by arguing that we should not have a better inspector regime. They are saying, "Don't tell people what we are doing." That is the subject of every one of these reports—transparency and trust are equal sides of the same scales of justice on this issue. Members need to understand that. National Party members do a very good job coming into Parliament and arguing for their base, but they need to go back to their base and tell them that they understand what they are saying. They should not only parrot what some sectors are saying —

**Mr P.J. Rundle:** We understand what they're saying. They're saying this is not appropriate.

**Ms L.L. BAKER:** Then they are not the hundreds and hundreds of people, including thought leaders, who are quoted in these reports. I am sad for the member.

**MR I.C. BLAYNEY (Geraldton)** [11.36 am]: I want to speak briefly on the Animal Welfare and Trespass Legislation Amendment Bill 2020. I appreciate that the government Whip slotted me in, so will not take very long.

There are two separate issues here, which I think is the nub of the problem—that is, the trespass legislation that has been promised for 18 months and the animal welfare legislation that has been floating around for nearly as long,

if not longer. We obviously feel we are being presented with a quid pro quo. If the Animal Welfare Act is currently under review and we are waiting for the national legislation—is that right?

**Ms L.L. Baker:** I think that is partly the issue but the member would have to speak to the Minister for Agriculture and Food.

**Mr I.C. BLAYNEY:** I think that legislation was put off before because we were waiting for national legislation and, as was said, a report is being done. Previously, the feeling was that we would be better off waiting until that national legislation was in place. The trespass legislation was promised in three to four weeks—18 months ago. I think if it had come to Parliament, it would have gone through pretty quickly, and we would not be having this argument. The federal legislation to deal with the electronic side of it was done quite quickly. There were no arguments about it.

The member would be well aware that, especially in the intensive agriculture area, farmers are rapidly adopting quality assurance programs with welfare measures built in to them. I do not think we would have welfare issues with many intensive animal producers because, frankly, they would just go out of business. The margins are so tight that only the good operators are still there. I reiterate that the industry associations have expressed concern about this legislation—WAFarmers and the Pastoralists and Graziers Association. The Attorney General had something to say about the PGA being involved in this. They see themselves as speaking for all primary producers, who have a particularly strong belief in the free market. If they think an agricultural industry is being encroached on by government, marketing bodies or whatever, they will take up their cause, whether those people are members of the Pastoralists and Graziers Association or not. That is just a PGA thing.

**Ms L.L. Baker:** Member, you represent a broader community than just the people represented by the PGA and WAF, don't you?

**Mr I.C. BLAYNEY:** Of course. I do not think it would be 30 per cent of growers who are members of either organisation. There are also the West Australian Pork Producers Association, the Commercial Egg Producers Association of Western Australia and the Livestock and Rural Transport Association of Western Australia.

I think it is fair to say that this trespass legislation should probably cover livestock transporters, saleyards, live export ships, supermarkets, butcher shops and restaurants—the whole chain. It should not just be directly agriculture. People fail to understand the very real sense of isolation and fear that a lot of people in rural areas feel if people come onto their property. Even if they call the police and the police are able to leave straightaway, they could easily be an hour away, and a lot can happen in an hour. That is quite an important issue.

Can the member for Maylands tell me how the power of the designated general inspector in this legislation is different from the current situation, by which they can get a warrant from the police and enter a premises immediately?

**Ms L.L. Baker:** I would really love to have the Attorney General in here, because it is his legislation. My understanding is that this designation allows qualified inspectors—only DPIRD inspectors; not the RSPCA or anyone else—to randomly check commercial production facilities. They do not have to ring and give you two days' notice; they can come on.

**Mr I.C. BLAYNEY:** My understanding is that if they get the warrant from the police now, they can go straight onto the premises anyway. They do not have to give the 24-hours' notice; they just have to have a suspicion.

**Ms L.L. Baker:** Absolutely, but that is reasonable suspicion. That is the problem, as you well know, with the Animal Welfare Act as it exists at the moment. That is why we are trying to get this through.

**Mr I.C. BLAYNEY:** How will it be proven that there was not reasonable suspicion?

**Ms L.L. Baker:** That is a very good question. How do you prove that there was?

**Mr I.C. BLAYNEY:** It cannot really be questioned. If an inspector turns up on the premises, they must have had the suspicion.

**Ms L.L. Baker:** If only that worked, we'd be happy, wouldn't? We would both agree. The evidence shows that it hasn't worked; that's the problem.

**Mr I.C. BLAYNEY:** My understanding is that under the existing rules, there have been about 1 100 cases of entering premises.

**Ms L.L. Baker:** Is it 1 100?

**Mr I.C. BLAYNEY:** That is a figure —

**Ms L.L. Baker:** In how long?

**Mr I.C. BLAYNEY:** Is quite a long time—probably 10 years.

**Ms L.L. Baker:** I didn't think it was very often that it happened.

**Mr I.C. BLAYNEY:** Yes. That is another point to be taken. There has been a change in who is appointing the person and who can be appointed—those two issues were addressed. I do not think there is a huge difference between the two positions, and that is one of the unfortunate situations here. I suspect they are not too far apart, but the government has dug in.

**Ms L.L. Baker:** I remember talking to the Minister for Agriculture and Food when the amendment bill was first drafted and was going through a couple of years ago, and she was really keen that this was about trying to deal with specific issues that had arisen that could not be prosecuted because we didn't have the right legal mechanisms in place to be able to prosecute under the national standards. We hadn't adopted them, and therefore we couldn't prosecute. I have my own view about that, but the minister decided that her legal advice was that we needed to have that. It's a complex legal argument. Some QCs will tell you that we don't need it, we can do it, but other QCs will say you absolutely need it. The only evidence we have that you need it is that we lost the Moola Bulla case badly.

**Mr I.C. BLAYNEY:** Okay. I will move on anyway.

We are still waiting to hear what will happen about the massive cattle losses at Noonkanbah and Yandeyarra a couple of summers ago. The concern about animal welfare in this case seems to be a bit selective.

It is a bit off track, but I have been following the issue of African swine fever quite closely. It is a huge production issue and also a huge animal welfare issue, because about 90 per cent of pigs that are infected die. Its impact, particularly in China, has been huge, resulting in about a 30 per cent drop in pork production, and that is China's staple meat. With COVID-19, the rest of the community has suddenly realised what farmers have been on about for decades, and that is the importance of biosecurity. One of the good things that might come out of COVID-19 is that we might understand how important biosecurity is to keep, thankfully up until now, African swine fever out of Australia. It is really quite scary. I saw the other day in the paper how many hundreds of kilograms of meat have been taken off international passengers, and for a fair bit of time now we have not really had any international passengers coming in, so it was probably only over a six-month period. The amount of meat being brought in was absolutely terrifying.

**Ms L.L. Baker:** Can I make just a quick comment about the diseases we are now becoming familiar with. I was speaking to a veterinary surgeon a couple weeks ago who, much to my surprise, informed me that all of the current flus and major viruses that we have in the world come through from transmission in intensive production facilities, where animals pick up the food and eat it in small areas such as that. I am interested in whether you have heard that or not; that is, all the flus, flu A and B, and these kinds of viruses, come through the food chain.

**Mr C.J. Tallentire** interjected.

**Ms L.L. Baker:** Yes, there is someone qualified, too.

**Mr I.C. BLAYNEY:** Which one was it?

**Mr C.J. Tallentire:** The BSE scandal was through poor management.

**Mr I.C. BLAYNEY:** Yes.

**Ms L.L. Baker:** I agree that biosecurity is a big issue, but we are talking about transferring these things from insects and bats and the like into the food supply in intensive farms. That is where we should be focusing, I think anyway. It was interesting.

**Mr I.C. BLAYNEY:** Good point. As I said, COVID-19 has probably taught us that biosecurity works and how important it is.

The only other issue that I want to talk about for a minute is that when I was the shadow Minister for Agriculture and Food, Mike Nahan gave me a job to come up with a better model, if you like, for agriculture. Quite a few people recommended that I look at the University of Nebraska. When I was talking to someone there, I asked what functions its department of agriculture had. He said that only a couple of hundred people work in it, and it is purely a regulatory agency. In other words, it does all the nasty stuff, such as prosecuting and things like that. All the other functions, such as research, Nebraska Extension, a youth organisation called 4-H, rural social work and the like, is run out of the university, which is one of the big American land grant universities. That was the model I decided we should adopt here. I was thinking about this this morning and the situation in Western Australia in the 1950s and 1960s, when we were clearing a million acres a year or whatever it was. Anyone who gets a chance should visit the little town of Jerramungup, which was where furious development was happening. It was almost like a military structure, because they were returned soldiers. A bloke who had been an officer in the Army was running the whole thing. It was very much a top-down directive. It was the same at Kununurra, when the Ord was being developed and cotton was being grown up there—growers were told when to spray their crops and everything

like that. We do not do all that stuff anymore. I really think we would do the industry and everyone a favour if the regulatory powers of the Department of Agriculture and Food were separate from the advisory role. I have had farmers say to me, “I don’t want any mongrel from the department of agriculture on my farm.”

**Ms L.L. Baker:** It is a conflict of interest.

**Mr I.C. BLAYNEY:** It is a conflict of interest, and I think that regulatory power deserves to sit in a separate body. That was my contribution to this debate.

**MR C.J. TALLENTIRE (Thornlie — Parliamentary Secretary)** [11.49 am]: I am very pleased to speak to the Animal Welfare and Trespass Legislation Amendment Bill 2020 and I commend the Attorney General for bringing it to this house. I note that it deals with two sides of the same coin. I will get to that, but first I want to note that I am following on from a speaker who went to the same tertiary agricultural institution that I went to, which was then known as the Muresk Institute of Agriculture. That says something about this little myth that goes around that Labor does not have strong agricultural credentials. That is completely false. It is a myth put out there by some very unqualified people and is a populist, lazy line. The truth is that I hail from a family of generations of farmers. I have owned properties myself. I know a little about the member for Geraldton’s and Hon Colin de Grussa’s farming history—he is another former student of Muresk—and I would say that I have probably spent more time around cattle yards than anyone else in this chamber or the other place. I stand to be challenged on that, but I would say that I have a lot of experience with working with cattle and especially animal welfare issues around cattle. I will come to that later.

Essentially, this legislation is very clever, simple and elegant in that on the one hand we will constrain people from doing what we might term “self-inspections”, which will become trespass events. We want to restrict those and impose penalties for doing that, so we will be taking away that ability. But on the other hand, we are enlarging the inspection service. It is very elegantly constructed legislation to make sure we have the capacity for inspectors to get out there. It is rather like what we see with restaurants. We all like to eat in a place and know that we are eating somewhere safe. How is our confidence maintained in the health and hygiene standards of the places that we go to eat? It is maintained because we have an inspection service. Environmental health officers from local government can go into a restaurant and do an inspection, and they can do it unannounced, if necessary. If that sort of inspection service applies to eateries and restaurants, why should it not apply at the point of food production, the places where animals are raised? To me that seems perfectly reasonable. We need to broaden our regulatory services to maintain consumer confidence. The member for Maylands made that point very well. The community is desperate for reassurance that the standards are maintained in our food production systems, and that includes animal welfare standards. I am pretty sure that whenever Coles advertises meat, it always talks about it being RSPCA approved, because Coles has done extensive market research and knows that its consumers expect decent standards that are underpinned by independent regulations. Consumers expect that, and when they find out that there are no regulatory standards, that is when a company really feels the backlash and suffers a crisis in consumer confidence. We see that erosion of confidence and the company suddenly finds that it has big problems marketing the product.

As I said, I hail from generations of farmers. A general saying is that if you look after your animals, they will look after you. There is a lot of truth to that, but in reality, no-one needs a qualification, a degree or a certificate to own and run a farming enterprise. Some people have enough money to buy a farm, some people inherit enough money to buy a farm and others take out a big loan to buy a farm, but that does not mean that they have the necessary skills and appreciation to run a farm to the highest possible standards. We are seeing in our farming sector a big turnover of ownership. We have only to look at the acts of animal cruelty on Moola Bulla station just a few years ago when cattle were dehorned. I will go into that in a little more detail as well. Clearly, someone who did not have the skills was dehorning cattle in the most cruel and offensive way, which would have probably cost the lives of those livestock, so there would have been a loss on the balance sheet just through the neglect of the animals.

Clearly, the issue is around maintaining consumer confidence. It is all about the whole notion of production from paddock to plate. I am not sure whether that term is still in vogue these days in the Department of Primary Industries and Regional Development’s marketing research, but the consumer is becoming more and more interested in knowing where their food has come from, its production history and what the production standards might be. They want that traceability; hence the adverts on television that talk about food being RSPCA approved.

I want to address a few areas that are probably beyond the scope of the legislation. In fact, they are the areas that I think the Attorney General has seen necessary to leave for discussions on other mechanisms. I refer to the ability of inspectors to see what happens in cattle yards. As I said, I have a lot of experience in dealing with cattle. Dehorning is just dreadful, but there are alternatives. We know that in *Bos taurus* cattle—breeds such as Angus, Hereford, Murray Grey, Limousin and Charolais—the gene that determines whether the animal will grow horns is recessive. In other words, to be polled is the dominant gene. When cattle are crossbred and the polled gene is in the mix, it will produce a polled animal. In that case, people do not even have to worry about dehorning. In the north, there is

a preference for Bos indicus cattle, the Brahmans and the Droughtmasters. I read about some CSIRO research into helping the gene for polledness become dominant in Bos indicus cattle as well. That work is ongoing and progressing, and we are now seeing herds of Brahman cattle looking healthy and shiny without horns. They were born that way rather than dehorned, yet some station owners are still dehorning cattle. Perhaps that includes companies such as SAWA Pastoral Co that was found guilty a couple of years ago for its cruel acts of dehorning at Moola Bulla station. Those station owners are ignorant about getting the gene to have polled cattle in their herd. I imagine it is just laziness, a lack of research and perhaps an inability to invest. That is another point: often when we find animal welfare problems, we see that the farm is not run well and the business is in decline. It is owned by people who have very poor business skills and poor business acumen. That is when we tend to find these animal welfare breaches. It is a very interesting connection that the badly run businesses are the ones where we find these animal welfare breaches.

Another issue that I have heard come up in this debate is that farms are also homes, so how dare we not constrain who can go there. That is what this legislation will do; it will constrain who can go onto these properties. It will put in very tough penalties for anyone who trespasses onto a farm. I hear both sides of the argument. As I say, I come from farming families, and when it suits us we use the argument that farms are businesses, but then when it suits us we also say, “My farm’s my home.” I suppose the truth is that that often is the case, particularly in the wheatbelt, but people have to make a bit of a decision there.

I want to talk about the potential for animal welfare considerations to be much more widely implemented around the dehorning of cattle. Some very simple veterinary techniques can be used, which I think I have mentioned in this place before. I have also discussed it with Hon Dr Steve Thomas in the other place. It is not difficult. A young calf is given a dose of a sedative known as Rompun and then a local anaesthetic is administered to both the horn buds. A device that is effectively an adapted soldering iron is then used to gouge out the horn bud. It is painless and very simple, but I suppose it takes a little bit of time and a little bit of effort and perhaps costs a little bit of money. But if people insist on having animals without horns, I think that is the price they should pay.

I return to the issue of people saying, “Oh, it’s terrible that these trespassers come onto our properties”, and, “How terrifying it is!” The member for Maylands pointed out that fewer than half a dozen people are members of the organisation that advocates that level of trespass.

**Mr P.J. Rundle:** More than half a dozen people protested at that restaurant the other week.

**Mr C.J. TALLENTIRE:** This legislation will not deal with those protesters; there are other laws in place to deal with them.

I say this as someone who has lived on and owned properties and comes from a rural background. The point I want to make is that I am amazed that there is not more of an outcry from the Nationals WA about what I regard as a genuinely terrifying event, when I am staying on a property in the country: hearing shots in the night—illegal shooting. I have never heard the Nationals go on about that. Okay, sometimes it is legitimate roo shooting; it has been authorised, and the person will have all the necessary permits in place. We have very effective Rural Watch networks that can put the word out there: “Friday night you’ll be hearing a few shots; it’s the professional roo shooters, who will be doing a bit of authorised control.” That is very easy to do nowadays, but I do not see it happening. Instead, we hear shots in the night—a few random shots—and we do not know where they are coming from. That is terrifying, and it is on a whole different level from these claimed acts of trespass by a few ferals. It is totally different.

I think there is a fair degree of contrived, confected outrage going on here, and it is a shame, because we have before us a very sensible piece of legislation that will maintain a balance between what can and cannot happen. It will punish in a reasonable way those who trespass on properties, but it also seeks to maintain community confidence in what is going on at certain properties, including knackereries, abattoirs and intensive production facilities. It acknowledges all of that and gives inspectors the power to carry out inspections. I think that is a very commendable feature of this legislation.

If we do not take accountability for and transparency around our food production systems to another level, what will happen? We will end up finding that all our meat production is good for is commodity production; we will go for hamburger meat. That will not be good for rural people and beef producers, because we will be destined to be the price takers of a commodity product. We should always aim to have product that has a genuine premium market opportunity, in which we can actually be the price setters. We could present our product as being genuinely outstanding and meeting the highest animal welfare standards, and therefore worthy of a premium price. But some members opposite seem to want to doom us to being perpetual commodity producers, which will mean that the price paid is destined to get lower and lower. All of the economic theories show that if you are producing commodity products, your prices will only get lower. Is that what members opposite want to doom Western Australian farmers to? I do not think so. That would be a terrible thing to do. We need to look at every opportunity so that we can find a means by which we can define our product as premium product and add value to our product via the tag of special

product recognition—a product that has respected the highest possible animal welfare standards. To do that, we need to have comprehensive inspection services.

I fully support this legislation and I really hope that members opposite will have a change of heart and support it also.

**MS J.J. SHAW (Swan Hills)** [12.05 pm]: I rise to make a brief contribution to the debate on the Animal Welfare and Trespass Legislation Amendment Bill 2020. This issue has actually come up quite a bit in my electorate. Although the majority of my electors live in Ellenbrook, 1 300-odd square kilometres of my electorate extends out into rural and farming areas, and many of my community members care very deeply about animal welfare.

I say from the outset that I am a meat-eater—I have made that choice, as have many Western Australians—but I also care very deeply about the welfare of the animals from which that meat is derived. I acknowledge also that there is a very important farming sector out there whose rights deserve to be protected, so this is an important piece of legislation. It seeks to balance two perspectives on the production of meat, but they are two sides of the same coin. We cannot divorce the consumption and production of meat from the circumstances under which those products are produced, and the implications for the animals that we purposely bring into existence in order to support the exercise of our choice to consume meat. We cannot divorce one from the other, and this legislation will strike a balance. It will protect meat-producing farmers and their legitimate business operations, and provide avenues for the guys and girls who do the right thing to promote their good practices. That actually legitimises their businesses and protects them. The legislation will balance the rights of those people with the animal welfare concerns that so many people in Western Australia have.

I will firstly speak very briefly about three aspects of the bill, by way of explanation for my constituents who have an interest in what is going on here, and then I will make some general comments. Obviously, this bill came about because there are people who have undertaken extreme and inappropriate activities on farms, and that is just not on; the extreme activities that we have seen are unacceptable, and I want to put on the record that these extremist activities are not acceptable. Nonetheless, they have occurred, and the government needed to respond, and it has. This bill will do two things to address the legitimate concerns of the farmers and meat producers who are doing the right thing.

The first thing the bill will do is amend the Criminal Code and the Restraining Orders Act. It will basically deter people from trespassing on land that is used for animal source food production by increasing the maximum penalties from 12 months' imprisonment and a fine of \$12 000. It will amend the Criminal Code to create circumstances of aggravation when the conduct occurs on an animal source food production place. It will be an aggravating circumstance if someone interferes with, or intends to interfere with, animal source food production or they assault, intimidate or harass, or intend to assault, intimidate or harass, a person in the context of their engagement in an animal food source process or a family member of that person. So, someone has to interfere with animal source food production and they have to assault, intimidate or harass the person.

It is important to underscore that this is not about stopping people from protesting. That is absolutely legitimate. People can protest; they just cannot trespass on land and undertake inappropriate activities in the course of doing so. Under this legislation, the proposed maximum penalties for doing that are being doubled to two years' imprisonment and a fine of \$24 000. Often when extreme activists take these completely inappropriate courses of action, they will set up a GoFundMe page to crowdsource the money to pay the penalty. Therefore, the bill seeks to introduce community service orders so that there are consequences for people who undertake these inappropriate courses of action.

The second thing the bill proposes to do to protect food producers is beef up the restraining orders provisions to make it easier for someone who has been offended against to obtain the protection of restraining orders. Balancing that out, the bill also increases the emphasis on animal welfare. Part of the reason these animal activists do what they do is that there has been flagrant animal welfare abuse on some premises. This bill seeks to address that by basically providing that Department of Primary Industries and Regional Development investigators will have powers of entry and inspection to investigate animal cruelty. At the moment, inspectors have to either ring the farmer or the meat production facility and say, "Can I pop in and check out what you're doing?", or reasonably suspect that something is going on. If a person gets a phone call from someone who says, "Mate, can I pop in next week and see whether you're abusing your animals?", that person is going to clean up their act over the course of that week, and guess what? When that person turns up, nothing will seem to be out of place. I think it is legitimate for an inspector to be able to go onto premises and not have to get over the hurdle of having to have some sort of suspicion that an offence is being, or is likely to be, committed. This will mean that people can have confidence that there is a mechanism to ensure that these producers are always incentivised to do the right thing. It will meet the community's expectations that authorities have the power to monitor animal welfare compliance.

Two values are being mediated through the provisions of this bill. As I said before, we really cannot divorce the production of meat from a concern about the welfare of the animals from which the meat is sourced. They are two sides of the same coin, and I think that sensible people understand that.

In the course of consulting with my community about this bill, I visited WA's largest pork processor, Linley Valley Pork, which is in my electorate. It is a major employer for the communities of Wooroloo, Chidlow and Wundowie. Some time ago, I went out there with the Minister for Agriculture and Food after we were invited to the premises to see how the meat is produced. I had never done anything like that before. I found the experience quite confronting. We saw the entire production process, right from the point at which the animals were delivered to the facility. It was confronting, but meat eaters have a bit of a responsibility to understand where their food comes from; they should have to confront the reality of it. Indeed, it is confronting. I remember when I was living in the United Kingdom in the early 2000s and Gordon Ramsay did a Christmas special in which he raised a flock of geese in his garden and then took his kids down to pick out the goose that they were going to cook for their Christmas dinner. There was absolute outrage in the UK from people who said, "How dare Gordon Ramsay show his children and the public that a goose is a living animal that is going to be killed and then cooked?" I think that view is disrespectful to the animals. We have an obligation to understand the process by which our meat arrives on our table.

I went through the production facility at Linley Valley Pork and saw the process. I understand the process. One of the things that came home to me was that that meat producer places a real emphasis on animal welfare. It has a direct line of sight of the pig throughout the process right from its birth. The pigs have bar codes so that their entire life cycle can be tracked. This meat producer has an interest in making sure that those animals are well cared for, because animals that have appropriate animal husbandry standards applied to them produce much better quality meat. I was told that if the animals are bruised or something is wrong, the staff will talk to the pig farmer and say, "What's going on here? It's not good enough." That is appropriate. The staff at the facility where those pigs are processed make sure that the animals are dealt with in a humane way. Recently, when I asked the staff at Linley Valley Pork what they thought about this bill and whether they were concerned about the animal welfare provisions, they said, "Absolutely not, because we're doing the right thing. You can come through whenever you like and look at our facility and you will see that it is clean, calm, quiet and appropriate." Those producers that are doing the right thing have nothing to fear from this legislation. It is disingenuous in the extreme for members opposite to suggest otherwise. It is irresponsible and it shows a flagrant disregard for the entirely appropriate animal welfare concerns of the vast majority of meat consumers and non-meat consumers.

I am not just coming at this as a person who has a passing interest. I have gone to an abattoir and I have spoken with farmers in my electorate who produce meat. They have all said to me that people who are doing the right thing have nothing to fear from this bill. In fact, many of them have emphasised that because they have such a line of sight and can trace the provenance of the meat they produce, it increases the value of the meat they produce. People want to know that the meat is being appropriately sourced and they are prepared to pay a premium for it. After my first visit to the abattoir, I was turned off pork for quite some time, but I have subsequently started eating pork again.

Several members interjected.

**Ms J.J. SHAW:** I know that the members for Maylands and Balcatta hold some very strong views on this, but if I am going to consume pork, I will proactively look for Linley Valley Pork because I know that that producer does the right thing. I have seen it myself. It is important. It increases the legitimacy of its business and it gives consumers confidence that animal welfare concerns have been considered.

If those opposite oppose this package of amendments, which are two sides of the same coin, they will be undermining their own constituents. I appreciate that they all need a platform and they can get quite shrill, but they are beating up some really quite unhealthy sentiments and are being disingenuous about the effect of this legislation. It is really unhelpful and irresponsible.

I think this boils down to three values: respect, responsibility and sense. At the end of the day, extreme activists need to respect that people choose to eat meat. They need to respect that as much as we respect their choice not to eat meat. We need to respect those choices. We need to respect that food producers have the right to conduct their businesses and produce meat that the vast majority of Western Australians choose to eat. We need to absolutely respect business operators and their right to conduct their business. We also need to respect that there are strongly held views in the community about animal welfare. Some people feel strongly about consuming animal products and they should have the ability to legitimately protest. We also need to respect that there are people who really want to understand the provenance and ensure that the animals they consume have been produced in an ethical way. We have a responsibility. We bring these animals into existence for our own ends. There is no getting away from that. Sheep and cows do not naturally occur in Australia; they were not here. These animals are farmed for us because we choose to eat meat. If we choose to bring these animals into existence, I think we have a responsibility to ensure that they are treated as humanely as possible. We have a responsibility and many of the producers I speak to acknowledge that responsibility and do everything they can to ensure those animals are appropriately cared for as they are used to produce food.

I think as lawmakers we have a responsibility to develop frameworks that balance competing interests and that prevent absolutely inappropriate extreme actions taken by some people who do not respect or who cannot accept or tolerate our community's choice to consume meat. We have to respect that and we have a responsibility to ensure that as lawmakers we prevent extreme activities. We also have a responsibility to acknowledge that concerns about animal welfare are legitimate. We also have a responsibility to ensure that mechanisms are put in place that provide people with assurance that animals are being appropriately treated.

Last of all, I think we have to be sensible. Extremism of any kind is unacceptable. I think some of the extreme conduct demonstrated by activists is not sensible; it is disrespectful to choices made by others and it harms producers who do the right thing. It also undermines their own cause. It forces people to say, "This is just not on." I know there has been some debate about other conduct that is not relevant to the provisions of this Animal Welfare and Trespass Legislation Amendment Bill, but when people do that, they are undermining their own cause. Some of the extreme commentary offered by those who oppose this bill is not sensible; it is really unhelpful. It is shrill and misleading about the actual effect of this bill. It is disrespectful towards people who exercise a choice to eat meat but care about animal welfare and want some assurance about the provenance of the meat they consume. It is legitimate that people seek to protect animal welfare.

[Member's time extended.]

**Ms J.J. SHAW:** In fact, the very greatest threat to the agricultural industry is resistance to steps that seek to provide comfort that animals are being appropriately treated. It gives oxygen to these extremists; in fact, it sends the wrong signals. Animal producers should say, "Yes; absolutely, we want to do the right thing." If producers start saying, "No; we don't want these provisions that give people comfort", that sends the wrong signal and undermines people's business. It is really unhelpful. Resistance to these animal welfare provisions undermines the producers' own cause. As I say, good producers accept scrutiny and monitoring, and that increases their sales and makes their own product more marketable.

This bill strikes the right balance. It protects farmers from extreme and unacceptable actions but addresses people's concerns about animal welfare. They are two sides of the same coin; they cannot be divorced from one another—they should not be divorced from one another. By increasing the penalties for trespass, doubling fines and jail terms and, imposing requirements for community service, we are looking at farmers' concerns and addressing producers' concerns. In return, that will allow people who care about animal welfare to have confidence in meat production and inspection regimes. It will allow rights of entry for the Department of Primary Industries and Regional Development and provide confidence or comfort that animal welfare concerns are being addressed.

I really hope members opposite seriously consider their position on this bill. It strikes a balance and I fully support it and commend the bill to the house.

**MR J.R. QUIGLEY (Butler — Attorney General)** [12.25 pm] — in reply: Thank you for this opportunity to reply to members' contributions to the second reading of the Animal Welfare and Trespass Legislation Amendment Bill 2020. I would like to address not only members who have concerns about the bill, but also those who support it. Quite obviously, the support is overwhelmingly from the government bench and has been less than enthusiastic from my parliamentary colleagues on the other side of the house, who remain somewhat confused about the true purpose of this bill. Let me go to that confusion.

The member for Roe commenced by saying that this bill deals with two separate issues and, as such, it is inappropriate to deal with them together—wrong, wrong, wrong. This bill deals with one issue—that is, the inspection of properties and the gathering of evidence relating to cruelty to animals raised in intensive situations for food production. That is one issue. There are different aspects to that issue. There was a case in the High Court—not exactly on point—the full citation of which escapes me, but it will come to me in consideration in detail. Although it did not relate to intensive food production, it related to animal cruelty. It was a case emanating from Queensland that ended up before the High Court. In that particular case, the trespassers, or a group of activists, entered a property where greyhound rearing and training was taking place in circumstances in which the activists believed animal cruelty was involved. While on the property, the activists took video footage of the activity, and the video footage clearly evidenced illegal practices.

The activists then took their footage to the authorities, who commenced prosecution against those responsible for the cruelty. At trial, the footage was adduced into evidence as proof of the cruelty, and those responsible for the cruelty were convicted. Those convicted then took the matter on appeal all the way to the High Court. The High Court found that it was not in the public interest that the video footage be admissible in evidence because the video footage emanated from, or found its root in, an unlawful act—namely, trespass—and that it was against the public interest to allow the footage to be shown in circumstances in which the evidence was gathered by the commission of an offence. The High Court therefore found that because that evidence had been gathered during the commission of an offence, it should be excluded, and the judgement and conviction was vacated. That highlights the conundrum

that faces the community. Time and again, we have seen played out on our television screens acts of cruelty emanating from activity that this bill defines as “intensive production”.

There is no capacity in the current law of Western Australia for inspection at will. There seems to be some confusion in the minds of opposition members, especially members of the National Party, who think that it is offensive to have inspection at will. However, I do not hear them in this chamber challenge the right of local government health inspectors to enter kitchens to check on the health aspects of food preparation. Those inspections happen at will, not on reasonable suspicion that there are cockroaches on the workbench or rodents in the refrigerator. Food inspectors can enter food establishments to check that the food that we consume is being prepared in hygienic circumstances. For example, the member for Roe, in his opposition to the inspection powers contained in this bill for the gathering of evidence, has said that what his constituents are concerned about is the confrontation that may arise when inspectors come onto their property without notice. In all the years the member for Roe has been in this Parliament, he has never raised any concern about health inspectors entering the kitchens of this Parliament, as they have a right to, or any of the eating establishments around this Parliament or in Northbridge or anywhere else. That is because we all accept that it is the proper function of health inspectors to protect us by so entering.

The notion or the possibility that there might be confrontation between inspectors and those who conduct intensive food production is a sad reflection on the farmers who would want to confront inspectors who are carrying out their lawful statutory duty. We would not tolerate restaurant owners or chefs confronting food inspectors who want to see whether there are cockroaches or rodents in their kitchen. We would not tolerate such a confrontation. The member for Roe has said that one of the concerns is that this bill could lead to confrontation. No. That will be the case only if those involved in intensive food production act unlawfully and confront the inspectors. Why would they do that? If they are conducting their intensive food production with no cruelty involved, why would they not welcome the inspectors so that the public could be assured about the humane conditions under which our food is grown, or at least nurtured, prior to slaughter? Why would they not welcome the inspectors to witness that the animals in the food production chain are being slaughtered in humane conditions and are not being dragged around the slaughterhouse in circumstances of extreme cruelty, as we have seen on television? Surely it would increase their market. Some people do not want to eat meat because they suspect that cruelty is involved in its production. If farmers were to welcome inspectors into the abattoirs, the public would see that although the beasts are slaughtered, that is done with no, or minimal, stress to the animal.

As to the notion that somehow there has to be just suspicion or reasonable suspicion of cruelty before an inspection can take place, the government says that is a nonsense. It is the same as saying that a health inspector should not be allowed into the kitchen unless he or she has a reasonable suspicion that rodents or other pests are on the workbench. How could an inspector ever have a reasonable suspicion without entering the kitchen? How could an inspector ever know whether chickens are being caged in cruel circumstances for egg production or meat production, or whether pigs in an intensive piggery are being treated humanely, without entering the shed? How could an inspector ever know whether beasts are being treated cruelly on the slaughterhouse floor without entering the slaughterhouse to look? It would be impossible to know that. The government not only finds the opposition’s argument nonsensical, but also it offends commonsense. If all an inspector is able to see is the outside of the abattoir, and they are not allowed to enter until and unless they have a reasonable suspicion that cruelty is taking place, how will they ever have a reasonable suspicion of cruelty? Unfortunately, at the moment the only way in which they can have a reasonable suspicion of cruelty is through the commission of an offence—to wit, trespass. Activists trespass upon a property and gather evidence that they then show to authorities to excite reasonable suspicion. The government finds this activity and this process offensive. It is offensive that there has to be the commission of an offence as a precursor to having reasonable suspicion. Hence, the government has taken the appropriate step of saying that officers of the Agricultural Protection Board or its delegates can enter the premises, in the same way that a health inspector enters a kitchen to see whether there are cockroaches or rodents. The opposition stands reasonable argument on its head and inverts it.

The member for Roe said that there is no doubt that 98 per cent of farmers understand that if they look after their animals, the animals will look after them. The sensible meaning that one could derive from that is that if farmers look after their animals, their animals will thrive, and they will then be ready for slaughter for food production. That is reasonable. What is the other side of that argument? That if the farmer does not look after their animals, the animals will not look after the farmer? How can beasts that are treated cruelly not look after the farmer? This is just nonsensical. We as a community want to ensure that those living creatures that share this world with us but that we use in the food chain are treated humanely by us humans. We want to ensure that the meat that we consume, as I had the joy of doing last night—beef and pork belly in a dining room—has been produced and slaughtered in circumstances that are humane.

**Mr R.S. Love:** That is already subject to the inspections. There is already a system in place that does exactly what you are asking for. There’s a commonwealth system in place for meat inspection.

Dr Tony Buti; Mr Terry Redman; Ms Lisa Baker; Mr Ian Blayney; Mr Chris Tallentire; Ms Jessica Shaw; Mr John Quigley

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**The ACTING SPEAKER (Ms J.M. Freeman):** Member, that is enough. Thank you.

**Mr R.S. Love:** That system is in place. Every carcass has to be inspected.

**The ACTING SPEAKER:** Member, that is enough now. Thank you. Minister.

**Mr J.R. QUIGLEY:** We will no doubt have this debate during consideration in detail.

**Mr R.S. Love** interjected.

**The ACTING SPEAKER:** Member, that is enough. If I stand up again, I will call you. Minister.

**Mr J.R. QUIGLEY:** Thank you for your protection, Madam Acting Speaker, from the macerations of the Nationals WA.

**Mr R.S. Love** interjected.

**The ACTING SPEAKER:** Member for Moore, I call you for the first time. If you keep doing that, I will stand up and I will call you, and then I will call you again, and then you will not be in here for consideration in detail.

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

We like to know that the beasts upon which we feast are both raised and slaughtered in circumstances of humanity.

**Mr R.S. Love** interjected.

**The ACTING SPEAKER:** Member for Moore! Minister.

**Mr J.R. QUIGLEY:** Of course, rational argument and rational reasoning is something that the National Party finds difficult to deal with other than by way of rude interjection, because to deal with logical, rational argument requires some sort of forensic skill, which members on the opposition bench lack.

**The ACTING SPEAKER:** Minister, move on.

**Mr J.R. QUIGLEY:** The member for Hillarys went on to say that everyone has the right to hold differing views and express them peacefully. We accept that. In the last few years, people have trespassed on other people's land to gather evidence, which, as I said at the outset of my speech in reply, is conduct that the High Court will not tolerate. We do not want to restrict public protest against inhumanity, but it has to be done in circumstances whereby offences are not committed. That is why we have greatly increased the penalties for trespass.

Members raised the issue of the recent protest that happened at a Brazilian barbecue shop, I think it was, whereby a dozen people attended and protested against the meat being served. Of course, that did not involve trespass. That involved protesters entering a public restaurant under licence, taking up their seats under licence and without objection by the owner, ordering drinks and being served drinks by the owner—sparkling water, as I recall—and then, when the restaurant was full, standing up and making protest, whereupon they were asked to leave, their licence at that point being revoked, and they did. I find that sort of conduct rude and objectionable; nonetheless, the law was not broken. I do not think it does their cause any good at all; I think it turns people off.

I interrupt myself to give that High Court citation now. It is *Kadir v The Queen*; *Grech v The Queen* [2020] HCA 1, a judgement of the High Court of Australia delivered on 5 February 2020. The High Court affirmed the trial judge's determination that none of the surveillance evidence was admissible; that is, none of the surveillance evidence taken by the trespassers was admissible in the judgement of the High Court. When cruelty takes place, we want the evidence to be admissible. We want the evidence to be correctly placed before the court in the public interest, and we want the perpetrators of cruelty to be brought to account. We do not want the evidence to be excluded from the court and we do not want those culpable for cruelty to go unpunished, like the National Party and other members of the opposition would allow, because they want to keep the curtain drawn.

The member for Churchlands took offence at the fact that the Pastoralists and Graziers Association said that it had not been fully consulted. The Pastoralists and Graziers Association is irrelevant to the process. Pastoralists and graziers do not carry on intensive food production as described in the legislation. They have open-range grazing. The wheat and sheep farmers have open-paddock grazing, not intensive food production. We are talking about the people who run piggeries and intensive dairies.

Debate interrupted, pursuant to standing orders.

[Continued on page 6166.]