

**ANIMAL WELFARE BILL 2001**

*Second Reading*

Resumed from 1 August.

**MR EDWARDS** (Greenough) [12.36 pm]: I rise to speak on the Bill and to support it in general. The Bill will provide for the welfare, safety and health of animals, and regulate the use of animals for scientific and related purposes. As the parliamentary secretary stated in his second reading speech, the intent of the Bill is to regulate the use of animals for scientific purposes and to prohibit cruel, inhumane and improper treatment of animals. That will be accomplished by promoting and protecting the welfare, safety and health of animals; ensuring the proper and humane care and management of animals in accordance with generally accepted standards; and reflecting the community's expectation that people in charge of animals must ensure that they are properly treated and cared for.

This Bill was initiated by the previous Government when it came into being as the Animal Welfare Bill 1999 but did not proceed in the last Parliament. Consequently, that initiative, with some minor amendments, was again raised by the current Government. I intend to move amendments to the Bill that I hope will be for the betterment rather than the detriment of the Bill.

I will read a couple of items that sum up the feeling of the Bill. The Royal Society for the Prevention of Cruelty to Animals Western Australia sent a letter to the Opposition spokesperson on the Bill, part of which reads -

Whilst the Bill does not include all that RSPCA would have liked it is an excellent piece of legislation in our view. We have scored it 9 out of 10.

The Minister for Local Government in the other House, in a media release, said -

... the Government was taking a tough stance against cruelty but did not wish to target normal animal husbandry, stock fending for itself, the killing of vermin or regulated animal control devices.

“For the first time, scientific establishments which conduct experiments on animals will have to be licensed,” ...

The Bill covers a broad ambit of animal welfare. Animal welfare probably raises more emotions in people than many other issues. As you know, Mr Speaker, people can become stupid about animals and sometimes treat them akin to children. Throughout history, people and animals have had a unique relationship. That relationship has been complementary throughout the years. We have either eaten animals, hunted with them or had them as pets, and they have become part of our everyday life. However, from hunting animals to domesticating animals, our views and values with regard to animals have changed over the years.

It is important to note that animal welfare legislation in this State came in only in 1920 through the Prevention of Cruelty to Animals Act. Cruelty to animals takes many forms and ranges across a broad spectrum, from the overfeeding of family pets, which although voluntary is still a form of cruelty, to the torture of both domestic and wild animals by various means that I do not propose to spell out. It is important that we as a society ensure to the best of our ability that we eliminate cruelty to animals. The welfare of animals cannot be defined under one all-encompassing umbrella but needs to be defined in more detail. The objectives of this Bill are good and cover many aspects of that broad umbrella. Some issues require further clarification, and I will refer to them later; and I am sure some of my colleagues on this side of the House will make other comments.

The relationship between human beings and animals has many different facets. For example, dogs, cats and other domestic animals are seen in a different light from cattle, sheep and other farm and pastoral animals. We can say the same about zoo and circus animals. It is important to keep an objective view of that difference, although I hasten to add that cruelty is always cruelty, no matter whether it is to domestic or wild animals. To bring the debate closer to home, dogs and cats are animals with which people can become emotionally involved. I can relate that to my own experience. I have owned a dog ever since I can remember. I am sure most members of this House have a pet of some sort; and whether it be a canary, cat, dog, rabbit, rat or mouse, they are all members of the animal kingdom. I have always found my relationship with animals, particularly dogs, enjoyable. Dogs are always enthusiastic about being part of any game or exploration that children and adults get involved in. As a child, I enjoyed the company of my pet bull-terrier enormously.

Mr McGowan: Did he enjoy your company?

Mr EDWARDS: She used to enjoy my company enormously, although she did take a bite out of one of my fingers one day.

Mr McGowan: How do you know she enjoyed your company?

Mr Omodei: You only have to look at him to know that he is a pet lover!

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Mr EDWARDS: The member for Warren-Blackwood has made a very good point. I think a happy pet has a happy owner, and a happy owner has a happy pet. There are lessons in that for all of us. Perhaps we should look around the Chamber to see if there are any members with unhappy faces and suggest they get a pet.

Mr McGowan: Did you know that Adolf Hitler was an animal lover and loved his German shepherd?

Mr EDWARDS: I will take the member's word for it.

Happiness is a part of our nature, which is nurtured by kindness. I am aware that members on both sides of the House become quite concerned about their pets when the House sits unexpectedly late. Members on both sides of the House say, "Oh dear, we are going to be late, and that means the dog will be in for another couple of hours," and that is a concern.

However, there is always another side of the coin; that is, the unloved pet that is treated with disregard, is given little attention, and ultimately becomes a victim of cruelty. We can address the issue of cruelty to pets through the education of our young people but, unfortunately, some of our older people also need that education. People must be educated about the advantages of relationships with animals. In a way, this issue is relevant, in part, to the Electoral Amendment Bill we have been debating in this House where we looked at the differences between country and city people. I will be careful what I say. My background is that of a farmer's son, and I was brought up with animals. I have always known how to deal with them, because I was taught how to respect and understand them. The situation in the city is not necessarily the same. It might be the case with pets such as dogs and cats, but people often have a different view on big farm animals, such as cattle, sheep or horses. If people do not understand these animals, or if they do not know how to treat them, then they do not know how to deal with them. Consequently, that could lead to cruelty.

The use of animals for scientific purposes is one of the main concerns people have, and I believe the Animal Welfare Bill moves some way towards addressing that issue. Animals are used for scientific purposes and, whether we like it or not, that is necessary. We must have some procedure by which we can experiment with new medicines and drugs, whether it be in human or veterinary medicine. It is necessary. Consequently, we must harden our hearts, and accept that that experimentation goes on. Whether we like it or not, it is necessary to test drugs for scientific purposes, and unfortunately - and sadly - animals must be used. However, this experimentation can be carried out as kindly and humanely as possible. I know there have been horrendous stories over the years about the types of procedures to which animals are subjected, and I do not condone those. Hopefully, we can address that issue.

Again, with farm animals, we are learning as we go along that it is necessary to treat these animals kindly. If we treat an animal kindly, it will react in the same manner. It is vitally important to transport animals in a proper way, whether it be on a truck or by some other means. It must be done in such a way that those animals will be in the same condition at the end of their journey as they were when their journey began. It is important that we keep that in mind, not only for their benefit, but also for ours, because animals are bred for eating. We eat animals because they are meat, and meat is one of our everyday requirements.

If an animal is transported in the correct way and it is not stressed when it gets off the truck at the other end, the eating meat is a lot better for the palate. Farmers, pastoralists and we, in this place, have a responsibility to make sure the animals are treated properly. Any human contact with animals must be good. As I said earlier, animals react positively to that behaviour; they are more contented. An animal can be trained with kindness far better than it can with cruelty. *The Horse Whisperer* is a book about breaking in horses, which was made into a film. That happens in real life. An American by the name of Monty Roberts trains horses to accept riders, through kindness rather than through the old method of tying up a horse and beating it to within an inch of its life. I am not saying that happens in all cases, but that certainly used to be the case. I am aware that Monty Roberts can break in a two-year-old horse so that somebody can ride it within 23 and a half minutes. That is quite a feat. They are the sorts of things about which we need to teach our young people and educate ourselves.

In the main, farmers today understand that it is necessary to treat animals in a kind and fair manner. I am aware that most people do not regard the ringing of ram lambs, the cutting off of tails, and - dare I mention the word - mulesing, as particularly kind, but there are also practical and pragmatic reasons for some farming practices. Whether we like them or not, those practices can be done in the best possible way; and I believe they will remain. I recognise that those practices have been allowed for in this Bill. That probably comes down to the use of some commonsense, and that is what we are talking about. I see the parliamentary secretary nodding his head, so there is agreement on that. People can get very emotional about these things, but when it comes to farming and breeding animals for our purposes, emotion must go out the window somewhat.

I now move to other animals, such as circus animals and zoo animals, which come into a different category altogether. In my opinion, in the main, circus animals are bred and brought up in a circus and they would not survive if they were put into the wild, although they might survive in a zoo. That commonsense attitude must be

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taken, regardless of the rights or wrongs of why the animals are in the circus in the first place. It is not for me to make a judgment about that, but it is necessary to have regulations and legislation about cruelty to, and the welfare of, animals. The same applies to zoos. In this day and age, the management of zoos has become extremely professional; the managers understand what the zoos are about and they understand their animals, and the animals are probably as well catered for and looked after within this country as is possible in this day and age. I am not saying that is necessarily the case around the world, but it certainly is in Australia and Western Australia. The Perth Zoo is an example of a well-run zoo. The animals reflect that, to anyone who takes the opportunity to go and have a look at them.

I foreshadow proposing some amendments. I note that two changes have been made to the original 1991 Bill, the first of which deals with the chief executive officer. In this Bill the chief executive officer is referred to as the director general, while in the 1999 Bill the office is referred to as executive director. The second change is the addition of a provision explicitly excluding pearl oysters. On page 6, clause 5(2) states -

Regulations cannot be made to prescribe pearl oysters (as defined in the *Pearling Act 1990*) for the purposes of paragraph (b) of the definition of "animal".

I note that penalties of a minimum fine of \$2 000 and a maximum of \$50 000 and imprisonment for five years are prescribed. On page 32, clause 40(2) states -

A person must comply with a direction given under subsection (1)(b).

Penalty: \$20 000 and imprisonment for one year.

That is very harsh, and I wonder whether the words "up to" should be added after the word "Penalty:". I only foreshadow those amendments, but I believe this issue could be looked at.

I also foreshadow an amendment to clause 33, to ensure that all inspectors appointed under the legislation meet a minimum training standard in animal welfare, physiology and handling. Such a minimum training standard is vital to ensure continuity and uniformity across all inspectors. I am not sure that that is spelt out as well as it could be. If people are appointed as inspectors, they need to have good training, which is a matter of education. Clause 47 on page 35 refers to other powers of inspectors. It reads -

(1) Subject to sections 38, 39, 42 and 43, for the purposes of this Act an inspector may -

Over the page, among the other powers of inspectors, clause 47(1)(g) states -

take measurements or recordings of any sort;

I wonder whether it would be better to replace the word "may" in clause 47(1) with "ensure". These are only minor issues, but the legislation should be got right. It was initiated by the previous Government, it has been picked up by the current Government, and there is obviously broad agreement.

I am sure my colleagues will have other amendments.

This Bill will benefit the animals in this State. Much time has passed since the Act was proclaimed. We have probably been irresponsible for not amending it since 1920 and many people have raised concerns about that. It is commendable that we are now amending the Act, and I support the Bill.

**MR OMODEI** (Warren-Blackwood) [1.00 pm]: I support the Bill, although I have some concerns about the penalties for an act of cruelty to an animal compared with the penalties for an attack on an elderly person.

The legislation was prepared while I was Minister for Local Government and responsible for animal welfare in Western Australia. It has its origins in the Prevention of Cruelty to Animals Act 1920. The Act was amended in 1948, 1959, 1970, 1972, 1976, 1987 and again in 1990 as a result of amendments to the Local Government Act. This Bill has been a long time in gestation. In June 1992, under the previous Labor Government, the then Minister for Local Government, David Smith, agreed, I think, after much lobbying from the animal welfare groups in the State to review the Prevention of Cruelty to Animals Act.

When politicians are in a dilemma, a very good foil is to set up a good old mandatory committee. However, in this case, in 1992, David Smith's move to establish a committee was genuine. The Animal Welfare Advisory Committee comprised 16 people. Dr Alan Purcell, veterinarian and superintendent of animal facilities at the University of Western Australia, chaired the committee. Its membership comprised Dr Dianne Hopkins of the Australian Veterinary Association; Sue Lewis of the Western Australian Animal Ethics Group; Mr Sitesh Bhojani of the Australian and New Zealand Federation of Animal Societies, which covered more than 40 animal welfare organisations in Australia and New Zealand; Mr Allen Clarke of the Western Australian Farmers Federation; David Roberts of the Pastoralists and Graziers Association; the evergreen Eric Ball of the Royal Society for the Prevention of Cruelty to Animals, who has been a great champion of the prevention of cruelty to animals over the years; Sally Carryer of the Humane Society of WA; and Tony Cooke, of the Petcare

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Information and Advisory Service. There were also representatives of the Departments of Agriculture, Health, Local Government and Conservation and Land Management. The Western Australian Municipal Association was represented by Ken Pech from Gnowangerup. Two people from the general community were selected to serve on the committee - Dr Don Harris, retired veterinarian, previously principal veterinary officer at the Department of Agriculture, and Hon Lyla Elliott, former Labor member of the Legislative Council, who had campaigned for a long time for a new PCA Act. In addition, Ruby Benjamin represented the Ruby Benjamin Animal Foundation for Sterilisation.

The advisory committee completed its work over a period during which time 500 submissions were received on a discussion paper, which was presented to the minister and which formed the basis of a green paper. I tabled that green paper in this House on 29 October 1998. The process started in mid 1992. Some people would describe that process as tardy; I describe it as very thorough. Another host of submissions was received in response to the Green Bill, which formed the basis of the Bill before the Parliament.

The real workings of this Bill will be contained in the codes of practice that will be set up under regulations. This is a framework Bill that identifies offences and penalties, animal ethics committees, scientific establishments, and inspectors and their appointment. The nitty-gritty of the Bill will be contained in the detail of the regulations that are formed under the 14 national codes of practice. I expect those regulations will also be subject to a public consultation process and the normal procedures for regulations, such as the requirement for them to be tabled in the House for a certain number of days before approval.

There has been concern about the legislation for some time. Animal welfare relates to not only companion animals or family pets but also a range of activities. Some acts of cruelty to animals are performed for the benefit of animals and humans. Animal experimentation is an example. The decision of local governments to not allow pound animals to be used for research for the benefit of mankind affected the access of universities to such animals. If pound animals were not collected by their owners or put down, they were utilised by experimentation committees and universities. I visited Murdoch University to see how it conducted experiments and veterinarian training after the supply of pound animals had been restricted. It used young porkers instead. Our veterinarians are the best in the world. However, although it is argued that computer technology, such as three-dimensional modelling, can be used to train people, live animals are the preferred option. Universities experiment on animals as if they were conducting a normal operation: they anaesthetise the animal with a barbiturate, conduct the operation and then revive the animal. It is then euthanised with a further dose of barbiturate. The universities pay significant amounts of money to acquire the small piglets, which is a great cost to the community. The animal is wasted because of the amount of drug administered during the operation. That visit opened my eyes to that argument and the requirement for an animal ethics committee and a code of practice. The most well known animal welfare code of practice in Australia is the Code of Practice for the Care and Use of Animals for Scientific Purposes. Mankind benefits from such research. For example, animals are being used in significant research into the regrowth of spinal and other body parts.

The other concern is within the agricultural industry. There is still a belief that this legislation may be misused to curtail what is known as normal animal husbandry. I will give some examples as I go through my speech. Some of the issues discussed under offences include the duty of care to animals; the ill-treatment and aggravated ill-treatment of animals - there being different penalties for the severity of the offences; the carriage and conveyance of animals - there is a national code of practice; and the housing and confinement of animals. During my time as the minister I received more letters about the caging of hens than any other issue, apart from steel-jawed traps. The intensive housing and ventilation of animals is covered by national codes agreed to by agriculture ministers. A lot of people saw the caging of birds as an offence, especially if the cages did not allow for the freedom of flight. The working, riding and driving of animals and the use of devices represent another issue. Australia and other countries have large horse and greyhound racing industries. Another issue that concerns farmers is that of animals being provided with food, water and shelter. The Animal Welfare Advisory Committee recommended that it be an offence for any person to fail to supply any domestic farm or captive animal with proper and sufficient food, water and shelter. We know that normal agricultural practice, particularly under drought conditions, causes animals to die in great numbers. The former member for Wagin was concerned about the minimum penalty contained in the legislation. He was concerned about people being overzealous in the use of the legislation. He gave the example of somebody finding a flyblown sheep on the side of the road. If it were proved that the landowner was negligent, there would be an automatic \$1 000 minimum penalty.

Mr McGowan: Was it a brief speech?

Mr OMODEI: I do not think the former member for Wagin ever made a brief speech, but he was certainly very passionate about this issue. One has to acknowledge that it is a matter for concern. Spring and warm weather are conducive to fly strike. As a consequence, sheep get flyblown. That is why animals are subject to mulesing;

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that is why the skin under the tail of sheep is cut off. It is a painful experience, there is no doubt about that, but it protects the animal from being flyblown. Sheep and dogs also have their tails docked. It is a practice that has a long history.

Cattle are castrated. Australia has a cattle industry worth \$3.5 billion. De-horning is another issue. I was going to bring in my de-horner and lay it on the Table of the Parliament - that may have been a bit over the top. A de-horner is a gruesome implement. It is diamond shaped and fits over the horn of the animal. The horn is crunched and blood goes everywhere. A city-based person with no knowledge of agricultural practices would see de-horning as a horrific event, but it is not unusual. I have recently read a book by Tom Cole entitled *Hell West and Crooked* about his days as a drover in the early 1900s in Queensland, the Northern Territory and the Kimberley. They used to drive thousands of head of cattle without water for miles. The horses were broken and animals were roped in yards. The cattle were castrated and branded with hot irons. That still happens; it is normal animal husbandry for farmers and pastoralists. The animal's scrotum is grabbed and two incisions are made with a very sharp knife and the testicles are removed and cut. That is what happens. Sheep farmers sometimes do it with their teeth; they hold the testicles in their teeth and cut them off with a very sharp knife. To a lot of city-based people, it is a horrendous practice.

As a farmer, I often helped cows to calve. Sometimes calves have their head bent back or their legs in the wrong position. I used to attach strings and pullers to the calves so they could be pulled out of the cows. I have assisted vets in conducting caesarean sections on cows when the calves are dead. In many cases, the animals survived. I have also milked a horse. I have been kicked, chased and squashed by animals. In the late 1960s I worked for a year as a stockman for Wesfarmers. It was a great experience. Stockmen like to drink and I had to learn how to drink a lot.

There are a number of facets to the question of animal welfare. One is the protection of pet and companion animals. Another facet is why dogs have traditionally been bred in a certain way to do certain things. It used to grieve me that, when I was the minister, I had to consider appeals concerning the number of dogs that could be held on a quarter-acre block. The appeals often concerned large dogs that were bred to hunt or run but were locked up on small blocks. That is an act of cruelty. Jack Russell terriers were bred to catch rats and snakes; many have died as a result of snakebite. Blue heelers were bred to handle animals. Rottweilers and bulldogs were bred to fight other animals. Bulldogs were bred to fight bulls. Bulldogs can actually bring down a bull by its nose. Various breeds of dogs have been bred over the centuries. In a lot of cases, the docking of ears and the cropping of tails has a long tradition. The cropping of tails of draught horses has been done since time immemorial. Man's association with animals goes back to the beginning of man's existence. It is a point that is often forgotten by some people when they discuss the question of the prevention of cruelty to animals.

[Leave granted for the member's time to be extended.]

Mr OMODEI: Animals should not be abandoned; they should not be left to fend for themselves. Another issue is the unlawful use of poisonous substances. People sometimes lay baits irresponsibly. There should be a code of practice to cover animals that are in trade, sport or entertainment. The licensing of pet shops, livery stables, animal boarding establishments and riding schools needs to be developed under this legislation. This legislation is only the beginning of what we can do for animal welfare in this State. The question of animal codes of practice is vital to this legislation and we need to scrutinise it carefully. It was recommended that it be an offence under this legislation for someone to keep a game park. It was also recommended that it be an offence for animals to be released from traps for the purposes of sport and recreation. Coursing is an age-old practice that our British forebears brought to this country. Foxes were hunted with bloodhounds.

Mr McGowan: I did not know that you have British forefathers.

Mr OMODEI: Actually, I do not. My forefathers went to Britain very early in the piece. They build Hadrian's Wall and a few other things - they educated the British. The member asked for that! However, the coursing of animals will be illegal.

Mr McGowan: I will spread what you said around my electorate.

Mr OMODEI: Yes, it will go down really well down there.

I refer to animal fighting and baiting. In recent times, animal fighting offences, in particular, have taken place in Western Australia. Nobody agrees with animal fighting. I refer to animals in rodeos and circuses. Rodeos are part and parcel of country life, particularly across the north of Australia from the Kimberley to the Northern Territory and Queensland. I remember as an 18-year-old being run into a fence by a big steer that I was trying to ride, and I could not walk for a week. I was probably cruel to him, but, in return, he was cruel to me. I actually won a pound for riding a steer - it was the first and last time. I thought I should quit while I was ahead.

Mr Bradshaw: And you had £5 in doctor's bills.

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Mr OMODEI: The member for Nedlands will raise the question of circuses again. The member for Greenough mentioned animals that are born in captivity and used for shows or circuses, compared with the use of imported wild animals. I understand this legislation will stop the importation of exotic animals to be used in circuses, and I support that. However, the question of circuses again has been the subject of a great deal of correspondence from people around Western Australia, particularly the animal liberation people who are concerned about that matter.

I refer to the trapping of animals and the use of spurs. Spurs are still being used. I will be interested to see how the code of practice is structured for the pastoral industry regarding the use of spurs. Spurs have always been used in rodeos and in the breaking in and riding of horses. I recommend Tom Cole's book to members. He is regarded in the book as another Crocodile Dundee. He was a drover and a horse rider. He was a young English migrant who came to Australia and lived well into his eighties. He became a legend in his lifetime. What he did in droving, in breaking in horses, and in buffalo and crocodile hunting is an interesting story. When people were buffalo hunting, they would ride a horse, allow the buffalo to charge, and then shoot the buffalo while they were on the horse's back. If they did not run up alongside the buffalo and shoot it in the spine to kill it, and if the buffalo turned and charged, they would ride away from the buffalo, circle it, and shoot it from the back of the horse. In one case, the horse had been gored, and its entrails came out all over the place. Tom Cole operated on the horse and stitched up its belly, and the horse survived. Those things actually happened. They would be absolutely abhorrent to people who live in many of our built-up and metropolitan areas. People just do not have access to that kind of activity. It is an Australian way of life that has been experienced ever since the establishment of this country.

The question of electrical devices and electro-immobilisation is another emotive issue. There must be codes of practice to cover the surgical procedures carried out on animals. I also refer to the debarking of dogs. I mentioned the tail docking and ear cropping of dogs, and the tail docking of horses and cattle. The harvesting of velvet from deer is another activity that is common practice and is mentioned in this Bill.

On the question of surgical procedures, I refer to the stunning of animals prior to slaughter. In my time, I have slaughtered a lot of cattle, sheep and pigs. I would shoot a large animal with a rifle. In the case of a sheep, I would not do that. I would just cut the sheep's throat; or I would shoot it and then cut its throat. That is what happens. In a slaughterhouse or an abattoir, particularly those establishments that must kill animals according to the halal method, the animal must face the right direction, towards Mecca or whatever it is. The slaughterman slits the throat of 200, 300 or 400 sheep an hour. Then the slaughtermen change over. That is the sort of thing they do.

At an abattoir, the slaughtering of large animals, such as steers, cows and bulls, is done using a pneumatic gun. The slaughterman leans over the top of the animal. There is a spike in the end of the implement, and the slaughterman shoots that into the brain of the animal and kills it almost instantly. With the killing of pigs, in most cases they are stunned before they are stuck with a knife to bleed them. In the killing of hens for human consumption, the situation is the same. They are all very gruesome things. If people do not like to see blood or to see animals suffering, they would be horrified by some of these things. However, they have been happening since time immemorial. We all like a good feed of steak. It does not come from the butcher originally; it comes off the back of an animal that we feed, grow and then kill as humanely as possible, so that there is food for domestic consumption.

They are all very important matters that were discussed at length by the Animal Welfare Advisory Committee, which I believe was a fairly balanced committee. When I became the minister, the only group that was unhappy about the Animal Welfare Advisory Committee was the Canine Association of Western Australia. It told me that it had 4 000 members and that it was in favour of the docking of tails and the cropping of ears of dogs. It thought it was a humane practice that had happened since time immemorial. Because of its membership, it wanted a position on the Animal Welfare Advisory Committee. However, I could not allow that, because the committee would have been too unwieldy. However, the Canine Association had great input into the process.

The killing of dogs and cats for human consumption is also mentioned in the legislation. That should be an offence. Early in the piece, even tooth grinding and tooth trimming of sheep was discussed. For those who do not know, when teeth of animals become uneven, the animals have trouble masticating and feeding. They can virtually die of starvation because of the structure of their teeth. Therefore, that is dealt with in a couple of ways. One way is to use a tooth clipper. The ends of the long teeth are clipped off with an implement that is like pincers. The other way is to use a tiny angle grinder. Anyone who has been to the dentist can imagine how it would feel to have an angle grinder used on one's teeth. However, we must have those kinds of practices. The advisory committee recommended that it should be an offence. I would be interested to know, member for Rockingham, whether it will be an offence under the proposed legislation. It is a normal practice carried out by farmers in Western Australia and Australia, and, I suspect, around the world. They are the kinds of matters that

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were discussed. Offences against inspectors, the composition of animal ethics committees and the licensing of scientific establishments were also discussed. It is good framework legislation.

I mentioned the use of pound animals for scientific research. That is an important issue. The main issue is the penalties. When the previous Government first introduced the Green Bill, a maximum penalty of \$12 000 for an offence of cruelty to an animal was mentioned. As a result of feedback from the community at that stage, we decided to increase the maximum penalty to \$20 000, with a \$1 000 minimum penalty, I think. We thought that was an appropriate penalty when compared with offences against human beings. I know that the Labor Party went to the election with a proposition that it would double those penalties. I believe those penalties are probably over the top and extreme. I clearly remember that the member for Rockingham presented a petition bearing 64 000 signatures, I think.

Mr McGowan: Sixty-five thousand.

Mr OMODEI: The member has not built it up a bit, has he?

Mr McGowan: There were a lot of signatures from your electorate.

Mr OMODEI: Yes, there were, and when I explained the situation to one of the people who collected those signatures, she said that she did not have any idea that the member was trying to deceive the people in that way.

The petition called for an increase in the penalties for offences of cruelty against animals. I do not think anyone would oppose that. However, the member for Rockingham did not say that the coalition Government had already increased the penalties that were set out in both the discussion paper and the Green Bill.

Mr McGowan: I was going to say such nice things about you in my speech.

Mr OMODEI: The member for Rockingham knows what a positive person I am. The Bill is good legislation. I look forward to reading the codes of practice, which will require a great deal of input from the community; in particular, those sections of the community that have an interest in companion animals and pets, those from scientific and experimental establishments, those in the entertainment industry and those in the agricultural and pastoral industries. My main interest in the agricultural and pastoral industries is to ensure that the practices that for many years have been regarded as normal animal husbandry are not eroded in any way. I have concerns about the degree of penalties, but I will support the legislation.

**MR BRADSHAW** (Murray-Wellington) [1.30 pm]. I also support this legislation, although I have reservations in some areas. Most people with any common decency believe that animals should be treated in a fair and equitable manner. I do not think they should be treated cruelly at all. I am horrified when I read in the newspaper or see photographs or television coverage of neglected animals: animals that have been starved, horses whose hoofs have grown so that they cannot walk properly, and dogs that have been flyblown and left in a dreadful condition. I find those cases hard to take. The people who do this should be brought to account and made to suffer. I am one of those people who believe in an eye for an eye and a tooth for a tooth. Some of the people who are cruel to their animals should be treated in a similar way to show them that it is not a nice thing for animals to be starved or neglected and to suffer. I support this legislation.

I believe that animals have feelings. If I growl at my dog he puts his head down and shows that he is not happy that I am growling at him. I do not growl at him too often; he is a bit spoilt in many ways. Occasionally he does the wrong thing and I growl at him, and he knows I am unhappy with him. Cattle are the same; when they are treated badly they also look down in the mouth. The Bill is very important.

I am surprised that the Minister for Community Development is sitting through these debates, because I know her stand on these types of things.

Ms McHale: As a vegetarian.

Mr BRADSHAW: From that angle, I assume the minister is in the Chamber because she does not like animals being slaughtered; the minister and I differ on that. Even though I like a good steak or leg of pork, people do not have to be cruel to these animals.

A friend of mine from Harvey, Les McMillan, who is a former police officer, now works with the Royal Society for the Prevention of Cruelty to Animals WA as a prosecutor. From time to time he has told me about incidents of cruelty and total disregard for the care of the animals in cases that he has prosecuted. Such cruel behaviour is disgraceful.

One of the things that worried me about the previous legislation was that it took too long for some of the people involved to be prosecuted. There was a case in my electorate a few years ago in which a farmer was neglecting his cattle. They were being starved and were runted, and a range of things was happening. I went to the

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Department of Agriculture to find out what was going on. I was told that the RSPCA was responsible for prosecuting these cases, and it had to go through a number of processes to get to the prosecution stage. Eventually that farmer was prosecuted and a destocking order placed over his property. In the meantime, his property was on a highway and many people drove past and saw these runted, unhappy animals. Bob Maumill, a radio presenter for 6PR, commented on the state of these animals that were located in my electorate. Action was under way, but it took a long time to get that person to court to be dealt with. I was concerned about the length of time that it took.

I am also worried that the legislation does not lay out how the code of practice will be put into place. I am not sure about procedures such as docking the tails of dogs, and other procedures of which I am not aware. When in opposition the Labor Party said that dogs' tails should not be docked, and certainly the animal liberation movement has said the same. I cannot see why people would want to cut off dogs' tails. I normally have a mongrel dog at home and none of my dogs has had its tail cut off. However, those practices have been taking place for many years. I do not know whether I should mention that some members have been circumcised. I cannot remember what happened to me during that procedure, and I am sure that puppies that have had their tails docked cannot remember the procedure. I wonder whether we should go down the path of stopping dogs' tails from being docked. I know that circumcision is different from docking. However, both procedures are performed on the very young.

Mr McGowan: I had a mate once who had experience with a zipper.

Mr BRADSHAW: So did I; he was a very good mate of mine. It is very painful.

The other important issue concerns animal husbandry and farm animals. The legislation does not detail how that will be dealt with. The only good point is that these issues will be brought before the Parliament. Some overzealous people want to stop practices, such as cutting off lambs' tails, earmarking, mulesing etc, that are common practice. It is important that those practices continue. Despite supporting the legislation, I am concerned that we do not go down the wrong track with these sorts of issues. I would like some response from the parliamentary secretary handling this legislation on the Government's intentions, and whether it is prepared to be reasonable in these areas.

I support the legislation as long as it does not go overboard, is not overzealous and allows some of the past practices to continue.

**MR O'GORMAN** (Joondalup) [1.40 pm]: I also support the legislation and the degree of punishment for an act of cruelty to animals. I find myself agreeing with the member for Warren-Blackwood, which I do not do very often. He is right; most people in the city would be appalled at the way some animals are treated in the country. As he has said, it is sometimes necessary to treat animals in that way for their own protection and survival.

The parliamentary secretary presented a petition carrying 65 000 signatures. I will comment on that and some of the reasons that emotion has been raised over this issue. I am a dog owner, and have been for many years. As members know, dogs have a much shorter lifespan than humans, so I have had quite a few dogs since my youth. Every time one of them has passed on as a result of old age, disease or being hit by a car, I have always vowed not to have another. However, after a short period, as a result of my wife talking to me and my kids haranguing and harassing me, I have bought yet another pet dog. I have had my current pet for the past 13 years. Because of his age, I believe that pet is about to pass on, and in anticipation of that I have purchased a dog to replace it.

Over the years we build up a relationship with our dogs. It is not the same relationship as we have with our wives or other people. If we take our dogs for a walk when we feel particularly stressed, we find that it eases our stress and, as the member for Greenough said, it makes us calm and happy. If members look around the Chamber, I am sure they will see that the happier members are probably pet owners and those who are a little grumpier are probably not pet owners. This debate is emotional because people build up relationships with their pets, whether they be dogs, cats or whatever. I support the legislation, and the prescribed level of punishment for an infringement that involves an act of cruelty against an animal.

**MS SUE WALKER** (Nedlands) [1.43 pm]: I congratulate the previous Government on its initiative on this legislation, which is to provide for the welfare, safety and health of animals, to regulate the use of animals for scientific purposes, and for related purposes.

I come from a family of animal lovers. I have five sisters. When my sisters, my parents and I gather together there are usually about six dogs with us. Their names are: Alfie, Sophie, Angie, Max, Jack and Ben. They are all much loved and are part of the family. Many Western Australians will be pleased with this legislation. Those who attend the annual Pooch-a-Thon held at the Dogs' Refuge Home (WA), Shenton Park, which is in the electorate of the member for Cottesloe but on the border of my electorate, can clearly see how many hundreds of Western Australians enjoy the companionship of their animals. We can learn a lot from animals about unconditional love.



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When articles appear in *The West Australian* about cruelty to animals that are unable to protect themselves, many Western Australians are filled with horror. They share an abhorrence of cruelty to living creatures that cannot protect themselves. It is therefore right and fitting that we, as parliamentarians and as part of the human race, have brought on this Bill in order to protect animals. Guide dogs are important in our community. Of course, cats are also important. I have read a book about dogs that know when their owners are coming home and about other unexplained powers of animals. I also know that horses can become very close to human beings.

The member for Rockingham said in the second reading debate that the Bill was brought on as a matter of high priority, and that the Government had made improvements to it. I presume that he was speaking about the increase in the penalty from \$20 000 to \$50 000. When I read the Prevention of Cruelty to Animals Act 1920 that this Bill is to replace, I noted that when the Labor Government was in power between 1983 and 1993, only one minor amendment was made to the Act, and that was a small increase in the penalty. Therefore, the coalition Government can take full credit for the implementation of this Bill.

Although I commend the legislation, I am staggered that the member for Rockingham made no mention of an amendment relating to circus animals. I have looked in vain through the Bill, and I have waited with bated breath to hear the comments of the members for Rockingham and Innaloo on this subject. The member for Innaloo presented a petition containing 13 500 signatures. He forewarned that he would debate it during the second reading debate. On 1 August, the member for Rockingham waxed lyrical about the intent of the Bill, which he said was to provide for the protection of animals and to prohibit cruel, inhumane or improper treatment of animals. He said it was to promote and protect the welfare, safety and health of animals, and ensure proper and humane care and management of animals. The member for Rockingham said that the Bill was the Government's opportunity to embrace new laws to deal with this important subject.

The very next day the member for Innaloo presented a petition bearing the signatures of 13 500 persons. It reads -

We, the undersigned residents of Western Australia are opposed to the use of animals in circuses.

Your petitioners request that the Legislative Assembly urge the cabinet to accept the recommendations of the Animal welfare Advisory Committee, which state:

“It shall be an offense to import exotic animals into Western Australia as part of a circus troop, whether or not for the purpose of using animals in the circus.”

And your petitioners therefore humbly pray that you will give this matter earnest consideration and your petitioners, as in duty bound, will ever pray.

Shortly after he presented that petition, the member for Innaloo raised a grievance and noted that the Bill currently before the Chamber did not specifically ban circuses. He said then that he would address that during the debate on the Bill. The member for Innaloo went on to say that clause 23 of the Bill could protect conduct that is carried out during the training of animals. He said that it could be argued - we all know that is lawyer-speak for “It's not much of a chance but we will give it a shot.”

The member for Rockingham in response to the grievance raised by the member for Innaloo quoted the Royal Society for the Prevention of Cruelty to Animals. He then said -

I personally have a great deal of difficulty with the use of animals in circuses, and I do not attend circuses because of that. I find it cruel, and not at all entertaining, to see what sometimes goes on in circuses. To see the small cages in which these magnificent animals are held and transported reminds me a little of those horrific advertisements in the newspapers about the bears in China, which are kept in small enclosures and used for human entertainment.

The minister has given me an undertaking, in the light of the petition presented by the member for Innaloo, and the activities of the people who organised it, to personally examine this issue and look towards bringing a recommendation to Cabinet . . . I can assure the member for Innaloo that this Government treats animal welfare seriously. It has the runs on the board in strengthening the legislation and dealing with it quickly in Parliament . . .

When the Labor Government was in power between 1983 and 1993, it did nothing about this Bill; it is riding on the coat-tails of the coalition Government. I am waiting with bated breath for the members for Innaloo and Rockingham to tell us where are the amendments to this Bill that relate to animals being used in circuses. As the member for Rockingham said, the Government has the runs on the board because it has strengthened the legislation and it has dealt with it quickly in Parliament. Has it also made sure that the Bill has provisions to deal with the issues raised by the member for Innaloo?

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It has been nearly a month since the two backbenchers raised this legislation, spoke on behalf of the circus animals and suggested that it would go before Cabinet. Neither the member for Innaloo nor the member for Rockingham is burdened with portfolios. They have had a month to research the legislation of other States and to make an amendment to include that provision in the legislation. Where is the legislation? I suggest that it is a further example of the insincerity of the members for Rockingham and Innaloo. The Royal Society for the Prevention of Cruelty to Animals would be horrified to learn that it asked the member for Innaloo as a member of the Gallop Government to present a petition -

Mr McGowan: Is the member saying that I am insincere on this issue?

Ms SUE WALKER: Will the member move an amendment?

Mr McGowan: I will deal with it. Is the member saying that I am insincere?

Ms SUE WALKER: Will the member move an amendment? Where is it?

Mr McGowan: The way it works is that you make your speech and I respond. Does the member think that I am insincere about this issue?

Ms SUE WALKER: If the member does not raise the issue, I will think that he is insincere. The member should include in the legislation a provision based on the comments that he made in this House a month ago. If the member is sincere about protecting animals -

Mr McGowan: Would you vote for the abolition of circuses in Western Australia?

Ms SUE WALKER: No. I would vote for an amendment. I foreshadow now that I have an amendment that I will present to the House that will ensure that wild animals are not used in circuses in this State. The RSPCA would be horrified to learn that it asked the member for Innaloo as a member of the Gallop Government to present a petition but he is not here today to speak on it to ensure that the legislation has clauses inserted that will protect circus animals. He probably has missed the bus because he cannot drive.

The RSPCA has campaigned to persuade circuses to not use exotic animals. It does so because of the disparity between the conditions imposed on wild animals by circus life and the environment they need for their wellbeing. Life in the wild cannot be replicated on the back of a truck or at a circus site. A circus had been set up near Langley Park, and many motorists, including me, who drove on the Causeway were moved by the sight of an elephant that had been confined to a small pen in which it was barely able to move. The people of Perth are animal lovers. According to the RSPCA web site, elephants need to be able to mud-wallow, dust-bath, roam for great distances and be part of complex social groups. The RSPCA's main concerns about the use of wild animals in circuses are that the animals are continually transported, they are subjected to continual confinement and they no longer form part of their natural social group. Circus animals are also required to perform acts that do not come naturally to them. Those acts cause them unnecessary suffering and I do not think that it would be tolerated in the general community. I am not talking about zoos where the environment for captive animals has been replicated. I am talking about clear evidence of widespread stress and suffering experienced by circus animals. A UK report by Dr Marthe Kiley-Worthington, also contained in the RSPCA web site, shows that circus animals suffer stress. They suffer prolonged or undirected pacing that can often be seen in animals. It was evident that the elephant that was visible from the Causeway suffered from prolonged or undirected pacing. An elephant's distress takes the form of constant swaying, bobbing, weaving, or pacing up and down. Elephants in captivity spend 25 per cent of their time doing that, and bears spend 30 per cent of their time doing it. The only reason for the circus to exist is to provide human entertainment. There is no evidence to suggest that animals benefit from being kept in circuses.

The RSPCA's web site also shows that in 1994, Reark Research Pty Ltd conducted a national survey of 1 000 people in five capital cities to determine people's attitudes to circuses. The survey found that 61 per cent of people disagreed with the caging of wild animals. Wild animals were defined as lions, tigers, bears, monkeys and elephants. Some 56 per cent of people disagreed with the use of wild animals in circuses and 58 per cent indicated that they would or might attend a circus without wild animals. The member for Innaloo mentioned that people in Western Australia have been happy to attend circuses like the French circus that visited, which had no animals.

Mrs Roberts: The Cirque du Soleil.

Ms SUE WALKER: I thank the minister. I am sorry that the member for Innaloo is not here to tell us about it.

I am heartened at the level of fiscal penalties of \$50 000 provided for in this legislation. I note that under the old Act, before the coalition Government took the initiative, the maximum penalty was \$5 000. When the Bill was first introduced by the previous Government, the penalty was increased to \$20 000 after a lot of discussion. The penalty has now been increased to \$50 000, and I commend that. I have examined legislation in other States that

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prohibits circus animals being used in their States. I intend to refer to that legislation when the matter goes before the committee. I will be interested to know whether the members for Rockingham or Innaloo have succeeded in their search to determine whether any other provisions in Australia can be incorporated into the new Animal Welfare Bill.

While I refer to animals and the level of community support that animals have, I will mention that the Dog Act 1976 must be updated. Knowing that this Bill would be introduced, I took the opportunity to visit the Dogs' Refuge Home (WA) at Shenton Park, which was incorporated in 5 January 1935 and houses dogs in temporary yards. It was also the first home in Australia that trained guide dogs for the blind. In 1999-2000, over 5 000 dogs were destroyed in Western Australia, which is an unnecessary waste of life. According to the committee of the dog refuge home there is a need for a public education campaign comprising a media launch that includes teacher kits to address the problem of overbreeding. Support for such a campaign is expected from the Australian Veterinary Association and the WA Rangers Association. The committee also recommends the enforced registration of all persons who breed dogs. Under the Dog Act, pedigree dog breeders are required to show proof of their current breeders registration with the Canine Association of Western Australia, and pay a fee for processing the registration. Discount sterilisations should be offered to people who experience financial difficulty for the first year of the program. Money is required for the launch and the printing of posters and school materials. Approximately \$10 000 per annum is required for the reprint and updating of brochures. An allocation of around \$220 000 would enable around 2 500 discount sterilisations. There is a potential reduction of about 7 500 dogs from an average litter of six pups, with a saving of at least \$150 000 to the community. I raise this point because there is clearly a problem with the welfare of animals in this State. These campaigns will send a clear message that the care and welfare of dogs is an important issue to the Government and that dogs should be protected.

**MR DEAN** (Bunbury) [2.00 pm]: Mr Speaker, in view of the time I seek leave to continue my remarks at a later stage of the sitting.

[Leave granted.]

Debate thus adjourned.