

ANIMAL WELFARE BILL 2001

Second Reading

Resumed from an earlier stage of the sitting.

HON JIM SCOTT (South Metropolitan) [4.37 pm]: Before question time I was responding to something said by Hon Ray Halligan. He asked how one would judge the length of sheep legs hanging out of trucks in order to determine whether an offence was being committed. I pointed out that that was likely to be addressed under the code of practice mentioned in clause 94. I asked earlier whether the code of practice would become a disallowable instrument. It appears that it will be. I think that is a good move. If an industry presents a code of conduct that is not acceptable, we have the ability to disallow it and ensure proper protection. If something is over the top, the Parliament can, through this House, change it. I still have a further question about clause 94. It states that regulations may be made concerning adopted codes of practice. Will it allow someone who may be in breach of the Act to be let off because an industry has a code of practice that was not adopted through regulation? If these codes of practice are to be let-offs for an offence, do they have to be covered by the regulations?

An issue also touched on by Hon Ray Halligan was the petition about circus animals. I understand that the member for Rockingham in the other place said that it would be inappropriate to allow the amendment put forward by the member for Nedlands, because it was for a specific type of animal usage - circuses, as opposed to rodeos or farming or whatever - and nowhere else in the Bill was that type of thing mentioned. That was to be handled under regulations. Does the Government intend to bring forward regulations to ensure that the protections asked for by the member for Nedlands in the other place are provided? Members can look at the *Hansard* to see what those were, rather than have me read them out.

I will keep it short. I ask whether the Government will be looking at what was proposed by the member for Nedlands, because they were very fair proposals. Will the minister adopt regulations covering circus animals, as proposed by the member for Nedlands?

Most people are happy with this legislation. Some would like to see it pushed out further in some respects. We have heard about the way in which people keep and kill crayfish, or lobsters, as some prefer to call them these days, for marketing purposes. My colleague mentioned a while ago a humane method of throwing them on the floor. This can also be dealt with under regulations and industry codes of practice.

Hon Frank Hough: What happens with fish? What if you catch two tonnes of whitebait? Must you take a pin and kill every one of them individually?

Hon JIM SCOTT: I am not saying what people should do; I am just saying that those issues raised by people can be handled under industry codes of practice as outlined in the legislation. It depends on the will of the government of the day to ensure that regulations covering cruel practices in an industry are put into place. There will always be people who are extreme one way or another. Some will think they can do whatever they like to animals, and others will want to treat animals better than their fellow human beings. Overall, this is a pretty good Bill. The Government should be congratulated for it. It should also be recognised that the previous Government started the process. The only thing that either Government can be chastised for is the speed of delivery. I support the Bill, and hope that its speedy progress continues.

HON FRANK HOUGH (Agricultural) [4.45 pm]: Earlier, as I spoke about this Bill to the strains of the bleeding-heart chorus from the government front bench, I was not saying that it should be turned upside down. No-one would be more interested in this Bill than I am when I hear of the atrocities caused to animals, which absolutely upsets me. I see horses on television with their bones hanging out, and I hear of dogs being starved. Any type of animal cruelty offends me immensely.

However, a couple of areas in the Bill need to be looked at. One of them is the appointment of officers and inspectors by the Royal Society for the Prevention of Cruelty to Animals. It could be the local ranger, who would then have authority greater than a police officer. If a person is accused of cruelty, he is guilty until proved innocent. Another area of concern is clause 31. If a person possessed a collection of 100-year-old bear traps that had been handed down, and they had been hanging in the garage, someone else could go to the authorities and accuse that person of possessing instruments for inflicting cruelty to animals. If the inspector found the bear traps just hanging in the shed, it seems that that person who is in possession of those items could be fined \$20 000 for having tools that would hurt animals.

Hon Jim Scott: How many people would have collections like that?

Hon FRANK HOUGH: There would be quite a few. People in the past did possess traps.

Hon Jim Scott: Did they catch many bears in Australia?

Hon FRANK HOUGH: They are called bear traps. The honourable member is being pedantic. A bear trap would catch animals like large dogs, and hopefully members of the Greens (WA), but mainly they would be used for dogs and camels.

The Bill has areas of interpretation that worry me a little, such as when a court decides whether a person is guilty. The transporting of sheep is one such area. I think sheep should be transported at night, or in cool times. The legs hanging out of the side of the truck can be a problem, but sometimes that does not affect the animal.

Hon Paddy Embry interjected.

Hon FRANK HOUGH: I am referring to the cool of the evening, rather than in 40-degree heat. It is just a matter of being sensible.

There are a couple of questionable areas of interpretation, and I will speak on them as we go through the Bill. In general the Bill has been a long time coming. One Nation will support the Bill, and will deal with each clause in the committee stage. This legislation should be passed as quickly as possible, but we must make sure that we do not do anything silly that will cause problems in the long term. Not too many people in Australia would tolerate cruelty to animals. It offends everyone. The few people who are cruel to animals are usually bent, and there is not much hope for them. They should not have animals in the first place. Those problems must be addressed quickly. Anyone mistreating animals should be reported immediately, and the RSPCA, or the authorities should have the opportunity to remove the animal immediately. Generally, I support the Bill.

Debate adjourned until a later stage of the sitting, on motion by Hon Tom Stephens (Minister for Housing and Works).

[Continued below.]