



Speech by

BILL FELDMAN

MEMBER FOR CABOOLTURE

Hansard 1 March 2000

ANIMALS PROTECTION AMENDMENT BILL

Mr FELDMAN (Caboolture—CCAQ) (4.09 p.m.): I, too, thank the honourable member for Lockyer for introducing the Animals Protection Amendment Bill, as it addresses issues that have needed to be addressed for some time. In 1925 when the Animals Protection Act was enacted, we still used horses and draught horses, and bullocks and bullock teams were part of the mainstream of work. Back then, working animals had to be cared for and the police and others involved in animal protection had to have strong legislative powers to be able to react to instances of cruelty. Back then, not very many places had telephones and magistrates were not readily available. As a matter of fact, solicitors and barristers were not readily available. However, that is not the case in the year 2000. We do not need such a strong legislative power to react as quickly and without forethought or foresight in the year 2000. Back in 1925, I doubt whether dogs dying of heat prostration in locked cars with windows fully wound up parked in bitumen car parks outside casinos where the heat exceeds 60 degrees while their owners gambled away their wages would have been a central part of the debate on animals protection legislation.

I have worked side by side with RSPCA officers and have found the majority of them to be very responsible. I acknowledge that there are very responsible officers within the RSPCA. Some have been concerned with animals and cruelty to animals for some time. Some have animal husbandry experience. However, most do not. As a police officer I have been on raids on properties. I have been around when RSPCA officers have raided greyhound facilities where there was a suspicion that the people involved were using live baits such as hares, chickens, rabbits and possums to blood their dogs. I have also been to properties where there was alleged overcrowding in pig runs and chook runs. I have been to properties where the owners have had something like 300 cats and dogs roaming around. However, we did not have to react in the manner that was prescribed; we had time to do things.

Back when I was stationed at Woodridge, I attended the Harrisfield State School in relation to five youths who had broken into the school and performed acts of cruelty. They poured white spirit over some of the pigeons and left them burning and they had broken the legs of a couple of calves and sheep and let them drown in a trough. They cut the throat of the rabbit that was the pet for the Harrisfield State School preschool. They were certainly dealt with for their cruelty to those animals.

However, this is the year 2000. I was stationed at Caboolture when we started getting calls from people at Woodford in relation to a new housing development that was located right next to a farm. People in the new housing development were ringing us about the cruelty of the owner of the farm next door when he was killing his own meat. Those people talked about how the farmer was killing pigs and cattle. They even rang up when his wife chopped the heads off a couple of chooks and strung them up on the clothes line and commenced to pluck them. People must realise that these days not everything comes in styrofoam boxes covered in plastic and that all the things that we eat were certainly alive at some stage. Meat does not grow in styrofoam boxes and the little chicken pieces that we eat were not found that way.

Animal welfare is one of the most emotive, divisive and difficult issues Governments must face. It is an issue that affects more people than perhaps almost any other issue. In recent years, it is an issue that has come to prominence and, in many cases, its new-found notoriety is a result of agitation by extremists. Most of the population see animal welfare as being relatively straightforward. However, it

is a very complex issue and is often confused because of people's lack of knowledge and understanding of animals' needs. The definition of animal welfare is in itself complex. However, it is accepted that the term embraces both the physical and the mental wellbeing of animals.

In Australia, the RSPCA is the organisation most commonly associated with the issue of animal welfare. CCAQ welcomes the role that the RSPCA plays in preventing cruelty or harm to animals. The RSPCA is governed by the Animals Protection Act 1925. Enforcing the provisions of this Act requires running an inspectorate of officers appointed for the purpose of investigating cases of alleged mistreatment of animals that are reported to the royal society. Investigations may involve video, photography and even night scope. I have been present when RSPCA officers have used night scopes, for example, in the early dawn when we were there looking for cruelty in respect of greyhound bleeding. Investigations could also involve aerial surveillance, inspecting animals, issuing cautions or just researching. Some of these RSPCA officers sit for days in paddocks just watching what goes on at some properties. Investigations could also involve rescuing animals, coordinating activities, liaising with the police and following through with prosecutions when and if necessary. There is no doubt that many of these activities involve working in unpleasant or difficult situations.

Generally speaking, the majority of animal owners love and care greatly for their animals. Certainly, the minority of animal owners abuse or mistreat their animals. The City Country Alliance supports the view that this minority needs to be prosecuted to the full extent of the law. We mean exactly that: to the full extent that the law provides. However, our concern and the reasons for the introduction of this Bill is to protect the rights and the liberties of the animal owners who do not fall into the category of the irresponsible minority.

As highlighted by my fellow City Country Alliance Queensland members, there have been several incidents in which innocent owners have become victims of the RSPCA due to the way in which some RSPCA inspectors go about their business. We have heard highlighted here the Schloss case. However, that is not the only family that has experienced hardship as a result of the actions of the RSPCA. The Queensland Dairyfarmers Organisation highlighted several cases of questionable conduct by RSPCA inspectors, and I thank it for its input.

It is apparent that farmers are frequently targeted by the RSPCA. Most farmers are very caring and compassionate about their livestock. They are rarely in the business for the money alone. Many procedures are practised to reduce animal stress while increasing productivity and the profitability of the producers. After all, we are talking about men who actually make money out of their farms and do not operate them in a manner that can be considered cruel in any way, shape or form. Supplementary feeding in times of nutritional stress is just one example of how farmers go out of their way to protect and support their animals that are, in fact, their livelihood.

Most animal industry bodies, particularly in Queensland, are aware of and accept these common practices of rural producers. However, at the same time many traditionally accepted animal husbandry techniques continue to attract criticism by animal rights groups. Some of these groups go to extremes to highlight the bad cases that are, as I said before, in the minority. Due to the farmers' vulnerability to market forces, there are instances where, if the farmer suffers, the land and the animals also suffer. Drought and the decreasing values of livestock have contributed to the link between the welfare of both the farmers and the animals. But that does not in any way confirm that farmers deliberately abuse their animals, as opined by the RSPCA in some of its articles.

To reiterate my point, I will refer honourable members briefly to just one more case of questionable conduct that was highlighted when a raid was conducted by the RSPCA. Some two years ago, the owner of a small hobby farm was targeted by the RSPCA as a result of a complaint by a neighbour. RSPCA inspectors began an investigation, accessing the property by cutting a padlock fitted to the front gate. The owner's only knowledge of someone entering the property was via the broken padlock. No notice was left by the RSPCA officers stating that they had entered that property. No phone calls had been made. There was no way that the owner knew that it was, in fact, RSPCA officers who had actually entered his property. That occurred on three separate occasions and not once was the owner notified that it was, in fact, the RSPCA and that it was, in fact, investigating the habitation and welfare of the animals on that hobby farm.

On the fourth occasion that the RSPCA entered and raided the hobby farm, the owner was away on business for the day. On returning, he found that the padlock had been cut yet again, his house and property had been raided and all his animals had been taken. No notice or receipt for the confiscated animals was left by the RSPCA. It was only some days later that a notice was given specifying that the owner was to contact the RSPCA in this instance.

In an interview with the RSPCA, the owner was advised that all charges against him would be dropped if he surrendered his animals to the RSPCA. He was told that if he refused he would be liable for costs for the housing of the confiscated animals. He was also advised that he would have to pay

\$10 per day per animal, which at that particular time was considered excessive as the local feedlot in that area was charging only \$3 a day for the same service.

Due to financial hardship, the owner did surrender his animals to the RSPCA. However, he was still required to pay close to \$1,000 in fees and charges. No conviction was recorded on the condition that he not talk to anyone about the incident. One of my researchers recently contacted this person and still now, almost two years later, he is reluctant to talk about the incident purely because the RSPCA instructed him not to do so. No person should be intimidated to the point at which they are afraid to discuss a matter that is within the public interest. This is totally unacceptable behaviour by the RSPCA. No volunteer organisation should have this level of power. Even police officers are not afforded this level of power or authority.

The amendments sought in this Bill will stop this kind of behaviour. The amendments are an improvement on the Animals Protection Act, ensuring that animals continue to be protected as per the RSPCA's authority while respecting the rights and the liberties of animal owners. The City Country Alliance is aware that the Minister for Primary Industries is currently working on a Government Bill to replace the existing Animals Protection Act 1925, something most members would agree—as has been said by previous speakers—is long overdue. Most members agree that the amendments mooted in this private member's Bill have been needed for a long time.

The Minister admitted that the majority of the current Act is deficient and fails to address contemporary animal welfare standards and issues. He also admitted that entry without a warrant is inconsistent with the powers of entry for inspectors under other legislation and clearly does not have regard to the fundamental legislative principles as set out in the Legislative Standards Act 1992.

The City Country Alliance Queensland accepts that the Animals Protection Amendment Bill does not address all of the problems associated with the Animals Protection Act. The purpose of this Bill is to address one of the most contentious faults of the existing legislation, one that has caused significant public outcry as a result of the increasing number of people falling victim to the excesses of the overzealous and sometimes power-drunk RSPCA inspectors. I say "victims" because, as I have pointed out, there are several documented cases where the RSPCA has abused its authority in the extreme.

The debate on the welfare of animals is a very contentious one. Animal welfare is always a matter of opinion, one on which everyone is keen to have a say. Emotion, practicality, genuine concern and politics often complicate this issue. An imperative action is to work towards managing the situation to the satisfaction of all sections of society. The concerns of primary producers, conservationists, the community and even animal welfare groups must be allowed to be expressed, with common goals recognised, acknowledged and achieved. Perhaps the Minister's new Animals Protection Bill will reflect innovative and acceptable standards, in particular industry standards that apply to the farmers in the bush.

Increasing the levels of knowledge and understanding of animal husbandry practices, in particular the accepted industry standards of farmers, is an important priority for the RSPCA inspectors. The City Country Alliance considers that this legislation is fundamental in continuing to protect animals against cruelty while protecting the rights and the liberties of owners.

We must acknowledge, as I said before, that this is the year 2000. It is not 1925. There is no longer a need for the huge range of powers that is contained in the Animals Protection Act 1925. We are living in a different society. We have far greater access to phones and computers—things that were not available to workers out in the bush in years past. They do not need to react as quickly and with such haste as they did in the past. Some react very slowly in a lot of circumstances, but some react with a lot more haste and vigour than they should.

I commend the member for Lockyer for introducing these amendments to the Animals Protection Act. I commend the Bill to the House.
