



Speech by

**Hon. HENRY PALASZCZUK**

**MEMBER FOR INALA**

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Hansard 17 October 2001

### **ANIMAL CARE AND PROTECTION BILL**

**Hon. H. PALASZCZUK** (Inala—ALP) (Minister for Primary Industries and Rural Communities) (5.10 p.m.), in reply: At the outset, I thank all honourable members for their contributions to the debate on the Animal Care and Protection Bill. As far as I am concerned, this has been one of the better debates in this House. The bill has garnered support from all sides of parliament—the government, the National Party, the Liberal Party, the One Nation members and of course the Independents. So we have support across the cross-section of the parliament, which is quite difficult to achieve most of the time.

The theme that permeated the speech of every member this afternoon was the regard honourable members had for the staff in the DPI for the manner in which they briefed them. I will tell members why that is the case. There are people within the Department of Primary Industries who have worked on this piece of legislation from its very inception. They are so committed to getting this bill through the parliament because they believe it is landmark legislation that will provide a model for other states. That is why they briefed honourable members on all sides of the House in the manner in which they did.

I thank all honourable members for recognising the contribution of Department of Primary Industries officers for putting together this very important piece of legislation over the past 10 years. Its formulation started back in Tom Burns's day and continued in Terry Mackenroth's day and Marc Rowell's day. Of course, I am very fortunate to be standing here in this House today as the minister with carriage of this legislation and, more importantly, to be part of this legislation being passed unanimously by the House. For that I thank all honourable members.

I wish to address a number of issues raised by different members. In the first instance I will address a number of the issues raised by the honourable member for Hinchinbrook. Hopefully my responses will answer the questions he raised in his speech.

The first question he asked related to what body would be responsible for the sale of unwanted animals and animals of a convicted person involved in a disposal order. The handling of unwanted animals will depend on the circumstances. In most cases existing systems will continue. These include the rehousing of animals by the RSPCA and by other refuges. The handling of animals of a convicted person involved in a disposal order will be in accordance with the direction of the court. The bill states that the court is to order how any sale is to take place and how the proceeds are to be distributed.

Another question asked by the honourable member for Hinchinbrook related to consistency of the bill with other state legislation. Clearly, each state's legislation will have some minor differences, but this would not adversely affect livestock being moved interstate. The consistency here comes from the transport codes of practice. These are national codes and they are acknowledged by all of the states. There is in fact one national standard for each type of livestock, making it much easier for all the different industries to conform.

The member referred to the subjective assessment of overriding or overworking an animal. It is a very important point. I can assure the House that the standard of proof required in the act is beyond reasonable doubt. The court will demand object and clear evidence of any alleged offence. In most cases, inspectors will need to get veterinary or other expert advice before making any decisions to prosecute. Of course, this is not a subjective process.

The other issue touched on by the member for Hinchinbrook, the member for Callide and a few other members concerns Aboriginals and Torres Strait Islanders. This government is bound to abide by fundamental legislative principles which provide that all Queensland legislation must give due regard to Aboriginal traditions and Torres Strait Islander customs. Also, Commonwealth native title legislation prevails in this area. However, as a government we are aware of potential issues, and the bill purposely has an ability to deal with any particular practices which could cause community concern. It will do this by regulation in consultation with the people who are affected. Paragraph (c) of clause 8 of the bill contains a provision for a regulation. The regulation is there to basically satisfy the concerns of honourable members opposite.

As the honourable member for Hinchinbrook pointed out, it is important that the scientific purposes code be up to date with modern practices. The current code was updated and endorsed in September 1997. The code is already undergoing another review at this time. We recognise the importance of keeping codes up to date.

While I am on the issue of codes of practice, I point out for the benefit of the House the vast array of codes that are currently available. There are two compulsory codes. One is the Queensland code of practice for the welfare of animals in circuses. It is enshrined in the legislation and other states are looking at this, so we will basically end up with a national code of practice for circuses. The other compulsory code is an Australian code of practice for the care and use of animals for scientific purposes. That is also enshrined in the legislation.

All other codes—such as for livestock at slaughtering establishments; for land transport of cattle; for land transport of horses; for land transport of pigs; for the welfare of animals, whether goats, sheep or pigs; for land transport of poultry; for animals at saleyards; for feral livestock animals; for the farming of deer, farm buffalo, cattle and camel; for husbandry of captive-bred emus; and for intensive husbandry of rabbits—are all voluntary codes. The good thing about these codes is that they have been put together by industry. Therefore, industry knows what they are about and they are bound to abide by those codes.

Other codes are in the process of being drafted. The honourable member for Darling Downs is very keen on rodeos. A draft code is now being prepared relating to the care and treatment of rodeo livestock. We have a draft code for the farming and welfare of ostriches. We have a draft code here for the land transport of sheep. We have a draft code here for domestic poultry. And of course we have a draft code for cattle. As honourable members can see, there are a number of codes in the evolution stage. Some codes are compulsory and other codes are voluntary. The majority of codes that deal with extensive livestock are voluntary codes.

The honourable member raised an interesting point about how the funding for this legislation is going to be found. It is recurrent funding of \$1.6 million in the budget. It was included in the department's budget submission. No new funding was sought. We are going to have the resources come from an internal reallocation system. So for honourable member's information, the money is there.

**Mr Rowell:** The RSPCA as well?

**Mr PALASZCZUK:** No, that is the internal funding for the department to administer this bill when it becomes an act.

Mr Horan and Mr Hopper spoke about rodeos. I think I have pointed out that a draft rodeo code is being put together. The member for Darling Downs offered his services to help put together that code, and I will gladly accept his involvement in that. I have spoken to my officers, and he will be part of that because, as he said, he has been involved in rodeos and animals at rodeos since he was a young fellow. So we are certainly pleased to use that sort of expertise.

The honourable member also mentioned the issue of cats. I have to remind all honourable members that this bill is about animal welfare; it is not about animal control. Councils have a full range of powers available to deal with these issues, but they are not the subject of this bill.

Both the RSPCA inspectors and DPI stock inspectors will enforce the bill. The honourable member for Glass House mentioned that there will be vets involved. As the process of evolution continues and we can sign an MOU with the Police Service, we will have the Police Service involved. We will also look at other departments—not only state government departments but federal government departments—to assist in administering this bill when it becomes an act. So members should not be too concerned. I believe that we will have adequate numbers of people out there in the field enforcing and educating people—I suppose education is the operative word—on how to look after their animals.

The member for Darling Downs also mentioned the issue of steel-jawed traps. This bill has an exemption for the control of feral and pest animals provided that, where a code exists, that code is adhered to. I understand that the feral animal code currently allows for the use of steel-jawed traps, as referred to by the member for Darling Downs.

The member for Callide raised a few issues. He raised the issue of codes of conduct and how they change. All I can say is that codes are meant to be dynamic documents; they can change. The safeguard here for our community and for all honourable members in this House is that when there is a change in a code of practice, as minister I have 14 days in which to lay it upon the table of this House for the perusal of members in this place. I think the fact that I have gone through all the voluntary codes and the compulsory codes and the codes that are evolving now should satisfy the member for Callide in relation to those codes. He also questioned the interpretation required by inspectors when using codes. As I have said, codes cover specific species and/or specific circumstances. However, there are areas where the codes outline what is to be achieved, and there is flexibility for producers in those codes.

The member for Gladstone raised an interesting point about exercising dogs. Let me reassure the House that this is all based on commonsense. The bill does take into account a dog's size and physical condition—and size, when considering the requirement of daily exercise, must be complied with. But this requirement applies only to dogs that are confined for a period of 24 hours. If not, there is really no requirement there that the owner must exercise the dog. The dog merely must have the opportunity to run around or exercise if the dog wants to. That is basically what my dog Suzi Q does at home when we are working late and I cannot take her for a walk; generally speaking, she exercises herself in the front yard.

The member for Gladstone raised the issue of de-barking, which is permitted under the bill. Current legislation permits de-barking operations only under strict conditions. These conditions acknowledge the roles of local governments and the problems barking dogs do cause local governments. The current arrangements in the bill for de-barking have not attracted any opposition, and I cannot see any reason why the way that the provision is set out in this bill cannot be accepted by the House.

The honourable member for Tablelands raised a couple of issues. She was concerned about an employer engaging an employee with a working animal. This provision is necessary to ensure that an employer cannot hide behind the fact that they do not own the animal in a case where they knowingly condone or encourage mistreatment of that animal. And on the power of inspectors to destroy an animal without a veterinary diagnosis, there are times when this is the case. This power is necessary basically to prevent undue suffering of an animal that is in significant pain. And if a person feels aggrieved by the destruction of their animal by an inspector, clause 191 then allows that person to claim compensation.

The member for Nicklin raised a couple of issues in relation to the \$90,000 that is to be provided by the Department of Primary Industries for an education program. That money has already gone to the RSPCA towards an education unit which will travel the state visiting schools and the like to educate people on this new piece of legislation. So the money is there. The RSPCA does have it.

The member also raised an interesting issue about the amendments that I will be moving at the committee stage this evening. Many of those amendments are a direct result of the Scrutiny of Legislation Committee having a look at the legislation and then making a recommendation to myself, as minister, and we have accepted those recommendations. That is why those are in. The others are very minor amendments that have been recommended to us by parliamentary counsel to ensure that the true meaning of the legislation goes through. I circulated those amendments yesterday afternoon so that honourable members had enough time to have a good look at them. They are not major amendments, just recommendations from the Scrutiny of Legislation Committee and from parliamentary counsel.

I also thank all honourable members on the government side. I will not go through all of them by name. As Minister for Primary Industries, which does include animal welfare, I very much thank them for all their support and for their contributions to this House. I am quite sure that they are part of an historic moment in the history of the Queensland parliament, being part of a government that is passing such landmark reforming animal welfare legislation.

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