




Speech by

Tim Mulherin

MEMBER FOR MACKAY

Hansard Wednesday, 12 September 2012

ANIMAL CARE AND PROTECTION AND OTHER LEGISLATION AMENDMENT BILL

 **Mr MULHERIN** (Mackay—ALP) (Deputy Leader of the Opposition) (3.53 pm): I rise to make a contribution to the debate on the Animal Care and Protection and Other Legislation Amendment Bill. As the Minister for Agriculture, Fisheries and Forestry has outlined, this bill intends to amend a variety of acts, including the Aboriginal and Torres Strait Islander Communities (Justice, Land and Other Matters) Act 1984, the Animal Care and Protection Act 2001, the Aurukun and Mornington Shire Leases Act 1978 and the Nature Conservation Act 1992.

It is disheartening to see that those opposite are once again trying to push through a piece of legislation in this House that will have major ramifications for individuals outside this place, especially Aboriginal and Torres Strait Islander people, without undertaking proper consultation. We heard the minister say that he would give an extended grace period of 12 months so that consultation could occur. That consultation should occur before the legislation is brought into this House. Short consultation periods have become a calling card for this government which, frankly, is insulting to the people of Queensland.

At the outset I would like to put on record that this side of the House supports the protection of animals and providing animals with the highest possible protection that can be afforded to them under our laws. I know that the vast majority of Indigenous people who practise traditional hunting also value animal welfare. I served as the minister responsible for animal welfare from December 2005 until this year's legislation. During that time, we made a number of advancements to protect animals and safeguard their welfare. The previous Labor government participated in a significant body of work with the Protected Zone Joint Authority to improve dugong protection in the Torres Strait. The PZJA manages both commercial and traditional fishing in the Australian waters of the Torres Strait and designated waters under the authority of Papua New Guinea.

During my time as minister, the government introduced new protection for animals by increasing the maximum penalty for cruelty to animals to \$100,000 for individuals and \$500,000 for corporations. The previous government legislated the Animal Management (Cats and Dogs) Act 2008, which provides a single state-wide framework for responsible cat and dog ownership. I also introduced the pet shop code of practice, which set out a broad range of standards for the conduct of pet shops. This included standards relating to animal housing, hygiene, records management and health care. I produced draft regulations for dog breeders, which aims to shut down puppy farms. These puppy farms usually operate in isolated areas, hidden from the scrutiny of neighbours and the public. Often hundreds of dogs are kept in substandard environments with a lack of animal hygiene and housing processes. The regulations were designed to introduce compulsory registration for large scale dog breeders with regular monitoring activities. They also would have required the microchipping of all puppies with detailed information on the dog breeder and the mother of each litter. These regulations would have made it easier to track the breeder of a particular puppy and introduce accountability and transparency to the industry. They were designed specifically to squeeze unscrupulous puppy farmer operations out of the market. I put those regulations out to public consultation this year and the consultation period ended during the election. As yet, the new minister has

not progressed those regulations any further and I hope he will do so in the near future. The previous government also established the Centre for Advanced Animal Science at the University of Queensland Gatton campus. The centre is a world leader in animal welfare as well as animal health—

Mr Rickuss: An excellent facility, too.

Mr MULHERIN: It is a great facility. It is clear that the previous government's record on animal welfare is unimpeachable.

It is important to recognise that dugong and turtles face a number of threats. The biggest threat to dugong are the loss of seagrass, the loss of habitat, boat strikes and climate change. Unfortunately, this government has not shown itself to be serious in addressing these significant issues. The environment minister is a climate change sceptic and spends most of his time dismantling climate programs. Turtles face similar threats from boat strikes, climate change and chemical run-off. The LNP has never been serious about reducing—

Mr RICKUSS: I rise to a point of order. I have listened to the member for Mackay speaking and there is no relevance to the bill whatsoever.

Mr DEPUTY SPEAKER (Mr Watts): Order! There is no point of order.

Mr MULHERIN: Turtles face similar threats from boat strikes, climate change and chemical run-off. The LNP has never been serious about reducing the chemical run-off either, having opposed the Great Barrier Reef protection bill. The federal government has taken action in this area to assist the Aboriginal and Torres Strait Islander people to ensure humane practices are used in traditional hunting. Under the stewardship of the federal Environment Minister, Mr Tony Burke, the government has provided \$5 million towards Indigenous self-management. Minister Burke realises that this is the best way to ensure that traditional hunting is sustainable and humane. As part of this program, traditional owners have met to outline their priorities to improve management of dugong and sea country in Queensland. This includes tackling illegal hunting and improving monitoring and compliance of traditional hunting. Under that program the federal government is supporting an Indigenous sea country leadership network which provides leadership and policy advice on Indigenous sea country issues including proper practices on the take of marine turtles and dugong.

During the extraordinarily brief consultation period, a number of stakeholders raised concerns that the bill may take away native title rights. Section 211 of the federal Native Title Act 1993 ensures native title holders can continue to enjoy traditional activities, including hunting, fishing and gathering. The exemption the LNP is seeking to remove from the Animal Care and Protection Act 2001 was designed to ensure compliance with the federal Native Title Act. Of particular concern to many stakeholders were the changes to the Aboriginal and Torres Strait Islander Communities (Justice, Land and Other Matters) Act 1984. This change stipulates that animal products must be consumed in the community or Indigenous regional councils in which they were caught. I understand this change is designed to discourage the sale of turtle and dugong meat. However, I think it may result in serious unintended consequences. I know the minister has indicated that during the 12-month grace period his department will have discussions in relation to the transportation of dugong meat. Once again the consultation occurs after the event.

First of all, the sale of protected species is already an offence under the federal Native Title Act as well as the Queensland Nature Conservation Act 1992. Given trade of dugong and turtle meat is already against the law, it is unclear why provisions are being considered under this act. I understand dugong and turtle meat is used in some traditional cultural ceremonies and this element of the legislation could severely curtail these ceremonies. Many Indigenous people live in regional cities and in Brisbane where it is not possible to undertake a traditional hunt. Therefore, they rely on family and friends to provide them with dugong and turtle meat for traditional practices. This meat is given freely and not traded for financial benefit. Nowhere in the LNP election commitment was this particular change mentioned. It has been sprung, sight unseen, on Aboriginal and Torres Strait Islanders without real consultation.

The opposition also harbours reservations over the way Indigenous people have been specifically targeted with this legislation. The Animal Care and Protection Act 2001 also contains an offence exemption for the slaughter of animals as part of a religious ritual. Traditional Indigenous hunting has a significant cultural and spiritual significance to Aboriginal and Torres Strait Islanders. Dugong and turtles are totem animals for many Indigenous communities engaged in traditional hunting. There are particular processes and rituals involved in traditional hunting, in the butchering of the animal and in its consumption. The spiritual aspect of the Indigenous hunting marks it as similar to the ritualistic slaughter of animals for religious purposes. I believe it is problematic and concerning to only address Indigenous hunting when similar animal welfare concerns arise from other religious practices. The government should be addressing these issues in tandem. Under this bill an exemption will continue to stand for religious practices but not for the very similar practices used in Indigenous communities.

I also have major concerns with the potential enforcement of this bill. The question must be asked how will this be enforced when jobs are being cut from the Department of Agriculture, Fisheries and

Forestry. The minister has already announced 200 job cuts. In the budget papers it is 450. We know there will be more to come. These are not just front-line jobs, there are rumours a number of Fisheries officers will be sacked as well. Of course, the minister laughably claims that Labor had left his department with too few employees, all the while planning on reducing his department further. The minister cannot have it both ways. He cannot give public servants more responsibilities while firing staff left, right and centre.

The government has not acted in good faith with this bill. It has not conducted proper consultation with Indigenous communities and it has refused to listen to any concerns. During the committee inquiry a number of stakeholders raised concerns with the time frame for consideration and lack of consultation. The Local Government Association stated it was very concerned with the lack of consultation associated with this bill and the apparent need for the state government to expedite these legislative amendments. The Torres Strait Regional Authority also raised concerns, saying the Queensland government has failed to carry out an acceptable level of consultation with traditional owners and representatives of traditional owners such as the Torres Strait Regional Authority throughout the development of the proposed amendments.

The opposition has spoken to John 'Toshie' Kris from the Torres Strait Regional Authority and he is particularly concerned about the amendments to the Aboriginal and Torres Strait Islander Communities (Justice, Land and Other Matters) Act 1984 which were not taken to the election. The chair of the Cape York Land Council, Mr Richie Ahmat, said he was absolutely appalled at the fact that the Cape York Land Council was not even invited to provide a submission to the committee. Even the Royal Society for the Prevention of Cruelty to Animals, an organisation that would be expected to support more legislation on animal welfare, raised concerns with the lack of consultation.

Mr Elmes: Did you have a talk to the RSPCA?

Mr MULHERIN: That was the RSPCA.

Mr Elmes: You should have another talk to them.

Mr MULHERIN: The government's response to these concerns is that it would conduct detailed consultation after the bill had been passed. With all due respect, that is not consultation; that is PR. There is a well-known maxim amongst carpenters to measure twice and cut once. Legislators would do well to adapt the maxim when it comes to consultation. If you consult properly you only need to legislate once. If you fail to consult we might very well be back here in a year or two with new amendments to address community concerns. More than two months have elapsed since the committee report was completed. It seems to me that this time could have been more wisely used for a longer consultation period.

I conclude where I started: this side of the House supports measures to improve animal welfare, but we have significant concerns about this bill. We believe that on an issue that is extremely important to Indigenous communities around Queensland consultation needs to occur prior to legislation. On these grounds we oppose the bill. Pursuant to standing order 141, I move—

That the bill be referred back to the Agriculture, Resources and Environmental Committee to undertake full and proper consultation and report back to the House by no earlier than 1 February 2013.