

HOUSE OF ASSEMBLY

TUESDAY 29TH MAY 2012

LIVESTOCK (MISCELLANEOUS) AMENDMENT BILL

In committee.

(Continued from 17 May 2012.)

Clause 12 passed.

Clause 13.

Mr PEDERICK: I have a few questions about clause 13, which is about the requirement for identification codes. It states that the regulations may provide for a scheme for the allocation by the Chief Inspector of Codes identifying places where livestock or livestock of a specified class may be kept or handled. I would like some clarification. Does a property identification code (PIC) cover all land under the control of a farmer, whether they lease it, share farm it or own it? I understand that it would be covered by a person with those management arrangements, but I would seek clarification.

The Hon. P. CAICA: As I understand it, the new regulations will be amended to improve the overall legislative framework, but there will be further consultation with industry on any changes to the regulations. Those changes are not intended to alter the basic operations of the PIC, which is what you have described there, and, as I understand it, as was the case with some previous bills. The new sections have been developed to cover the current PIC system regulations. However, there will be ongoing discussion and dialogue with the industry with respect to those particular regulations, the same as we spoke about with some earlier amendments.

Mr PEDERICK: So, my understanding of your answer, and it is a little vague, is that if someone was operating multiple properties—a property they own, a property they lease and a property they share farm—I believe that under this legislation any animals under that ownership, whether they be on their own property, a leased property or a share farm property, but they are in the core ownership of one person who is the operating farmer, lessee or sharefarmer, the PIC fee would cover all the stock under his care and control?

The Hon. P. CAICA: As I understand it, that is currently the case. This process is not intended to alter the basic operations of the current PIC system. The answer to your question is, yes.

Mr PEDERICK: Horse SA has some specific questions about the PIC. The first question is along the lines of: is it possible currently to make a horse owner, who does not manage a property, nor is likely to—this is regarding agistment—who has nothing to do with other horses on the property and therefore has little input into the biosecurity arrangements, and has no legal responsibility for the property, get a PIC due to the fact that they meet the 'horse keeper' definition as it currently stands in the regulations? They make the further point, in their correspondence to me, that this is very uncomfortably close to unique animal identification, which is not opposed in itself if set up to be exactly that, but PICs are not.

The Hon. P. CAICA: What I am advised is that the owner of the stock, in this case the horses that you mention, or indeed the person responsible, is in turn responsible for the acquisition of a PIC.

Mr PEDERICK: So, you are saying that the owner of the property is responsible for the PIC?

The Hon. P. CAICA: I am told that it could, in circumstances, be the owner of the property. The person who is most responsible will be responsible for the PIC.

Mr PEDERICK: In that regard—and this could apply to any animal, but it is a query from Horse SA—is it possible, or even legal, to apply the PIC fee multiple times against one property due to the fact that there could be different people involved in paying the PIC fee? Many people assume that only one PIC per property would be applied unless multiple PICs were asked for to aid livestock management. The submission from Horse SA states:

It now appears this is not so, therefore it can be assumed that the PIC fee will be applied multiple times against one property but not receive multiple service improvement from PIRSA?

I am just wondering where the legal status is and whether multiple PICs would apply to single properties.

The Hon. P. CAICA: I am told that the intention is to only apply the PIC once. I am also told that there might be some circumstances where multiple PICs may be issued but it is not intended for that to be the case. Again, that would relate to the circumstances from the previous question about the owner of the animal, the owner of the property, or at multiple-jurisdiction level where it might get multiple PICs, but it is not intended to do that and we would expect there to be ways by which that would be subsequently identified and managed appropriately with the intention of, and underpinned by, that position of only issuing a single PIC.

Mr PEDERICK: Can clarification be provided around how people can apply for exemptions from the property identification code and what the criteria is? Is it possible that those with exemptions could be on some sort of public register or some other way to avoid them being lost in the system and receiving a fine from PIRSA for not paying an on-the-spot inspection fee or not having a property identification code on horse show entries, if required, and horse transport companies refusing to accept their business and so on? I just want some clarification around that.

The Hon. P. CAICA: I am advised that there will not be any exemptions from having a PIC, only an exemption that can apply to the fee that is being charged. I am further advised that that exemption would apply to non-government organisations or not-for-profits. As I understand it, at this stage our discussions have focused on one organisation, Riding for the Disabled.

Mr PEDERICK: So at this stage that will be the only organisation, probably?

The Hon. P. CAICA: That is the only one that has applied at this time. The rule of thumb is that you will not be exempted from having a PIC but you can be exempted from paying the fee. At the moment only one organisation has applied for that exemption.

Clause passed.

Clauses 14 to 25 passed.

Clause 26.

Mr PEDERICK: Clause 26—Claims for compensation from Fund. On page 9 of the bill, subclause (3) provides:

Section 49—after subsection (4) insert:

(4a) The amount of compensation is to be reduced by the amount of the net proceeds of any sale of livestock carcasses or other property.

I am a bit concerned as to what could be deemed 'other property' in this clause.

The Hon. P. CAICA: As has been identified, this amendment will allow for the change in the national deed to allow compensation for animal slaughter on animal welfare grounds to be legally applied in South Australia. The amendment will help farmers access better payments in a natural emergency response. I will not go into any great detail other than to say that the state is a signatory to the national deed between all governments and the national livestock industry. The deed has recently

been amended to allow for compensation for animals slaughtered on animal welfare grounds.

With respect to the specific question as to what might constitute 'beyond carcasses', or where it says 'or other property' (that was the thrust of the question), I refer to clause 49(1)(b) of the existing act, which provides:

...an owner of livestock or other property destroyed in accordance with a notice or order issued under Part 4 Division 4, or by action taken or caused to be taken by an inspector under Part 4 Division 4, for the purposes of controlling or eradicating a declared exotic disease during a declared period.

It talks about other property. In this circumstance it might well be sheds, for example, or whatever it might be that, as a result of the determination of the emergency animal disease response agreement, had to be destroyed as a result of whatever that disease might have been. Of course, that would be taken into account when the decision was made to destroy a property. That is a direct result of the management of that livestock on that property certified by an inspector for destruction.

Mr Pederick interjecting:

The Hon. P. CAICA: Other actions as well, yes.

Mr PEGLER: Just on that one, would that other property include skins and hides?

The Hon. P. CAICA: That was my initial reaction, that it would—bones, skins, hides and stuff like that that might have a sale beyond just the carcass. I think it would be a logical fit. In this regard, we are talking about other property, and I guess that is the owner's property, for want of a better term, and that would, in my view, fall in that category.

Mr PEDERICK: So, when you say it could be a shed (you did not talk about yards), could they be sold off under this clause and the proceeds used; not just destroyed assets, but they could be on-sold assets?

The Hon. P. CAICA: I am told that these would be determined by the contents of the national deed and what we have been a signatory to. I am led towards the member for Mount Gambier's description about what might constitute 'other property', and that would seem logical to me to be those other parts of the animal. However, there may be circumstances where either property might need to be destroyed or subsequently—and I do not know the answer to this—it becomes useless to that property owner and they might on-sell them. That would need to be dependent upon what is written within the national deed between all governments and the livestock industry.

Clause passed.

Clauses 27 to 29 passed.

Clause 30.

The CHAIR: Minister, I understand that you have an amendment to clause 30.

The Hon. P. CAICA: I do, sir.

The CHAIR: My understanding is that you just want to delete the clause, so I suggest that you vote against it when the clause is put. Do you have a question, member for Hammond?

Mr PEDERICK: Thank you, Mr Chairman. This is the amendment brought on by the Hon. Robert Brokenshire in the other place regarding the administration of the Animal Welfare Act in relation to livestock, which will be inserted after part 9 in the act. The main thrust of this amendment is that 'the minister responsible for the administration of this act is responsible for the administration of the Animal Welfare Act 1985 in so far as it applies to livestock (other than pets) to the exclusion of the minister who is responsible for the administration of that act.'

I, as the lead speaker, and others on the side of the house have indicated that we do support the amendment that has come down from the other place. We believe that commercial livestock and horses, in as far as animal welfare, should come under primary industries so that the department and its inspectors can manage the animal welfare issues that come up from time to time.

As I indicated in my initial speech on this bill, we believe that the RSPCA does great work regarding managing welfare issues with pets and wildlife. We on this side of the house do not believe that a charity should be responsible for the multi-billion-dollar industry that livestock is to this state.

We have seen bumbles at times with management. The biggest issue, I guess, was the Brinkworth case. Tom and Pat Brinkworth were dragged through the mud, with allegations of animal cruelty, because a senior employee of the RSPCA made a fundamental error in an application for a search warrant. The case was subsequently thrown out, without the Brinkworths or their managers able to put their side of things. It is like a lot of things that go on in life: it is pretty easy to throw a bit of mud but, once you throw it, there is always some that sticks. The problem for the Brinkworths and their managers was that they never got to go to court because this case got pulled.

I note that there is a lot of emotive argument on either side of this case about whether or not it should have gone forward and whether they should have perhaps suffered the fate of prosecution, but the sad thing is that they were never able to put their case in a court of law in this state because of a bungled investigation. That is the simple fact of what happened.

In other matters relating to animal welfare, we see pressure from groups. We see that Animals Australia tag team with the RSPCA on issues such as mulesing and live animal exports. The simple fact is that some of these people want to put up all these issues, but they never come up with a solution. They want to impinge on the farming community of this state and this nation—not that anyone on this side of the house condones bad animal welfare practices by any means—putting unrealistic obligations on primary producers. They do not understand, especially in regards to the live cattle episode, how much impact that has on this country and even this state.

As I said in my initial speech on this bill, the impacts of that ban on the live cattle industry reverberated right back to South Australia. Johnsons Feed at Kapunda was heavily impacted; it goes through to the feedlots. What is the other option for these cattle from the north if they do not go north to Indonesia? They have to do possibly a 3,000-kilometre ride in a truck, and plenty of stock does that.

I see what happened during the recent drought in Western Australia, when well over a million sheep came east; some came in here to South Australia and some went through to New South Wales and Victoria. Certainly, tens of thousands of cattle, if not hundreds of thousands, travelled east to come out of the drought, and indeed I witnessed cattle trucks changing their loads at Border Village, on the border of South Australia and Western Australia.

All the time we see farmers feeling as though they have not done enough, yet they are the best people to know how to treat animals fairly. Back in 2008, the caged egg industry was restructured, yet still for some not enough is done, so more impost is placed on the egg producers of this state in regard to the caged egg industry.

We see the sow stall issue, which Coles has pushed along in this nation, where the industry has agreed to voluntarily phase out the use of sow stalls by 2017. Yet, as I understand it (and I must admit that I did not see the program), the Premier of this state said on *Landline* that he wanted to accelerate the exclusion of sow stalls to 2013. It is pretty easy to make those glib comments without understanding the cost. One pig producer in my electorate—and he is a major pig producer—had to spend \$1 million to get his shed up to spec. There would not be too many people in this place who could throw \$1 million at one project, at one part of whatever they do in life. This farmer knows that his contract with Coles is set for the next five years—and what happens then?

I know from talking to the RSPCA, as I did before we debated this bill a couple of weeks ago, that they want to separate their campaigning from the inspectorate roles. It is not as easy as that; you just cannot split the two. The RSPCA want to keep their inspectors in charge of commercial livestock, but then they say, 'Just split off that idea where we are campaigning against mulesing of sheep.' We debated here earlier the benefits of mulesing for sheep. Yes, it is short-term pain, but I tell you what—it is long-term gain.

As I have indicated in this house before, I shored sheep for 13 years, and I shored plenty around the place. I shored plenty at times which had a touch of flies because of bad weather conditions, humidity, on properties where the weather had gone against them. Not only is it a big issue on the tail of sheep, but if it moves up over the body a body-struck sheep is something that is not very pleasant, not very pleasant at all.

We need to be realistic about what measures are put in place for our farmers because I can assure you that 99.99 per cent of them will do the right thing. Sure, there is always someone who will try to take a short cut, I will admit that, and they should not. We need to respect our food producers, and we need to give them a break. I know that the wool industry bodies are looking at ways of not having to mules our sheep. There are ways to breed plainer sheep, but the trouble is that if you breed plainer sheep you do not get the wool cut and there goes your profitability.

As far as cattle husbandry is concerned, we are the only nation in the world that follows our stock to the slaughterhouse, and that is to be commended. We see recently that, through some of the footage Animals Australia took and the investigation that followed, it looks like a couple of prosecutions will follow, but Animals Australia still were not happy. We have to be careful what we wish for at times. What do people want in this state and country? We are not all going to eat beets and beans and chick peas. Some of us want to eat meat.

Mr van Holst Pellekaan interjecting:

Mr PEDERICK: Yes, I have eaten the odd steak, Mr Chairman, and I enjoy it.

Mr van Holst Pellekaan: Three times a day.

Mr PEDERICK: I would have it three times a day if it was possible, yes. Thank you, member for Stuart. But we do have to be realistic and what I am getting back to is I do not believe that you can, as the RSPCA says, just split off the inspectorate role from the campaign role. You simply cannot do that. As I have said, most farmers—in fact, the vast majority—do the right thing, but they know that they are under pressure and having to spend money, and there is no certainty in the future that any upgrades they do will be good enough even five or 10 years down the track. Yes, there always can be improvements made, but someone has to pay the piper.

Someone has to pay the bill. You know what? It is usually not the consumers or the middle men. I know who it is: it is the primary producer who has to pay those costs every time. Sometimes—in fact, most of the time—there is no chance of them finding compensation for that expense.

In the bigger picture, we support this amendment that has come from the upper house. We think it is the right thing to do. We think that Primary Industries, which has very capable inspectors who attend sales throughout the state, who are already there in force, with the appropriate funding applied, should be the ones managing animal welfare in this state for commercial stock and horses. I commend the amendment as it has come from the other place.

Mr PEDERICK: In response to that answer and the previous answer: to make the administration of animal welfare much smoother, because the primary industries officers are stationed in regional areas and are at sales looking at how stock are presented, I would have thought that it would be a sensible idea to put them in control of animal welfare. They are already at the sales. They are already at these commercial sales, seeing what is going on and, obviously, they have the knowledge, they are on the ground and we are not having to call on the RSPCA to send out their officers from the city.

Mr PEDERICK: I note that section 82(1) of the Livestock Act 1997 provides:

Proceedings for an offence against this Act must be commenced within two years of the date on which the offence is alleged to have been committed or, with the authorisation of the Minister, at a later time within five years after that date.

Obviously, with an expiable offence, the minister will not have that capacity under this amendment. On this side of the house, we support the amendment. As I indicated in my second reading speech, the inclusion of the multiple expiable offences, I think, brings a lot more clarity to how this bill, if it is enacted, will be able to operate. We support this amendment.

The Hon. P. CAICA: I thank the member for Hammond and his side for the support of this amendment.

New clause inserted.

Remaining clauses (31 and 32), schedule and title passed.

Bill reported with amendment.

The Hon. P. CAICA (Colton— Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (12:41): I move:

That this bill be now read a third time.

In conclusion, I thank the opposition for the level of support for this very important bill. I acknowledge the comments that were made about the importance of the livestock industry to this state and nation but also the importance of making sure that we properly manage our livestock and the fact that farmers are best positioned with, depending on whom you are talking to, 99.999 per cent of farmers always doing the right thing. I also thank our officers from the department who have worked very well and diligently in assisting in my preparation of this bill.

Mr PEDERICK (Hammond) (12:42): Obviously, we support most of the bill as it has come through. We are disappointed on this side of the house that the amendment moved in the other place has not survived, but we will watch with interest what happens when this bill does go back to the other place, because we on this side are certain that animal welfare issues of a commercial nature, and involving horses, should be under the care and control of Primary Industries.

I also note, as I indicated earlier, the ability to have multiple expiation fees is certainly a sensible move for the rights of farmers and to allow things to progress more smoothly. I certainly acknowledge that, finally, after 15 or so years, people can artificially inseminate their stock without fear or favour. I do hope the upper house holds its nerve as far as the amendment in regard to commercial livestock and horses animal welfare activities being under PIRSA control.

Bill read a third time and passed.