

PREVENTION OF CRUELTY TO ANIMALS AMENDMENT (STOCK ANIMALS) BILL 2015

Second Reading

The Hon. MARK PEARSON [10.50 a.m.]: I move: That this bill be now read a second time.

The Prevention of Cruelty to Animals Amendment (Stock Animals) Bill 2015 goes to the very heart of the principles of the Prevention of Cruelty to Animals Act 1979—an Act that is about being proactive, not reactive. I refer to the fundamental principles of the Act, which were reviewed in 1997. The objects stipulate that the duty of care, control and supervision of animals is a positive duty, not a reactive one. The fundamental principle of this bill is that a person must promote and ensure the welfare of animals and must prevent cruelty or harm and suffering to those animals, even if the act of cruelty is not intentional.

The object of the bill relates to the wellbeing or welfare of livestock, that is, stock animals including poultry, pigs and cattle. In New South Wales the numbers of poultry are in the millions. As we speak, up to seven million chickens or poultry are being kept in various stages of intensive housing, as well as up to approximately 900,000 pigs and tens of thousands of cattle. This bill relates to intensive farming as well as to intensive and free-range facilities and the need to provide a secure enclosed area to protect the animals from predators and extremities in temperatures.

Several incidents have stimulated me, on behalf of the Animal Justice Party, to introduce this bill. These include incidences of extreme suffering where many hundreds of animals have burnt to death. A recent incident occurred at Wonga piggery near Young in central New South Wales where 2,500 weaners were killed in a fire. The manager of that piggery stated that he had no knowledge of how the fire started. Another incident was at Boen Boe Stud piggery near Joadja in the Southern Highlands where on 9 April 2015 400 pigs were burnt to death in a fire. In a facility near Gloucester belonging to Pace Farm approximately 22,000 hens were burnt to death in a fire. I will talk about alarm systems later.

I turn now to the three major areas that this bill addresses. First, it addresses the risk of fire. The bill provides that the proprietor of an abattoir or intensive livestock-keeping facility must ensure that a fire sprinkler system is installed and maintained in the abattoir or facility. At a piggery at Grong Grong, 500 pigs died from heat stress as a result of a breakdown of the ventilation system. The alarm system did not function properly so the owners were not alerted and were unable to assist the animals. I was in attendance at Henholme, a battery hen facility owned by Pace Farm, when it was discovered that the feeding system had malfunctioned. Feed was pouring out onto the hens and several hundred of the hens were suffocated. No alarm system was in place to notify management of any malfunctions. This bill contains a requirement for the proprietor of an abattoir or intensive livestock-keeping facility to install and maintain an alarm system.

In New South Wales and elsewhere several incidences of cruelty to animals, often egregious cruelty to animals, have been exposed. These incidences were exposed by way of surveillance camera recordings. How and who installed the cameras is not relevant. The recordings of the treatment of animals have resulted in investigations and prosecutions by the NSW Police Force. At the Burrangong Meat Processors abattoir near Young, in 1990 recordings from surveillance cameras, which had been installed by workers, depicted pigs not being bled out properly and rendered

unconscious, pigs being lowered into scalding tanks while still conscious, and pigs being beaten. This treatment of the animals, which was exposed by the surveillance cameras, led to a major investigation by police and to charges being laid against the abattoir. It also led to a \$1.2 million investment in the facility to ensure that the pigs were rendered dead before being lowered into a scalding tank.

Last year an abattoir in the Hawkesbury Valley, not far from Sydney, was exposed for cruelty to animals during ritual halal and kosher slaughter. This caused an investigation by the NSW Food Authority, the police and the RSPCA and led to an overwhelming improvement in the welfare, wellbeing and treatment of animals. It also led to a very important undertaking by senior rabbis of the Jewish community to address factors surrounding kosher slaughter and the welfare of animals killed in that manner. Cameras that were installed in Inghams turkey abattoir near Tahmoor also revealed extremely brutal treatment of animals, which led to police investigations and prosecutions under the Crimes Act and the Prevention of Cruelty to Animals Act, which led to major changes at this abattoir. The purpose of this bill is to introduce mandatory surveillance cameras at critical points in either an abattoir or an intensive livestock facility to ensure animal welfare. Schedule 1 to the bill states:

24Z Operations to be recorded in abattoirs and intensive livestock keeping facilities

(1) The proprietor of an abattoir or intensive livestock keeping facility must ensure a video and audio recording is made of all operations relating to the keeping, movement, handling and slaughter of animals at the abattoir or intensive livestock keeping facility.

(2) The proprietor must ensure that the equipment used for the purpose of making a video recording under this section is, at all times, positioned to ensure an unobstructed view of the operations being recorded.

(3) The proprietor of an abattoir or intensive livestock keeping facility must ensure that a recording made under this section is retained for a period of not less than 3 months after the date the recording is made.

Under schedule 1 to the bill, new section 24ZA deals with inspectors under the Prevention of Cruelty to Animals Act which includes the police, the RSPCA, the Animal Welfare League and officers with prescribed authority under the Food Act. In relation to those officers it states:

(1) An officer may, at any time within 3 months after the making of a recording under section 24Z, require the proprietor of an abattoir or intensive livestock keeping facility to provide the officer with access to the recording.

(2) A person must not fail to comply with a requirement of an officer under subsection (1).

Maximum penalty: 25 penalty units.

(3) The officer may do one or more of the following:

(a) examine, inspect or listen to the recording,

(b) make a copy of the recording,

(c) examine the equipment with which the recording was made.

It is important that the bill provides an exemption from the oversight of the Surveillance Devices Act 2007 which will not prohibit the installation, use and maintenance of a listening device within the meaning of the Act for the purpose of making a recording required under this section. This bill is important because it also goes to some very significant findings in law in relation to the responsibility of people who have animals under their care, control and supervision. When cattle were found dead or dying from starvation on a property it was successfully argued in the Magistrates Court that there was not a strict liability upon the owner of those animals because there was no mens rea—the owner did not know that the animals were suffering. This case was appealed in the Supreme Court before Justice Dowd and an unreported judgement in *Bell v. Gunter* was handed down. It was argued that the owner of the animals, the person who had the care, control and supervision of the animals, was unaware that those cattle were in that state and dying from starvation.

The RSPCA won the appeal, which set a very important precedent which goes to some of the underlying principles in this amendment bill. Justice Dowd found that there is strict liability and that once a company or a person in charge of animals places those animals in an enclosure, on an intensive farm, in a restricted area with a fence or other confinement around them where they can be rounded up and put in an abattoir or wherever—and they are not wild animals or where they cannot freely access food and water—then the onus of responsibility sits fairly and squarely on that company or person. There is no excuse for them not to know. The fact that someone has decided to purchase 100 steers, 1,000 pigs or 5,000 hens and then put them into a cage, a confinement or a shed at any given time means that the onus of responsibility is totally on that person to ensure they know where the animals are, what is happening to them, their situation and the elements and factors around them that could cause them harm.

This bill is really about sending a message and helping owners, managers and people who have responsibility for animals that they have a positive duty to ensure that they know where those animals are and that there are systems in operation that will prevent suffering, in the best and most reasonable way. This bill states that a watering system and sprinkler system need to be in place. If watering systems are placed along the floors of sheds for pigs, chickens or cattle to drink from then it is also possible to have a sprinkler system that is triggered in case of fire to prevent animals from burning to death or being injured, which no reasonable person wants to happen to any animal.

This bill addresses the positive duty of farmers, owners and managers of animals to ensure their wellbeing and welfare under the Prevention of Cruelty to Animals Act by preventing them from being burnt to death. That can be done by having functional alarm systems in place that many people can respond to. For instance, a ventilation system at Grong Grong piggery broke down and many animals died from heat exhaustion and suffocation, which is a terrible way to die. If a CCTV camera system is put in place it will work towards the principle of ensuring that animals are treated humanely. When the call comes from an abattoir to say that 400 pigs have to be on the truck by 2 o'clock and they have to speed up the line having mandatory CCTV cameras in place will ensure that workers' interactions with animals remain lawful and that they act with the best possible regard for animals. It will also help to ensure that workers at the operation are being looked after.

Those factors relate to the cases in which Justice Dowd found there is clearly a positive duty upon the owners and managers of an abattoir or intensive livestock facility, or a free-range facility for that matter. Justice Dowd found that the responsibility lies fairly and squarely on their shoulders. As I said, this bill goes to the very foundation of the Prevention of Cruelty to Animals Act because it is about the prevention of cruelty to animals. It will strengthen the foundation of the Act, which is about ensuring the welfare of animals and putting in place the best possible practices so that animals that are totally reliant on our activities, responsibilities and duties are offered the best possible protection from harm, injury and vice. I commend the bill to the House.