

Animal Welfare Legislation Amendment Bill 2011, date 4 May 2011, ACT Parliament. Hansard.

Debate resumed from 6 April 2011, on motion by **Ms Le Couteur**:

That this bill be agreed to in principle.

MR STANHOPE (Ginninderra—Chief Minister, Minister for Transport, Minister for Territory and Municipal Services, Minister for Business and Economic Development, Minister for Land and Property Services, Minister for Aboriginal and Torres Strait Islander Affairs and Minister for the Arts and Heritage) (11.09): The government certainly agrees that there is benefit in reviewing the current arrangements for the breeding and the sale of dogs and cats within the ACT.

However, as I think everybody in this place knows, the government commenced work in this area with a commitment to the Animal Welfare Advisory Committee to undertake a full consultation—long before the Greens flagged that they would leap ahead to legislate on this issue.

I asked the members of the AWAC, a quorum of key community stakeholders in this area, to do work on the issue of mandatory codes of practice. I made that request of them in 2010 and the AWAC are currently pursuing that investigation, I understand, completing a draft mandatory enforceable code of practice which will govern the sale of animals in the ACT.

Ms Le Couteur is aware that I made that undertaking to the committee. Ms Le Couteur is aware that the committee are working through a consultative process on developing that draft of an enforceable code of practice and she is aware that they propose to have that paper ready for release, I believe, in the next month or two. Separately, Ms Mary Porter is developing a discussion paper on complementary measures to encourage responsible pet ownership. She is liaising with AWAC and with other stakeholders in the process.

Ms Le Couteur and her colleagues today, the Greens, would say that they have consulted on this issue and that they have consulted enough. The Greens are essentially asking that I and the government revoke our undertakings to the Animal Welfare Advisory Committee, that I revoke my undertakings to this Assembly and that I revoke my undertakings to the people of the territory to consult with them on the first-ever mandatory code of practice for animal welfare to be crafted in the ACT. Ms Le Couteur and her colleagues today would say that Ms Porter should revoke her undertaking in relation to the discussion paper which she initiated before the Greens introduced this legislation, should revoke her undertaking to consult with the people of Canberra.

The ACT Greens are fully aware that these processes were in place, that they are underway, and it is a matter of enormous regret that they have chosen to undermine the process of consultation with the Canberra community. It is regrettable that they have chosen to show such disrespect to the Animal Welfare Advisory Committee in the way that they have.

The government has in discussions over the last few days sought to have this matter adjourned, that it not be brought on today. It is being brought on today. The government has made its position to the Greens very clear—that we are not

prepared to support this bill in this environment. The government's position is, quite simply, that we will not support it.

MR COE (Ginninderra) (11.12): The Canberra Liberals oppose the Animal Welfare Legislation Amendment Bill 2011.

When it comes down it, I do not believe this bill will significantly improve the welfare of animals in the territory and I too am not happy with the process that has been followed.

This bill, I believe, is much more about the Greens grandstanding than it is about the general welfare of animals in the territory. At its best this bill is irresponsible and at its worst it is a vendetta on the pet industry which I believe serves our community well. It is an attack on the thousands of Canberrans who have bought animals from pet stores and who are happy and responsible pet owners.

In Canberra and elsewhere people acquire animals from a number of sources such as pet stores; animal shelters, including the RSPCA; and breeders. In mentioning the RSPCA I acknowledge the presence of Michael Linke, who is in the gallery. Michael is a tireless advocate for animal welfare and, whilst I do disagree with him on this particular bill, I very much respect his commitment to the cause and I look forward to seeing him and others at the Million Paws Walk on 15 May.

For this bill to focus on pet stores, which at most provide about 15 per cent of cats or dogs to the market, is irresponsible. Therefore, with this bill to target pet stores the Greens are implying a correlation between the sale of cats and dogs from pet stores and problems with animals thereafter.

So, in effect, what the Greens are saying is that people that purchase cats and dogs from pet stores pose a greater risk to their animals and to their community than those that acquire their animals from elsewhere. This is absurd and is an attack on thousands of Canberrans who are responsible pet owners and who have sought the confidence and reduced risk that purchasing an animal from a pet store can provide.

To suggest that families go along to a pet store and spend upwards of \$500 or \$600 on a cat or a dog impulsively—that is, without thinking of the consequences—is absurd. To suggest that pet stores are irresponsibly selling animals is unfounded, as there has not been one prosecution against pet retail operators in the ACT over the last four years.

The ACT has an Animal Welfare Advisory Committee which is in place to deal with the issues raised in this bill. As a principle I believe legislation should be a last resort and I do not believe that all such avenues have been fully explored.

Finally, proposed section 9B, which is to ban intensive pig farming in the ACT, of which there is none, is bizarre and highlights once again that this bill is about the Greens being more concerned with politics than with genuine animal welfare. What other activities not taking place in the territory at the moment should we also seek to ban? Should we ban commercial whaling? Should we move to make Lake Burley Griffin an officially recognised whale sanctuary? I joke, but really—

Ms Bresnan: You do joke.

MR COE: it is a flippant approach to legislation—

Mr Rattenbury: You are a joke.

MR COE: which I think is very dangerous and not a path that we should be going down. There are other issues in this legislation—

Mr Hanson: I raise a point of order, Mr Assistant Speaker. Mr Rattenbury just called out that Mr Coe is a joke. I would ask that you consider whether that is parliamentary or not and, if you deem that it is not, ask that he withdraw that comment.

MR ASSISTANT SPEAKER (Mr Hargreaves): Mr Rattenbury, I invite you to withdraw that comment if indeed you made it. I did not hear it but I invite you to withdraw it if you did.

Mr Rattenbury: I withdraw the comment.

MR COE: Thank you, Mr Assistant Speaker. As devastating a blow as it was, I will continue.

There are other issues in this legislation and the majority of these issues are currently before the Animal Welfare Advisory Committee, which is the appropriate forum for such policy discussions to be had. I suggest we allow the committee to do what it was established to do and to give it time to do this job. I am not saying that I would unilaterally endorse what it decides but I do respect its processes and I welcome its consideration.

The Canberra Liberals will be opposing this bill.

MR RATTENBURY (Molonglo) (11.17) Greens : It is a great shame that we have not been able to achieve some support for this bill today, because Ms Le Couteur and her staff have put some considerable effort into developing this bill—

Mr Stanhope: It is a stunt.

MR RATTENBURY: and put considerable thought into the most successful way—

Mr Stanhope: It is a disgraceful stunt.

MR ASSISTANT SPEAKER (Mr Hargreaves): Order, members, please.

MR RATTENBURY: and the most practical way—

Mr Stanhope: Disgraceful.

MR ASSISTANT SPEAKER: Chief Minister, please.

MR RATTENBURY: to improve animal welfare in the ACT. It is interesting the approach the Chief Minister has taken, because we were well aware of Ms Porter's promise, or at least her suggestion, that she was going to do something on this. I know that Ms Le Couteur waited for quite some time for Ms Porter's office to actually produce something. We did wait, and I recall very clearly that Ms Porter had promised to put out a discussion paper—a discussion paper, so not even actual legislation—by October last year, and Ms Le Couteur did not introduce her legislation until December. So we waited to see if Ms Porter was actually going to act. But unfortunately she did not.

So the Greens, interested in action on this—not just promises of maybe doing something in the future, of having a discussion paper—

Mr Stanhope: No integrity.

MR RATTENBURY: of maybe sending it off somewhere for some consultation—

MR ASSISTANT SPEAKER: Order, Mr Rattenbury. Stop the clock, please. Chief Minister, please desist. I am finding it very difficult to maintain order if you are going to carry on.

Mr Stanhope: I beg your pardon, Mr Assistant Speaker.

MR RATTENBURY: Mr Stanhope says that the Greens are coming in here asking him to revoke undertakings, to revoke commitments. But it is far from that. What we are asking for is for something to be done, and that is what this legislation is about. It is about practical, concrete steps that have received considerable support from people who work on animal welfare.

This is not about, as the Chief Minister suggested, some sort of disrespect. I am not sure who he thought we were disrespecting, but it is not about disrespect; it is about getting past the dithering. That is what we have seen in this area: we have seen dithering. This legislation has been—

Mr Stanhope: I raise a point of order, Mr Assistant Speaker. I must say I do not think it is appropriate for Mr Rattenbury to allege that the members of the Animal Welfare Advisory Committee are ditherers or that they are dithering in their consultation and their detailed consideration of these issues. It really is simply unacceptable to attack a group of community representatives in that way.

MR ASSISTANT SPEAKER: Chief Minister, there is no point of order. Mr Rattenbury.

MR RATTENBURY: Just to update the Assembly on that latest attempt to verbal from the Chief Minister, I certainly was not casting aspersions on that; I was casting aspersions on what the government has said about Ms Le Couteur's motivations.

But there has been considerable support for Ms Le Couteur's bill. Certainly the RSPCA have supported it. They said:

"The legislation proposes a comprehensive approach to animal abandonment problems, covering issues such as breeding, selling, desexing, microchipping and advertising."

They went on to say:

"... in a lot of ways it mirrors the RSPCA's ideal policy on the breeding, sale and licensing of companion animals."

A number of other groups from the ACT have also given support for the bill, including Dogs ACT and the Animal Sanctuary Rescue and Foster Group, as well as groups outside the ACT from across Australia, such as the Animal Welfare League of Queensland, the National Desexing Network, Hunter Animal Watch and Dog Homes of Tasmania, which is the state's largest dog welfare organisation.

Support for the bill has also come from major NGOs that work on animal welfare and protection, such as Animals Australia and Voiceless, who said that the bill constitutes much needed reform in the area of animal protection in the ACT. So to suggest that there are deficiencies with Ms Le Couteur's bill does not correlate with what experts in the field are saying.

Now, of course, we are open to the government putting forward amendments, and we would be very happy for the bill to be supported in principle today and for the

Assembly to make a commitment that we want to move forward on important areas of animal welfare law reform and then engage in a discussion about sorting out some of those details, because that is what the detail stage is for.

This bill has been on the table since December and it is now May. We are prepared to accept that it has been tough for the government to get organised in those four or five months and come up with a set of amendments. So we are prepared to put this off today, to agree to it in principle and then adjourn it to a later day so that we can give them a little bit more time to get organised and make some suggestions and negotiate over them. We are quite open to that.

It is important to talk about what we are voting against here today if we vote against this bill in principle. We are voting against the licensing of breeders. This means that we will continue the unlicensed breeding and selling of animals in the ACT.

A licensing system works well elsewhere. The Greens spoke to those running a similar system of licensing on the Gold Coast and about the good results they are getting. We have even had representations from breeders overseas who have said that similar systems impose little extra burden on them and have improved the industry markedly.

In voting against this bill, the government and the Liberal Party are voting against controlling the free-for-all advertising that occurs every day in Canberra. We have animals being advertised in classifieds and sold at markets and fetes all over the place. This bill sought to improve that situation.

The Liberal Party and the Labor Party are voting against point-of-sale desexing. It means that we will continue to have a problem with un-desexed animals, which leads to breeding and abandonment issues. We have talked to people who run shelters, and they will tell you that a lot of the problem is not from unowned animals but from litters surrendered by people whose animals, especially cats, have had litters. There are many studies to support the conclusions that a failure to desex animals is a major contributing factor to pet overpopulation and euthanasia.

In voting against this legislation today, the two old parties are voting against the regulation of pet stores. As Ms Le Couteur has said in the earlier debate, pet stores continue to operate without any enforceable code of practice. Puppy farms just over the border have been shut down, and it was discovered that they were supplying their animals to pet stores in Canberra.

Voting against this legislation today is voting against the banning of sow stalls. Mr Coe made some interesting comments on this when he said, "It's bizarre to ban something we don't do." I would put a contrary view: this is a practice that is well known to be cruel. It would not cost the ACT anything to outlaw this practice, and it will ensure that factory pig farming does not establish itself here.

It is a fairly simple principle. Those on the conservative side of politics often say, "Business needs certainty. They need to know what the operating framework is. We need to know the parameters we can operate in." Why do we not say clearly now that we do not want cruel sow stall farming in the ACT? It means it will never happen. It means that the business community has a clear set of understandings of what the rules are in the ACT and what this community expects when it comes to the welfare of animals.

I think it is bizarre to not be clear about what our expectations are, but I guess that is a debate we are just going to have to keep having.

There is a number of things that in failing to support this bill in principle today the Labor Party and the Liberal Party are preventing from happening, things that will be positive for animal welfare in the ACT, things that mean we can put these improvements in place now.

It is clear that the government are working on some of these issues; they have been for some time. As I say, unfortunately, it has reached a point where, frankly, in frustration, Ms Le Couteur has moved forward because the time lines keep getting passed.

We will come to a motion later today under my name where I will talk about some of the other promises that have been made about doing certain things by certain dates. Frankly, you start to wonder whether it is lack of political will, lack of resources or simply a case of the government not seeming to quite get around to these things.

Far from taking the approach that Mr Stanhope suggested, Ms Le Couteur has operated with integrity. She waited for her time frame to pass. Unfortunately it did pass, so Ms Le Couteur moved ahead, because we believe this is an important issue that needs to get something done about it.

The other problem, of course, in not moving forward on this bill today is that it means we will now be in for a long wait, because under standing order 136 the Assembly will not be able to act on this issue again this year if this bill is voted down. That is the reality. It puts off action for some time into the future.

We could agree on this in principle today and then work on some details. If the government has specific improvements, the Greens are totally open to that. But because of some pigheaded commitment to “it has to be done our way or it’s the high way” we are going to come up against that unfortunate impasse.

I think that is a sad situation for the Assembly; I think it is a sad situation for animal welfare in the ACT. I invite Mr Stanhope to reconsider his approach before we reach that point later this morning.

MS BRESNAN (Brindabella) (11.26) Greens: I too would like to speak in favour today of Ms Le Couteur’s bill.

The aspersions cast on Ms Le Couteur and her motives behind this bill by Mr Stanhope today are outrageous, as Mr Rattenbury has already outlined. We have experienced this on other occasions with particular issues with the government. We have waited for quite some time for something to appear in relation to this bill.

As Mr Rattenbury outlined and as Ms Le Couteur has spoken about on a number of occasions in relation to this bill, Ms Porter had a draft discussion paper. I say that it was a draft discussion paper. But again, we have not seen anything appear in relation to that.

I experienced a similar situation—I digress slightly—with the solarium legislation. The government said, “Oh, yes, it’s coming, it’s coming.” That happened for about a year and a half. We tabled legislation because we were sick of waiting, and, lo and behold, I think the day I tabled the legislation the government announced they were going to put in place regulations. So it is something we have experienced previously, and it gets to that point where you get sick of waiting for something to appear so you

decide to progress and put forward something which is going to be of benefit to the ACT community, as this legislation is.

As Mr Rattenbury has outlined today, we offered to adjourn debate after agreeing in principle to this legislation. We did something similar with the drug-driving legislation that was put forward by Mr Hanson. We agreed to it in principle, we allowed the government to go through their process, and with that particular legislation they came back with a piece of legislation which was almost exactly the same as Mr Hanson's. So we allowed that process, and we were more than willing to allow that happen in relation to animal welfare legislation. But, the government did not agree to do that.

Mr Stanhope was shouting across the chamber at Mr Rattenbury, saying, "It was your choice." It was actually the government's choice to go down this path we have today. We agreed to adjourn the debate after agreeing to this in principle to allow the government to go through the process, particularly given that the government was stating that in some way the Greens had not been through a proper process—which I will outline later—but that was not agreed to. Now we have the situation today where Ms Le Couteur's legislation is going to get voted down because the government will not agree to what the Greens have put forward.

We have had points put forward about the Greens' process in relation to consultation on this. Mr Rattenbury has already outlined—as Ms Le Couteur will, I am sure, in her speech—that the Greens received over 50 submissions in relation to this legislation. We spoke to the advisory council, and Mr Stanhope has mentioned that the advisory council is doing some work. I note that it is working on a particular issue in relation to animal welfare issues.

There has been some discussion in the press release Mr Stanhope has put out today—and I will go to that shortly—and Mr Coe has also spoken about a number of points.

Mr Coe has disappeared, which shows how seriously he takes this legislation.

One point that is very much focused on is the sale of pets in pet stores, and that is a part of the legislation. But as Mr Rattenbury has outlined, there are many parts to this legislation which go to a variety of animal welfare issues around the licensing of breeders, regulating of advertising, point-of-sale desexing and regulation of pet stores which have been the focus of some of the fairly outrageous statements we have heard today.

Mr Coe seems to think the banning of sow stalls is a great joke, but it is an extremely cruel practice. It would be a great step forward for the ACT to actually make a statement saying that we do not accept this practice in the ACT. But, again, we will not have that today.

Ms Le Couteur will, I am sure, outline some of the very positive statements we received in relation to this legislation, but I would just like to read out a couple of quotes from one particular submission from a pet store owner who offered strong support for this legislation:

"Having worked in the pet industry as a shop owner and as an animal welfare advocate, I can vouch for the fact that it is near impossible for the required amount of policing to occur to uphold the minimal regulations in regard to pet sales that exist at the present. The only way to stop the mass breeding,

irresponsible sale and continued abandonment of pets is to limit the sale of pets through shops to those supplied by welfare groups.”

Further:

“Having owned a pet shop, I am often amazed at the amount of ignorance among the general public as to where exactly pet shops source their animals and what health and regulatory conditions apply to the sale of them.”

Another issue which has been put forward on a number of occasions, particularly by representatives of the pet store industry—and it seems to be repeated in Mr Stanhope’s press release today—is the statement that, if this legislation came into practice and the sale of cats and dogs from pet stores was prevented, pet stores would be destroyed. That is clearly incorrect.

A number of pet stores already operate extremely successfully just selling pet products and accessories. One is PETstock in Fyshwick, but there are also stores in Phillip and Belconnen. PETstock is the fastest growing franchise of its kind in the country, and it does not sell animals. The argument that businesses would be destroyed if pet stores were not able to sell cats and dogs is incorrect, and we have absolute proof of that.

Mr Coe said that by putting forward what we are today the Greens are somehow attacking people who have bought animals from pet stores. That is an absolutely outrageous claim. If people buy pets and they are responsible pet owners, that is something we want to see. There are many responsible pet owners in the community, and we know that from the support we have received from the general public for this legislation.

I know people are probably sick of hearing me talk about this, but I was a volunteer at the RSPCA for a number of years and I saw the results of what happens when pets are bought on impulse from pet stores. People see puppies or kittens which are extremely cute, but then they take them home and realise that it is a lot of responsibility to look after them, and they grow older and they get bigger. People often do not realise the responsibility that is involved, which is why it is important to have these regulations.

I saw the result of what would happen particularly after Christmas and Mother’s Day when numerous puppies were dumped at the RSPCA because people had bought them as gifts that were not wanted because they had not sought advice from the people they were buying them for or because they realised what was involved with owning pets.

This is not attacking people who buy pets; it is actually attacking the process which is in place around the sale of animals. They are a great responsibility, and it is important for people to recognise that.

That is what this bill does. It is about putting in place those responsibilities and putting in place a strong process so that people are aware and so we do not get the situation where animals are bought on impulse and where organisations like the RSPCA have to pick up the pieces. That is not fair on the community and it is not fair on organisations like the RSPCA.

As I said, Mr Stanhope has put out a press release today. I have already addressed most of the points in that about stating that the Greens did not consult properly, that we have somehow circumvented a process and that we are seeking to destroy the pet industry. Ms Le Couteur will address those claims later, but the points I have made today show that they are completely incorrect.

Mr Coe said he did not think this would address animal welfare. I would like to hear him say what he thinks would address animal welfare issues. He said he does not necessarily agree with some of the things Michael Linke has said and that he probably will not agree with some of the things that will come out of the advisory council.

What does he think will improve animal welfare? I would very much like to hear that. He has treated today's bill like a bit of a joke, as he has with some of the other things that have been put forward. That is an indictment of Mr Coe in relation to these issues. He did not seem to have even looked at this bill in detail. He just talked about one aspect of it. It does not seem that he knows what is in the bill. It is an indictment of him that he thinks the protection of animals is such a joke. Many people in the community hold dear this issue, and it was very disappointing to hear him say that.

As I said, we are now in a situation where we will not have this strong legislation in place for the ACT. As Mr Rattenbury said, because of the standing orders, we may not see something for another year. We were prepared to have the bill agreed to in principle to allow the government to go through their processes and see what came out of that. If they had anything to put forward, they could have put forward amendments. They could have put forward other ideas, but, no, we will not have that.

We have seen the suggestion with some of the legislation or ideas the Greens have put forward that they are somehow radical and have never been heard of before. As Mr Rattenbury has already said, and as Ms Le Couteur has spoken out before, this is something which has been put in place. It has been trialled on the Gold Coast in Queensland and it has been put in place in other countries. It is something that has actually worked. It is not something radical. It is not something new. It is something that has worked before.

We have received 50 submissions, most of them in strong support of this legislation, and we should be progressing this today. It is a great shame that we will not be, but I commend Ms Le Couteur for her work. She has done this with great integrity, and any suggestion otherwise is quite outrageous. Anyone who knows Ms Le Couteur would know that it is not something that she would do. I commend this legislation. I congratulate Ms Le Couteur for putting it forward. It is a great shame we will not have it in place today in the ACT.

MS PORTER (Ginninderra) (11.38) Labor: As Ms Le Couteur and her colleagues are aware, I am very disappointed that this bill has been brought forward for debate today.

To debate individual elements of this bill which the Greens have put forward as a package of animal welfare reform would be to dishonour the commitment I have personally made to a range of groups working in this sector in regard to a document I have been carefully developing and a broader consultation I have planned.

As the Chief Minister has also stated, he has as well made undertakings to the Animal Welfare Advisory Committee, which have already done substantial work on a

separate document. I am confident that this work will result in legitimate, workable and progressive proposals that will improve the welfare of animals in the territory. And of course it is very close to my heart that this happens.

If I were to support the passage of the Greens' animal welfare bill today I would be not only showing disrespect for the individuals and organisations to whom these undertakings have been made, I would also be choosing a path that I do not believe would lead to a better outcome for animals in the ACT.

I do not think the Greens' bill is ready. I do not think broad or equitable consultation has been undertaken. I do not think all stakeholders have been consulted around the table to come up with collective proposals, as is currently occurring at the table around which the Animal Welfare Advisory Committee sits.

Ms Le Couteur and her colleagues were aware of the work I was doing. The Greens were aware of the work the committee was doing. Indeed I would have welcomed a conversation with the Greens on these matters prior to the tabling of the exposure draft. I found Ms Le Couteur's action in tabling the exposure draft of her bill, without any notification, except at the eleventh hour, and without any discussion, surprising to say the least.

I reflect on our parliamentary agreement and reflect on the commitments it contains to work together in a spirit of cooperation in the best interests of the citizens of the ACT and to maintain a relationship characterised by mutual trust and respect, including frank and full disclosure of relevant information. As the Chief Minister has recalled, the Greens welcomed—

Mr Stanhope: No consultation, mate, that is the new rule, is it?

MR ASSISTANT SPEAKER (Mr Hargreaves): Chief Minister, please! Ms Porter has the floor. Mr Rattenbury, please!

Mr Rattenbury: I am just laughing. I am sorry, Mr Assistant Speaker.

MR ASSISTANT SPEAKER: I know, Mr Rattenbury. From a Speaker's perspective, laughter from you in the chamber is unbecoming. Ms Porter.

MS PORTER: As the Chief Minister has recalled, the Greens welcomed legislative amendments last year that would allow for the making of mandatory codes. Why not then let AWAC complete its draft code? Why not let the consultation on this code occur? Why rush to legislate on a number of issues that even AWAC thinks would better sit within a code of practice than in the statute book?

Of course Labor is committed to stamping out unscrupulous and surplus breeding and to a progressive agenda of reform for animal welfare. It is important, though, that measures are practical and balanced. Pet owners and buyers have an important part to play. Let us not unfairly target the regulated 14 per cent of pet shops. Let us not create more trade for those unscrupulous breeders that trade over the internet and over the border, outside the gaze of our licensing and compliance rangers, outside the gaze of our animal welfare inspectors.

Labor members will not be forced into supporting measures, one by one in the Assembly, when members have already committed to a process of comprehensive consultation. This has been slower than anticipated because of the need to get AWAC's input. This is a sensible step and will lead to strong and practical measures. It is always better to hasten slowly in order to consult thoroughly, to get it right, to get

agreement amongst all stakeholders and to fully understand the impact of measures that could be introduced than to go ahead, with the negative impacts that this bill will undoubtedly have. I ask Ms Le Couteur and her colleagues to act with wisdom today and not with haste and to agree to adjourn debate on this bill.

MS LE COUTEUR (Molonglo) (11.43), in reply: Firstly, I seek leave to table some correspondence between myself and the Chief Minister on the subject of this bill.

Leave granted.

MS LE COUTEUR: I table the following papers:

Animal Welfare Legislation Amendment Bill 2011—Copies of correspondence between Ms Le Couteur and the Minister for Territory and Municipal Services—

Dated 11 March 2011. ; Dated 24 March 2011.

Secondly, I would like to refocus the debate on what on earth we are actually debating. We are not here to debate whose idea it was first or whether this is a good process or not. What we are here to debate is something to improve the welfare of dogs, cats and other animals in the ACT. That is what the Greens are about. That is what I am about. That is what I would like to see the ACT Assembly be about.

I will read out some statistics. In 2009-10 the ACT RSPCA alone was presented with 1,670 dogs and puppies and 2,748 cats and kittens. This means, on average, the RSPCA is presented with over 12 cats or dogs every day of the year. And this is in addition to the hundreds of dogs processed by ACT Domestic Animal Services and the dogs which are rescued and rehomed by other volunteers in the ACT.

Each year, hundreds of these animals have to be euthanased. In 2009-10, for example, the RSPCA had to euthanase 1,183 cats and 98 dogs, and DAS euthanased over 100 of its saleable dogs and an unknown quantity of unsaleable dogs. In addition, we have no idea how many animals were euthanased by pet shops because under the current requirement pet shops do not have to disclose data about this.

That is what we are on about here. We are on about animal welfare and we are also on about the welfare of pigs. Mr Rattenbury mentioned that in his speech. For anyone who has not seen sow stalls, I was unfortunate enough to see a video on sow stalls and I have to say that it makes battery cage egg production by hens look enlightened. It is horrible. And that is a practice.

I must admit I am amazed that we could not find, as the lowest common denominator, among the Assembly that all three parties would be prepared to agree that this was something we did not want to ever see in the ACT. I point out that it is something that the Labor government in Tasmania have agreed they do not wish to see any more in Tasmania. I would like to see us be at least as enlightened as Tasmania.

Before going on, I would like to thank my fellow Greens for their support on this, and Greens staff members, as well as the members of the public and the RSPCA who are here today showing their support for this animal welfare legislation. I have been overwhelmed by the amount of public support for this.

We have talked a bit about consultation. As has been mentioned, I have received over 50 submissions on this subject. My understanding is that the ACT government, in its waste strategy, received considerably less than that. I think it was actually less

than 30 submissions. I would contend that, as far as consultation has gone, we have done a good job. We have had a lot of responses.

We put out this paper in December last year and since then there has been a lively public debate on the subject. The Chief Minister has entered into it through press releases only, which I do regret. But there has been a public debate on it and the vast majority of the public has been incredibly supportive of the legislation.

After the comments we did make quite a number of minor changes to the legislation. I wish to very much thank Mr Georgeson, who used to be in my office, for his huge amount of work on this bill. It is very much a credit to his actions.

I would like to thank Ms Porter for her contribution today because she was the only person here who actually ventured to talk about some of the substantive issues in the legislation. Unfortunately, maybe she did not have the time, due to her illness, to read it all. She said that my bill was only looking at pet stores. That is not true. The bill looks at pet stores but it looks at lots of other things as well.

Mr Stanhope's press release today basically demonstrates that the Labor Party, it would seem, has not even read the legislation. It says that the bill directly targets only Canberra's pet stores, which are responsible for 14 per cent of sales. It lists a number of other areas which should be targeted:

"... backyard and occasional breeders, those who breed by accident or through negligence and animals sold through newspapers or fetes, farmer's markets or over the internet."

If either the Liberal or Labor Party read my legislation they would find that all of these are dealt with in the legislation. We do recognise that pet stores are not the only source of animals in the ACT. We have put a lot of work into trying to make legislation which covers the whole gamut of the pet industry, with the intention of improving the welfare of animals. That is the one intention behind this. This is not a political stunt.

This was part of my work program at the beginning of my time, in 2008, here in the Assembly. I postponed doing anything about this, as Ms Porter knows, because she had indicated her interest in this and I felt that that was reasonable. But we waited and waited, and we waited some more. We then felt that this was an important issue. As I mentioned, there are thousands of animals being abandoned and euthanased in the ACT each year. We want to do something about this real problem, so we have brought forward legislation.

I very much regret that it appears that it will not be supported today. We made the suggestion to the government, if they were not yet ready to support it in detail—they have repeatedly said that there are aspects of it that they do support—that they demonstrate this by voting for it in principle and then adjourning the detail stage. We would have been very happy to see that as a way of letting everybody express their concern about the problems of animal welfare at present, while enabling the processes which Mr Stanhope has talked about. If he feels they need more time, that would have been a way to do it. However, that does not appear to be the case.

I wrote to Mr Stanhope about the legislation in March. He did reply in March. Unfortunately, his reply was to say that he would not engage constructively in the process. He said:

“I deplore the lack of process followed by you, your politicisation of the issue and the lack of integrity shown by the ACT Greens.”

My response is that I deplore the lack of interest by the Assembly in real animal welfare issues.

The fact is that we need some action on this sooner rather than later. I am very disappointed that we cannot have even in-principle support for actions to improve the welfare of animals in the ACT. We cannot have in-principle support to ban sow stalls in the ACT, and we cannot even have in-principle support for more effective cruelty provisions.

Without passing this aspect of the bill, the ACT will continue to have the lowest cruelty fines in Australia, and these need modernising. Not only does my bill address this issue, but it actually makes amendments that clarify the language to remove impediments to prosecution. As the Animal Welfare Advisory Committee wrote to me, it is currently difficult for authorities to know when an abuse is a contravention of the act, except in some very extreme cases. My bill, if passed, would address that. So I really regret this.

There have been a few issues which have been dealt with. Mr Coe seemed to feel that my bill was in some way an attack upon responsible pet owners. It is not in any way an attack upon responsible pet owners. You can buy a pet from a pet store, own it, love it and live with it responsibly. We have never said anything that would suggest for one minute that that was not possible or even, in many cases, desirable. What we are saying is that there are other ways of doing it and it is important that we stop impulse sales.

Every time I walk past a pet store and I see the kittens and puppies, it tugs at my heartstrings. That is what it is there for—the cute little doggie in the window. I will not sing it to everyone. That is what they are there for—to tug at our heartstrings. What we want is responsible pet ownership so that people who acquire a pet do it with the full knowledge of what is going to happen and what their responsibilities are. I do not want pet owners to be like I was as a very young child. I had absolutely no idea, when this cat turned up, about what we were doing with it. People should not be repeating some of the things that have happened in the past.

As Ms Bresnan mentioned, PETstock, who do not sell pets in their stores, is one of the fastest growing franchises. We do not need to sell pets in stores. PETstock are not the only people who operate totally successful pet stores that I have visited and who do not have dogs and cats in their windows. It is an outdated mode. We simply do not need it.

I am very disappointed that there has been such a clear gulf between the government’s rhetoric on this subject and its actions. If it seriously cared about animal welfare, it would agree with this bill in principle. As Ms Bresnan and Mr Rattenbury have pointed out, unfortunately, what we are seeing here is the government refusing to engage with the Greens. The government is trying to believe that it is in the previous Assembly when there was majority government. Mr Stanhope, this is no longer a majority government. There are three parties in this Assembly. We all have a role to play in this Assembly.

One of the roles of the crossbench, of the Greens, is to introduce legislation, and hopefully to have that legislation passed—at the very least, to have that legislation considered by the other two parties in this Assembly. It takes all of us to make this Assembly work. Between the three parties, we represent, hopefully, the views of the citizens of the ACT. All of us have a right to be heard and a right to have our legislation considered.

Apart from the impact on animal welfare, that is the other very depressing point about this debate. It does not seem to be acknowledged by the government that we, the crossbench, do have a real legislative role in the Assembly. That is what we have been elected to be—legislators. My partner says to me in the morning, “Go off and pass some good legislation.” That is our job here. I would like to see us all take that seriously as part of our job.

I would like to quote from another very positive letter that I received in my consultation. Ms Bresnan has quoted from one person, and I will quote from another ACT resident:

“As a retail business owner, I can well understand the need for any business in this hard economic market to want to sell as much and as often as is physically possible. This is where the problem lays with the sale of pets in shops. It is a clash of cultures. You want to buy your product for as little as possible and turn over your stock as fast as possible. To do this, you need to source puppies cheaply and to sell them to the first person who wants them. Otherwise, your costs eat into very important profit margins. To suggest that this is not the case is a fallacy. No retail enterprise sells something unless it is profitable. To do otherwise would be to go out of business. And that is the impasse. You cannot ethically sell an animal and make a profit at the same time. Something has to give, and it always is and always will be the health and welfare of the animals involved.”

I remind you that this is a letter from a pet store owner who has been in the animal industry for a long time, and it succinctly covers some of the issues in the debate.

I commend this legislation to the Assembly. I fear that it will not be voted for, but I do commend it to the Assembly.

Question put: That this bill be agreed to in principle.

Ayes 4 Ms Bresnan

Ms Hunter

Ms Le Couteur

Mr Rattenbury

Noes 11: Mr Barr

Ms Burch

Mr Coe

Mr Smyth

Mr Hargreaves Mr Doszpot

Ms Porter , Mr Stanhope

Mr Seselja Mr Corbell;