

Agriculture and Fisheries and Other Legislation Amendment Bill 2023

Statement of Compatibility

FOR

Amendments to be moved during consideration in detail by the Honourable Mark Furner MP, Minister for Agricultural Industry Development and Fisheries and Minister for Rural Communities

Prepared in accordance with Part 3 of the *Human Rights Act 2019*

In accordance with section 38 of the *Human Rights Act 2019* (HR Act), I, Mark Furner MP, Minister for Agricultural Industry Development and Fisheries and Minister for Rural Communities, make this statement of compatibility with respect to the amendments to be moved during consideration in detail (ACiDs) of the Agriculture and Fisheries and Other Legislation Amendment Bill 2023 (Bill).

In my opinion, the ACiDs for the Bill are compatible with the human rights protected by the HR Act. I base my opinion on the reasons outlined in this statement.

Overview of the amendments

Amendments to the Bill were identified as being required following further consideration during the Committee process. The amendments make minor or technical corrections to ensure the provisions of the Bill operate as intended.

In particular, the ACiDs will:

- amend the commencement date for Chapter 4, Part 3, from 1 May 2024 to 31 July 2024 to ensure sufficient notice is provided of the amendments to offences under the *Animal Management (Cats and Dogs) Act 2008*, including a new effective control offence, before they commence;
- amend the offence where a person fails to effectively control their dog in Clause 25 of the Bill to clarify the references to ‘the attack’ in relation to the maximum penalties;
- amend the new criteria for prescribing prohibited matter or restricted matter by regulation to prevent the power being unintentionally limited to matter requiring prompt action;
- insert a transitional provision to ensure the existing lists of prohibited matter in the *Biosecurity Act 2014* can be transferred to regulation; and,
- amend Clause 138 of the Bill to update the references to ‘shark control apparatus’ in section 31(4) to refer to ‘shark control equipment’.

Human Rights Issues

Human rights relevant to the Bill (Part 2, Division 2 and 3 *Human Rights Act 2019*)

Consideration has been given as to whether the ACiDs to the Bill might engage human rights under the HR Act, and which rights might be relevant to the Bill.

Following consideration of the proposed amendments, it has been concluded that they do not engage any human rights. This is because delaying the commencement of a provision, correcting unintended operational impacts, ensuring an offence provision is clear, and addressing a minor definition update do not alter any of the original policy proposals examined and do not constitute policy or operational changes.

Conclusion

In my opinion, the ACiDs for the Bill are compatible with human rights under the HR Act because they do not limit a human right.

MR MARK FURNER
MINISTER FOR AGRICULTURAL INDUSTRY DEVELOPMENT AND FISHERIES
AND MINISTER FOR RURAL COMMUNITIES

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