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# **AGRICULTURE AND ENVIRONMENT COMMITTEE**

## **Members present:**

Ms JR Howard MP (Chair)  
Mr SA Bennett MP  
Mrs J Gilbert MP  
Mr LP Power MP (via teleconference)  
Mr EJ Sorensen MP

## **Staff present:**

Mr R Hansen (Research Director)  
Mrs M Johns (Principal Research Officer)

## **PUBLIC BRIEFING—EXAMINATION OF THE AGRICULTURE AND OTHER LEGISLATION AMENDMENT BILL 2015**

### **TRANSCRIPT OF PROCEEDINGS**

**THURSDAY, 20 AUGUST 2015**

**Brisbane**

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Committee met at 2.05 pm

**BUNCE, Dr Ashley, Director, Animal Biosecurity and Welfare, Department of Agriculture and Fisheries**

**CLARKE, Ms Marguerite, Director, Legislation and Regulatory Reform, Department of Agriculture and Fisheries**

**COYNE, Mr Patrick, Principal Policy Officer, Legislation and Regulatory Reform, Department of Agriculture and Fisheries**

**KELLY, Mr Todd, Manager, Policy and Legislation Unit, Department of National Parks, Sport and Racing**

**SCHOLL, Mr Russel, Principal Policy Officer, Plant Biosecurity and Product Integrity, Department of Agriculture and Fisheries**

**CHAIR:** Welcome, everybody. I declare open this meeting of the Agriculture and Environment Committee. I acknowledge the traditional custodians of the land we are gathered on and pay my respects to elders, past and present. My name is Jennifer Howard and I am the chair of the Agriculture and Environment Committee and the member for Ipswich. The other members of the committee with me are: Steve Bennett, the member for Burnett and deputy chair; Ted Sorensen, the member for Hervey Bay; and Julieanne Gilbert, the member for Mackay. The member for Logan, Linus Power, is going to phone in as he was not able to make it. Robbie Katter, the member for Mount Isa, who is also on the committee, is in the precinct and may arrive.

These proceedings are being transcribed by our parliamentary reporters and broadcast live on the Parliament of Queensland website. The purpose of this meeting is to assist the committee in its examination of the Agriculture and Other Legislation Amendment Bill 2015. The bill was introduced by the Hon. Bill Byrne MP, the Minister for Agriculture and Fisheries and Minister for Sport and Racing, on 14 July and subsequently referred to the committee. The committee is due to report back to the parliament by 2 October 2015. The committee's report will help the parliament when it considers whether the bill should be passed. I remind everyone that the bill is not law until it has been passed by the parliament.

Today, the committee will be briefed by officers from the Department of Agriculture and Fisheries and the Department of National Parks, Sport and Racing. Welcome, everyone. Thank you for the useful written material that you have provided to our committee. Would you care to make a brief opening statement?

**Mr Coyne:** Good afternoon. Thank you for the opportunity to address the committee and brief you on the Agriculture and Other Legislation Amendment Bill 2015. We are conscious of the time restrictions this afternoon due to the estimates hearing today, so if the committee agrees I propose to provide, by way of introduction, a brief explanation of the summary table of amendments, which is attachment 3 that I have given to your principal research officer and recently forwarded to the committee. Following this brief introduction, we propose to refer to the committee for any specific questions you may have on the proposed amendments. Most of the amendments in the bill are to legislation that is under the portfolio jurisdiction of the Minister for Agriculture and Fisheries and Minister for Sport and Racing. Mr Bunce, Ms Clarke, Mr Scholl and I are available to address any questions on that legislation. Mr Kelly, on the end, is available to address any questions related to the Nature Conservation and Other Legislation Amendment Act.

Speaking of which, the amendments to the Nature Conservation and Other Legislation Amendment Act have a time imperative and, as such, are required to commence prior to 7 November this year. This bill was deemed to be a suitable vehicle to progress those amendments in the time frame, so that is why they are included in this bill. As indicated in the explanatory notes, this bill is a collection of miscellaneous non-controversial amendments that have been identified over a period.

Consequently, there is no single policy that unites these disparate amendments and it makes it difficult to grasp why they are included and what sort of commonality they have. To assist the committee, we have prepared this diagram which, as I say, is attachment 3. Going across left to right, you will see a number of boxes, 11 of them. Each box represents an act that is amended by the bill.

The first box is the Agricultural and Veterinary Chemicals (Queensland) Act. You will see that there are discrete amendments made to that act to clarify the status of Commonwealth legislative instruments. Each of these boxes, each of these acts, has a number of arrows pointing to it, leading from other boxes that contain a brief statement of the amendments that they contain. In some cases, these amendments are grouped together because they have a similar policy intent or a policy driver or there is some sort of commonality to them. That is why they are linked together. For example, if you look to the second box from the left, you will see the Agricultural Chemicals Distribution Control Act and also the Chemical Usage (Agricultural and Veterinary) Control Act. They are being amended for a number of reasons—namely, to do with corporate officer liability, licensing arrangements and new technology for the aerial spraying of agricultural chemicals. These amendments are grouped together as they were held over for some time pending finalisation of the national review of agricultural and veterinary chemical legislation.

Following on, the five boxes leading up to and including the Biosecurity Act are being amended in line with the provisions of the amended Public Service Act regarding civil liability of officers acting under each of those respective acts. You will see that the amendments being made to the Biosecurity Act, the Animal Management (Cats and Dogs) Act and the Forestry Act are all required to be made either in advance or in conjunction with the commencement of the Biosecurity Act. The animal management act will contain a provision concerning the destruction of particular dogs, which will be repealed from the current Land Protection (Pest and Stock Route Management) Act when the Biosecurity Act commences. Similarly, the Forestry Act will refer to terms that will not actually come into force until the Biosecurity Act commences.

The next two boxes, the Stock Act and the Exotic Diseases in Animals Act, are having separate amendments made to them, but they are grouped together because they are interim amendments that provide for a more timely and flexible animal disease response. These amendments are proposed to be made in line with the provisions of the Biosecurity Act when it commences. In that respect, they have a similar policy outcome. On the far right the box concerning the Nature Conservation and Other Legislation Amendment Act has discrete amendments to maintain existing management arrangements for forest reserve lands that are managed by the Department of National Parks, Sport and Racing. That is just a very quick overview of what the diagram illustrates. I am happy to defer to the committee if you have any particular questions on the specific amendments in the bill.

**Mr BENNETT:** I refer to Todd in relation to the national parks and the nature conservation amendments. I take the point about them being non-invasive management rights to the forest reserves. Am I correct that there are a lot of sections being removed? Can you explain a bit more about that particular part of the transition of these forest reserves into other tenures? I am reading here about the Petroleum Gas (Production and Safety) Act and, of course, the Petroleum Act 1923. Are you happy to expand on that for me?

**Mr Kelly:** Yes, I am. In response to the question, the amendments in the bill relating to the Nature Conservation and Other Legislation Amendment Act are essentially achieving the continuation of the existing framework that we have in place now for managing forest reserves. As background for you, the Nature Conservation and Other Legislation Amendment Act 2013, which this bill is amending, sought to remove provisions relating to forest reserves in anticipation that we would have no more forest reserves on foot in that land tenure.

We have had over 180 forest reserves dedicated since 2000 when the forest reserve tenure was created. It was anticipated that, by the time the Nature Conservation and Other Legislation Amendment Act provisions were to take effect, all of those forest reserves would be transferred to other tenures. There have been some delays in progressing the remaining forest reserves to other tenures. There are 38 forest reserves remaining. We are anticipating around another dozen will be transferred by the end of the year, which leaves 26 to move in 2016. So, in reference to the amendments that you referred to citing Petroleum Act legislation and other pieces of legislation, there are references to forest reserves in quite a number of different statutes. What the Nature Conservation and Other Legislation Amendment Act 2013 was going to be doing, in anticipation that we would not have any land in forest reserve tenure anymore, would remove all of those references to forest reserves in those pieces of legislation.

For example, with the petroleum legislation, there is a provision that does not allow for petroleum exploration in forest reserves and that those things need to be considered in that act. That is consistent with the intention of forest reserves being shifted across to a protected area. Currently, that provision talks about forest reserves having to be considered around any decision to grant a petroleum authority and that cannot be done in a forest reserve area. So what we are doing is maintaining that framework until such time as all the forest reserves have been transferred to other tenures. Once that is done then those references to forest reserve will become redundant in other legislation and they will be removed at a later time.

**Mr BENNETT:** And the tenures that we are talking about—state forest and other forest reserves—are the tenures that they are transferring to?

**Mr Kelly:** The general principle for forest reserves was for them to move into a protected area estate. However, they will be matters for the government of the day now to make some determination about the remaining tenures that those forest reserves will be transferred to.

**Mr BENNETT:** Excuse me, but I did understand that there were 38 remaining in a transition period to alternative tenures?

**Mr Kelly:** That is correct.

**Mr BENNETT:** But we do not know what those tenures are?

**Mr Kelly:** The 38 are all in a forest reserve tenure.

**Mr BENNETT:** Yes, moving to another—

**Mr Kelly:** Moving to another tenure that is yet to be determined.

**Mr BENNETT:** Okay. So where does that leave those parcels of state controlled land?

**Mr Kelly:** That leaves them in the forest reserve tenure and they are managed under the provisions of the Nature Conservation Act and the Forestry Act in combination. For example, if someone was wanting to conduct a commercial tour on a forest reserve, we can issue them with a commercial activity permit under the Forestry Act to do that. So we are maintaining that existing framework until those forest reserves are no longer in effect.

**Mr BENNETT:** Are there examples of the remaining 38 where there may be commercial activities on these that may affect them long term or even short term? I am assuming there is still timber collection. There is no timber collection at all?

**Mr Kelly:** No. The original purpose of the forest reserve tenure was to put a cessation on timber harvesting on those lands and, essentially, move them into that forest reserve tenure while further planning work was undertaken to determine their final tenure arrangements.

**Mr BENNETT:** Are there any low-impact tourism operations in these reserves that we are aware of? Is there anyone who may be affected by this transition that we may not be aware of? Do we know that there are any commercial activity permits on the forest tenures that we are talking about?

**Mr Kelly:** Generally, those things would get considered in the planning process. We are deviating a little bit—

**CHAIR:** For the benefit of Hansard, Linus Power, the member for Logan, is phoning in. We will just have a moment while he gets connected. Linus?

**Mr POWER:** Thank you.

**CHAIR:** We have just been asking some questions of some—

**Mr POWER:** I will just listen in.

**CHAIR:** All right. Thank you.

**Mr BENNETT:** Sorry about that interruption, Todd. You may not know and I suppose I am speculating. We have 38 forest tenures that we are transitioning to something that we are not sure about yet. So the government of the day will determine where they end up?

**Mr Kelly:** That is correct, yes.

**Mr BENNETT:** Are there activity permits that we may be aware of that may be affected by future decisions or this current proposed amendment?

**Mr Kelly:** There are unlikely to be. They will not be affected by the current amendments because the current amendments are really just maintaining our existing framework, which enables the current activities that are occurring on those lands to continue.

**Mr BENNETT:** The 38 forest reserves, is it publicly available where they are—the lot plan numbers or the geographical location? Would that be on the department's website or would it be inappropriate to ask for a list of that as part of the deliberations of the committee?

**Mr Kelly:** Madam Chair, in response to that question, there is a forest reserves regulation, which has the lands that are in forest reserve tenure.

**Mr BENNETT:** So the 38—

**Mr Kelly:** So they are, yes. They are dedicated as forest reserves through a regulation under the Nature Conservation Act.

**Mr BENNETT:** Thank you.

**CHAIR:** Are there any more questions from the committee?

**Mr BENNETT:** I have others if no-one else has any. I just noticed earlier the increasing activity of drones in agriculture and other things. Are you able to expand on what the amendments and the proposal are about trying to regulate that component within this amendment bill? Do you understand my question? It is obviously new technology and we are seeing a lot of wonderful things. I assume that we have to regulate it. Can you expand on that, if you would not mind?

**Mr Scholl:** Yes. Currently, the structure of the existing legislation that deals with the licensing of aerial distribution and aerial distribution contractors precludes the use of anything of different and emerging technologies in there. So one of the key issues that we were looking at with the amendments in the bill are to enable this technology. There has been quite a number of deliberations between state regulators that are regulating in this space and the Civil Aviation Safety Authority, including also the manufacturers of the key technology that has been approved by CASA, the Civil Aviation Safety Authority, so far for this. There is only one technology that has been approved in the UAV space, the unmanned aerial vehicles space. It is a Yamaha RMAX helicopter. I seek to tender this specification document for the committee's consideration. There are additional copies that may assist.

**Mr BENNETT:** Just to clarify, so this is the only one that is currently licensed by the department or by the agencies involved? Is that correct?

**Mr Scholl:** By the agencies involved. Principally, you can only use this technology in aerial agricultural operations if you have Commonwealth approval from the Civil Aviation Safety Authority and then in particular for use in the states and territories the particular licensing regime under state legislation comes into play.

**CHAIR:** I will just interrupt for a moment. Is leave granted to accept this tabled document? Leave is granted.

**Mr BENNETT:** Just before you continue, is that just for chemicals or for other issues? There are people applying paints for greenhouses and positive bugs into strawberries all over the place that I am aware of. So is it just for chemicals that you have to be licensed at this point in time?

**Mr Scholl:** The legislation that we are concerned with here in terms of the way the amendments are coming under the bill are for the application of agricultural chemicals. There are a range of other activities that are regulated through other pieces of legislation and by the Civil Aviation Safety Authority itself. So this is only the use of agricultural chemicals and the technology for that. You may note from that sheet for the technology we have here that it is quite a large unmanned aerial vehicle in the context of what people normally consider if they have seen a small UAV flying around in a local park or something like that. This thing has a three-metre rotor size and stands about 750 millimetres high and is operated by visual line of sight in the area. The particular legislation that we actually issue the licences under does not apply to the entire state; it is only generally for the coastal strip and agricultural areas. The technology has already been used in the western areas of Queensland which have not been subject to this legislation.

**CHAIR:** With regard to the amendment of the offence exception for administering harmful substances and the correction of the reference to the Scientific Use Code for animal care and protection, can you just tell me what that includes?

**Dr Bunce:** Certainly. In terms of the change to the scientific code, just to clarify, the change is really to reflect a change in the name of the code that occurred recently. So in the Animal Care and Protection Act it refers to the previous name of the code, so the code name has changed so the change that we are proposing just reflects the change in the name.

**CHAIR:** Okay, the Scientific Use Code?

**Dr Bunce:** Yes. The other question was about the administration of substances for killing animals. Do you want to start, Pat?

**Mr Coyne:** I might start off and lead into an elaboration by Ashley. Currently under the Animal Care and Protection Act there is a provision regarding the killing or the intent to kill an animal by the feeding or administration of a substance which is a substance or a poison. There is an exception to that offence for different categories of person, and they are a prescribed entity and two others, one being an inspector and the third one which escapes me.

**Dr Bunce:** Veterinary surgeon.

**Mr Coyne:** Yes, veterinary surgeon; thank you. So the issue at hand here is to become a prescribed entity. For example, if officers of the RSPCA want to euthanise an animal they are required to, if they do not want to be subject to this penalty of killing an animal by administering a substance to it, apply to us to become a prescribed entity and every organisation or person or individual or whatever that wants to become a prescribed entity to afford themselves of that exception to the offence needs to approach our department and we need to make an amendment to the regulation. That is of course an inefficient use of government resources. It is also not ideal for agencies that have a need to humanely dispose of animals to wait until legislation gets amended so they can be prescribed. There is also another element to the argument or the issue inasmuch as a person or an entity that is lawfully able to administer a substance that can kill an animal humanely is required to, under the Health Act 1937 and more particularly the Health (Drugs and Poisons) Regulation, get an authorisation under that legislation to possess and use that substance on animals.

So there is a little bit of duplication inasmuch as the people that approach us to become prescribed entities have already got authorisation under the Health Act to obtain and use these substances and barbiturates to euthanise animals, but then of course in order to not be subject to the offence under our legislation of killing an animal they are required for us to prescribe them as a prescribed entity. So what the amendment does is it amends the legislation such that it also includes under the categories of people exempted from the offence those who have an authorisation under the Health Act 1937.

**CHAIR:** Okay. Thank you. As there are no further questions, thank you.

**Mr BENNETT:** Short and sweet.

**CHAIR:** That was. That was fantastic. That brings the committee's meeting today to a close. Thank you to everyone who briefed us today and thank you members. No questions have been taken on notice, so that is fine. Finally, I remind everyone with an interest in this bill that the closing date for lodging written submissions is Monday, 24 August. I now declare the meeting closed.

**Committee adjourned at 2.30 pm**