

This is an uncorrected proof of evidence taken before the committee and it is made available under the condition it is recognised as such.



# ***AGRICULTURE, RESOURCES AND ENVIRONMENT COMMITTEE***

## **Members present:**

Mr IP Rickuss MP (Chair)  
Mr JN Costigan MP  
Mr SV Cox MP  
Mr S Knuth MP  
Ms MA Maddern MP  
Ms J Trad MP  
Mr MJ Trout MP

## **Staff present:**

Mr R Hansen (Research Director)  
Mr M Gorringe (Principal Research Officer)

## **PUBLIC HEARING—EXAMINATION OF BIOSECURITY BILL 2013**

### **TRANSCRIPT OF PROCEEDINGS**

**WEDNESDAY, 12 FEBRUARY 2014**

**Brisbane**

## WEDNESDAY, 12 FEBRUARY 2014

---

### Committee met at 10.02 am

**CHAIR:** Welcome, ladies and gentlemen. I declare this meeting of the Agriculture, Resources and Environment Committee open. Before we start, I ask that all phones be switched to silent mode. I want to acknowledge the traditional owners of the land on which this meeting is taking place. I am Ian Rickuss, member for Lockyer and chair of the committee. The other members of the committee are Sam Cox, member for Thuringowa; Shane Knuth, member for Dalrymple; Anne Maddern, member for Maryborough; Jason Costigan, member for Whitsunday; and Michael Trout, member for Barron River. Jackie Trad, the member for South Brisbane and deputy chair, will be along later. Please note that these proceedings are being broadcast live via the parliamentary website. The purpose of this meeting is to assist the committee in the examination of the Biosecurity Bill 2013. The bill was introduced by John McVeigh and was subsequently referred to the committee on 19 November 2013, with a reporting date of 24 February. We hope the hearing today will give everyone a better understanding of the provisions of the bill.

### **DOWLING, Dr Laurie, Executive Officer, Queensland Division, Australian Veterinary Association**

**CHAIR:** I welcome Dr Laurie Dowling from the Australian Veterinary Association. Welcome, Dr Dowling. Would you like to make a brief opening statement about your submission?

**Dr Dowling:** Yes. Mr Chair and committee members, thank you very much for the opportunity to provide comments to you today. On the whole the AVA supports the bill and congratulates the government on bringing together a complex suite of legislation relating to biosecurity. However, I would like to comment briefly on aspects of the bill where the AVA does have some concerns and thinks that the precautionary approach may have unintended consequences. These relate to the definition of 'designated animals', the prohibiting of feeding animal matter to animals and the resource implications of establishing the biosecurity register. There is also an additional matter that the AVA would like to raise which relates to reporting obligations of prohibited matter.

Firstly with regard to the feeding of animal matter to animals, the designated list of animals includes captive birds. While this legislation is primarily focused on commercial livestock, there is an unintended impact on pet birds and wildlife in rehabilitation. Many birds are raptors where meat is an essential component of their diet and if any injured bird requiring some enforced captivity or is a pet is not allowed meat the welfare of that bird will be compromised. Other birds that may be affected are the larger passerines, which include butcher birds and magpies. While there is an exemption for veterinary involvement under section 46(b)(i), this exemption only applies if it is for the purpose of disease control and has to be under the direction of a veterinary surgeon. In addition, almost all domestic poultry would be fed table scraps, which would include meat. This legislation will not stop that practice. There is a low risk of disease resulting from the feeding of meat to domestic poultry. The AVA is unaware of a biosecurity event that has arisen from such practices, which are widespread.

Secondly, the AVA would like to make comment on the biosecurity register. The AVA recognises the effectiveness of an accurate biosecurity register for disease control and prevention purposes. Many years ago properties had to do an annual stock return, and this was an excellent way of being aware of risks. However, the resources required to do this ended up being so considerable that the work area which did this was disbanded. Given that a biosecurity entity requires a threshold number of only one animal for designated animals other than birds, which includes a 100 bird threshold, the potential for a large number of entities is very high. Many people keep budgerigars in excess of 100 and, while for poultry this may be a suitable number, it may not be applicable for aviary birds that do not enter the food chain. The Australian Companion Animal Council put out a paper in 2007 estimating the number of pet birds in Queensland at 1.5 million. The Finch Society has advised us it did a census in 2010 showing 37 per cent of respondents having more than 100 birds and therefore, extrapolating on these figures, the AVA estimates that Queensland would have approximately between 15,000 and 20,000 bird owners, of which between 5,500 and 7,500 may have over 100 birds. So it is a considerable amount of paperwork.

Thirdly, the AVA seeks clarification on veterinarians' reporting obligations under section 36, which requires reporting the presence of prohibited matter. Under the Animal Care and Protection Act, veterinarians treat animals brought to them that may be suffering, and these may include prohibited species such as rabbits. The AVA sees no problem with desexed rabbits being kept as pets, but under section 36(c) the legislation suggests that knowledge of a rabbit brought in in a carrier to their premises may obligate them to report them. Veterinarians are uncomfortable with acting as policemen or inspectors in the interpretation of the law where there is unlikely to be a catastrophic effect. Also, client confidentiality would be breached, which would have an adverse effect on businesses. The AVA would recommend that the biosecurity reporting responsibility be clearly restricted to the owner or the person in charge.

**CHAIR:** Thank you. Have you seen the response from the department about feeding animal matter to birds?

**Dr Dowling:** No, I have not seen that.

**CHAIR:** We have a copy of a detailed departmental response, but I have just been informed that that is not public yet. They have given us a fairly detailed response about overseas horses and environmental issues and that sort of thing. I must admit that what you say makes some sense. I have had a kookaburra with one eye and of course you have to feed it meat. You have no option. Like you say, the scraps do go to the chickens. Whether there is a bit of fat in amongst those scraps or whatever there is, that is part of most home gardens. I would imagine some people in the cities even do that sort of thing. I had never thought quite as much about the big aviary industry that we have in Queensland and the problems relative to that, so that is interesting. In terms of the register, that is complex. Have you got any idea about how vets feel about reporting to a register of some sort then? What is your feeling there?

**Dr Dowling:** I think the register relates to properties.

**CHAIR:** No, registering biosecurity animals. Aren't you supposed to report?

**Dr Dowling:** Yes. No, veterinarians feel very uncomfortable about that, especially if it is a pet that is desexed and nothing is going to happen. In New South Wales you can have them as pets.

**CHAIR:** But what about a biosecurity risk? If someone brings you in an animal that is actually a biosecurity risk, that has to be put on to a register too, hasn't it?

**Dr Dowling:** Under the current proposed legislation?

**CHAIR:** Yes.

**Dr Dowling:** Yes. There are certainly notifiable diseases that have to be reported such as foot-and-mouth and Newcastle avian influenza. For those things there is an obligation to report. Veterinarians do not have a problem with that. It is just extending that to all prohibited matter.

**CHAIR:** So you are referring to rabbits or a weasel or something like that that someone brings in as a pet?

**Dr Dowling:** Yes.

**CHAIR:** That is a difficult one because the legislation has been in place for a long time. I do not think you have actually ever really been allowed to turn a blind eye as much as it might have been done.

**Mr COX:** Are there some animals that have to be registered such as a snake? Do you have to register to have a snake or something, for example?

**CHAIR:** Yes, all native animals have to be registered to be kept.

**Mr COX:** If they bring that animal to you, do you have to check that that person is licensed to have that animal?

**Dr Dowling:** Not to my knowledge.

**Mr COX:** I guess it is along the same lines as what I am saying. They might be bringing in a rabbit which is illegal in Queensland, but if someone has an animal which could possibly be legal and they do not have a licence you do not check whether they have a licence either?

**Dr Dowling:** No.

**Mr COX:** You do not have to check, so it is the same sort of thing.

**Mrs MADDERN:** I want to add a little bit there to the rabbit situation, and this happened the other day when I went to one of the kindergartens and they had a magician with a rabbit. I asked him questions about the rabbit, with rabbits not being legal in Queensland. He said that under his Brisbane

magician's licence—so his licence to trade as a magician; he has to be registered—he can actually go to New South Wales and buy a rabbit that has been desexed and use that rabbit as part of his show. If he was to take it to you, are you saying that under this legislation you have to notify somebody?

**Dr Dowling:** Possibly.

**Mrs MADDERN:** Like if it got sick.

**Dr Dowling:** It appears so. The vet would have to be aware whether it was prohibited matter and obviously if they have a permit to have that, and I think the only exemption that exists is for a magician. Basically, is a vet going to say, 'I need to see your permit. I need to check it. I need to see whether it's legitimate,' or do they just report it straight to the authorities and say, 'Mr Smith brought in a rabbit'? It is not a job that veterinarians want to do.

**Mrs MADDERN:** I do not imagine that there would be hundreds of magicians' rabbits around the place—

**CHAIR:** Every rabbit vets have seen might be a magician's rabbit.

**Mr COX:** In that regard, you are saying that it is paperwork and work you have to do. Could it not be as simple as, if they have a licence number, all they have to do is give the number to you and you note that? If and when someone wants to check, you could just simplify it but you just have to keep the licence number for that person who brings it in.

**Dr Dowling:** That would probably be the easy part of it. I guess it is the ones who do not have a licence and then you have to report it and you have a young child in tears. There are people who have taken their rabbit to the vet to get it desexed or something like that who then get reported and the rabbit gets taken off them and euthanised. It is not a very happy situation for vets to be involved in.

**CHAIR:** In terms of captive birds, do you feel that that is going to be a real issue unless there are appropriate regulations in place so that the raptor group of birds can be fed in captivity? It is quite legal to keep falcons and that sort of thing in Queensland.

**Dr Dowling:** I think the main concern about that is the animal matter where it says that everything has to be under veterinary direction for the purposes of disease control. I did not look up the definition of 'disease', but my interpretation of disease is something infectious. If an animal does not get the proper diet and it gets malnourished, eventually it gets diseased. So it is a bit of a tenuous link if you do not give it to that bird. But then does that mean that all rehabilitators have to go to the vet and the vet says, 'I direct'—and do the corresponding paperwork—'that you can feed this butcher bird some meat,' and under what circumstances?

**CHAIR:** That has not been part of the legislation up until now?

**Dr Dowling:** Not to my knowledge.

**CHAIR:** Okay. I will ask the department shortly.

**Dr Dowling:** I know with poultry it is, but I am not sure about the native birds.

**CHAIR:** Is there anything else that you would like to add?

**Dr Dowling:** No, that is all; thank you very much.

**CHAIR:** Okay. Thanks for coming.

**BURNETT, Mr Ian, President, AgForce**

**VITELLI, Mrs Marie, Policy Officer, AgForce**

**CHAIR:** I welcome representatives from AgForce. Would you like to make a brief opening statement?

**Mr Burnett:** I will do that and then I will hand over to Marie to handle the rest of our statement. Thank you very much for the opportunity to appear before this parliamentary committee today. AgForce, as most of you would be aware, is the peak industry body in Queensland representing 60 per cent of beef and sheep producers and grain growers throughout Queensland.

Biosecurity is certainly of major concern to Queensland producers and our members. The threat of new disease incursions such as foot-and-mouth disease could cripple trade for the red meat industry intermediately. Alarming rates of livestock losses and suffering have been caused by increasing wild dog populations across the state, as you are well aware. It has been an increasing problem.

A survey conducted by AgForce recently indicated that our producer members are spending \$44,000 annually on controlling existing weed infestations across central and eastern Queensland properties. It is a significant amount of money. This is a huge ongoing commitment for our producers who have an average cash income of only \$100,000 to maintain the agricultural landscape in terms of productivity and biosecurity. I will now hand over to Marie and she can run through a few other points in our presentation.

**Mrs Vitelli:** Thank you to the committee. Our agricultural producers really rely on effective quarantine procedures to keep out new risks. Once a biosecurity risk enters the Queensland state borders we rely on the state legislation and regulations to minimise those risks. We really need frameworks to provide effective controls across all land tenures and land users.

Streamlining several acts into one biosecurity bill is a major task. AgForce commends the Queensland government and departmental staff for the extended consultation process in developing this bill. We recommend similar collaborative consultation and technical input from industry and local government into developing the regulations and codes of practice that fit behind this bill. That would be through the biosecurity regulations reference group which is to be formed.

There needs to be an ongoing state budget commitment to resource state and local government when it comes to implementing this bill and the associated compliance. Significant resourcing is also required to increase community awareness of each person's general biosecurity obligation and requirement to report prohibited matter.

Adequate resourcing of the invasive annual barrier fencing is imperative to help protect large sections of sheep and cattle grazing land and biodiversity values for Western Queensland. Although AgForce supports a skill based board to manage barrier fencing, it is important that any prerequisite for business qualifications itemised in the bill not exclude our experienced and knowledgeable landholders or local government representatives from being on those boards.

As outlined in the AgForce submission, industry seeks clarification on managing biosecurity risks from globalisation. What happens to biosecurity risks if they are not detained or declared through national quarantine procedures and they get into Queensland? We mentioned three examples in our submission. Biosecurity risks are emerging from the increased frequency of fly-in employees into regional Queensland. They come in very close to our agricultural activities. Another concern is the internet or interstate purchases of live material that harbour biosecurity risks. We are very concerned about the biosecurity risks to our coastal waters in the north and across the Torres Strait Island communities.

Another query for the committee and the government is how national and state biosecurity zones will be managed concurrently or independently if there are two biosecurity sponsors—that is, if there is a national response and a localised state response. It is important that zones and response orders coincide. How will that be managed?

In closing, the only other comment we would make to the parliamentary committee is that the list of prohibited matter and restricted matter species in schedules 1 and 2 may be better included in the regulations rather than in the bill. This would allow any future additions or changes to those schedules to be easily amended within a regulation rather than going through the parliamentary process to amend the act.

On behalf of the Queensland broadacre producers, AgForce looks forward to working with the Queensland government and local government on the effective management of new and existing biosecurity risks while continuing to produce safe food and fibre within our natural Brisbane

landscapes of high diversity values. Congratulations, the Biosecurity Bill 2013 is a major step forward in achieving a practical framework to build practical biosecurity regulations and codes of practice. AgForce would welcome any queries from the Agriculture, Resources and Environment Committee on our submission.

**CHAIR:** Thank you very much, Marie. Undoubtedly, you have gone through the bill very extensively. In your submission you note an error in one of the clauses. The department acknowledges the error and will seek to correct the error at the appropriate opportunity. You have pointed out that there is an error in clause 345. The department has acknowledged that.

You also highlighted the fact at the start of your submission that the Biosecurity Bill could be confused with other biosecurity bills. That is something that we want clear. Do you think putting 'Queensland' in the title of the bill would solve that situation? If we called it the 'Queensland Biosecurity Bill' or the 'Biosecurity Queensland Bill' or something along those lines, would that help?

**Mrs Vitelli:** I think that would help because the Australian government is also working on a biosecurity bill. That has been shelved for a little while. They are both called biosecurity bills. I think for a lot of people working in the community there would be confusion unless there is unique name for each bill or act in the long-term.

**CHAIR:** That sounds a fairly logical argument. I noticed that you mentioned boards. You would probably agree that it is also important to have people with professional skills on those boards, whether they be accountants, solicitors or even environmental scientists? Do you agree with that if it is not to the detriment of rural people?

**Mr Burnett:** That is right. We agree with that. Experienced landholders who may not hold qualifications need to be considered. That was all we were highlighting.

**CHAIR:** There are quite a few of us sitting here.

**Mr TROUT:** My question is to Marie. With regard to our northern borders, these issues are a huge risk to our sovereign country. Do you think we have gone far enough? Do you think there could be more with regard to the management of those waters in the Biosecurity Bill?

**Mrs Vitelli:** My belief is that there needs to be a lot of effort up there in terms of understanding the biosecurity risks and having surveillance. We now have large areas that are no longer managed under our traditional grazing regimes. We do not have eyes out there looking for potential biosecurity risks on the ground or a process to report those. We see that there are huge risks from feral animals and other sorts of biosecurity risks—whether it be screw worm fly or something like that—that come through those coastal northern waters. These days there is a lot more traffic and movement of people through those areas.

There is a lot done through the national quarantine service but once things get into Queensland our understanding is that it is then a Queensland problem. We really need the support behind that. Our understanding of QDAFF is that there are limited resources and limited numbers of people with the detection and surveillance skills we need. There are fewer landholders with those skills as well.

**Mr COX:** With that in mind then, is there a need for more education of the locals? I do not mean telling them what plants are bad. I mean a general awareness. There may not be people on the ground with the expertise—being such a big state you cannot have people everywhere anyway—but is there a need for more awareness of the importance of people in those areas being vigilant?

**Mrs Vitelli:** Yes, I think we need more awareness and a belonging to the land and a desire to protect the intent of the land and talk about biosecurity risks. Possibly some people starting to live in those areas are not so connected to the agricultural side of the land. I am not saying our urban counterparts, but some people who are not connected to the land may not have the same affiliation with the land and realise that something is a risk. They may not realise the risk that the thing that has come in could cause to a whole industry. I do not know how we make that reconnection. This whole bill does rely on local government, but they are very underresourced. We need as many eyes and ears out there as possible watching and listening for new risks. As I say, agricultural producers know the risk, but a lot of other land users might not understand the risk so much. You have to create that passion to want to do things.

**Mr KNUTH:** You mentioned fly-in employees and the biosecurity risk associated with them. Could you explain what risks they pose? Bovine Johne's disease is a big issue to your members. What do you feel needs to be done to resolve this problem that is spreading across this state and other states?

**Mrs Vitelli:** My understanding is that we have a lot more people coming in to the mining resource sector and other sectors in Central Queensland. Although they come into an international airport where they are supposed to indicate whether they have been on any farm land and have washed their shoes and will be asked to have a look at their shoes, we need to look at where they are coming from and the biosecurity risks there—whether it is animal diseases or weed seeds. We already have Siam weed. There are other weed seeds from tropical Asian countries. Unless those people are very diligent, declare things and scrub their boots, clothing and whatever they have they are coming through international airport and quickly jumping out and going into their employers' areas, which might be mining areas. Some of these companies have people working on pipelines. There is a risk there unless people understand where these people have come from and what risks they might bring with them. If they are not diligent in cleaning themselves and their possession, is there a risk that some of that could be transferred into our agricultural areas?

**Mr KNUTH:** With regard to Bovine Johne's disease, how is this impacting your members?

**Mr Burnett:** You are talking about BJD?

**Mr KNUTH:** Yes.

**Mr Burnett:** All of last year it was the big issue as far as biosecurity goes. AgForce really stood behind the Queensland department of agriculture to develop the program that has continued. It has certainly had a huge impact. Unfortunately, the cost has been borne by those who have been caught up with the disease, but it has been an enormous exercise and it is continuing. From our point of view, it has certainly been managed very well.

**CHAIR:** I noticed you mentioned something about horses. I was a bit disappointed that we did not get any submissions from the horse industry on this Biosecurity Bill considering Hendra virus and EI. But I notice that you have mentioned it. A lot of your members would be campdrafters and own stock horses. The department does say that it can designate horses as approved animals, but I think through your own campaign where you talk to your members you should keep highlighting the fact that if they are going to move horses they must ensure they are healthy and tick free because it is still an issue that we have, isn't it?

**Mr Burnett:** Yes, certainly. We have the opportunity to speak to our members as we go around to branch and regional meetings, but as you rightly mentioned horses still play a huge role in the grazing and agricultural sector. Apart from the recreational use of horses, in lots of areas they are the main part of the work team. It is something that we can mention. It is unfortunate that some of those recreational groups have not put in a submission. Agriculture and our members still rely heavily on horses for their work.

**CHAIR:** I would like to welcome the member for South Brisbane, Jackie Trad, to the meeting. Are there any other questions?

**Mr COSTIGAN:** Mrs Vitelli, returning to the biosecurity issue in relation to the overlapping concerns between state and federal governments, I gave a speech in the House some time ago in relation to the decision to cut back the surveillance vessels in northern Australian waters from four to one under the former federal government. How concerned are you about how that is going to work including the consideration for making sure that no stone is left unturned in relation to tending to an issue or event?

**Mrs Vitelli:** As a point of clarification: do you mean the cutback in resourcing for surveillance or how would two zones—

**Mr COSTIGAN:** Well, against that backdrop—the overlapping component of state and federal in relation to biosecurity.

**Mrs Vitelli:** In one way it would complement each other, but I can see that there could be a national response in place which would have zones or proposed zones in terms of a response. What would also confuse the issue is if we had some state-wide response happening in the same way and we had different zones, different time periods for movement permits and things like that. So that side of things needs to be looked at. Both biosecurity bills need to coordinate together and make sure they have similar time periods or processes so it is a lot more understandable for people on the ground to know what is happening if there were two different incursions at once.

The other concern is that there has been a real reduction in surveillance, and we are very concerned about that as an agricultural industry. We know that the time from when something could come in, be detected and then have a response in place is so critical, especially with some diseases such as foot-and-mouth disease where every day is critical to a whole response program

to be effective and the costs. We need a lot more surveillance. We really need the Queensland government and the Australian government to resource biosecurity and surveillance, and make sure that the content of the bill can be enacted in a good way. It is very critical for our industries.

**CHAIR:** So we need good cooperation between all levels of government and industry?

**Mrs Vitelli:** Definitely.

**Mr COSTIGAN:** On the issue of four vessels going down to one, do you think that is a backward step, putting it mildly?

**Mrs Vitelli:** If I am allowed to have an opinion, yes, it is.

**Mrs MADDERN:** I have a quick question which I guess comes off the back of this. In the event of a biosecurity event, I notice that government officials have fairly extensive powers to enter properties. Do your members have any concerns about the extent of those powers as set out in the bill?

**Mr Burnett:** As a general comment, I do not think so because we really value biosecurity and disease control. So, in a general sense, no, I do not think they would have major concerns or objections. You get individuals who may react differently, but in a general sense it would be fair to say that once they have an understanding they are prepared to cooperate and allow entry or whatever is required.

**Mrs MADDERN:** So basically you would see the giving up of personal rights as more than offset by the need to deal with the issue rapidly and quickly?

**Mr Burnett:** We believe so, yes.

**Mrs Vitelli:** The only clarification is for some of our organic producers, depending on what control measures are in place, I think there needs to be some negotiation. Organic producers are not nullified by any control measures taken if required. With regard to the intent to go in and have a look at what is happening, there is no issue there.

**CHAIR:** Thank you very much. Do you want to sum up, Ian?

**Mr Burnett:** I think that covers it. Thank you very much.

**CHAIR:** Thank you for your comprehensive submissions.



**GALLIGAN, Mr Dan, Chief Executive Officer, Queensland Farmers Federation**

**SANSOM, Mr Gary, Biosecurity Spokesperson, Queensland Farmers Federation**

**CHAIR:** Welcome. The Queensland Farmers Federation represents poultry growers, cane growers, horticulturalists and others. It is great to hear your comments. Gary, I know that you have a good handle on the poultry industry. There have been some concerns about the raising of livestock and backyard poultry. That is always an issue. Would you or Dan like to make an opening statement?

**Mr Sansom:** Thanks, Mr Chairman. We appreciate the opportunity to be here. As we said in our short submission, QFF is very concerned about the issue of biosecurity. It is a major issue for both animal and plant industries. I should say that at this point in time we would have to congratulate the department on the work it has done in terms of consultation on both the original 2011 bill and now the 2013 bill. We are well and truly engaged in consultation on the biosecurity regulation reference group, which is an important process.

In terms of some of the issues, we have put in a fairly short submission because you can see we have a long list of members who are more than aware of their issues in their own industry. We would hope they have canvassed those if they have particular issues. I might pick up a couple of items going through. Some we have picked up in the submission; some we have not. To go back to the last point that was made about the powers of the chief executive et cetera, I hope we made it reasonably clear in our submission that we do not see that as overly draconian. If you are going to deal with these things, unfortunately, the rights of the individual sometimes have to be subsumed by what is the general good, particularly in biosecurity issues. Having had some experience, certainly in the industry that I am involved in, in dealing with some of these emergency animal diseases you need to be able to move very quickly. Certainly people will feel aggrieved at times—often not people who are part of the industry but people who are part of the community. While you can understand that, I do not think that should necessarily stand in the road of getting an effective response.

It is important to note that this bill talks about obligations for everyone. I am not sure that the original set of acts made it clear that a lot of these things imposed obligations right across-the-board. It is not just the commercial producer, be they animal or plant producers; it is right across-the-board. The average person does have an obligation. I guess that is an issue that may have been alluded to by AgForce in terms of what we are going to do to educate the broader public about their responsibilities, because we do have quite a significant number of animals and plants being grown on let us call them hobby farms—they are called all different names—and even in backyards. Unfortunately, there is often a more emotive attachment to those than may be the case in the more commercial arena. I think we need to make sure that those people are well and truly aware of their obligations. We have used terms like shared responsibility et cetera which are important, but in saying that we are going to have to look at a way of creating awareness and education to make sure that those people are well and truly aware that they do have some responsibilities.

there was some discussion about the horse industry, not that they are part of our membership, but I think equine influenza was one that brought home to me that unfortunately other things got in the road of what I would have called good biosecurity outcomes. I think that is an area we need to face up to in terms of future resourcing. I know that is a difficult subject, but if we are going to get an effective outcome from this we are going to have to look seriously at that particular issue.

Again, a comment that I think was made by AgForce is the interrelationship between the federal government, the state governments and industry. I think it is important that that continues to be recognised. We do have emergency response agreements through Animal Health Australia and Plant Health Australia, and I think we need to make sure that they remain effective so that we can have a response, be it a state response or—worse comes to the worst—a national response. It is usually at a state level initially. I think they need to be there, and it is good to see that outlined in the bill and hopefully the regulations will continue to support that position.

The issue of northern Australia was raised. Being in the poultry industry, that is something of some interest to us. I guess we have always relied on NAQS, the Northern Australia Quarantine Strategy, to deal with that but we will need to make sure—I mean, I can understand the issues with the extensive grazing industries but even for the avian industry, for example, cannon netting was being used. I am not sure it is still being used, but it was an excellent way of finding out what was flying over the borders which is probably a lot harder to deal with than things that walk out of the

water or get carried in by people landing in remote areas et cetera. I think there is an important relationship that needs to be maintained. The fact is that once that lands in Queensland and we have an outbreak, it does fall on to Queensland to deal with it unless there is an effective barrier along the northern border. That is more likely to happen than not in the future.

The only other comment I would make is that, in terms of commercial enterprises, I think it behoves to us to make sure that we have effective biosecurity systems in place on farm. I think that is an issue. Many industries already have those, but I think it is something that really should be—I hesitate to use the word ‘mandatory’ but I think everybody should be encouraged to make sure that we have some effective management systems to deal with biosecurity just in the same way that they need them for workplace health and safety for environmental issues, financial issues, production issues, whatever. I think it just should be part of the broader remit of managing a farm.

**CHAIR:** Thanks very much, Gary. Would you like to say a few words here?

**Mr Galligan:** Thank you, chair, and thanks to the committee for the time and consideration of our submission. I, not by accident, pick up on Gary’s segue, to be honest, and say that QFF has demonstrated both this year and then two and a half years ago through the previous government’s attempts at getting this bill through that we are supportive of the principles of a redesign of the biosecurity framework. While it does not require amendment to the bill as proposed, we need to recognise the complexity. I see that the committee has in front of it the framework as outlined in a rather dramatic flow chart that we have all become well aware of at the federation. We will need to somehow or other encourage the government to ensure in what is obviously a very limited capacity through the budget that Biosecurity Queensland is resourced to follow this through to its conclusion in terms of the regulation development phase.

I am somewhat feeling like a bit of a broken record on this, but we will not know exactly the responsibilities that are required on the individual industries and individual businesses until we see all of those regulations come through and the impact statement completed. Biosecurity Queensland staff have done an excellent job of keeping us informed on the process so far, but until we complete it we are not really sure how it is all going to finish and those responsibilities will play themselves out.

To that end the segue is, as Gary has pointed out, just like workplace health and safety, we need a cultural change in rural industries to ensure that rural business owners understand their responsibilities on biosecurity and not think that it is just the government that is looking after that issue. The government is putting in place, quite rightly, our proposal to have the overarching framework of responsibility to be up to the individual business holder. That places significant risk, because just as workplace health and safety does, rural business owners are not well resourced and are not making good plans at the moment for biosecurity management. So we are going to have some significant challenges to ensure that this bill, if and when it becomes law, is backed up by good implementation right down to industry planning and individual business planning which, to be honest, the track record is not great. So we will certainly be talking to the government about how to ensure that that happens in the future. I am happy to take questions and I am sure that Gary, who is way more experienced in this area, will as well.

**CHAIR:** As you have said then, the devil is probably going to be in the detail, which is part of the regulations. As has also been mentioned, biosecurity is a little bit like fire: if it is on your place, you own it. That is a bit of the problem. I am sure that the industry, like you say, looks forward to having a bit of a less complex set of guidelines to work with. I am encouraged to hear that you have had input into the previous government’s drafting of its bill, because I think a lot of this is just taken from the previous government’s as well. So are there any questions?

**Mr KNUTH:** Ian mentioned before the possible outbreak of foot-and-mouth disease. I believe that the Productivity Commission did a study years ago and said that, if there was an outbreak and contained straightaway, it would cost this state \$4 billion, a worst-case scenario, possibly \$13 billion. I hear what you were saying, Dan. There was a powerful and strong case before. Marie brought up about pressing the resources, the resources, the resources and even the resources for biosecurity. Are you more or less saying, ‘Okay, we can put this bill forward and it may look good, but at the same time if the resources are not out there—the monitoring, surveillance—then it is all just something that looks good on paper but is not really getting the outcomes that you are looking for?’

**Mr Sansom:** That is more—

**CHAIR:** That is more of a statement. Shane, what is your question?

**Mr KNUTH:** Basically—

**CHAIR:** That we need more resources?

**Mr KNUTH:** Do we need more resources? This is a great opportunity for you to stress it.

**Mr Galligan:** Yes. I think one of the particular challenges—rather than just as we will do on a number of priority issues in terms of resourcing—for biosecurity it is risk based legislative frameworks and, therefore, the resourcing needs to be managed in a very agile way, I guess. Our experience is that you can go to a risk base that may look at ramping up response through a particular outbreak, but is Biosecurity Queensland resourced to be able to apply those resources is the important thing. Can you get more people on the ground when there is an outbreak without leaving yourself exposed? The challenge that I have heard for many years from our industry is to ensure that, basically, animal biosecurity risks are not resourced to the detriment of plant biosecurity risks. Animals obviously have greater sensitivities, but if you have an outbreak in an animal disease, you do not suck resources away from plant biosecurity and, therefore, leave biosecurity at some sort of exposure as a result of that.

Where I put that into somehow linking it towards the bill is that you can have an act that is designed to be around a risk based framework but that does not necessarily mean that the budget needs to follow that prescription. It needs to be resourced to manage that risk in a different way at the time of an incursion, or whatever it might be. So it might cost more to implement a risk based legislative framework in the first instance but it is a cultural change that the framework is looking for. We would be encouraging the government to look at it that way—that it might cost more in the short term but hopefully, as people take on the culture of biosecurity management themselves, it becomes less resource intensive over time.

**Mr COX:** On the same lines, with the commercial side of it, be it a cattle property, or farm, or whatever, they need to have processes in place to deal with biosecurity. That also has to link with the resources from the government's point of view and everyone being together. At the end of the day, to use your analogy, Mr Chairman, it is like a fire. Everyone knows that if a fire breaks out on certain cattle properties that you have this and you have that and they come together and form an action to attending that fire. I think with BJD there was probably—and I am not being critical of anyone in particular—when that happened it was something new and for a long time everyone thought, 'What do we do?' That is where there was a lack probably back on farm to know what to put in place straightaway—and I am not being critical of cattle people. I think what you are saying is that, when it comes to resources and risk management, there has to be everyone coming together knowing and understanding what the risk is and then what action will be taken. Would I be correct in saying that?

**Mr Sansom:** Industry, I think, can play a significant role. I have seen the experience in the past where industry has been pushed aside temporarily and it has been a disaster. You have a lot of expertise in the industry that can be used. You have expertise in other states. I think you just have to have a fairly flexible approach to it. Probably Queensland is not too badly off compared to some of the states, I know, in terms of its capacity, but we certainly need to have that flexibility to include whatever resources are there.

**CHAIR:** It is particularly relevant to some of the representatives of QFF, too, because of the pig industry, which is fairly intense, and the poultry industry, which is fairly intense. Of course, their biosecurity risks are much greater. I suppose it is coming into feedlots even, where they probably have a greater risk than grass feeds. Do you have a question?

**Mr COSTIGAN:** Mr Galligan or Mr Samson, in your submission to the committee you advised that the changes proposed in the bill will cut back on the regulatory burden for your members. Can you provide some examples of where that is the case—maybe even specific to certain industries, whether it is the cattle the industry, the sugar industry and so forth?

**Mr Sansom:** Not off the top of my head, I am sorry. I think the reference was that there has been an effort made to reduce regulatory burden as part of the government's approach. I think we were just saying that that is good, but I cannot comment on a specific issue in that regard, I am sorry.

**CHAIR:** All right. Thank you very much again, Mr Galligan and Mr Samson for making your time available.

**McGHIE, Mr Clark, President, Research Into Deer Genetics and Environment**

**CHAIR:** I have read some of the points that you have raised. I have read your submissions. There have been a couple of submissions from the deer industry and I am quite concerned about some of the interpretation. I think some of the submissions might have been overreading the regulations a little bit in the fact that they were probably misinterpreting some of the legislation just from the way it read. But it is important that we have some understanding of the deer industry. I am from Lockyer and I know that there is deer up in the Esk-Somerset region quite heavily and I think they even come down into Brookfield. Of course, there are quite a few properties that are doing deer on a commercial basis. Would you like to give us an opening statement?

**Mr McGhie:** Thank you very much. I would like to thank the committee for giving me the chance to be here today. This is not something that I normally do, so bear with me. The first thing that I would like to say on behalf of the RIDGE group and myself personally is that we support a sensible and common-sense approach to the biosecurity issue for Queensland and we will do everything that we can to assist with that approach. One thing that I see in a lot of the areas that I work in is that it is a little bit like a donkey. There are a couple of ways of getting a donkey to move and one way is with a carrot and the other one is with a whip. I have always found that a carrot works far better. That is the sort of approach that I have used with a lot of the stuff that we do.

I will give a quick summary of my background, because a lot of people do not know me or where I come from. I am now a 10th generation on the land in Queensland. That is cattle and grain but also with the deer. I am a professional hunter by trade and a guide for the industry. I was born in the Northern Territory. We had a buffalo property there in the Northern Territory. Both grandparents and both parents were professional hunters as well. I have about 35 years experience in the capture of deer and other wild animals, that is both aerial and ground capture, and deer farming. I have been over 30 years now deer farming and on various boards, the Queensland Deer Farmers Federation and the DIAA of Australia. I was on a National Party committee years ago under Trevor Perrett working on the deer issue. I used to have around 4,000 deer behind wire. So I was heavily involved in that. I did a lot of exports into Malaysia. I set up a major deer farming industry over there at that time. I have been a velvet grader and judge for the industry. I have set up deer programs in New Caledonia and, as I said, Malaysia.

For the last 20-odd years we have been working with the RIDGE group to set up a management program with landowners and hunters to try to come up with a system to manage wild deer, because we see that it is an issue. Even though it is only a small part of the overall biosecurity issue, it is a very important one. We realise that they can be a vector for diseases and will cause environmental damage if not managed. So our call right through this has been for sensible and sustainable management.

I have done quite a bit with the Quality Deer Management Association of America in British Columbia on moose and caribou and wolf and species like that. In New Zealand, with the department of conservation, on deer and tar; 10 years with Hamilton Island to reduce their pest animal burden there; Long Island, Kangaroo Island—other places like that. In the last few years I have been working with the Kaurareg traditional owners of Torres Strait to put in place a management plan there. They have asked me to be one of the coordinators of their land and sea management program for the Kaurareg people, because we see, as you have mentioned here today quite rightly, that that is one of the huge areas of concern for this country. As a cattleman for many years we see that that could be one of the linchpins to see something bad come in. So we have to deal with that. So all the deer species, wild cattle, everything else, I have been working with in southern and northern Queensland on over about two million acres. When I sit here I trying to talk on behalf of quite a few people who have been in my ear.

So our RIDGE policy—what we have tried to come up with and we have presented in our submissions—is that we believe that there is a sensible and sustainable method to handle some species such as wild deer. If I could go back to just basically talking about deer as part of the biosecurity concerns, actions that are taken to simply try to eradicate these animals will fall on dead ground. They simply will not work, from my experience.

We have tried to put a lot of this together. We have lobbied DEEDI under the previous government, and now DAFF under this government, to accept sustainable management principles for some species like deer which can present quite a large economic and social return and value from their successful management. Up until now we have had very little indication from DAFF that they will accept sustainable use of anything that they regard as a pest. The pest act, the Biosecurity Bill and recently the feral deer strategy have all been legislation that has come through from the

previous government. I do believe recently we are seeing a different mindset towards the management of a lot of animals which we agree with.

Within our RIDGE policy that we presented to DAFF, we focused on property based management plans to achieve a sustainable herd or herds of quality animals on different properties. This becomes a backbone of industry—a recreational, tourism, farming industry—if managed correctly. When it comes to high levels of species such as deer, once they go over a threshold, the top end is environmental damage, concerns to landowners and whatever. If we drive them too far down, what we have then is an animal with no recreational, social, economic value that will still be there because they will go nocturnal into the thickest country. As my experiences on Hamilton Island showed, getting the first 80 per cent of animals away—and this is on an island—cost us a lot of money but it was possible. To take out the next 20 per cent was going to cost 10 times as much because the vegetation grows up and the animals get wise and it is very, very costly to do something with them. So we see there is a gap between too low quality or numbers of animals and too high numbers, and that gap in the middle is where sensible management can create huge revenue streams which can then go back into the management of those species and properties. That is what we focused on.

We see our property based management plans that we talked about as a bigger issue. For instance, if a hunter comes on to a property—and there are various ones that I manage for different landowners—it is not just about that guy going out with a gun and shooting a pest animal. When he comes onto the property, I want to know that his vehicle has not just driven off a property with giant rats tail grass on it, for instance, and is going to spread pest weeds on to our property. So I want his car to have a wash down or at least have the knowledge that he parks his vehicle at the house and he uses one of the property vehicles while he is on the property, for instance. We also have worries with those people with OH&S. We do not want them hurting themselves. They have to have a level of training. Fire, introduction of other pest animals, animal welfare concerns—all of these things have to come into it.

So a lot of this leads back to a conversation I had a few years ago with Frank Keenan from DEEDI. Frank at that time had put up the proposal of a OnePlan system, which the RIDGE group has been very much in favour of all the way along. If we can encourage landowners voluntarily to accept something like a OnePlan system, it would show their water management, erosion, vegetation management, OH&S, fire, pests—all of that—is in a system on their property. It can be on their iPhone, their iPad or whatever as they go around. If somebody comes on their property as a hunter, he is not just in the pest category; there are ramifications for half a dozen or more areas of that overall plan. So what we have been trying to do is encourage government to embrace landowners and their concerns—we have seen quite a bit happening like that—and allow them to have a return out of some of these species. We are not going to try to commercially farm dingoes or something like that. But I would hate to see the last dingo go because in different areas we are seeing a balance there with the dingoes. They are keeping the wallaby population down or whatever and there is a balance. When they get over the top, we have to do something about. So I do a lot of dog control as well. We are talking about a sensible sustainable balance. So that has been our big picture there.

We had some concerns when we saw the pest survey announced in the *Queensland Country Life* recently. We would like to see the rationale. We would like to see the costings. We fully understand and agree with some of the previous speakers on the need for adequate resourcing for biosecurity issues, but we are concerned about somebody entering our property without notification—we might be in the middle of mustering or we have somebody out there shooting pest animals or whatever and all of a sudden who is this guy arriving on my property. We need to have interaction and cooperation between DAFF staff and pest weed control as well. If they have visited the property next door which has giant rats tail grass on it, I do not want him driving on our property before he does a wash down. So they are just sensible things, not to obstruct but simply to cooperate and get this going. All this can be handled under that OnePlan system.

**CHAIR:** You have given us a fairly comprehensive idea of where you are coming from. Are you happy with the feral deer strategy or do you feel it needs tweaking around the edges?

**Mr McGhie:** As you said before, the devil will be in the detail, in the regulation. If the attitude is 'just get out there everybody and kill every one of those deer that you can', what you will do in places like Hamilton, like I said, is crash the population, take all asset value out of that population and then at the end of the day still have wild deer there. What we are saying is by embracing industry stakeholders you can reduce the numbers, generate income and have everybody actually voluntarily cooperating with you on it. I do not see that in that strategy at the moment.

**CHAIR:** On the hunting of wild deer, you have raised a question about the dispersal of meat and that sort of thing. Once the deer is killed it is not actually classed as a category 3 biosecurity risk of course. Do you find it difficult though to get rid of the venison? In theory you can give it to your family and that sort of thing. But do your hunters have any difficulty in managing that venison?

**Mr McGhie:** It is unclear. That is actually one area that does need to be cleaned up, because once an animal is taken it is no longer a pest but it does come under the food safety act. Under that act it says that game meat can be taken by an individual for that individual's—singular possessive—own personal use. So that technically excludes feeding it to your family.

**CHAIR:** I suppose that might relate to interpretation and we will ask some of those questions. Is your 'own personal use' at your barbecue where there are 50 people? Is that personal use? That could be an interpretation.

**Mr TROUT:** Could you give us some examples of best practice worldwide? You have talked about where you have set up, but obviously you have gained experiences in other countries and potentially in other states. Can you give us two or three examples of best practice that we could be looking at to make sure that we have this bill right?

**Mr McGhie:** One that immediately springs to mind is the New South Wales situation where they have had a game council operating. I personally had some issues with that game council on the way they were conducting business, and the present government repealed that game council and now it is under DPI. They have just passed the Game and Feral Animal Control Amendment Bill and now it is back under DPI. I think the structure will be far better and far safer and will deliver the outcomes. I am not saying it is exactly what we need in Queensland, but we can learn from it.

New Zealand have a situation with tar and deer. They have thrown many millions of dollars into trying to eradicate the deer out of areas there and have failed. Their recreational and professional industry has been the only thing that has kept deer under control in New Zealand. The cost to government would have been over the top. The Wapiti area, where they have the elk in Fiordland, is now a World Heritage area. They have an introduced animal in there and they are managing these animals for positive outcomes through recreational hunting and also taking out poorer quality animals, so that works. There is the same sort of thing in British Columbia and quality deer management in America.

**CHAIR:** I note that in your submission you talked about fencing being a concern, having appropriate fencing. While talking about that, can tell me whether you can set up a water trap for deer like you do for cattle, where they come to drink and they can get in and you can take them out—that sort of thing?

**Mr McGhie:** Exactly. I have found that the best way to manage deer is with love, not with hate. If you want to capture them or to handle those animals and you go out there gung-ho, all guns blazing, you will push them. You will repel them. You might drop the number but you will spread the range and cause a bigger problem. If you present them with feed, especially crops in strategic places, they will come in there quite happily. I trap many thousands of deer all around the place, and that is the best way. It is that cooperative and friendly approach that works far, far better.

It is same in peri-urban areas. Some of the trapping that is used there is like singular traps where they are catching one deer at a time and there are 20 deer outside. Those 20 look and see that one got caught and say, 'We're never going in one of those traps.' You could design a better way where you are actually taking them out of there nice and quietly, in a friendly way, putting them on a truck and moving them away—so those other animals do not smell blood or anything—and utilising them. So there are far better methods. So, yes, you can trap those animals successfully using the right techniques.

On fencing, in the latest feral deer strategy they have an example of a fence. They say that environmental significant areas should be fenced to lower impacts from deer. I have done many thousands of kilometres of fencing or organised it. If we have an ESA on our property and we were to fence it off, to make it deer proof we would have to clear 20 metres either side of that fence line—huge areas of trees would have to go down—and there would be major earthworks, erosion control, fire control, pest weed control, electric fencing to stop wild pigs from digging holes underneath the fence where a deer could go through. There is all of that. The cost is just exorbitant. Then you only need one vandal with a pair of pliers to come in there and cut a hole in the fence and it is not deer proof anymore. It is a logistical nightmare. It is crazy to even talk that way. Even if you could fence that ESA, then all the native animals in there are in a death trap—there will not be any stocking pressure, grass and vegetation builds up, a fire goes through and it is all gone. It is not the way we

should be doing it. One patch of lucerne grown two kilometres from that ESA will pull those deer straight out of that ESA.

**CHAIR:** Do electric fences work for deer at all?

**Mr McGhie:** They do. We pioneered methods of farming. We had 2,500 acres fenced for deer and a lot of it was behind five-foot high electric fence that was put on to barbed wire fences, and it worked very, very effectively.

**Mr COX:** You have raised all valid points, particularly about innovation, what New Zealand has done and making it commercial—that is all fine. You talked about 80-20 and getting a balance. I know, for example, with feral pigs, boxing came in and there was an export market, and it was great. I have been there and done that myself. The trouble is—and this happens with the commercial operators already running with beef and sheep—that people go and catch pigs and if they catch a sow and she is in pig they do not kill that one; they let her go. They cut boars and they let them go because they want to come back and catch him when he is a barrow so they get more money for him. I know that is a practice that happens for a fact. Bearing that in mind with what you are saying, the same thing would no doubt happen with deer. There would be certain people out there who are not interested in lowering numbers; they are actually interested in keeping them. So it is not a criticism of what you are saying—

**Mr McGhie:** I accept that.

**Mr COX:**—but I know that that is what happens now with the feral pigs. It is probably a comment more than a question.

**Mr McGhie:** We see that, and I think it is a good comment and we agree with it. That is why we put in place extensive hunter education courses. We run those through RIDGE where we say to people, 'What you are doing is cutting your own throat by doing that. This is stupid behaviour and we do not condone it at all.' By working with the landowners and coming up with good outcomes, they are getting behind us. If you get somebody in to take wild pigs, the landowner has no incentive—except for managing that pest, there is no dollar return. When we are giving landowners \$1,000 and \$2,000 per big trophy stag off that place, we are also saying to them, 'Listen, you have to cut your numbers down because we need half the amount of deer and a better quality to achieve this outcome for you.' The landowner immediately starts to look at managing those animals effectively, which usually means dropping the numbers and lifting the quality. So it is a different approach, and it is through education and understanding that we are getting results.

**Mr KNUTH:** There are places out there like Maryvale and Bluff Downs that have a management plan in place where a supplementary income goes back to the graziers. I think what you are highlighting to the committee, and hopefully the department too—and correct me if I am wrong—is that biosecurity is a big issue and resourcing is a big issue but the last thing the department want to do is put all their money into biosecurity and resourcing to combat feral deer populations when people like yourself and your organisation have a good sound sensible management plan in place that can do that for them in a sustainable way at little cost to the department. Is that where you are coming from, that the landowners can benefit from this as well?

**Mr McGhie:** That is our aim. We are trying to give landowners an incentive to manage those animals for positive outcomes. By seeing a return, that is happening. The system we have put up to DAFF, LO and DEEDI over the last few years is our RIDGE policy—it is basically suggesting a self-regulating, self-management program that is based on the old MoveEasy system, where people would come on your property, you have your duplicate book, you give that hunter a slip to hunt on your property with permission and it says where he can go, when he can go, whatever. We keep the copy for seven years so it is accountable and it is traceable. If there is a disease outbreak or whatever, you can say, 'Joe Blow took a deer and he has gone back to Brisbane with that animal.' If there is a concern, it is traceable, accountable and self-regulating. We put that in place and it is based on having lower numbers of quality animals. We have to start with regulation. We want to start from that framework with the departments now and say that, in the regulations, let us be careful not to throw the baby out with the bathwater. Let us get it right from the start.

**Mr KNUTH:** Like the stupidity where they come in with all the helicopters and blast the living crap out of them, which is a waste of resources. This can be a proper management plan in place but with a recreational side to it so everyone benefits from it.

**Mr McGhie:** I will give an example there. In the chital deer country, in the last three years my team has removed over 5,000 head of chital deer with the consent of the landowners. Most of those have had to be wasted. We have tried developing a skin market. I had the president of the chamber

of commerce of the Western Highlands of New Guinea with me yesterday viewing the deer site. He said that they would take every deer carcass we could get them. They love it. It is unbelievable. He said, 'Are you wasting these animals?' The answer is yes. The chital we have killed up there could have been live exported. As I said, we did that in 2006 and 2007 very, very safely and successfully. We have to look at this with a common-sense approach.

**CHAIR:** Thank you very much for your time, Clark. It probably should be used as a resource because unfortunately they are in the environment now, aren't they.

**Mr McGhie:** Exactly. Thank you.

Proof



**ERHART, Ms Dorean, Principal Advisor, Natural Assets, NRM and Climate Change,  
Local Government Association of Queensland**

**HANNAN, Mr Luke, Manager, Advocacy, Planning, Development and Natural  
Environment, Local Government Association of Queensland**

**CHAIR:** I welcome witnesses from the Local Government Association of Queensland. Would you like to make an opening statement?

**Ms Erhart:** The Local Government Association of Queensland welcomes the introduction of the Biosecurity Bill and we appreciate the opportunity to be able to address the committee today. The LGAQ supports the development of an effective legislative framework for biosecurity in Queensland. Rapid and effective prevention and control of biosecurity incursions is critical to ensuring sustainable land based industries and protecting Queensland's nature based tourism markets and human health. We want to commend the department on the open dialogue that we have been able to enjoy with them in the development of this bill and also during the consultation period. The LGAQ is satisfied that the bill has delivered more flexibility and a range of new tools to better respond to biosecurity threats.

Our submission made several recommendations and points of clarification, and we will only discuss the ones that we want to put on the record today. In particular, with regard to the new biosecurity tools identified in the bill, the introduction of new biosecurity zones, codes of practice and guidelines will assist in removing existing ambiguity around management priorities and required actions for control of biosecurity matter. The LGAQ requests the inclusion of a specific requirement for local government input to the development of these biosecurity tools where local governments will be the compliance and enforcement authorities. In these circumstances, it will be important to have local government input on enforcement and compliance implications of any aspects of these tools.

The LGAQ also welcomes the streamlining of requirements for local government biosecurity plans, in particular the removal of the requirement for ministerial approval. This will significantly shorten plan time approval processes and make sure these plans are out and about a lot sooner. However, further detail is required on things like the lifespan and scope of a local government area biosecurity plan. For example, is the plan a council only plan or a whole of local government area plan encompassing the roles and responsibilities of all stakeholders, as is currently required? At the moment, the wording could be interpreted in a number of ways.

To further reduce red tape and streamline processes for the general public, we recommend the inclusion of a clause or section allowing local governments to include locally significant species in their biosecurity plans, thereby removing the need for them to prepare a separate local law. The association also seeks the inclusion of a statement in the bill that clarifies that local government obligations do not extend to state and Commonwealth lands unless under agreement by all parties. The LGAQ has also been involved in the State Land Pest Management Committee and the development of a draft state land pest management framework, which has sat in draft, unfortunately, for nearly 12 months. To give this important initiative the required momentum and impetus for implementation, the association seeks consideration of the state land pest management framework as being part of the bill or subsequent regulations, to identify this as the mechanism by which relevant state departments may discharge their general obligation.

The LGAQ submission also notes that a number of declared species listed in the prohibited and restricted schedules have been downgraded. This has occurred without the provision of a rationale for their downgrading and without consultation with stakeholders. We request that no declared species are downgraded without a full and transparent process. Many stakeholders, including local governments, have invested millions of dollars in the control of some of these species, and we do not want to see that go to waste without a due process in place. Thank you for your time.

**CHAIR:** Thank you. I notice mention of the requirement for the local government biosecurity plan, and that piqued my interest when I was looking at your submission. Local governments are a bit like state governments, and you have elections every four years. Is that something that should be reviewed every four years as a new local government comes into place? Do you envisage that should be done more regularly than that?

**Ms Erhart:** I think currently there is a five-year review period for the existing pest management plans, and all comments from our local governments have stated that that is adequate.

**CHAIR:** Yes, that would be, I imagine. I was just reading the submission and I did not pick up that it was five years. So what you are wanting is a more working brief with the state and local governments around some of the declarations of weeds. I see there is call for an MOU to be in place for that incursion matter and that sort of thing. Do you want a better memorandum of understanding between the departments?

**Ms Erhart:** That is right. Local governments and the state consider themselves partners I think in the enforcement and compliance of this legislation. We are already doing work with the department in developing a co-investment model, which is a wonderful step towards establishing that partnership and cementing it. Certainly, an MOU is a tool that has been used in the past. It has currently expired and has not been revised because we have been waiting for the Biosecurity Bill to come into place. We believe that the department has every intention to establish a new MOU with local government and with the regional NRM bodies as well who are other critical partners.

**CHAIR:** Unfortunately, we end up in demarcation disputes about road easements and all those sorts of things that do not need to be there probably.

**Mr COX:** So you are saying the MOU, depending on if there is a new one being worded, worked well last time. Is that what you are saying?

**Ms Erhart:** We started a process of review on the previous MOU. There are obviously always some teething issues around these sorts of things and some perceptions of not having stepped up to the plate by both parties, to be perfectly honest. The value of having something like an MOU, however, is that it does clarify those roles and responsibilities and it does provide both parties with the opportunity to work with each other to improve performance.

**Mr COX:** If it is a five-year MOU, or whatever the period is, should there be something in there, especially in this biosecurity situation, where it can be reviewed so that the MOU does not sit there stagnant for five years? Then it can come back and be changed if something comes up.

**Ms Erhart:** That is right.

**Mrs MADDERN:** I want to go back to the last section of your statement about the downgrading of species. Could you give me an example of where you are concerned there? I have no sense of what it is.

**Ms Erhart:** I might refer to our submission so I can use a specific example.

**CHAIR:** I think there was mention of some invasive weeds and trees.

**Ms Erhart:** That is right. Some species were previously listed as class 1. In class 1, they are effectively what would now be a prohibited species, which means there is an effective control program put in place and in some instances eradication is the target. They have been downgraded to just control and manage within the environment. There may be very good reasons for deciding to do that, as some class 1s do get away from us and we are unable to actually meet that eradication target. But a clear and transparent process is required so that you have agreement by all stakeholders that that is the case before it is downgraded.

**CHAIR:** Admittedly, there is probably the overkill situation which would have been done before it was downgraded. It would have been the fact that someone in Biosecurity probably made a decision that they were not actually succeeding in managing it so they asked how it should be looked after now. I suppose even if the councils have put in a fair bit of work, it has not been to the detriment of the environment, has it?

**Ms Erhart:** That may have been the case but unfortunately we are not really certain of the process.

**CHAIR:** I understand that.

**Mrs MADDERN:** The way I perceived what you were saying is that it was downgraded and that was a bit of a nuisance because you had expended so much time, effort and money. My question is that, if someone has made a decision that this is pretty much a lost cause and we are now into a management phase, why would local governments be concerned about reducing the amount of money they have to spend on it? That is the way I read it. Why would you be concerned about the downgrading if it puts less emphasis and financial resources on local governments?

**CHAIR:** They want to be included though, that is all.

**Ms Erhart:** I would like to clarify that. For class 1 species in particular, it is generally the state government that has the lead in terms of the responses to any new incursions of that species being found et cetera. By downgrading it to a restricted matter, it is then the local government responsibility.

**Mrs MADDERN:** Right. Now I understand.

**CHAIR:** Thank you very much for your submission. I notice you made a lot of comments in the submission and we have the answers from the department on most of those too. That will be made public at some stage and you will have another opportunity to work out the detail, the regulations and those sorts of things I am sure. Thank you very much for your time.

Proof

**LETHBRIDGE, Miss Andrea, Northern Regional Manager, Australian Livestock and Property Agents Association**

**CHAIR:** I welcome Andrea from the Australian Livestock and Property Agents Association. Would you like to make a brief opening statement about some of the issues you have?

**Miss Lethbridge:** Yes, thank you. On behalf of ALPAA members, I would like to thank the committee for taking the time to consider our submission. The Australian Livestock and Property Agents Association is the national peak industry body for livestock and property agents representing more than 1,200 agency businesses across Australia. Collectively, this group plays an important role in livestock, wool, merchandise and rural property sales and marketing. ALPAA members handle in excess of 97 per cent of rural agency business Australia wide. ALPAA is one of the largest national organisations that small rural business men and women rely on to protect the interests of agents and producers nationally.

The submission that ALPAA provided in response to the introduction of Biosecurity Bill 2013 raised two issues—the definition of saleyard and movement record requirements. ALPAA's concerns surrounding the saleyard definition is that it is very broad, particularly subclause (b) of the definition which states—

Saleyard means any yard, premises or place where designated animals are ... (b) held or kept for the purpose of being sold or offered or exhibited for sale—

Based on this definition, a saleyard could be interpreted as a paddock where a buyer inspects and buys livestock for direct consignment to either another property or an abattoir. Another example is sales to abattoirs whereby the sale is not concluded until the carcass has been weighed. Both examples are technically correct and fit the definition's requirements that a place where animals are 'held or kept for the purpose of being sold or offered or exhibited for sale' is a saleyard. This is far from the intention of the definition and is also a long way removed from the public's perception of a saleyard where a public auction has been undertaken. With such a broad definition, ALPAA is concerned with the implications this may create for responsibilities that may be assumed if this definition is not amended.

One such example is NLIS transfers. Based on the current broad definition, this could lead to the implied responsibility for a saleyard operator to update the NLIS administrator for a sale that has not physically occurred in a saleyard in its true meaning. ALPAA's recommendation is to amend the saleyard definition to be in line with the perception that a saleyard is where a public auction of livestock takes place. The reference to auction must be the key component of the definition.

The second issue ALPAA has relates to clause 195, the 'appropriate form of movement record'. ALPAA's concern lies in the requirement to provide the name and address of the person as per clause 195(1) (c). In the majority of instances, the name of the individual will be unknown. To add to the confusion, the Livestock Production Assurance National Vendor Declaration, which is a recognised movement record, refers to 'Consigned to: name of person or business'. ALPAA recommends the removal of the reference of the name of the person as information required to be provided in a movement record or to incorporate the words 'or business' as per the LPA NVD. Again, thank you for taking the time to consider our submission, and I hope I can assist with any questions that you may have.

**CHAIR:** Thank you, Andrea. We have received a response from the department. The department is looking at the matter of sale yards. It is a difficult one. You are representing the sale yard as a defined spot. Would a sale of, for instance, stud cattle necessarily be an auction?

**Miss Lethbridge:** If it is an on-property auction, yes, it becomes a sale yard. In the NLIS business rules that is essentially what they are referring to. Once the auction phrase is used it is determined to be a sale yard which then invokes the NLIS transfer requirements.

**CHAIR:** The point I would make is that if I am selling stud cattle, and I have 10 of my best stud bulls there and I want \$5,000 for them, it is not so much an auction it is just a straight sale.

**Mr TROUT:** It is a private sale.

**CHAIR:** There could be a group of people there—the whole committee could turn up—but that is the price. There are 10 stud cattle and the price is \$5,000. Would that still meet your criteria? It is not actually an auction, it is a straight sale with a price.

**Miss Lethbridge:** Speaking off the top of my head I would say no, because our key component is the word 'auction'. It is the NLIS transfer that we are really concerned about and the requirements to do that.

**Mrs MADDERN:** If you sell cattle—they are in the paddock, I come along and say I am going to pay \$5,000, I want one of your bulls—there are still going to have to be transfer papers.

**Ms Lethbridge:** Yes, but it is the receiver that has the responsibility to do the NLIS transfer. Once it actually becomes a sale yard transaction then it becomes the responsibility of the agent or the sale yard operator to do the NLIS transfer and that is where we want the clarity to be in place to ensure that there is no ambiguity there.

**CHAIR:** Thank you for making that clear to us. Those definitions do become quite important.

**Miss Lethbridge:** It is probably an oversight. It is one of those things where if you are reading something that is pertinent to yourself you realise that it is not as clear as it should be.

**Mr COX:** It is not determined, that is all.

**Miss Lethbridge:** Yes. We do not want misinterpretations.

**CHAIR:** I know that the Stock Squad does get around to the odd sale yard and picks up these sorts of things.

**Miss Lethbridge:** One would hope so.

**CHAIR:** Thank you very much.

**Miss Lethbridge:** Thank you for the time.

PROOF

**DUNN, Mr Matthew, Principal Policy Solicitor, Queensland Law Society**

**DE SARAM, Ms Binny, Senior Policy Solicitor, Queensland Law Society**

**CRANNY, Mr Glen, Chair, Criminal Law Committee, Queensland Law Society**

**CHAIR:** Thank you for making time available to come to the committee. It is always interesting to get the Law Society's view on new legislation. You have a good understanding of the legislative process. Would someone like to make an opening statement?

**Mr Cranny:** Thank you, Mr Chair. On behalf of the Law Society, and Matthew and Binny in particular, thank you for this opportunity. The society is certainly supportive of the aims and intentions of the legislation. It sees an appropriate opportunity for the parliament to regularise and make more structured and more efficient the legislation dealing with biodiversity and biosecurity events. We have some individual concerns about specific sections, nothing of such moment as would cause us to raise any broad concerns about the policy intentions of the bill, but we do want to raise some specific issues and without much further ado I might just move to them if I can.

**CHAIR:** That would be good. Thank you.

**Mr Cranny:** Starting with clause 113 of the bill, which is the chief executive's ability to make a biosecurity emergency order, our position in respect of that section is that the section itself is not, on its face, problematic but what we suggest is that when one looks at the machinery of the bill, when we look at the amount of review options, the limited review options that are available, the time, the duration over which these orders can be made and the consultation that can and need not take place in the making of these emergency orders, we say there are some concerns about the framework of the act in that regard.

Our concerns in respect of 113 are perhaps best then addressed by going to the individual items that we have concerns about, but 113 is the platform from which those concerns arise. Section 115 then becomes the first clause for particular comment and that concerns the duration of any biosecurity emergency order. Our suggestion is that this clause could be interpreted to leave open ended, or largely open ended, the duration of a biosecurity emergency order and more limits are required in that regard. It could be a simple case of changing the drafting to suggest that the order should be even in force until the sooner of the following events taking place, namely, the 21 days or the day stated in the emergency order. What the current drafting does is make 21 days the minimum period essentially, and a much longer period could be contemplated by the order if 2(b) is used instead of 2(a). We make that submission in the context that these are emergency powers. We understand completely and support the need for the department to have the ability to act quickly and decisively in respect of responding to any emergent situations, but our concern is that by leaving it as it is phrased in clause 115 that 21 days is effectively the minimum period and that should, in our view, be the maximum period after which, after 21 days of a possible emergency, our view is that then there should be further framework in the act to either have these orders extended by an order of the court or by some other more formal consultation process rather than it being open ended as it currently is. As I say, this part of the act is designed to cover emergencies, not simply difficult situations, it is not for managing difficult situations, it is for immediate response to emergencies, so we say that those time frames are too loose in clause 115.

Can I then deal with the topic of search and seizure which is dealt with in a couple of different parts of the act. The powers of search are at 119 and then of seizure at 299. I would just like to make this point, if I could: it would be our strong submission that the act should contain a limit on the use of the evidence that is obtained under this process. Here we are talking about search without warrant and then seizure of items. It could be done by people without much training in this area. It could be done by people who are not police officers and they have extraordinarily broad powers under 119. We do not quibble about those as such in light of the fact that we are talking about emergency situations and they do not apply to residences and so on, so I think there are some appropriate safeguards there, but what there is not a safeguard on is the evidentiary use that is made of any item that is seized under 299 and it would be our suggestion that 299 have a further clause added that the evidence seized pursuant to this act should only be used for the purposes of prosecuting offences in respect of this act. To take an example, it might be an authorised person under the act who is responding to a biosecurity event in respect of, it might be, an equine flu. That person could be going beyond their power, looking at other things within the premises.

**CHAIR:** Logbooks, or whatever.

**Mr Cranny:** Even drugs. Anything. Those sorts of things should not be able to be gathered in a de facto way for prosecution in respect of purposes beyond the act. If they find other things of concern the police are there to handle those things, but the inspectors and the authorised officers under this act should not have the ability to use the items seized beyond the scope of the act's intentions itself.

The last point I wanted to come to then was the limits on the review. The society is concerned about the significant limits placed on the ability to review the response instruments that are made under the act. This is clause 498 that we are referring to in particular. Essentially, what that clause does is make those sorts of instruments unreviewable. The only exception is for jurisdictional error which is a very narrow and a very unusual type of error that can be made. In circumstances where we are talking about orders which can affect people's livelihood, their reputation, certainly their income, it can effectively be ruinous to a farmer or an agriculturalist. There should be review mechanisms allowed for that to be challenged appropriately in the Supreme Court. The explanatory notes suggest that one of the reasons for the limitations as it is currently written is to prevent interruptions to the process through legal challenges. With respect to those who drafted that, that carries little weight, in my submission. It would be very easy to have the legislation reflect that the orders remain in place and in force throughout their life and a challenge does not impact upon their enforceability until and unless the court makes a decision to the contrary. It is our submission that further review should be allowed in respect of these very serious orders.

**Mr Dunn:** Mr Chair, I have three very quick civil issues with respect to the bill if I can quickly raise them. The first one relates to clause 301, which is the part of the bill that permits an officer to seize a piece of property that is subject to a security interest. The question we raise with regard to that is how will the person with the security interest over the piece of livestock, the car, the machinery, the plant or whatever, be informed of the fact that that piece of equipment or plant or property has been seized, when will they be informed and who will inform them. There is no machinery around that in the current legislation to deal with that particular issue. They would have a legitimate expectation that if they had a security interest over a piece of property that has been appropriated by the state that someone at least should tell them that that has happened.

If I can deal quickly with the issue of compensation, there are significant compensation schemes. There is a scheme and also a statutory compensation arrangement in the bill in addition to the common law provisions for negligence and unlawful conduct. With respect to the statutory compensation scheme, clause 348 of the bill excludes consequential loss as a head of compensation under the statutory scheme. That will effectively mean that business owners and operators will not be able to recover any compensation towards loss of business or wasted costs as a result in a situation where there is, say, a stud property or an agistment property that is closed down for the purposes of an equine flu outbreak or something like that. There might be a number of costs et cetera. Our question to the committee is, is it appropriate that consequential loss in some way should be dealt with for those people who suffer loss in that particular regard.

I would also like to point the committee to clause 349. That is the process for making one of these compensation applications. That clause says that the application must be in the approved form, which is fine. It also must be made within 90 days of the date that the loss occurs. In the circumstance that 90 days may expire while the biosecurity response is still underway the person may not know that they needed to have made that response. There is a power for the chief executive to decide whether they will or will not accept something after the 90 days, but realistically it may be more appropriate for the time period to run from the later of the point where the loss occurs or the cessation of the biosecurity response so that people have got three clear months from when it is all finished and cleaned up to sort out what they need to do rather than having to do it while something is actually still on foot.

The final part that I wanted to raise very briefly, if I can, is clause 115(4). This is in relation to the emergency orders. What this says is that an emergency order prevails over any inconsistent provisions of the act. This looks very much like a Henry VIII clause which allows amendment of a piece of legislation either explicitly or in effect via some type of administrative or lesser instrument. It is a matter of policy about whether the committee feels that the emergency response in the biosecurity context is so significant that an administrative order should be able to override an act of parliament and be inconsistent with an act of parliament. That is a matter for the committee. We do just raise the issues that Glen raised before that those emergency orders at the moment can be virtually un-timebound and also are not subject to review. We just raise that as a further issue.

**CHAIR:** Thank you very much for that presentation. In your interpretation of clause 115, what happens if there is an error? Can an emergency order be less than 21 days?

**Mr Cranny:** It seems to me that unless it is revoked the orders are always going to be in place for at least 21 days. That is because if there is a day stated in the order that is less than 21 days it is the latter of the two, so the 21 days would prevail. If it is more than the other date, the later date would prevail. So it seems to me it will be a minimum of 21 days unless revoked. And, of course, if the order stated a lesser period then you would have a most peculiar situation where on the face of the order it expires after a given period but pursuant to the legislation it, in fact, would not expire until the 21 days were up. The intent might be that they will not make orders for less than 21 days, but we come back to the true purpose of these things is that it is an emergency response and we think that is a bit long.

**CHAIR:** Another submitter has made a submission in relation to the 21 days that it be 'but not limited to'. The property and plant compensation and the Evidence Act I think are matters that need to be explained by the department for clarification. Thank you very much for making those very salient points.

**Mr Cranny:** Thank you for your time.

**CHAIR:** We will now have a short break. You are more than welcome to stay to listen to the departmental briefing.

**Committee adjourned at 11.50 pm.**

PROOF