



STATE DEVELOPMENT AND REGIONAL INDUSTRIES COMMITTEE

Members present:

Mr CG Whiting MP—Chair
Mr JJ McDonald MP
Mr MJ Hart MP (virtual)
Mr RI Katter MP (virtual)
Mr TJ Smith MP

Staff present:

Ms S Galbraith—Committee Secretary
Dr V Lowik—Assistant Committee Secretary

PUBLIC HEARING—INQUIRY INTO THE AGRICULTURE AND FISHERIES AND OTHER LEGISLATION AMENDMENT BILL 2023

TRANSCRIPT OF PROCEEDINGS

Monday, 12 February 2024

Brisbane

MONDAY, 12 FEBRUARY 2024

The committee met at 10.01 am.

CHAIR: Good morning. I declare open this public hearing for the committee's inquiry into the Agriculture and Fisheries and Other Legislation Amendment Bill 2023. My name is Chris Whiting. I am the member for Bancroft and chair of the committee. I would like to respectfully acknowledge the traditional custodians of the land on which we meet today and pay our respects to elders past and present. We are very fortunate to live in a country with two of the oldest continuing cultures in Aboriginal and Torres Strait Islander peoples, whose lands, winds and waters we all share. With me today are: Mr Jim McDonald, member for Lockyer; Mr Michael Hart, member for Burleigh, via videoconference; Mr Robbie Katter, member for Traeger, via videoconference; and Mr Tom Smith, member for Bundaberg.

This hearing is a proceeding of the Queensland parliament and is subject to the parliament's standing rules and orders. Only the committee and invited witnesses may participate in the proceedings. Witnesses are not required to give evidence under oath or affirmation, but I remind witnesses that intentionally misleading the committee is a serious offence. I also remind members of the public that they may be excluded from the hearing at the discretion of the committee.

These proceedings are being recorded and broadcast live on the parliament's website. Media may be present and are subject to the committee's media rules and the chair's direction at all times. You may be filmed or photographed during the proceedings and images may also appear on the parliament's website or social media pages. I ask people to turn their mobile phones and/or computers to silent mode.

CRAIG, Ms Courtney, Senior Project Officer, Brisbane City Council

FERGUSON, Ms Rosalynn, Principal Policy and Legislation Officer, City Safety, Brisbane City Council

TILLE, Mr Shannon, Acting Business Manager, Safety, Amenity and Litter Team, City Safety, Brisbane City Council

CHAIR: Good morning. Before we ask questions, would you like to make an opening statement?

Ms Ferguson: Yes, I will. Thank you for inviting Brisbane City Council to participate in this hearing. Since 2022, council has actively participated in the Animal Management Taskforce and technical working groups to review the Animal Management (Cats and Dogs) Act. Council provided a response to the 'Strong dog laws: safer communities' discussion paper and also a submission about the bill. We have also noted the details in the bill and that there are complementary aspects to be introduced over which we do not have visibility. This includes the education campaign and department staffing.

Council continues to be concerned that the feedback that we have provided has not been fully considered by the department and that the proposed changes identified within this bill will have a great impact on our enforcement capabilities, processes and the community. As you will see in our submission, the following amendments are of particular concern to council: the QCAT appeals process; the increased penalties; the new definitions for 'seriously attack'; the effective control provisions; dog attack definitions; prohibited breeds; and muzzling.

Council provides conditional support to the amendments in the bill on the following items: the guidelines; cost recovery for seizure and destruction; and the powers of entry for authorised persons. It should also be noted that the department and the taskforce identified a number of items which were to be in scope for these changes. It is apparent that these items were overlooked. They are also referenced in our submission.

CHAIR: Excellent. Thank you very much. We have read through your detailed submission for which we thank you. Could you talk us through the issue of QCAT and QCAT appeals? This is a part of the bill that has particularly attracted our attention. We would like to hear more of your point of view about what you like and perhaps what you do not like.

Ms Craig: From council's perspective, our concern lies in the time frames. Initially, you have the opportunity under the act to apply for an internal review with council when we make a decision under the act. The time frame for that prescribed under the act is about 30 days. From there, you have the ability to make an external review to QCAT. I believe that process takes about 46 weeks at a minimum and it can take much longer than that. When a decision is made by QCAT in that external review, the opportunity then arises for there to be an appeal to the QCAT tribunal. The time frame prescribed for that is about 46 weeks as well. That is where our concern lies: for the first two options available the time frames have not actually been impacted.

CHAIR: Thank you. We have heard about time lines and QCAT decision-making in relation to other bills.

Ms Craig: Yes. The frequency in which appeals are usually made is not as often as the external review process. That is what impacts us a lot.

CHAIR: Absolutely. One of the other issues I would like to hear more about is effective control. I note what you have said in that you will not be able to use oral compliance directives or compliance notices. Can you explain a bit more what you mean by that?

Ms Fergusson: Similar provisions already exist in council's animals local law. With the provisions as they stand in our local law, we have the ability not only to issue infringement notices but also to issue an oral compliance directions or a compliance notice. Usually we will use that oral compliance direction in the process where we are instructing someone to do something that they can do immediately to resolve the issue—putting their dog back on-leash for example. The way that these provisions are written in the bill does not provide us that opportunity to issue an oral compliance direction to a member of the public to put their dog back on-leash. The most we can do is issue them an infringement notice, and then they can keep walking their dog off-leash.

CHAIR: Do you find it effective when you empower your officers to give that oral compliance direction: 'You need to do this' or 'You need to do that'?

Mr Tille: Absolutely.

CHAIR: That has been a longstanding practice in local government; correct?

Mr Tille: That is correct. Oral compliance directions are something that we rely on very heavily for community-based outcomes. In particular, with local law breaches, our officers are very skilled in providing and delivering them. It is an effective tool in all manner of local law and local law related offences that we deal with.

CHAIR: I assume that nearly all of the officers who are out and about have small cameras and recording devices operating at all times. If there is any conjecture about what the oral compliance direction was, they always have that device on them recording what is going on; is that right?

Mr Tille: That is the expectation, yes.

Mr McDONALD: Thank you all for being here. I appreciate your evidence and the detail in your submission. With regard to the QCAT appeals that are proposed at the moment, as the chair said, we have had some evidence that it is concerning around that. Did you say 'four to six' weeks or '46'?

Ms Craig: I apologise—46 weeks.

Mr McDONALD: I thought that is what you said. I thought, 'If I can get on QCAT for four to six weeks, I want to go to that QCAT!' Forty-six weeks is just not acceptable. What alternative would you propose instead of QCAT? Have you seen any other places where that alternative works?

Ms Craig: I am not necessarily sure that we would seek an alternative to QCAT, just perhaps a shorter time frame for QCAT to respond—maybe a prescribed amount of time for them to provide their external review by. For example, the act provides council 20 days to make its decision and then a further 10 days to issue that decision. We propose something like that prescribing QCAT during the external review—a bit more guidance in the act that sets out a reasonable time, perhaps 12 weeks or a three-month period. I understand that they are busy, but that would perhaps provide more balance in that regard.

Mr McDONALD: In terms of the matters going to QCAT, do you think there is an opportunity for some matters to not go to QCAT—not the destruction of a dog but just controls? Maybe they should be just finalised. I can understand it in relation to the destruction of a dog, which is very concerning.

Ms Craig: Yes, I agree. Under the act, any decision essentially made by a council can be subject to the internal review and external review process, so that would be helpful.

Mr McDONALD: We have also heard evidence—maybe you can talk about your experience—around the identification of these particular breeds and the challenges that has versus, in my mind, the behaviour of the dog irrespective of its breed.

Ms Fergusson: Purebred identification in this instance is extremely difficult. I am sure you would have heard through other submissions as well that DNA testing will always identify other breeds in the breed history, even of a purebred dog. The visual breed identification tools that have been utilised in the past have proven inefficient as well. Can you repeat the second part of your question?

Mr McDONALD: It was just about the identification of the dog versus the behaviour of the dog, which is really the point.

Ms Fergusson: Ideally, it should be about the behaviour of the dog. Every dog has that ability of attacking. If trained correctly, that incidence can actually be avoided.

Mr Tille: From the operational point of view and what we see day to day, any dog can attack a person—a child. The breed aspect is relatively arbitrary.

Ms Craig: In relation to the QCAT time frames, would we be able to take the question on notice and get back to you with a time frame that would be suitable from council's perspective?

CHAIR: We can make that a question on notice.

Ms Craig: That would be great, thank you.

CHAIR: In terms of identifying breeds, we understand the difficulties. You and all councils would welcome some fairly prescriptive guidelines from state government; do I have that correct?

Ms Fergusson: Yes, we did outline in our submission that we would support the provisions on the basis that they are conditional under clause 60. That included not only the development of those guidelines but also, if the guidelines were to identify that DNA testing was a requirement, the department having provisions similar to those under the Environmental Protection Act and also the Public Health Act in having an orphan fund that we can access to recover costs in that breed identification as well.

Mr SMITH: I really have only one question around dog breeds. Is your understanding of American pit bull terriers and pit bull terriers clear? The information we are getting is that the listed dogs in the legislation are not currently able to breed because they all have to be desexed. For me—I think even the member for Burleigh shares this view—when it comes to what an American pit bull or a pit bull looks like, I feel as though I come across a pit bull almost every day when I go doorknocking. Is it clear for council to define what is or is not a pit bull? They are very friendly to me, though; they do like me.

Ms Fergusson: My understanding is that in the past there has not even been a DNA test to identify a pit bull. Recent research that I did undertake identified one particular company in the USA that does DNA testing, but, like I said, DNA testing can identify a number of breeds so how do you say that it is a purebred?

Mr Tille: In our experience in dealing with the community when there are reports of attacks, quite often many different breeds are reported to us as a 'pit bull'. It is a blanket term used by the community for a large hunting dog.

Ms Fergusson: Staffordshire bull terriers, American Staffordshire bull terriers.

Mr Tille: Staffordshire terriers are quite common, and we receive those reports because of the media around that particular breed. That is the way the community will report it, but there is a very wide scope of breeds that come under our notice.

Mr SMITH: Is it likely that some people who are selling dogs that look like pit bulls are accidentally putting down the wrong breed? They just think, 'This is a pit bull,' because in their mind that is what it looks like when actually it is a staffy mixed with something else. Do you think that is the case?

Mr Tille: Absolutely. From a local government point of view, we are contemplating the questions around proving and identifying a private owner of a dog, a regular owner of a dog. They would look at the dog and think, 'What breeds might be in that dog?' and call their dog that way. There is not a lot of knowledge out there or a means for anyone to prove their breed unless they go to the lengths of getting DNA testing in individual cases, which we do not see.

Mr SMITH: Is the greater concern around the pit bull classification whereas the other breed of dogs look quite distinct? They look like hunting dogs and very aggressive dogs; it is probably quite clear to see. Is there more concern around being able to identify pit bulls, staffies and so forth? Is that the breed of most contention for council?

Mr Tille: From our operational experience and from what we see with complaints from day to day, we do not really think and contemplate it that way. We think about the nature of the attack. We have had very small breeds that have taken fingers off people. The officers who are enforcing the legislation note the breed for our record keeping, as far as we can, through observations and the operational experience, but the real focus is on identifying the nature of the injuries and the attack, the reasons the attack happened and those factors when we take actions.

Mr HART: Following on from the member for Bundaberg—and I totally agree with what he said, which is a real change—I am wondering what sorts of changes the Brisbane City Council might have to make if these five different breeds of dogs are completely banned. What changes will you have to make?

Ms Fergusson: These breeds are already identified in our local law as being prohibited to keep in Brisbane, so there will be little change that will need to be made from that perspective. If it is written into the state legislation, we will need to make a local law amendment to remove those out of there.

Mr HART: I imagine most people in the first instance would say, 'That's not a pit bull. It's something else.' Are you going to have to make some changes to prove that it is a pit bull, or are you basically saying you cannot prove that anyway?

Ms Fergusson: We would be looking for guidance from the state in identifying those breeds. Like I said, in the past we have had those breed identification tools to utilise but they have proven to be inefficient. We have not had complaints.

Mr HART: What format would you like to see the state prescribe to identify these dogs? I am leaning towards saying this is just rubbish—the whole thing. What sort of format should the government provide you to identify these dogs that is hard and fast, 100 per cent correct and will get through QCAT?

Ms Fergusson: We would be looking for the state to provide that. It is very difficult. We could have those discussions at the taskforce and working group levels to further identify what could be put in place.

Mr HART: In relation to the taskforce and working group, how much consultation did you have on what was in this bill before it was put to the parliament?

Ms Fergusson: The effective control provisions were not discussed at all at the working group level. They were something that we introduced when the discussion paper was released. We were not aware that they were going to be added at all. We were meeting on a monthly to six-weekly basis for about six to 12 months to discuss changes that were suggested for the act.

Mr HART: Courtney, going back to the 46-week time frame for QCAT, is that what you are typically seeing? Is that what you are saying, or does the time frame vary?

Ms Craig: That is the minimum time frame that is provided by QCAT on their website. However, I do understand that much longer times have occurred. Previously we have had dogs held in our facilities for up to two years for a decision to be made.

Mr HART: Is that an arbitrary time frame that QCAT have put on themselves?

Ms Craig: It is probably based on statistics. My understanding is that they review their files and they publish.

Mr HART: If the committee was of a mind to suggest that QCAT make some fixed-time decision processes here, is there something that after a certain time frame could be a deemed decision, something that you would normally take to QCAT?

Ms Craig: In my response to our question on notice, we will look into that as well and provide a response. We will have a look at our data and discuss it with our officers and we should be able to produce a desirable outcome.

Mr HART: Can I congratulate you on a very thorough submission to the committee. I read through it and it was very good. You raised a whole lot of issues that the committee should think about. One of those was access to people's properties. Can you step us through the issues you have around access to check on what you deem to be a dangerous dog?

Ms Fergusson: One of the issues is around the powers of entry. For us to undertake an inspection of a regulated dog enclosure we need the permission of the dog owner to enter the property; otherwise, we have to have what is referred to under the act as an inspection program. In having that inspection program, we need to go through full council and then obviously a number of public advertisements to have that inspection program in place, which obviously increases our regulatory burden from that perspective.

We noted in the bill there was a provision that if there is a prohibited breed there, we could enter at any time of the day to identify that prohibited breed. Why are those provisions not extended to something that is already regulated that may be a risk to the community for us to go in and inspect and make sure that enclosure is in accordance with the conditions applied?

Mr Tille: If I may add to that, there is a similar piece of legislation to contemplate around this, which is for swimming pool compliance. The power to enter for authorised persons to inspect a swimming pool barrier fence allows officers to attend to do that at a reasonable time during the day. In what we are contemplating here, we have a known risk to the community. It is at least a thought for contemplation.

CHAIR: Thank you. There being no further questions, we have one question on notice regarding your suggestion about time frames for QCAT. There are no other further questions on notice. Thank you for coming along today.

BOBBERMEN, Mr David, Executive Officer, Queensland Seafood Industry Association

CHAIR: Welcome. Thank you for coming along today. Would you like to make a brief opening statement? Then we will follow up with some questions for you.

Mr Bobbermen: I would like to make the point that at the present time the industry is in mourning and is probably suffering PTSD from the removal of gillnets and the N1, N2 and N4 authorities within the Great Barrier Reef Marine Park. It is a hard time for the industry. It has been going through a lot of reforms since the sustainable fishing strategy was implemented in 2017 which was meant to cut red tape, but again we see another legislative body of work being put upon the industry. It is trying to work with government and the department to ensure it maintains access to a fantastic renewable resource. It an extractive industry. It has been going for over a century. Other than one or two, fish stocks, by Fisheries Queensland's own measurement, are at fantastic levels.

We are working with the government. We are trying to move forward with the new NX licences, although that has been challenging because the department are obviously under-resourced and they are trying to meet deadlines that are being imposed upon them. That has given industry a very short period to adjust and understand what is going on, particularly for the NX licence, which is the new gillnetting licence in the Great Barrier Reef, and the need for independent onboard monitoring that has been mandated by the government and how that would work, either through independent onboard observers or via electronic means. On the day it was launched it was late by their own time line. Admittedly, it was late by only a couple of days, but we were then scrambling to get on the water. We had the authority, but we did not know how to get on the water because we did not know what the requirements were for independent onboard monitoring.

The East Coast Otter Trawl Fishery is going through a lot of reform at the moment. They are very nervous about their status as a high-risk fishery. They have been working proactively with the department over the last year to try to come up with a field trial agreement for independent onboard monitoring, which they have finally achieved. I believe there are now six boats with trial cameras onboard, but it has taken eight to 10 months of hard negotiation to get to that point. Every boat is taking three to four days to have the cameras installed because of issues. It is a long slog and it is a hard slog, but industry is at the table trying to do that.

Industry, particularly the trawler industry, is most concerned about its WTO approval, which is due for renewal this year—the wildlife trade operation certificate. It wants to maintain it. It has to maintain that certificate because the last thing we want to do is lose our export licence. That would see a substantial amount of prawn no longer able to be exported and instead dumped on the market, and that would be catastrophic for the industry.

I would make the point—and I note that the department disagrees with me—that the consultation in relation to these amendments has been very poor. Yes, there was consultation around the sustainable fishing strategy, but very little consultation has occurred particularly in relation to the gillnet NX licence, independent onboard monitoring and broadly around the otter trawl.

CHAIR: Thank you. I know that you have given an overview of your impression of the general changes that have come through. Focusing on the bill that we have before us here, you said in your opening statement that you had been at the table negotiating some of these things, but at the same time you have said that the consultation has been poor. Did you want to elucidate or perhaps explain the difference between those two?

Mr Bobbermen: Certainly. I will go back even further than the initial meeting. At Seafood Directions in 2022, the department made assurances to industry that they would be involved in the rollout of independent onboard monitoring from day one. Industry was quite pleased to hear that and thought, 'Fantastic!' At Urangan in February 2023, a meeting was held between East Coast Otter Trawl Fishery and the department to start that process. Presented at that meeting by the department, which was so underprepared, was a poor excuse for how independent onboard monitoring would happen in the Queensland seafood industry. They already had bought camera model systems for trial. They had a poor model that industry disagreed with. At the end of the meeting, industry told the department that they did not want that model. It deprived them of their privacy and it deprived them of their liberty, so it was not acceptable.

It then took until the end of last year, some 10 months of meeting after meeting, including two days at Manly Boat Harbour with a foresight type workshop put together by the Fisheries Research and Development Corporation, where we had NGOs, Fisheries Queensland, industry and science in the room all at once to try to nut out a model that was acceptable to all stakeholders, and we basically

did. They then took quite a while, because of the idiosyncrasies of privacy acts, both state and federal—because we have the federal department of environment involved in this process—for a field trial agreement to be agreed to between the Department of Fisheries, the federal Department of Climate Change, Energy, the Environment and Water, and industry, and then for cameras to start to be rolled out onto the boats. That has not happened in the gillnet fishery. The gillnet fishery, because of the pledges given by the federal minister and state ministers to UNESCO to mandate independent onboard monitoring on gillnet boats, have been told, ‘Suck it up, princess. You either have it or you don’t go fishing.’

There are a number of issues with respect to cameras on board small inshore net fishery boats, primarily around workplace health and safety. For example, you cannot have a police style GoPro on your chest because that is a real entanglement risk, which could mean that you land in the mouth of a crocodile or a shark. It is not a simple process. It is a process that requires a lot of consultation and feedback from industry. Industry would be the first to admit that they have nothing to hide, so come and have a look. We have independent onboard monitors on board boats as we speak, and my feedback is that they are happy with what they are seeing from the fishermen.

Some of these proposed changes to this bill we think are a step too far and can be honed back. For example, we do not have an education piece within Fisheries Queensland at the moment. We do not have a comms piece. The NX fishery symbol has been launched, and there are no comms around it, no education around it, and fishermen are flying blind. Through harvest strategies, we can really tailor. We operate in a very geographically diverse fishery, from the New South Wales border to the Northern Territory border. Within that 2,000 or 3,000 kilometres of coastline, people fish differently. They use different apparatus. The mud crab in Moreton Bay, for example, differs from a mud crab in the Hinchinbrook Channel which differs from a mud crab in the Gulf of Carpentaria. We believe that a one-size-fits-all approach does not work. It should be more nuanced based around the harvest strategies and the other levers that the department has to pull to achieve a positive outcome for everyone.

Mr McDONALD: Thank you, David, for being here today and for your submission. To pick up on what you just said about one size not fitting all and bring it back to the issue of the inclusion of new section 61 in the act with regard to powers to the chief executive, can you extrapolate for the committee the concerns around one size fits all and seeing this go into that power as opposed to the nuanced approach of regulation?

Mr Bobbermen: Sorry, Deputy Chair, section 61 is the one that gives the one interaction?

Mr McDONALD: Yes.

Mr Bobbermen: Every fisherman in Queensland has an interaction with threatened and endangered species at some time during the year, but an interaction as defined is all interactions. Therefore, in the extreme, an interaction could be a migratory bird landing on the wheelhouse of a trawler or a bird resting on a cork on a gillnet. We believe that that power is too draconian for what is a property right. A fishing licence is a property right at law. It has been in place since 2005, I think, in government documents. It gives the chief executive unnecessary power to close a fisherman’s activities when he or she has lots of money involved or committed into the industry. As I said, it can be dealt with in harvest strategies or management plans, or it can be dealt with one-on-one with a fisher. The fisherman, yes, should be re-educated, perhaps, if they are doing things incorrectly.

We have to extend our mind here: these powers are not only around gillnets. When everyone thinks of interactions, because gillnets have been in the media for so long now, they are made to look so bad, although I might add that Fisheries Research and Development Corporation and other scientists around the world tend to think that a gillnet, properly used by a well-educated fisherman, is one of the best sources of fishing out there. There is a lot of science to support that, and there is a lot of research also happening around the world at this point in time to try to further mitigate interactions in gillnets through uses of novel technologies, for example, acoustic devices, lights, making the monofilament in the net a different shape so that it reflects light or whatever differently. There is a huge amount of science going on around that at the moment.

Going back to my point, we not only have gillnets within the Great Barrier Reef. We have nets south of the Great Barrier Reef, being tunnel nets or whatever. We have beach netting, we have netting in the gulf, we have crabbing—mud crab, sand crab—and we have trawling. These rules apply to all commercial fishermen regardless of the method and apparatus being used. If you go up into the tropics, crocodiles are there everywhere. They are in plague proportions. We all know that. If you have two crocodile interactions, the chief executive has the power to close down your business. We think that is inappropriate power to the chief executive.

Mr McDONALD: Thank you, David. Can I extend that one step further then, back to the consultation issue? From your submission and what you have said here today, there have been many meetings and offers of working with and coming up with solutions like the harvest strategies and other controls that you just talked about. How many things have been put in place from those consultations? If I am hearing correctly, there has been a lot of consultation but not much input from industry being taken on board.

Mr Bobbermen: Industry has been kept in the dark about the end goal. We are blindly, for want of a better word, in order to try to protect our businesses, trying to get cameras on board trawlers so that we can maintain our WTO approval so that we can continue to access the resource. The reason trawlers are doing that is that it is a condition of their current WTO approval, which lapses later this year. They have to have a robust independent onboard monitoring system in place. I joined DCCEEW last Monday to talk about that as well.

You see it in the department's own responses to our submission, where they say, 'That has to be developed. That has to be developed. That has to be developed.' We do not know where this is all going to end up. Our future is purely in the hands of the department. We are quite willing to work with the department to get a solution to these problems, provided we can get security of access as best we can plan in the environment we have at the moment. We never predicted COVID, so we cannot predict things in the future, but we do know where we are now and we plan on where we are now. If things change, we can move with it.

The trawler industry got their field trial agreement after lengthy, hard negotiations, hard conversations and lots of time—lots and lots of time. It is a complicated model that has been come up with, purely to get a field trial agreement. This is not how it may or may not operate afterwards. This legislation is starting to set the scene for how it will operate after the field trial agreement. This is why we think it gives the chief executive too much power and should be taken down either into the regulations or into other management documents between industry and government, or department, to give a more nuanced approach, whether it be geographically, whether it be across different fishing methods or apparatuses or whatever. That is why we think pushing it away from the act would be more meaningful.

Mr SMITH: David, thank you for being here and thank you for your passion for the industry. That comes through really clearly. I put a series of questions to the department in our public briefing on 27 November. Have you had a chance to read through that transcript?

Mr Bobbermen: I was at that briefing.

Mr SMITH: There you go. One of the big questions and concerns I had was around the cameras on board, and I know there are concerns around privacy and so forth. The department said that any cameras installed would only zone in on the sorting trays; there would not be a clear view of the deck or the goings-on or anything like that. Does that provide some sort of certainty to the industry around privacy of those on those trawlers?

Mr Bobbermen: That is a great question and it brings to bear my point that we use multiple apparatuses across the entire Queensland coastline. That comment is true for otter trawl, but it is grossly untrue in relation to net fishing boats, crab boats, line boats or whatever. An otter trawl is easy, because we have a helm house and we have booms for cameras, and that is what the current system being installed would look like. If you are in a 14-foot tinnie, where do you put a camera that is safe? Do you need two cameras because you have to check a net on the port side and starboard side or do you only put on it the port side and tell the fisherman they can only look on the port side? It is the same with line fishing. Do you tell people they can only pull up line fish or crab pots? How do you make it work?

These are the issues that really highlight what needs to happen as part of the rollout of independent onboard monitoring in the industry. It really needs fishermen to be at the table to talk about these potential issues—workplace health and safety, human rights, privacy. With the current NX licence, they want you to run your camera from the moment you start setting a net to the moment you take the net out of the water. You have a maximum of two hours where you have to go and check your nets. You might set a net and then have dinner or something to eat; you might do something else. Under the proposed bill it says that recreational activities will not be filmed. Under the current NX provisions, while you are on the water and you have a net in the water you are being filmed. On a 14-foot tinnie, there is no privacy there. You are not going to have any privacy whatsoever.

Mr SMITH: Is it fair to say that there is a greater level of agreement on trawlers because of the size of the vessel and therefore where you can fit it, whereas there is not that agreement with the department on smaller vessels at the moment?

Mr Bobbermen: It depends on what you mean by agreement.

Mr SMITH: Is the industry more satisfied with the outcome of the cameras and where they are positioned on trawlers than the difficulties and the challenges still being met with those smaller vessels? Is there consensus around the trawlers?

Mr Bobbermen: No, because, for example, a large trawl operator has just received MSC certification for their operations and they only have one camera on board their boat, over the sorting tray. The field trial agreement is asking for three to five cameras on board a boat. We do not know why. We do not know what the end result is going to look like. Again, we are just feeling the water. There is a huge part of the industry that do not want cameras. They do not think they need cameras. They are pushing back against the operators that do want to try to be novel or leading the industry. Do not misinterpret my comments that everyone in the industry is happy to go along with cameras. A lot of people think this is a gross invasion of their civil liberties and privacy, but because of their passion for wanting to go fishing and their need to support their families and maintain their lifestyle they are reluctantly going on this journey.

Mr SMITH: How great is the level of concern that the footage will go back to an independent body and not directly to the department itself?

Mr Bobbermen: The concern is that after the department has access to the footage it becomes government data and therefore is able to be searched. We have all seen the animal welfare people take footage inside piggeries, abattoirs or whatever and misconstrue it. We were victims of AMCS's and WWF's own propaganda in the lead-up to the announcement in relation to the gillnet reforms where they were showing pictures of dead dugongs on beaches, saying that this is caused by gillnetting and therefore implying it was Queensland and it happened recently. Some of those images were not even out of Australia. Some of them were 20 years old. The industry has gone through a lot of reform and a lot of change from that point in time.

Can you imagine, while the industry is at the table trying to adjust and amend and shape itself to 2024, not 1974, having some of this footage, even though the fisherman is doing everything that is currently legal under the Fisheries Act and regulations and all the rules and regulations? If they are doing something legal that might be seen as being not up to modern standards from an animal welfare point of view, should the fisherman be instantaneously victimised if he is still abiding by the law?

We think if footage gets out it will be weaponised against the industry, as has happened in the gillnet fishery, as opposed to industry and the department working together to recognise the problem, work out the solution to the problem with science and every other lever at our disposal, to allow the industry to make amends to what is happening. That is nirvana. That sounds simple. There is a research program happening at the moment to try to mitigate interactions with sea snakes in the trawl industry. It took eight months for that scientist to get all of the approvals he needed to legally go out and trial new equipment. This equipment is already being used by other fisheries around Australia. It is not totally new. Sorry, Chair; I am passionate.

CHAIR: That is alright. We are just about out of time. I will go to the member for Burleigh for any questions before we wrap up.

Mr HART: Thank you for coming along today. I am just wondering about the robust monitoring gear. Is it proving to be robust and what are the consequences of one of these things failing?

Mr Bobbermen: Thank you, member. That is a very good question. I do not know the answer to that question. Taking the vessel tracking debacle as an example, the government mandated what equipment we had to use and then it failed. We could not get access to it because of COVID and we still cannot get access for some of those vessel tracking units. We know that some of the cameras that are being installed on trawlers for the field trial agreement are taking four to five days to install because the department bought them a year ago and they require several updates of their firmware.

There is no guidance whatsoever from the department as to what your rights and responsibilities will be if the camera fails. For example, a trawler can be two weeks steam or a week's steam from home port, because they go out for a month at a time. If their camera fails mid journey, we do not know what the solution is or what the alternatives are. Take, for example, a tinnie in a place in the Wet Tropics. We do not know what these cameras are going to be like in torrential, cyclonic North Queensland rain where you get 250 millimetres overnight. We do not know what they are going to be like. The department would not tell us the IP rating of these cameras. We are expecting them to fail. We are expecting to have lots of failures. It is a good question and, again, an unknown.

Mr HART: Who installs them and how hard are they to get installed?

Mr Bobbermen: On a trawler it is a department mandated installer. As I have said, I know that they are taking up to four to five days to be installed because they require boilermakers to come and fit brackets and all sorts of modifications to the electrical work, finding space in wheelhouses and stuff like that. I do not know whether any have been installed in a tinnie, but, again, I am thinking they are going to take a good day or so to install because they are going to require some form of pole or something to be put on the boat. I have no idea. I have not seen one yet.

Mr HART: Are they importing installers from somewhere or are they locals who are doing it?

Mr Bobbermen: They are flying people up out of Brisbane to Townsville at the moment to try to get cameras on board boats, because I think, like everything, tradespeople are slim. This is part of what is happening at the moment because we now have 20 to 25 NX licences that need cameras installed. Cameras on board otter trawlers are being pushed back, at the risk of losing their WTO approval.

CHAIR: We have run out of time. We do not have any questions on notice. Thank you for your time today.

LECK, Mr Rick, Head of Oceans, WWF Australia (via teleconference)

MILLER, Mr Simon, Great Barrier Reef Fisheries Campaign Manager, Australian Marine Conservation Society and World Wide Fund for Nature Australia (via videoconference).

CHAIR: Would you like to make an opening statement before we ask any questions?

Mr Miller: I have just heard from Richard Leck. I think he is having some connection issues. I think he has tried to contact the secretariat, but I will continue and hopefully he will be able to join shortly.

CHAIR: We are working on that.

Mr Miller: The Australian Marine Conservation Society and WWF Australia really welcome the opportunity to appear before you today in relation to these proposed amendments. Our two organisations work closely together on matters affecting our oceans, with a particular interest in the Great Barrier Reef. We focus on climate change, water pollution and unsustainable fisheries. Our organisations are strong supporters of the Sustainable Fisheries Strategy and support the act amendments in relation to independent onboard monitoring and repeated interactions with threatened species. We do, however, recommend that section 76ZG, which stipulates electronic monitoring equipment not be interfered with, should be expanded to include data collected by electronic monitoring equipment, specifically that data should not be edited or deleted and all data should be sent to the appropriate authorities.

These proposed act amendments are important in the context of addressing what we consider to be the biggest fishery sustainability issue in Queensland—that is, interactions and the associated mortality of threatened species in commercial fishing gear. Queensland waters are a biodiversity hotspot. They are home to globally significant populations of threatened species like dugongs, turtles, swordfish and sea snakes, but in Queensland many of these populations are unfortunately in decline due to the cumulative impacts of climate change, habitat loss and bycatch in commercial fisheries, amongst other threats. Despite the mandatory requirement to report interactions, it is a widely held view that interactions with threatened species are significantly under-reported in Queensland fisheries and the scale of the problem is likely significantly worse than the available data suggests. These act amendments address this issue and provide the capability to independently validate fishing data, which is a key aspect of the Sustainable Fisheries Strategy.

The primary methods of independent onboard monitoring such as electronic monitoring via camera systems or scientific observers are not new. Fisheries Queensland observed the program between 2006 and 2012 and some Commonwealth fisheries have operated with electronic monitoring systems for nearly a decade now, while there are also large programs being implemented in New Zealand and the United States.

Obtaining accurate data on the number of interactions between commercial fishers and threatened species will help fisheries managers and conservationists better manage fisheries and help to recover these vital threatened species populations. The implementation of independent onboard monitoring will bring Queensland into line with best practice fisheries management and help to deliver the sustainable seafood demanded by the public as well as meet expectations and the government's commitments to UNESCO and the Commonwealth through wildlife trade accreditations under the EPBC Act.

The second part of these amendments around individual accountability for multiple threatened species interactions is not new. It is already part of Fisheries Queensland policy within protected species management strategies. If properly implemented, it can lift standards and reduce interactions for threatened species. Species like dugongs and dolphins must be managed at a population level. They are very susceptible to rapid declines in their population. If every gillnet fishery in Queensland accidentally caught and killed a snubfin dolphin, that would have a devastating impact on those populations. We need to see caps at the population level that, if breached, lead to dynamic spatial closures, which is the way it is implemented in some Commonwealth fisheries. Thank you, Chair.

CHAIR: Simon, here is a broader question: if these changes are not implemented, what will be the impact on endangered and protected species?

Mr Miller: Quite simply, at the moment we do not have an accurate handle on the number of threatened species that are being caught and interacted with in Queensland commercial fisheries. It is a requirement on commercial fishers that they have to report those interactions. There are some efforts from certain leaders within industry to improve that reporting. However, it is a widely held

view—and it is not just by conservation organisations but also by authorities such as the Great Barrier Reef Marine Park Authority and the Department of Climate Change, Energy, the Environment and Water at the Commonwealth level—that these interactions are vastly under-reported so it is not knowing the true scale of that problem.

We already know that the interactions that are reported are significant and are contributing to declines of threatened species. If the scale of the problem is as significant as many believe it is then we could see some of these populations in decline. With Queensland being a global biodiversity hotspot, that puts the status of those species and, in some cases, the broader health of the ecosystem and the Great Barrier Reef at risk, which is certainly not what we want to see.

Mr McDONALD: Simon, the evidence that you rely on in the submission with regard to the catch of threatened species and so on seems quite dated. Do you know of any updated information around that?

Mr Miller: In what sense? Are you referring to the table that we have included with interactions from 2022?

Mr McDONALD: Yes, the data for that.

Mr Miller: It is a challenge to provide a more up-to-date estimate on what those interactions could be, based on fishing effort. The reason for that is that fishers use paper logbooks in many cases and Fisheries Queensland are running significantly behind in their upload and data entry from those logbook records. At the moment, we do not have a full year of 2023 fishing records from commercial fishers so you cannot make that comparison. 2022 is the most up-to-date data we have available.

You will have seen it in our submission but I will refresh your minds on some of those figures. For example, in 2022, if you look at the east coast inshore fishery and the gillnet and ring net component of that, you have one dugong reported, 336 turtles, 108 sawfish and zero dolphins. In Queensland, the Fisheries Observer Program ran between 2006 and 2012 so you can calculate the interaction levels that were observed by scientific observers. If you extrapolate that to fishing effort in 2022, you have significantly higher levels of interactions. You have 21 dugong, 730 turtles, 1,294 sawfish and 21 dolphins. Those are significant and possibly population-level impacts on those threatened species. That is one line of evidence.

As we also mentioned in our submission, AMCS and WWF regularly receive reports, pictures and videos from concerned members of the public that show stranded animals washed up on the beach, entangled in nets sometimes or with clear and obvious injuries. These are also in Queensland government databases such as the Department of Environment and Science's StrandNet database. On some occasions our records and the StrandNet records outnumber those records reported by commercial fishers.

Mr McDONALD: With respect, Simon, I think your calculations are quite unfair. You are basing it on a bycatch from the 2006-2012 Fisheries Observer Program. There has been an enormous amount of change to regulation and control since those times. I think the estimate and the multiplier of the estimate based on evidence well before a lot of controls are quite unfair. From the fishers I have spoken to, Queensland has some of the most controlled waters in the world. We all want to protect the Barrier Reef, but there has to be a correlation and a balance with sustainability.

CHAIR: That is commentary. What is your specific question?

Mr McDONALD: I believe the calculation of the estimate is based on the 2006-2012 data from the Fisheries Observer Program; is that right?

Mr Miller: That is right. That does emphasise why we need this program in place and why we need independent onboard monitoring, because we have not had any independent onboard monitoring for over a decade now. I acknowledge your point that things have changed. Some things have changed within some of these fisheries. Fisheries Queensland is implementing the Sustainable Fisheries Strategy, a strategy that we very much support. We have had things like harvest strategies and quota management introduced to these fisheries in the past five to seven or eight years now.

If we take gillnets as an example, the way a gillnet is used has not changed in hundreds of years. It is a very ancient, archaic fishing method that really has not changed very much in its use. The reason we draw this conclusion is that it is the only data we can have confidence in and rely upon. Because of that absence of an independent onboard monitoring program, this is the best data we have available to make estimates on the number of threatened species interactions. It puts Queensland behind best practice and it puts it behind other comparable fisheries within Australia and internationally.

Mr McDONALD: Again, I think the multiplier using data from the Fisheries Observer Program of over 10 years ago to multiply your estimate is quite challenging. Using gillnets is an old form of fishing, but my understanding is that where these gillnets are located allows for a lot of the juvenile fish and smaller growing fish—those that are immature—to escape the net. If we are looking at gillnets and controls with regard to the threatened species, I think we are measuring two different things and using a sledgehammer to knock down a flea.

CHAIR: We might ask for a brief response before we go to Rick. Do you want to respond to that, Simon?

Mr Miller: I would quickly add that at this stage the conversation has largely centred on gillnets. As Mr Bobbermen acknowledged previously, these amendments are not specific to a single type of fishery; they provide a power across the board. There are a number of fisheries that interact with threatened species. It is a widely held view that those interactions and the associated mortality are the most significant fisheries sustainability issue in Queensland. We desperately need to get an accurate hold on exactly how many of those interactions and mortalities are occurring so that we can conserve these species and have sustainable fisheries into the future in Queensland.

CHAIR: We have Rick from WWF Australia on the line. Rick, would you like to make a comment? Then we will go to the member for Traeger, who has a question.

Mr Leck: My apologies both for not being there in person and for having a bit of an overzealous IT security system here. I will defer to Simon. WWF and AMCS work in partnership on a range of issues and Simon is certainly the technical lead in this space.

In response to the previous question, I think it is worth pointing out that WWF works all around the world on fisheries and marine issues. Independent observer monitoring is really standard practice in a bunch of fisheries all around the world, as is electronic monitoring. It is kind of the way of doing business in a lot of fisheries these days, so this is not something that is out of the ordinary. It is not something that is particular to Queensland fisheries. It is pretty standard practice.

I think the point around us needing to use data from 2012 is exactly as Simon said: what we want to see is that the observers are not recording bad practices and are not recording threatened species interactions through the multitude of different fisheries in Queensland. We simply do not know. To operate a fishery like that, or to operate any industry and not know what the impacts are, is not good enough in 2024.

Mr KATTER: Simon or Rick, are you aware that king salmon are reported to be at five per cent in the Gulf of Carpentaria?

Mr Miller: The king threadfin?

Mr KATTER: Yes.

Mr Miller: Yes.

Mr KATTER: That number is absolute garbage. I have videos of a big school of king threadfin in the river up there, and I think the department has acknowledged that. You look like you are in the city. I do not know many WWF or marine conservation people up in Karumba. I am not sure of the practicalities of the impositions that you are putting on, with the cameras and so on. Some of the gulf fishermen see it as a benefit if they feedback information so the likes of yourselves can get better data, but all they are seeing at the moment is a diminution in the effort and the industry. I wonder how you reconcile that ambition to get more monitoring when there will be fewer vessels out there to participate in that.

Mr Miller: I will start by saying that AMCS does work closely with Fisheries Queensland and with the fishing industry. I am a member of a number of fishery working groups, including the east coast inshore, the trawl fishery and the reef line fishery working groups. A colleague of mine is a member of the Gulf of Carpentaria inshore fishery working group. We do have good relationships with fishers. We work closely with them and work to understand their operations and how policy decisions like this would affect them.

I am pleased to hear you say that there are a number of fishers who welcome or are prepared to have things like this on board their vessel and see a future with this. From our perspective, it is vital that we obtain better data from commercial fishers and fishers across the board so that we understand those interactions with threatened species and we are able to respond to them when it identifies if there are any issues.

Mr KATTER: I guess you have pretty much answered the question, but a question remains in my head. Without the gulf fisheries—and there is a huge dark cloud over their heads now—you will have no data. I guess naturally you will assume that all the species are just doing well from that point

on. There is all this effort on monitoring, but the future is that bleak for commercial fishing that I do not think you will be worrying about too many boats out there having vessel monitoring. The investment outlook for the industry is very bleak.

Mr SMITH: Simon, going back to the table that the deputy chair mentioned, the paragraph beforehand states—

Despite mandatory reporting requirements, interactions with protected species are widely believed to be significantly under-reported.

The footnote attributes that to GBRMPA and the Commonwealth of Australia, so obviously there is quite a bit of integrity in those reports. I have not had the chance to go through them, so could you state how they are reporting that there are unreported incidents occurring? Are they using anecdotal data? Are they finding observations of carcasses and so forth? How are they funnelling in this data?

Mr Miller: It is a mix of what you have said. GBRMPA, obviously being a marine park, manages and has people out on the water. They are often called and alerted to known incidents of bycatch in commercial fishing gear. In some cases, where they can attend quickly enough, they are able to conduct necropsies to understand the cause of death of an animal. If you have an animal that is washed ashore and maybe not be entangled in something, you can undertake a necropsy and work out how the animal has died.

GBRMPA will have access to records that are not in the public domain, as will the Department of Environment and Science. The StrandNet database that I mentioned before is not currently public, although reports have been made annually in the past. There are a number of datasets from public reports that are available. You also have what is reported by commercial fishers. While there was some criticism earlier of using that 2006-2012 observer program, that is still the best available data that is held.

You still need to be able to make comparisons to try to understand what those interaction levels are likely to be. When you are only seeing one reported dugong in a year or a handful of turtles or sawfish, it is implausible given the level effort in some years in recent history. GBRMPA reports on that through their Reef Outlook Report, which is completed every five years. The next one is due this year. DCCEEW are reporting on that when they undertake their Wildlife Trade Operation accreditation assessments. That is vital for some fisheries to be able to export their products internationally. It is also a commitment of the Queensland government as part of the Sustainable Fisheries Strategy to maintain all Wildlife Trade Operation accreditations. At the moment, a number have been revoked or withdrawn for failure to meet conditions imposed upon them, including for rolling out an independent onboard monitoring program.

Mr SMITH: Do you think the data that is being withheld would assist industry in recognising your position and enable a greater understanding of potential unreported incidents? If the data was released publicly, do you think that would be more transparent and therefore just better for everyone, including wildlife conservationists and the industry itself?

Mr Miller: The level of interactions is in dispute. Fishers claim it is less; others claim it is more. We know that not all interactions are reported. That is why we need an independent onboard monitoring program that covers the whole fleet across high-risk fisheries, so we get accurate data and it is out there in the open. If there are issues they are addressed by Fisheries Queensland, and if there are no issues then that improves the social licence of the fishery. It is good for everyone.

CHAIR: Member for Burleigh, the last question is yours.

Mr HART: Simon, have the interactions you are talking about led to fatalities with whatever was interacted with or are they just interactions?

Mr Miller: It is challenging to know. Interactions are defined as any interaction with a fishing vessel. As noted by Mr Bobbermen earlier, it could just be a bird landing on the wheelhouse. Obviously, the serious interactions that conservation organisations are concerned about are ones that lead to the death of the animal. You also have sublethal effects that we cannot neglect. Many turtles are aggregating at nesting beaches at certain times of the year. They are pregnant, mating. Even if a turtle is entangled in some kind of fishing gear and does not die, there still be can sublethal effects that can affect the nesting success. We do not want to see those impacts.

Mr HART: Are you happy with the consultation that took place on this bill and are you satisfied with your input?

Mr Miller: I think we need to emphasise here that this is not new. This conversation started a long time ago. Queensland first undertook a trial of electronic monitoring—*independent onboard monitoring*—back in 2018. It was also part of the MRAG review into fisheries that occurred back in Brisbane

2014, off the top of my head. Conversations around independent onboard monitoring have been going on for a decade now. It has been part of our working group conversations for a very long time. This is not new. It is in place in other fisheries operating very successfully so, in my experience and in my opinion, that consultation has been adequate. Of course, it is always challenging to consult with every single fisher. Fishers are busy businesspeople. Many may not have the time. That is where those industry leaders are relied upon to feedback to the industry, to gauge opinion. We want to see everyone at the table working together towards this so we have a solution and we get accurate, reliable data.

CHAIR: We have run out of time for this part of the briefing. Thank you, Simon and Rick, for being part of this. We do not have any questions on notice.

RUTTLEDGE, Dr Annie, Senior Policy Adviser, AgForce Queensland

VITELLI, Mrs Marie, AgForce Member, Country Connection, AgForce Queensland

CHAIR: I invite you to make an opening statement before we go to questions. We have about 15 or 20 minutes. Feel free to be brief.

Dr Rutledge: I understand that you have not had time to read the submission.

CHAIR: If you could just table that?

Dr Rutledge: We will table that, Chair.

CHAIR: It is so tabled.

Dr Rutledge: We thank the committee for the opportunity to speak at this hearing. AgForce is a peak organisation representing Queensland's cane, cattle, grain, sheep, wool and goat producers. Together, these industries in Queensland represented around \$10.4 billion in the on-farm value of production in 2021-22. The members of AgForce own and manage around 55 million hectares, or a third of the state's land area. Biosecurity is a matter of the highest importance to our members, and AgForce is committed to advocating for strong and effective biosecurity laws and compliance with general biosecurity obligations in the state of Queensland.

AgForce acknowledges the useful and necessary amendments to the Biosecurity Act 2014 as set out in this amendment bill; however, AgForce urges the committee to recommend further amendments to the Biosecurity Act 2014 as set out in our submission. The amendments we seek are to ensure the act better serves our primary producers by supporting them to maintain farm biosecurity. Presently, the act does not provide a mechanism to enforce compliance by third parties with farm biosecurity plans. This undermines the considerable effort of farmers to protect their enterprises from pests, disease, weeds and pathogens that could destroy their enterprise and cripple food and fibre production and trade for our state and beyond. Remoteness is no longer a protection for farmland. The increasing activity of energy companies, including renewables, the CopperString project, resource companies and regional tourism, can either help or hinder the protection of farm biosecurity.

The Cape York Biosecurity Facility at Coen was closed in June 2023, partially due to the facility being on land that was subject to native title. Its closure leaves gaps in state border surveillance along a key risk pathway. Amendments to the act relating to native title with the cooperation of First Nations people are needed to reopen this vital facility and limit breaches in our northern border.

We appreciate the support of our state leaders in caring for biosecurity on farms, which in turn supports a strong economy and the production of healthy food and fibre. Again, thank you for the opportunity to speak at the hearing. We welcome your further questions.

CHAIR: One of the things you just mentioned reflects conversations we have had. In terms of biosecurity, especially right up the top of the cape, it is developing that relationship with our First Nations people. Traditionally we have had places where research has been done, but if you have a long, deep and embedded partnership with First Nations people up at the cape it seems to be a really productive way to go forward. Does that reflect AgForce's thinking?

Dr Rutledge: Yes, we are happy to cooperate with First Nations people. We see that as being mutually beneficial. It is more a matter of not taking too long about this, because it is a key biosecurity pathway. There is a risk by leaving that open. Our concerns relate more to the speed of that gap being closed.

Mrs Vitelli: With regard to working with First Nations people and on native title land, I suppose there is a clarification whether the Biosecurity Act takes in the scope of native title land. It does not take in defence land, which is federal land, so what is the right of compliance officers to check for biosecurity on some of that native title area? In the event there was an incident—a biosecurity matter of high importance coming down through the cape—what is the capacity, now that the Coen facility has gone, to do a movement or livestock standstill or vehicle standstill? How is the department now ready to enact some of that initial response?

The Coen facility was terrific for anyone travelling to the north. The cape seems to be on a lot of people's tourism list. It was an area where they could view some of the information and understand their biosecurity obligation. Unless there are some other pathways to alert people to the hazards of taking things to or from that area, it is risky. We know that the department is doing a lot with social media, but not everyone is on the Facebook or Instagram pathway. That Coen facility was terrific. To date there has not been evidence that something of similar rigour has been put in place by the department.

CHAIR: I think that is a point well made. Can you describe some of the work AgForce has done with the First Nations communities up on the cape? You have probably worked closely with them on biosecurity issues; is that right?

Dr Rutledge: I will defer this partially to Marie. We have a number of members from First Nations backgrounds. We represent their interests the same as we represent any of our members.

Mrs Vitelli: As a retiree, from being a staff member with AgForce and now a member of AgForce, yes, there has been a fair bit of work done with a lot of the properties up there that have continued on with some of the grazing management. There is a close interaction with those properties, but it is more from the livestock producers' side of things, not so much straight-on with biosecurity training. There is a project being funded through the federal government Northern Australia Coordination Network, and I think Biosecurity Queensland is part of that. There is a person based within industry who is helping to work with that area about awareness of biosecurity across northern Australia, in conjunction with the Northern Territory and Western Australia.

Dr Rutledge: That is a federal project that works with the Queensland government, the Northern Territory government and AgForce. It is one of the partners in Queensland. We do have a full-time person who has just recently been appointed who will extend biosecurity specifically concerning emergency animal diseases.

Mr McDONALD: I want to talk to you about two things. Firstly, were you consulted about this bill before it was introduced into the House?

Dr Rutledge: Marie has been involved quite a lot in a former submission to try to recommend some of the amendments that have actually been adopted this time around. We were pleased with a number of those amendments. We just felt that this was an opportunity for even further amendments—in particular, to highlight the issue of farm biosecurity. Issues that matter to farmers may be quite enterprise specific. Every farm is its own unique business. It has its own unique ecology. It has its own needs of the operating systems. The best person to inform others who are entering property of what they need to do to protect the land from unintentional biosecurity risks is the farmer. We would like to see the act provide that mechanism for farmers to say to third parties entering their property, 'These are the requirements that I need you to observe,' and we would like that to be legally enforceable.

Mr McDONALD: With regard to that general biosecurity obligation, I understand those requirements quite well in our community. Could you talk about how that could work in operation? Should the entity or person who can legally access the property meet with the farmer and talk through each of those things? Surely we could take a practical position on that.

Dr Rutledge: I think Marie has some ideas on that.

Mrs Vitelli: Yes. Everyone has their general biosecurity obligation that they ought to know or reasonably ought to know, as per the act. The farm biosecurity plan that a producer or a land manager has would be the best place to go to learn that or to find out what you need to know. It is not just the restricted matter or prohibited matter as per the schedule in the act; it is 'other biosecurity matter' that is important to those producers. We have seen a lot of new invasive weedy grasses and many other things come in which are a high priority for our producers, but there is no legal aspect because they are not in the schedule. That schedule has not been amended since the act came in back in 2014. That is important.

It should be the same as entering a mining site or any kind of commercial site. Often you need to be inducted or be aware of the risks; otherwise, you do not enter. We want that right for our producers who are farming agricultural areas as well. We want anyone coming onto the property to have an induction to be aware of what the risks are on that property in terms of biosecurity matter—regulated, prohibited and other. They should read that first, be aware of it and sign off on it: 'Yes, I am aware of that and I will take measures to restrict it.'

Currently, the Biosecurity Act only recognises the biosecurity plans that local government have. That is great, but they are only category 3—restricted plants and animals. It is not all the other matter, like livestock diseases and other weeds and different pests. Mining companies now have the Land Access Code. There is a little bit there to do with biosecurity matter, but that is only the regulated biosecurity matter, category 3, that is in the schedule, not the invasive lovegrasses, the sticky florestina and many other weeds that are not in the schedule that are coming into areas.

We are seeking an amendment of the bill to recognise that farm biosecurity plans are the first port of call to demonstrate that you have reasonable knowledge of the biosecurity matter on that property. Currently there is the Biosecurity Regulation 2016, which identifies farm management

biosecurity plans, but that is only for intensive livestock and not for plant or cropping industry. That is more to try to stop the invasion of activists coming onto property where there is intensive livestock, to protect that for biosecurity reasons. However, it is very difficult for a landholder to enforce or make sure that people entering their land and coexisting land users will do the right thing.

Dr Rutledge: It could be argued that there is a need to do that now more than ever. Once upon a time, when you were far away from the majority of other Australians, the risk of exposure to biosecurity risks was much lower. Now people are being approached every week by renewable energy companies with plans for their property. We have the CopperString project. There is just so much happening in areas that were previously relatively untouched. This is becoming a key issue.

Mr HART: I have not had a chance to read your submission yet. What is the connection with biosecurity access to native title land? How is that connected to the closure of the office in North Queensland?

Dr Rutledge: The act is not explicit as to whether or not there is scope to apply it to areas of native title. Part of the reason, as I understand it—it predates my tenure in this role—for the closure of the facility was that it was on land that was under native title. Marie, did you want to add to that?

Mrs Vitelli: Yes. That was part of the reason the Cape York Biosecurity Centre closed down. It is in an area outside of Coen which is undergoing native title. The scope of the Biosecurity Act, as it says in clause 6, is the 'land and waters of the state'. Does native title land fall into that? We are of the understanding that people are not being allowed to go onto some of the declared native title land. Does a biosecurity compliance officer from the department looking at prohibited matter or regulated matter category 1 and 2, or even a local government officer trying to follow through with some of the category 3 matter, have the right to go onto those lands? It seems to be a little bit vague for declared native title land.

Mr HART: Has somebody challenged this? How did it come to fruition?

Dr Rutledge: AgForce did challenge it quite frequently, including in the media.

Mrs Vitelli: Yes. It is the same with Defence land. State compliance officers can only act on state land. The Department of Defence has been very proactive looking for biosecurity matter in many of their areas. They come under the Environment Protection and Biodiversity Conservation Act, looking at biosecurity in their areas. There has to be a good relationship there. For things like fire ants at the Amberley base, the current compliance staff from DAF cannot go onto that land or out at Canungra. It is the same for Siam weed and some of the weeds in the area around Townsville. It is only Department of Defence personnel, not the Queensland government compliance staff, who can go and check Defence land.

Dr Rutledge: That is really critical when you consider if there is a biosecurity emergency in place. The people in charge of those programs need to be able to access every type of land; otherwise, there are potentially huge gaps in their response efforts.

Mr KATTER: I probably need a fair bit of time with you, because I love these issues you are talking about. I will try to keep my questions brief. My first question is about DAF officers. I think the government announced a couple of years ago that they were going to provide another 10 DAF officers. That was against a backdrop of lumpy skin disease and foot-and-mouth disease, knowing that Cape York and the gulf are at the front line for risk. At that time, Coen was being shut down and we had one biosecurity officer with a foot out the door at Hughenden and none at Cloncurry which meant zero in the gulf for that period. Is the lack of resources—that is, biosecurity officers and DAF officers—particularly in the gulf and the cape, a deep concern to you?

Dr Rutledge: It is, because it leaves one of our borders pretty well unprotected. When you consider the pathways for a lot of those emergency animal diseases coming in from that north-end quarter, it is a major concern. Thank you for the question.

Mr KATTER: You just piqued my curiosity talking about Defence land. Everyone was patting themselves on the back about how great the new Defence base was west of Townsville. I have never been sold on it. A couple of farmers now have Siam weed exploding on their places under irrigation. It seems a difficult thing to address in terms of anyone taking ownership of it. That is the point you are trying to get at. This bloke has about 300 acres under irrigation on the Burdekin which is just about all destroyed now with Siam weed.

Dr Rutledge: Yes. That is correct. What happens on Defence land impacts everybody else. These things can flow by natural and human assisted movement. Having an unregulated, unmanaged area is just a source of contagion, if you like.

Mr McDONALD: Chair, could we get some more information from AgForce? I have not read the submission in detail, but you talk about something similar to the Land Access Code, being the up-front management tool. Could you provide the committee with some information that is more specific for agriculture rather than mining in that regard?

Dr Ruttledge: I will allow Marie a chance to talk, but I will refer the committee to the appendix which is our land use protection principles.

CHAIR: Excellent.

Mrs Vitelli: Yes. There is scope to possibly work that up. There are already a lot of farm biosecurity plan templates and a national website for farm biosecurity planning, if that would be of assistance. It is not a formal code. I know that the Biosecurity Act does recognise codes of conduct like the Land Access Code. If that is the next step, maybe that is something that could be done. Yes, there is opportunity to get that recognition. Currently we think the industry-led biosecurity process would work.

Dr Ruttledge: Yes, 100 per cent.

Mr McDONALD: Thank you. That is a good summary. I have just seen that appendix.

CHAIR: Thank you, Dr Ruttledge and Marie. That concludes the hearing. Thank you to our members. Thank you to our secretariat and to Hansard. We do not have any questions on notice for you. Thank you for your participation today. I declare this public hearing closed.

The committee adjourned at 11.41 am.