



# ***STATE DEVELOPMENT AND REGIONAL INDUSTRIES COMMITTEE***

**Members present:**

Mr CG Whiting MP—Chair  
Mr JJ McDonald MP  
Mr MJ Hart MP  
Mr RI Katter MP  
Mr LA Walker MP  
Mr TJ Smith MP

**Staff present:**

Ms S Galbraith—Committee Secretary  
Dr K Kowol—Assistant Committee Secretary

## **PUBLIC BRIEFING—INQUIRY INTO THE AGRICULTURE AND FISHERIES AND OTHER LEGISLATION AMENDMENT BILL 2023**

### **TRANSCRIPT OF PROCEEDINGS**

**Monday, 27 November 2023**

**Brisbane**

## MONDAY, 27 NOVEMBER 2023

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### **The committee met at 10.31 am.**

**CHAIR:** Good morning. I declare open this public briefing 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 here today are: Jim McDonald, member for Lockyer and deputy chair; Michael Hart, member for Burleigh; Tom Smith, member for Bundaberg; Les Walker, member for Mundingburra, who is substituting for Jim Madden, member for Ipswich West; and we will be joined by Robbie Katter, member for Traeger.

This briefing is a proceeding of the Queensland parliament and is subject to the parliament's standing rules and orders. Only committee members and invited witnesses may participate in today's 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 remind committee members that the departmental officers are here to provide factual or technical information on the bill. Any questions seeking an opinion about policy should be directed to the minister or left to debate on the floor of the House. 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 my 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. Please turn your mobile phones off or to silent mode.

**CHAY, Dr Rachel, Deputy Director-General and Chief Biosecurity Officer, Biosecurity Queensland, Department of Agriculture and Fisheries**

**CLARKE, Ms Marguerite, Director, Strategy and Legislation, Biosecurity Queensland, Department of Agriculture and Fisheries**

**DEXTER, Mr John, Principal Fisheries Manager, Fisheries Queensland, Department of Agriculture and Fisheries**

**D'SILVA, Mr Dallas, Executive Director, Fisheries Queensland, Department of Agriculture and Fisheries**

**KUNG, Dr John, Principal Fisheries Manager, Fisheries Queensland, Department of Agriculture and Fisheries**

**MANNING, Ms Elisabeth, Director, Reporting, Information and Digital Solutions, Fisheries Queensland, Department of Agriculture and Fisheries**

**CHAIR:** Good morning. Would you like to make an opening statement of approximately five minutes before we move to questions from committee members?

**Dr Chay:** Good morning to committee members. Thank you for the opportunity to speak to you today regarding the Agriculture and Fisheries and Other Legislation Amendment Bill 2023. My name is Rachel Chay. I am the Deputy Director-General and Chief Biosecurity Officer for Biosecurity Queensland in the Department of Agriculture and Fisheries.

From a policy perspective, the Agriculture and Fisheries and Other Legislation Amendment Bill 2023 has two key aspects: it implements proposals to ensure safer communities through more effective dog management; and it protects fisheries resources as a framework for independent onboard monitoring of commercial fishing. I will briefly introduce the amendments to the Animal Management (Cats and Dogs) Act on effective dog management. My colleagues from Fisheries will

briefly introduce the amendments to the Fisheries Act including independent onboard monitoring. The bill also includes relatively minor amendments to various other acts. With less than a year left in the parliamentary term, it was considered an efficient use of parliamentary time to include them. We have departmental staff available to answer questions on these amendments.

Over one million Queenslanders are dog owners. Effective dog management that balances the numerous benefits of dog ownership and community safety creates ongoing challenges for local governments. Data collected by the department from a sample of local governments shows local governments receive more than 8,500 complaints about aggressive dogs and dog attacks annually.

Dog attacks impact on our health system and our communities. As a veterinarian by profession, I have witnessed this firsthand. There are numerous examples of this impact such as the rate of hospitalisations nationwide due to incidents involving dogs being as much as half the rate for incidents involving travelling in a car. Queensland's dog related emergency department presentations are increasing faster than population growth.

The 'Strong dog laws: safer communities' discussion paper was released on 25 June this year for community consultation over a two-month period. A report on the consultation has been published on the department's website. Strong community support was recorded for all proposals outlined in the discussion paper.

This bill implements five out of the six proposals, with only minor variations from what was proposed in the discussion paper. The remaining proposal was for a community education campaign, and funding for this campaign was announced when the bill was introduced. Funding was also announced to support implementation of the bill and initiatives in First Nations communities.

Companion animal management is primarily a local government responsibility. Currently, the local government response to all but the most serious dog attacks is generally administrative action such as declaring dogs as menacing or dangerous, or humanely destroying them. The bill will allow the chief executive to make guidelines to promote more consistent use of these administrative tools. The bill also requires destruction of a dog if the dog has seriously attacked a person or an animal.

Eighty-one per cent of respondents to the survey in the discussion paper supported clarification of when a dog can be destroyed. The bill continues to allow dog owners to seek review of administrative decisions by the Queensland Civil and Administrative Tribunal but restricts further avenues for appeal. Seventy-one per cent of survey respondents supported streamlining external review processes.

Feedback on the discussion paper demonstrated strong support for responsible dog ownership through additional deterrents to ensure dog owners effectively control their dogs and make sure they do not attack other animals or humans. The bill introduces a new offence for not keeping a dog under effective control in a public place. It will complement existing offences for not taking reasonable steps to ensure a dog does not attack or cause fear and for encouraging a dog to attack or cause fear. Eighty-eight per cent of survey respondents supported the introduction of a new statewide requirement for dogs to be effectively controlled in public places.

For all three of these offences there would be significant increases in maximum penalties in circumstances of aggravation. The maximum penalty would include a term of imprisonment if the attack results in death or grievous bodily harm to a person and the dog was a regulated dog or the person had been convicted of a serious dog offence in the preceding five years. Eighty-one per cent of survey participants supported the proposal to introduce a new offence including imprisonment as a maximum penalty for more serious attacks. There are also increases to the maximum penalty for a range of other offences under the act. Eighty-four per cent of survey respondents supported a review of penalties for offences relating to regulated dogs.

The bill will ban restricted breeds of dogs in Queensland from 28 August 2024. Delaying this commencement will provide an opportunity for existing owners to seek permits and aims to reduce the risk of these dogs being kept illegally and without appropriate regulation once the ban commences. The bill also includes transitional arrangements to allow permits to be issued for the life of these dogs.

The relevant breeds have all been associated with dogfighting globally. They already are unable to be imported into Australia and can only be kept in Queensland and other states under a permit. A complete prohibition will reassure the many community members who provided feedback that they feel unsafe around these breeds and do not want them present in our communities. Sixty-nine per cent of survey respondents supported the ban on restricted dog breeds.

I am sure you have a lot of questions, but first I will hand you over to my colleagues in Fisheries to introduce the amendments to the Fisheries Act.

**Mr D'Silva:** Good morning, members. My name is Dallas D'Silva and I am the Executive Director of Fisheries Queensland in the Department of Agriculture and Fisheries. The Sustainable Fisheries Strategy 2017-2027 outlines the Queensland government's vision for how fisheries are to be managed. In 2020 the government committed to the continued implementation of the strategy, with further changes to the act now required.

Amendments to fisheries legislation are also required to meet commitments in the Reef 2050 Long-Term Sustainability Plan and other commitments made to protect the Great Barrier Reef and to meet the conditions required for wildlife trade operation, WTO, approvals. The WTO approvals allow the export of fisheries catch under the Commonwealth Environment Protection and Biodiversity Conservation Act 1999.

The main objectives in the bill in relation to the Fisheries Act include: introducing a framework for independent onboard monitoring—this includes onboard cameras and independent observers; and creating a new aquaculture authority to streamline the process for amending the ongoing operational and management aspects of aquaculture operations in Queensland.

Independent onboard monitoring, IOM, is a key action under the Sustainable Fisheries Strategy and a requirement for meeting WTO conditions for export approval. It is also a government commitment in addressing IUCN and UNESCO concerns about the impacts of commercial fishing on protected species. This commitment ensures there is a balance between sustainable fisheries and protecting threatened species in response to preventing the Great Barrier Reef from being listed as 'in danger'.

IOM is critical to improving understanding of the ecological risks associated with certain fishing activities and ensuring accurate and reliable information informs evidence-based management decisions. Once the legislative foundations have been established in the Fisheries Act to mandate the use of IOM, changes to the management of these fisheries can be implemented through amendments to subordinate legislation.

The bill creates a new aquaculture authority under the Fisheries Act which improves management of aquaculture operations in Queensland and supports a growing aquaculture industry. The new authority will separate planning aspects, which fall under planning legislation, from the ongoing operational and management aspects of aquaculture operations, which fall under fisheries and biosecurity legislation. The proposal aims to ensure development approval processes are streamlined and ongoing operating requirements are more effectively managed by relevant government agencies.

**CHAIR:** Thank you very much, Mr D'Silva. Independent onboard monitoring is a requirement for our international obligations to get a licence under the WTO to export fish. There are certain standards we need to meet. Is that correct?

**Mr D'Silva:** Correct.

**CHAIR:** Having independent observers on fishing vessels has been around for a while, from what I understand. That has been an ongoing practice for many years; am I right?

**Mr D'Silva:** Yes, that is correct.

**CHAIR:** Generally, it has been people on board who have traditionally done that. From what I understand, it would be safer not to have an extra body on board and have another way of observing what is going on, that independent onboard monitoring. Would that be a fair way to say this provides a safer option?

**Mr D'Silva:** Yes, that is true, Chair. Technology improves and has developed over the years. You are right in what you said about having human observers in the past. We have had those programs in place. Now we are moving to also implement more digital ways of capturing that data.

**CHAIR:** Having independent people on board to observe has been happening in Australian waters, for example. That has been ongoing for probably countless years; am I right?

**Mr D'Silva:** Yes, at least two or three decades.

**CHAIR:** Two or three decades having independent monitors.

**Mr D'Silva:** Yes, if not longer.

**CHAIR:** One of the things we heard about marine vehicle monitoring is the reliability of that technology. Clearly, there is some experience now with this technology that has worked around the world for independent monitoring, so there is a proven track record of this video-monitoring technology around the world; is that correct?

**Mr D'Silva:** Yes, programs are being trialled in places like New Zealand. There are developments happening there. Our Commonwealth fisheries already have this requirement in a number of certain fisheries. Yes, it is currently being used by some of the Queensland trawl fleet as well as being part of getting Marine Stewardship Council certification recently from the fishers there at Hervey Bay. Yes, this is developing all the time and continuing to evolve.

**CHAIR:** It is already on some of the fishing fleet throughout Queensland?

**Mr D'Silva:** Yes.

**CHAIR:** Not only Queensland but throughout Australia?

**Mr D'Silva:** Yes, that is right—in some form.

**CHAIR:** Dr Chay, one of the things in this bill that is really important—not just to me but for everyone—is clarifying when you have a dog destruction order that goes to QCAT. Obviously the changes give more surety to those officers who are taking those actions to protect the public. This is something that councils have pushed for; I know that for a fact. Can you just outline how councils have really pushed for this particular change? I think it is clause 66 in the bill.

**Dr Chay:** You are right, Chair, in that local governments have been discussing this as a matter of concern for some time, given both the impost on their limited resources and the financial impost that arises from these process and animals being housed at local government's expense for quite some time. There have been cases where that has gone on for up to four years. From an animal welfare perspective as well, that is less than ideal.

Local governments have provided feedback via the taskforce that was stood up approximately two years ago. This remains an ongoing concern. What this bill is looking to do is build on the already established framework, as you mentioned, for issuing seizure and destruction orders. Under the bill, local governments will be able to issue a destruction order for prohibited breeds kept without a permit straight-on. The bill will also clarify that an authorised officer must destroy a dog if the dog has seriously attacked a person or an animal, so it is removing that protracted time frame. The bill will also enable the chief executive to make statutory guidelines on when an authorised officer must and may seize and destroy a dog. It is important to state that it does not remove people's ability to request a review through QCAT.

**Mr McDONALD:** Thank you all for being here. I will go to the issue of appeals of destruction orders for animals or dogs. Rachel, I am concerned about the time frames that were being reported for QCAT processes. You just mentioned dogs being in confinement. What sort of work has been happening around that? What sorts of time frames can you expect for those reviews? These are people who have a dog that has obviously done something wrong. I am not condoning that. If I am appealing that, if I want to keep the dog for longer, this could be a two-year process.

**Dr Chay:** I absolutely agree. It is about finding a pragmatic in-between and being conscious of the importance of dogs to their owners and the community and not undermining dog ownership and the ability of people to lodge an appeal.

The question is around whether the amendments will reduce the wait time for QCAT decisions. The scope of appeal of QCAT reviews will be reduced to appeals on a question of law only, removing appeals to QCAT's appeals jurisdiction on a question of fact or mixed law and fact, by providing clarity around when a destruction order must and can be made. It will assist decision-makers, and it may reduce the number of applications lodged in the first place. Of course, as is always the case, it is an unknown at this point in time around the number of cases through QCAT, which can also extend the time. We acknowledge there is a potential for the actual number of destruction orders to increase, which may result in additional applications to QCAT.

**Mr McDONALD:** Would the dog owner be paying the cost of that?

**Ms Clarke:** There is a lodgement fee for the person who lodges an application, and then some other costs are recovered from the local government or the Queensland government, depending on who the parties to the appeal are.

**Mr McDONALD:** Do you know what the fee is?

**Ms Clarke:** We have a schedule, but I would have to check.

**Mr McDONALD:** I had a look at the fees—not this one particularly, but I was amazed at some of the costs of QCAT actions now. It is very prohibitive for many people to do that. What happens to the dog through this process?

**Ms Clarke:** Usually it will have been seized, so the local government will be looking after it. Could I clarify one point, Chair?

**CHAIR:** Yes.

**Ms Clarke:** On appeals that are now limited to a matter of law, the person will have already had two opportunities for a review of the decision, so it is not like we are removing people's right for review of the decision. There will be an initial internal review first and then they have the right of applying for a review at QCAT. What has been happening is that people have then been using all of their potential appeal rights and asking for QCAT's appeals tribunal to consider the review that someone in QCAT has already conducted. If there is a question of law they could still pursue that, but essentially all of those additional merits reviews—another layer—are what is being taken away. That will give you a little bit of an idea of how much this might affect the parties.

**Mr McDONALD:** Is the owner of the dog paying for the dog that is in confinement?

**Ms Clarke:** No.

**Mr McDONALD:** I have a few other questions around that side of the bill, but I am happy for that process to happen and look at some submissions we receive. Turning to the fisheries side of things, thank you, Mr D'Silva, for your brief introduction. I note in the implementation of the IOM there is support for industry-led third-party sustainable certification schemes. What consultation regarding this bill has happened with industry?

**Mr D'Silva:** With the actual bill itself? It has gone through its normal process within the department. We have had conversations with industry around IOM and IDV, independent data validation, over a number of years now. We have recently had some workshops where we sat down with industry and experts in this field to look at the gear and look at how we can best implement and get a trial underway. There has been lots of consultation done with industry. There is a trawl fishery working group meeting that is on today in Brisbane as well. There will be discussions around independent onboard monitoring as well. There have been lots of conversations of late, and that will continue in the lead-up to the WTO condition requirement of May next year.

**Mr McDONALD:** Has this bill been discussed with the working groups?

**Mr D'Silva:** Not the bill itself. The on-ground implementation around independent onboard monitoring has but not the bill.

**Mr McDONALD:** Does the Fisheries Act not say that you will have that conversation with industry to consult with them about these sorts of changes? In fact, the implementation of it—that fourth dot point—says 'support industry-led third-party sustainable certification schemes'. If you are not talking to industry, surely it is going to be challenging to bring them on the journey.

**Mr D'Silva:** We are talking to industry. We have had a number of meetings and workshops, as I mentioned earlier, around how to implement independent onboard monitoring. That is a continuing discussion that we are having with the fishers. In the recent case of where Marine Stewardship Council certification was granted to parts of the trawl fishery, that was very much achieved with the support of Fisheries Queensland and the work that we did with the particular trawl operator.

**Mr McDONALD:** You understand that this committee has been talking to fishermen around a number of different issues in the bill regarding seafood labelling and many of the regulations that are coming to us. We asked the department for advice regarding the make-up of working groups and how often they are meeting. In talking to me, the industry does not have confidence that the department is listening to some very practical operational opportunities in that space. You say to me that you are meeting with trawler fishermen today. That is fantastic, but we are considering the bill here in parliament and I want to have confidence the industry has had some direct input into this.

**CHAIR:** Deputy Chair, I think what you are arguing around is that Mr D'Silva said they have been consulted about the issue of onboard monitoring and you are specifically talking about the amendment to the Fisheries Act.

**Mr McDONALD:** Yes.

**CHAIR:** I think you have made your point.

**Mr McDONALD:** Industry certainly has talked to me. There have been a number of changes in the department and there have been arguably very few working group meetings and changes within the corporate environment. They just do not have the confidence that their information is getting captured and put into these changes that really markedly affect them. In terms of that second dot point, I would be really interested to understand wildlife trade operation approvals under the EPBC. Which countries require wildlife trade operation approvals?

**Mr D'Silva:** It is a requirement of the Commonwealth government of Australia to have WTO approvals under Commonwealth environment legislation, the EPBC Act.

**Mr McDONALD:** I understand that.

**Mr D'Silva:** For certain products to be exported overseas you need to have a WTO.

**Mr McDONALD:** Do all countries around the world require that WTO?

**Mr D'Silva:** It is a requirement of the Australian federal legislation here.

**Mr McDONALD:** I understand that. Do you know which countries actually say, 'We need that?' or is it just from an Australian perspective that we are meeting those standards? Do other countries recognise that?

**Mr D'Silva:** It is a requirement of the Australian legislation system here. Different countries have different requirements for export.

**Mr McDONALD:** Would you mind taking that on notice? I understand it is under the EPBC. I understand that.

**CHAIR:** Perhaps just to clarify that, do all members of the WTO have to abide by this? Is that what you are saying?

**Mr McDONALD:** No, it is just about countries around the world recognising that. We have a very high standard of regulation and compliance in Australia—and we all recognise that—but sometimes we put things in place for fishers that do actually not give them any benefit. Countries around the world do not recognise that; that is the information I have. That is an Australian government requirement and it does not unlock any markets around the world. Is there some other requirement internationally that would be more beneficial? Again, this is evidence of confidence from within the industry that they do not have in some of the bill because it does not benefit them.

**CHAIR:** There is a fair bit of commentary there. I think what we are asking is whether we can have some indication or a list of which other countries have to abide by the same WTO requirements. How would that be? Is that something we can do?

**Mr McDONALD:** Thank you for the guidance, Chair. It is more about what countries recognise that and are accessible because they have that licence.

**Mr D'Silva:** Okay.

**CHAIR:** Do you have any further question?

**Mr McDONALD:** I do, but I am happy to share.

**Mr SMITH:** I might go quickly back to the dog portion of this bill. One of the dot points in the explanatory notes is: failure to take reasonable steps to ensure dog does not attack, if the attack causes death or grievous bodily harm, can lead to two years imprisonment. I think you said that the CEO will be able to make statutory regulations that might give some more guidance into that word 'reasonable'. When I go out doorknocking, quite often I see fences that are broken and they have been half fixed with a bit of mesh or maybe a bit of pool fencing. I have had a Rottweiler come halfway out but it was not able to get under there. Is there a possibility that a reasonable step would be, if there is a broken fence, instead of doing your own home works, that you have to provide proof that you have engaged a contractor to fix that fence? Is that reasonable or unreasonable?

**Ms Clarke:** It would be a matter for the courts to decide what was reasonable. You are right about a new power for the chief executive to make statutory guidelines about implementation, but those statutory guidelines would not be made about something that requires the court to interpret. What is reasonable is fairly common wording. You will often have a reasonable excuse to an offence or a requirement to do what is reasonable. That would be a matter for the courts to decide.

**Mr SMITH:** If I could move back to independent onboard monitoring, I understand that there is a WTO and a federal government regulation and that is why we are here, but can I ask: has there been a spike or a trend in poor behaviours by Queensland fishers in recent years, or is this very much just responding to the WTO and the federal legislation?

**Mr D'Silva:** Collecting data on interactions with protected species has been a priority for quite a while under our Sustainable Fisheries Strategy. Collecting that data directly from fishers has been a challenge, and that is why we are looking at these more independent methods.

**Mr SMITH:** Could you elaborate further on the challenges?

**Mr D'Silva:** There are different levels of reporting that occur amongst the industry with interactions. It is an area where fishers sometimes feel that they do not like to report interactions for fear of bad press about the actual fishing operation. There is a requirement for fishers to report this information themselves, but this is really trying to get that better confidence in what is happening out there with the interactions through a more independent means.

**Mr SMITH:** The onboard observers in the past are always department employees, are they?

**Mr D'Silva:** No, they are quite often contractors that are used in a number of different fisheries, particularly the Commonwealth fisheries and also some of the other offshore fisheries around the various jurisdictions.

**Mr SMITH:** How long would an onboard observer be on a vessel for? What is the average time?

**Mr D'Silva:** It can vary. It depends on the fishery, the size of the fleet and what sort of data you are looking to collect. Usually it is a sample of the number of trips that are out there. There are different percentages and different levels of coverage. That can vary from two per cent to five, 10 per cent.

**Mr SMITH:** Is the cost if they are having to stay on the vessel overnight—food and so forth—covered by the contractors and the government?

**Mr D'Silva:** There are costs, as we heard earlier, being at sea. The work is quite difficult being at sea as well. It is a challenging environment for some of the observers who are out at sea for extended periods, so all of those costs can add up and that is inherent in the type of work that they do.

**Mr SMITH:** If we move to the cameras, what has been the feedback from stakeholders and industry bodies? Are they hesitant for cameras or are they accepting of the cameras?

**Mr D'Silva:** There are different views out there. There is certainly some hesitancy around how the data and information will be used.

**Mr SMITH:** Is the hesitancy about being filmed or they do not believe that the cameras will be able to actually record an accurate display of the catch? What are the hesitancy elements that are being raised around cameras?

**Mr D'Silva:** I think the No. 1 concern that we have had conveyed to us is how the information may be used and what that might mean in terms of future management of those particular fishing operations.

**Mr SMITH:** If we can extend on that, the footage goes directly back to the department? Who monitors the footage?

**Mr D'Silva:** It could, yes. It is a public record. Depending on the model that we use, the data would be reviewed by an independent person, or independent body with the trial that is being proposed, and there would be reporting of that information through a dashboard or similar means so the public could see what sorts of interactions are occurring with that particular fishery.

**Mr SMITH:** The department installs the cameras onto the vessel; is that correct?

**Mr D'Silva:** No. At the moment, the conversation is around securing some units to trial with the trawl fishery that are then funded through a combination of state and federal government funds and that device is fitted on the boat by a qualified marine contractor to attach that equipment to the vessel in a way where it can see the sorting tray and the side of the boat when the trawl net, for example, comes on board and the catch is then unloaded onto the sorting tray so we can see what sort of bycatch and what sorts of other protected species might be in that particular shot of the net when it comes on board.

**Mr SMITH:** It is a concentrated close-up as opposed to being at the top of the helm and looking across the deck?

**Mr D'Silva:** Yes. We are really interested in that point where the net comes onto the boat and then it is unloaded onto the sorting tray.

**Mr SMITH:** The footage you said would be a public record, but it does go back to the relevant federal and state bodies first, not to an independent contracted-out entity?

**Mr D'Silva:** There are different models that are being looked at at the moment. The point is that we would like to have confidence in the data that is collected and then analysed. The footage is looked at and reviewed and from that there is a reporting piece of work that needs to occur as well.

**Mr SMITH:** What independent organisations may be able to review the footage?



**Mr D'Silva:** There are a few different groups out there that do this sort of work. At the moment, in the case of the trawl fisher out of Hervey Bay who has the MSC approval, that is being reviewed by a fisheries expert from Bond University. There are also other groups out there that can look at this work. Archipelago is one group. There are different contractors out there that do this sort of work.

**Mr SMITH:** Could you understand the hesitancy of the industry when the governments are saying that you must have these cameras and the data and the footage will eventually help governments make decisions when that footage is not going direct to the government; it is going to independent experts who are not related to the government? Could you understand the hesitancy in that space?

**Ms Manning:** I think there are different views from different industry members and what they are comfortable with. Some are more comfortable with it going to an agency outside of government and some are more comfortable with it going to government for review. There is a varied view of what people are comfortable with when it comes to review of the footage.

**Mr SMITH:** The ultimate responsibility for the cameras, in terms of malfunction or fail, is with the installers and in no way will it impact on the fishers themselves? They are not responsible for the cameras?

**Ms Manning:** The fishers will be responsible for maintaining the equipment, but, as we have learned from the recent vessel tracking post-implementation review, one of the recommendations from that review is to provide an exemption process for malfunctions or items that happen outside of the fisher's control to keep them fishing, and that is something we will be taking forward with the implementation of onboard monitoring as well.

**Mr SMITH:** So if it gets knocked around and falls off, they do not have to go back; they can continue fishing as long as they seek the exemption?

**Ms Manning:** Yes. I will go back to the member's question about consultation as well. This bill is about creating the head of power to implement onboard monitoring, but ultimately we still have regulation to develop which will undergo consultation to understand operationally how the program could work. That is when we can deal with matters such as malfunctions at sea, malfunctions in port and allowing fishers to continue to fish in those instances.

**Mr HART:** When will those regulations be available for us to look at?

**Ms Manning:** Drafting has not started on the regulations. We still aim to get a field trial underway, particularly in the trawl fishery, to understand what equipment may be suitable and how it can be used, and then start the conversations around operationally how a program could work. We have some requirements to meet—WTO conditions, as we have heard, in May next year—but ultimately we are keen to get a field trial up and running and then start to talk about regulations, which is likely mid next year.

**Mr HART:** You mentioned MSC before. What does that stand for?

**Mr D'Silva:** Marine Stewardship Council. It is a third-party independent certification, or the blue tick as they call it, which demonstrates that the fishery is world's best practice and meets those environmental requirements of best practice.

**Mr HART:** Is this legislation being put in to provide the power for a trial or can this go ahead?

**Mr D'Silva:** It is about creating that head of power in the act which then can be further developed and implemented via a regulation or other subordinate legislation.

**Mr HART:** Will the government be waiting for the trial to be finished before expanding this to the rest of the fleet?

**Mr D'Silva:** We have always said that our preference would be to have a trial underway that would then inform future regulation as a phased approach, because having the benefit of a trial will help us design regulations that are really fit for purpose.

**Mr HART:** It could actually be implemented before the trial is finished?

**CHAIR:** A bit of conjecture there.

**Mr HART:** Is the trial a length of time?

**Ms Manning:** I think ultimately we will have drivers such as the response to UNESCO's reef monitoring report as well as WTO conditions, so at some point in time we will need to make a decision about when to mandate this for certain fisheries.

**Mr HART:** You are putting a camera on board a fishing boat instead of somebody standing there watching what is coming on board. What are the consequences for something coming on board that maybe should not? Is it able to be put back into the water or does that mean that boat would be penalised or that particular area banned from fishing? What happens?

**Mr D'Silva:** If there is an interaction then, ideally, that would be reported by the fisher and then we would sit down and discuss that with the particular fisher around what happened—for example, was there an issue with the fishing gear? We would try to understand what happened from the fisher's point of view. Then you could look at different things, if needed, but it is about collecting the information at the end of the day and then looking at different management things that you may consider are necessary.

**Mr HART:** Is the MSC an Australian thing or is that international?

**Mr D'Silva:** That is a global certification scheme that originated in the UK quite a few years ago. There are a number of fisheries around the world and around Australia that have MSC approvals. Increasingly, that is being used by fishers to be able to access markets, particularly some of the supermarkets that are increasingly requiring that standard.

**Mr HART:** Is that recognised by UNESCO or being driven by UNESCO at all?

**Mr D'Silva:** I cannot really answer that question.

**Mr HART:** On the dogs for a second, do you know how many people currently have a permit to keep these dogs in Queensland—the dogs we are talking about?

**Dr Chay:** Are you talking about restricted dogs?

**Mr HART:** Yes.

**Dr Chay:** I do not have the exact number in front of me, but I would think it was less than 10 at this point in time. I can certainly come back to you with an exact number.

**Mr HART:** It would be good if you could take that on notice. Those people cannot sell that dog to somebody who does not have a permit; am I understanding that right?

**Dr Chay:** Could you repeat the question?

**Mr HART:** People who presently have a permit to keep these dogs cannot sell that dog or give that dog to someone who also does not have a permit; is that right?

**Dr Chay:** That is correct.

**Mr HART:** To the member for Bundaberg's question, talking about the dog getting under the pool fence, one of the big issues I have in my electorate is with dogs interacting across fences with people. This legislation puts in place something for the public arena, but what are we doing about those dogs that are causing issues to their neighbours? It causes me a massive headache and I would like to see something done about that.

**Ms Clarke:** There is an existing offence for not taking reasonable steps to prevent attack. That may apply. The new offence that this bill is bringing in is around effective control in public places, but there are certainly existing offences around not taking reasonable steps that are not limited to public spaces.

**Mr HART:** From my experience, from the contact I have with people in my area, it does not work, and we need to look at maybe expanding that to 'reasonably controlling your dog in your own yard'. That is just a comment.

**Ms Clarke:** There is also the capacity for local governments to make local laws about dog management, and they are maintained. Some local governments certainly have more regulation than others.

**Mr HART:** This legislation is limited to a number of dogs that are banned from coming into the country anyway, so eventually we will get rid of those dogs. Does it give the government a head of power to make a regulation to ban other dogs as well, or is that already in existence?

**Dr Chay:** No.

**Mr HART:** If we have another dog breed come into the country that is a problem, how do we go about banning them?

**Ms Clarke:** It is actually linked to the restrictions on dog entry into the country that are made by the Commonwealth. Those dogs that the Commonwealth prohibits import of will be prohibited dogs in Queensland.

**Mr HART:** So they will automatically come under that?

**Ms Clarke:** Yes.

**Mr KATTER:** With regard to the fisheries there was talk of consultation, but the fishermen I represent say there has been nil consultation on this. Do you have a response to that?

**Mr D'Silva:** About the independent onboard monitoring?

**Mr KATTER:** All aspects of it—interaction with TEPs and the onboard monitoring.

**Mr D'Silva:** We have had a number of working group meetings in the case of the Gulf of Carpentaria where there have been discussions with industry around independent onboard monitoring. As I said earlier, the trawl fishery working group, which is meeting again today, is considering this matter and there will be discussions around IOM there. There have been workshops that have been facilitated with industry, port visits, a number of consultation systems and approaches have been done across the east coast and also in the gulf.

**Mr KATTER:** I suggest that that is not known, because there are significant people in the gulf who have been saying there has been nil consultation on this. It is hard to reconcile those two statements. I will put that on record. From my perspective, the reference to TEPs and putting that power to the CEO is overreaching. You do not see that as a concern?

**Mr D'Silva:** It is common for the chief executive of Fisheries to have powers to manage fishing operations. Whether it be target species or bycatch protected species, that is quite common.

**Mr KATTER:** If you are all about protecting a species and this program is about protecting threatened and endangered species, why would your interactions go back to the manage harbour strategies, not specific authority holders? Is that not the purpose at the end of the day: to see how that interacts with them? I can just have a bad day and get two sawfish out in the gulf and, bang, the CEO can come and shut me down and then you say, 'Hang on, is this done in good faith with the coordination of the harvest strategy?'

**Mr D'Silva:** The harvest strategies that we have in place are now used. We have a number of them that are there to set targets or set catch limits for the target species. We will be looking to have similar work done when this information is provided so we can sit down with industry and go through it once we have that data before us and look at different things. As I alluded to earlier, there are different ways you can manage some of these interactions. It does not have to be all extra regulation. There are other things that industry might be able to do through codes of practice or through other modification to their own fishing operations, like you said. Those are all possible.

**Mr KATTER:** You could say this is all about a tidying-up process to have digital monitoring, but in the context of everything else that has happened with gulf net bans—and everyone has been pretty clear that everything through the gulf was based on no science at all; it has come from political agreements made—you can understand the cynicism and the unwillingness to be involved in the consultation which is part of this discussion now, saying that there has been—

**CHAIR:** The member is making a comment. You do not need to respond to that opinion.

**Mr KATTER:** Fair enough. One interaction every 12 months—this is an industry where, let's say, 50 per cent of it is disappearing in the gulf, which is reducing the effort considerably. No-one wants to catch sawfish. You spend another hour or two trying to pull them out of your nets. I am trying to pick up what you are trying to achieve here, with an industry that is on its knees, where you are trying to put more scrutiny in place and more powers so that you can come down harder on them—people for whom bycatch is a problem for them. You try to avoid that. The name of the game is pulling in the mackerel or pulling in the barra, not pulling in the sawfish. You should be on the same page here, so why are we expending this effort and these resources? Why is it not going to an extra fisheries inspector or something in Karumba to do their job properly? I do not get it. For a declining industry which has been politically smashed, they are putting more rules and regulations in. It does not make sense to me.

**Ms Manning:** Ultimately, the program is about validating the information that is being provided by commercial fishers now to understand the confidence in the information that is being provided. The action that is taken can be scalable in the program. Once we understand the confidence in the information that is being received, we can then scale up and scale down, depending on the confidence and the number of interactions. It is not a one-track approach. We do not want everybody having cameras on boats if it is not necessary, but we need to understand the information that is coming in and the confidence in that.

**Mr KATTER:** I cannot avoid asking this because there has been commentary around it. This would come about because you would say, 'We are not sure if people are reporting properly off their boats,' but when there has been very aggressive action to shut down the industry—that is not my opinion; that is just what is happening there in the gulf—naturally it is going to be hard to reconcile. Has that been the trigger on this? You are not going to get people to want to cooperate as much. Surely it is going to impact on the willingness to cooperate for an industry that has been—

**CHAIR:** Member, you have an opinion in there, but I will still allow—

**Mr KATTER:** I am not sure whether it is opinion. They are shutting the gulf net fishing—

**CHAIR:** To say there is a concerted effort to shut down fisheries is a pretty big statement.

**Mr KATTER:** Is anyone arguing that?

**CHAIR:** If there is a question on policy, remember that you need to put that to the government. I will allow Ms Manning to furnish an answer on that.

**Mr KATTER:** I do feel strongly about that, Chair.

**CHAIR:** I know, and you have made that very clear in the parliament.

**Mr KATTER:** It is not about the gulf net fishing being shut down, but we have talked about cooperation and monitoring and that we need to work collaboratively. That is a bit hard to reconcile in the context of everything else that has happened. This bill is not happening in a vacuum. There is big stuff going on around the place.

**CHAIR:** We understand. We know your connections and your passion about this issue. I ask Ms Manning to perhaps furnish a response to that.

**Ms Manning:** Ultimately, data validation is an important part of the Sustainable Fisheries Strategy and has been since 2017. Data validation is what independent onboard monitoring is about. Better data and more confidence in data helps us make better decisions about how we manage fisheries. This is not in response to anything else.

**Mr KATTER:** Is king salmon a threatened or endangered species in the gulf?

**Mr D'Silva:** King threadfin salmon?

**Mr KATTER:** Yes.

**Mr D'Silva:** No, they are not listed as a threatened species. Stock assessment for king threadfin salmon is currently being updated.

**Mr McDONALD:** Directly in relation to the question that Robbie asked about the sawfish and the issue of harvest strategies, I am informed that fishermen are deploying their nets to target the species that they want and avoid sawfish. These are expensive pieces of equipment and it takes hours to put them in. It comes at a very large cost. They are putting in place harvest strategies, and again it comes back to the consultation with industry. Instead of saying, 'Look, here is this one interaction and you have to report this,' let's have a look at the industry-led improvements and innovation so they do not lose their nets through a mistaken or certainly not desired bycatch of a species. Again, I think it is really important that industry be consulted around these solutions before the regulation is developed.

**CHAIR:** I think that was a comment, or was that reflecting on what we talked earlier about—

**Mr McDONALD:** Is there a way that the regulation with regard to these matters could look at those harvest strategies as opposed to just the IOM?

**CHAIR:** Correct me if I am wrong: the harvest strategies are not part of this particular bill. Have I got that right? They would be different regs?

**Ms Manning:** Yes, the way that we want to manage interactions with threatened species is through protected species management plans. They need to be developed with fishers to understand what action may be taken if there is a significant increase in interactions with protected species. It might not sit under the harvest strategy plan but under a protected species management plan.

**Mr McDONALD:** Obviously the harvest strategy and the protected should be working together.

**Ms Manning:** Yes.

**Mr WALKER:** Going back to the questions from the member for Lockyer and the member for Burleigh on the standards we have in relation to UNESCO and the global market, is it fair to say that there is an expectation from some of the markets around the world that we meet a sustainable, ethical standard—like we do, say, in the coffee industry, that we are not buying stuff that is unethical? Is that a fair comment? This is what we are aiming for?

**Mr D'Silva:** Yes.

**Mr WALKER:** So industry can survive in a global market?

**Mr D'Silva:** That is correct. It is about having world-class fisheries management that meets the community expectations of today, having good science and having good monitoring right through all the compliance work that we do—the whole spectrum of what we do in fisheries management, starting with the data, as Elisabeth mentioned, right through to the regulations and then the enforcement of those and the education work that we do with fishers. It is how we put all those things together, and then you have the fisheries management cake and there are lots of different ingredients; that is one way to view it.

**Mr WALKER:** I want to put on record that I love Australian seafood. I have travelled the world, luckily. I have seen some of the different seafood markets around the world. I have seen mud crabs that are two inches, not even four-inch or six-inch mud crabs; they are very small. It is unethical and very sad to see. It is the same with small fish. I know that it comes at a price to be an ethical marketplace, but, when we snooker that market, is it fair to say that when we have these great standards that the rest of the world is watching they want to buy a better product—a bigger and better quality, sustainable, ethical product? Is that a fair comment, going by this legislation and UNESCO's input?

**Mr D'Silva:** Yes, I think that is a fair comment. There are pretty strong expectations around the provenance of fish—where it comes from, demonstrating that it is sustainably managed and that it meets world's best practice. That is very much something that we are conscious of and we are trying to meet.

**Mr HART:** I am not even going to go there. Rachel, going back to the five breeds, I do not recognise any of those dogs, except for the pit bull terriers. I have seen quite a few around my electorate. I would be surprised if there are only 10 of these dogs on your list, unless I have the process wrong. Once this legislation comes in, what happens if someone has one of these dogs and they have not registered it or they do not have a permit for it?

**Dr Chay:** There are two parts to that. The first is that there are likely to be a large number of crossbreeds which will be confusing for the best of us around pit bull versus staffy versus X, Y, Z. To your question with regard to what happens to someone if they do not have a permit once the legislation is in place, the reason we are postponing implementation of this part of the bill, if it passes, to 28 August 2024 is to effectively create a six-month grace period for owners of restricted breeds who may not currently have been aware of their existing requirement to register and to apply to keep that restricted breed before the commencement of the ban. We are giving people six months to be honest if they have one of these restricted breeds. Once that permit is in place, that dog is effectively protected for the remainder of its life, as in on 28 August we will not be going out and collecting any of these registered or permitted restricted breeds to be humanely euthanised. They will be grandfathered—but from that point, no more.

**Mr HART:** Do our vets have any requirement to report these breeds—to double-check to see whether these people have permits?

**Dr Chay:** No.

**Mr HART:** Maybe that is a good idea.

**Ms Clarke:** For the number of restricted breed permits that we are aware of, it is local governments that permit those dogs. We only know about the ones that local government have told us about. There is a register where local governments provide some information on their dog management, but we do not know how complete our information is. Quite apart from any that have not been registered, there could also be other registered dog permits out there that the state government is not aware of. Some of that funding that was announced for implementation will go to some work on monitoring and evaluation. We will be looking at that data and whether we need to do some work on getting more complete data across the state.

**Mr HART:** Do you know whether every council does all of that?

**Ms Clarke:** There would be different levels of capability across the state.

**Mr SMITH:** Does this legislation only capture the pure breed of these dogs? In theory, could someone mix a pit bull with a staffy and be allowed to have that lineage continue and therefore have found a loophole?

**Dr Chay:** Given that these breeds are already banned from importation to Australia and those that exist are maintained as desexed animals, no.

**Mr SMITH:** So any litter of these breeds in the legislation must be desexed?

**Dr Chay:** Any of the restricted breeds that are currently in Queensland must be desexed.

**CHAIR:** Thank you very much. I believe there is some information that you need to chase up from earlier in the session.

**Dr Chay:** We just wanted to correct a response to the deputy chair's question with regard to the cost of seized animals.

**Ms Clarke:** As part of a QCAT proceeding you cannot have cost orders for the accommodation of the dog, for example. Section 102 of the Animal Management (Cats and Dogs) Act provides that a local government can commence a debt recovery proceeding. I am not aware of how many of those occur, but they can do that. They would have to take separate court action. The costs they can recover can include accommodation, food and arranging veterinary and other treatment. There is a mechanism. We are just not sure how often it occurs.

**CHAIR:** Deputy Chair, there is an indication that we can find out how many of those actions to recover debt have commenced.

**Mr McDONALD:** Just thinking through it, we are at the start of the inquiry. We might be able to ask that of other councils.

**CHAIR:** Once again, collecting information from 77 councils across the state would be difficult.

**Dr Chay:** That is right.

**CHAIR:** We can perhaps find out later. We do have some questions on notice. There are three questions on notice: schedule fees for QCAT, countries that recognise or require the export standards according to the WTO and the number of restricted dogs on permits. Could we have the response to those questions on notice by Monday, 11 December? That concludes the public briefing. Thank you to all the officers here. Thank you to our secretariat. Thank you to Hansard. A transcript of these proceedings will be available on the committee's webpage in due course. Thank you, member for Mundingburra, for coming along and being a part of this. I declare the briefing closed.

**The committee adjourned at 11.35 am.**