

Agriculture and Fisheries and Other Legislation Amendment Bill 2023

Submission No: 60
Submitted by: AgForce Queensland
Publication:
Attachments:
Submitter Comments:



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Ref: AR/MG/MA

09 February 2024

Committee Secretary
State Development and Regional Industries Committee

By Email: SDRIC@parliament.qld.gov.au

Dear Committee Secretary,

RE: Agriculture and Fisheries and Other Legislation Amendment Bill 2023

AgForce is a peak organisation representing Queensland's cane, cattle, grain and sheep, wool & goat producers. The cane, beef, broadacre cropping and sheep, wool & goat industries in Queensland generated around \$10.4 billion in on-farm value of production in 2021-22. AgForce's purpose is to advance sustainable agribusiness and strives to ensure the long-term growth, viability, competitiveness and profitability of these industries. Over 6,500 farmers, individuals and businesses provide support to AgForce through membership. Our members own and manage around 55 million hectares, or a third of the state's land area. Queensland producers provide high-quality food and fibre to Australian and overseas consumers, contribute significantly to the social fabric of regional, rural and remote communities, as well as deliver stewardship of the state's natural environment.

AgForce thanks the Committee for the opportunity to comment on the Agriculture and Fisheries and Other Legislation Amendment Bill 2023, with particular reference to Chapter 5, Amendment of the *Biosecurity Act, 2014*.

Biosecurity is a matter of highest importance to our members, and we are committed to advocating for strong and effective biosecurity laws and general biosecurity obligations (GBO) in the State of Queensland.

Key points:

In this submission, AgForce seeks to convey to the Committee:

- a strong sense of importance for amending the *Biosecurity Act 2014* to ensure compulsory compliance by third parties with farm biosecurity plans. Remoteness is no longer a protection for farmland, which is being increasingly accessed by renewable energy and other companies that are not compelled to take reasonable biosecurity measures required by primary producers as business owners, livestock and crop producers and as custodians of biodiversity; and

- support for submission No. 53 to the Amendment Bill, notably, amendments that address gaps in Queensland's biosecurity defence due to limitations of scope of the *Biosecurity Act 2014* relating to federal land (e.g. Department of Defence) and land subject to native title, as well as defence force ships (Australian and international).

Need for additional amendment(s) to enable enforcement of farm biosecurity plans

The Bill provides the opportunity for changes to be made to the *Biosecurity Act 2014* to strengthen land access rules. At present, primary producers are vulnerable to potentially devastating biosecurity outbreaks caused by third-parties and co-existing user access to their property. Key concerns relate to electricity infrastructure/supply companies (including renewable energy companies and the Copper String 2032 project) and even the State itself when accessing reserves, State Parks and other kinds of Crown land.

The people in charge of such third-party entities have little legal incentive to enforce compliance with farm biosecurity plans, as there are limited avenues for a landholder to take action when an employee or contractor of a third party does not adhere to a farm biosecurity plan. National industry organisations have led the way by developing farm biosecurity templates for multiple primary industries (e.g. Farm Biosecurity program <https://www.farmbiosecurity.com.au/toolkit/>). The *Biosecurity Act 2014* does not recognise these farm biosecurity plans, only the Farm Biosecurity Management Plan (as per Biosecurity Regulation 2016 <https://www.daf.qld.gov.au/business-priorities/biosecurity/policy-legislation-regulation/biosecurity-planning>) which was designed to prevent invasion by activists into intensive livestock facilities and is not applicable in a broadacre agricultural context.

While there is a GBO under the *Biosecurity Act 2014*, it is not specifically apparent that third parties need to take specific biosecurity measures/precautions before entering a property. As per GBO requirements, third parties "ought to reasonably know" about biosecurity risks (weeds, animal and plant diseases, etc) before entering a property. The best source of this "expected" biosecurity knowledge is the farm biosecurity plan. It mostly comes down to the terms of the agreement with the third party (if there is one) and such agreements might be many years old (as is the case for most Ergon/Powerlink easements) and so do not consider modern concepts and priority issues of biosecurity. It also puts the onus on the landowner to a) have a detailed biosecurity plan ready, b) to provide this to the third party, and c) to confirm the third party has read and understood the plan, and their obligations under it.

We refer the Committee to the Biosecurity Queensland website, [biosecurity-planning](#), under the heading 'Legal Access to Land':

Farming land is often accessed by other industries who share legal rights to access agricultural properties.

This can include electricity providers, resource and gas companies, licence or permit holders, or those who have a contract to enter the property.

*Those who have a legal right to access do not have to comply with a biosecurity management plan however, all visitors must comply with the [general biosecurity obligation](#) under the *Biosecurity Act 2014* regardless of their rights to access the property.*

Visitors with legal rights to access may choose to comply with the biosecurity management plan as a way of meeting their general biosecurity obligation, as they would then be fully aware of the unique biosecurity risks in the area.

When visitors arrive at your property you must have a copy of the biosecurity plan, or biosecurity management plan available for inspection, on request, during ordinary business hours.

You should ask any person entering your property to confirm they have read and understood the plan, and their obligations under it.

As for how to address this issue, some preliminary ideas are:

- higher penalties for breaches of biosecurity breaches (potentially with fines collected being used to fund biosecurity measures for primary producers (i.e. washdown facilities);
- obligation on entities which benefit from continued access to primary producers' land to contribute to mitigating biosecurity risk (i.e. undertake control and prevention activities *or* pay their own biosecurity levy);
- greater power for DAF to take action or for landholders to prohibit access to third parties that breach their property's biosecurity plan for prohibited, restricted and other biosecurity matter; and
- insertion of minimum/specific standards for biosecurity precautions when entering a property (similar to protocols in the [Land Access Code](#) for resource companies), in addition to adhering to existing farm biosecurity plans. Our Land Use Protection Principles (see Appendix 1) provide an overall expectation of what AgForce seeks to achieve when negotiating coexistence with other sectors.

Amendment Bill Chapter 5, Part 3. Amendments commencing by proclamation, clause 107 Replacement of s 19 (What is prohibited matter), and 108 replacement of s 21 (What is restricted matter)

In both cases, a regulation may be made at the discretion of the Minister. We question why the Minister has this power and not the Chief Biosecurity Officer. Any such regulation should be based on science and not political gain.

Support for Submission No. 53 to the Amendment Bill

AgForce supports submission no. 53 to the Amendment Bill, authored by AgForce member Marie Vitelli (previously Senior Policy Advisor, Biosecurity and now retired), whose forty-year career spanned research, extension and policy relating to weeds, invasive pests and farm biosecurity. In her submission, Mrs Vitelli recommends the committee to consider:

1. Amendment of Section 43 (distributing or disposing of Category 3 restricted matter), Clause 86. This needs to clarify that Category 3 Restricted Biosecurity Matter and other matter defined under local government local law can be sold or traded, if an alternative cost-effective use is found which poses no biosecurity risk. Examples include use of certain plant species as biofuel for renewable energy, compost or hard-wood, fish emulsion fertiliser (e.g. from carp), and game meat and hide from feral animals (feral pigs, feral goats, deer and rabbits).
2. Recommend the Bill amends Section 6 of the *Biosecurity Act 2014*. It is presently unclear if the *Act* extends to operation on federal land (e.g. Department of Defence) and land subject to native title. AgForce has specific concerns that this lack of clarity limits DAF's powers in biosecurity emergency responses and eradication programs, when it is essential that DAF's authorised officers can check, inspect and impose movement orders (i.e. to regulate transmission risks) everywhere within biosecurity zones. Such gaps can seriously undermine the success of eradication efforts. This would, for example, provide DAF with authority to undertake eradication of Red Imported Fire Ants at RAAF

Base Amberley. Additionally, Queensland's ability to prevent priority prohibited biosecurity matter entering Queensland from the north necessitates effective cooperation and assistance from native title entities spanning Cape York and northern Queensland. The Cape York Biosecurity Facility at Coen was closed in June 2023, partially due to the facility being on land subject to native title.¹ AgForce is yet to receive convincing assurance that this gap in border surveillance and ability for vehicle standstill and checkpoint is being adequately addressed.

3. Amendment of Section 8 (3) of the *Biosecurity Act 2014*, to remove the exemption that prevents the *Act* being applied to defence force ships (both Australian and International). We assert that defence ships are a major unmitigated biosecurity risk pathway. Evidence supporting this concern is the first documented recording of invasive weeds (including *Sida ciliaris* and *Indigofera vohamerensis*) at Shoalwater Bay in 2011 as suspected contaminants of military equipment.²

Further, AgForce recommends additional amendment to the *Biosecurity Act 2014*, such that National Parks are required to undertake control of all listed species including Red Imported Fire Ants, similar to requirements expected of their private neighbours. Currently, National Parks only undertake direct treatment of fire ant nests and do not put down preventive buffers as part of the eradication effort.

AgForce values the opportunity to contribute to this inquiry and encourages the Committee to contact AgForce for further information. The policy contact for this matter is Dr Annie Ruttledge, Senior Policy Advisor (Sustainability and Biosecurity), via e-mail: [REDACTED] or m: [REDACTED]

Yours faithfully,

[REDACTED]

Michael Guerin
Chief Executive Officer

References

- ¹ Matt Nicholls, Cape York Weekly, 20 September 2022. Biosecurity blunder – Coen facility faces the chop from state govt. <https://arr.news/2022/09/20/biosecurity-blunder-coen-facility-faces-the-chop-from-state-govt/>
- ² Waterhouse B.M. and Mitchell A.A. 2012. Weeds of tropical Australia: how do they get here? 18th Australasian Weeds Conference. pp. 9-12. <https://caws.org.nz/old-site/awc/2012/awc201210091.pdf>

Appendix 1: AgForce Land use Protection Principles

As the body for agriculture, AgForce requires that alternative and potentially impacting land uses ensure:

1. There is recognition that natural capital has an inherent value
2. Human health and well-being must not be sacrificed
3. A precautionary approach that avoids negative legacy effects on natural resources including air, soil, water and biodiversity
4. There are no negative impacts on existing or future sustainable agricultural opportunities

Before:

- Recognize that resources are finite
- All projects are assessed on environmental, social and economic criteria
- There is a formal mechanism for agriculture to be involved in assessment
- Projects should not be assessed in isolation and cumulative impacts assessed
- Potential impacts need to be objectively, and accurately quantified rigorously and independently reviewed
- Agricultural landholders to have equal representation, available resources and bargaining power

During:

- All projects must have comprehensive monitoring and transparent reporting
- Non-compliance will trigger cease work
- Enforcement is primarily the responsibility of government, but landholders must have a right to compel action
- Industry and Government must proactively identify and manage cumulative impacts, both individual project cumulative impacts and multiple projects cumulative impacts

After:

- Land needs to be rehabilitated to be the pre-existing natural conditions
- Financial assurance needs to be adequate for rehabilitation

See: <https://www.agforceqld.org.au/knowledgebase/article/AGF-01250/>