Speech by

Mrs LIZ CUNNINGHAM

MEMBER FOR GLADSTONE

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PRIMARY INDUSTRIES LEGISLATION AMENDMENT BILL

Mrs LIZ CUNNINGHAM (Gladstone—Ind) (4.58 p.m.): In rising to speak to this bill, I pass on my appreciation to the minister for making his officers available for a briefing and for their willingness to answer any and all questions that we put to them. I thank him for that opportunity. There are only a couple of issues that I wish to raise in the second reading debate. There is one in particular that I know other speakers have already touched on, and that is the use of chemicals, under this new provision, according to the label. The reasoning behind this new restriction was clearly explained to me, and that is that there have been prosecutions which have failed in the past because the prosecution involved the use of a particular spray on a product that the label was silent on. Because of that silence, the courts have interpreted that the use of the chemical is at the discretion of the operator.

I do understand that. I would like clarification from the minister about this. In my mind—it is probably a bit simplistic—there are two categories of growth where products are used. One is food products and the other is things like weeds and non-fodder type growth. It was explained to me that if sprays that are used for tomatoes are used for capsicums, because of the gap in the middle of the capsicum it is able to act as a vessel. Therefore, the possibility of the residual levels being high is increased because of the capsicum. I understand the theory.

I want to know: will that same stringent control apply to non-fodder and non-food products? By that I mean that an owner is obligated to clear a lot of noxious weeds on their property. They may have found in the past that certain chemicals that have been listed for other weeds are effective on particular weeds on their property. If they use that chemical—and I am talking about non-food products, that is animal fodder or human food—will they still be liable to prosecution? I see that there are two quite significant differences.

I can understand the very stringent controls that the minister is putting in place for chemicals used relating to human health, that is, spray that is used somewhere in the food chain. I am more concerned about the use of sprays for non-listed purposes, particularly in the area of noxious weeds and weed control, when the specific purpose for which it is used is not listed on the label. It is effective. However, the way this legislation is written is that, if it is a broad spectrum application, those people will be caught up and will be in contravention of this legislation when the residual levels are really immaterial.

The second issue that I wish to raise relates to the section that deals with the winding-up of the Queensland Abattoir Corporation. While I understand this is just the finalisation of a process that was started some time ago and the rationale behind the winding-up was that governments should not be involved in things like abattoirs, I wanted to put on the record my concern that over a number of years now governments have retreated from involvement in what has been historic industry participation. The abattoirs are only one such industry. In removing themselves from that involvement they have also reduced the opportunity for people, particularly in rural and regional Queensland, to have access to those services—in this instance the abattoir.

Also, it is a fact that many producers and many residents of this state are provided with these services only because governments have been involved. The provision of some of those facilities has involved a high capital cost with a rate of return over an extended period of time. The only instrumentality or body that has been able to carry those holding costs has been government.

Therefore, many years ago, with a vision for the future for the community, governments established things like abattoirs and railway lines, although I understand that this bill does not cover that. The state has grown because of the government's willingness to invest in these sorts of high capital ventures. I just want to put on the record that, having come so far down this path, it would be a tragedy to see governments removing themselves from involvement in what are regarded as private enterprise situations. That may place at risk the future development of our communities, particularly given their decentralisation.

I turn now to the amendments to the Sugar Industry Act. The proposal is to allow a court to deem that a board's non-dealing with an application is a refusal. That was to ensure that the board actually did deal with applications under the Sugar Industry Act. When we discussed this the other day, it was explained to me that this type of deemed refusal is existent and has been introduced in other legislation, and I accept that. My question to the minister, though, is: if the purpose is to place an obligation on the board to deal with the application, a deemed refusal is little, if any, constraint. If I apply for something, I want the board to process my application. If the board decides not to because it is a difficult application, because they just cannot be bothered or for any other reason, and the court can say, 'The board has refused to deal with your application; it is therefore a deemed refusal,' I am still disadvantaged. I just wondered what the intention was.

Conversely, if my application was not dealt with by the board and it was then going to be a deemed approval, the constraint on the board to deal with my application would be considerable because if they do nothing I am going to get the approval by default. If it is a deemed refusal, there is really no pressure on the board to deal with it. I just wondered where the minister saw that this proposal actually placed some weight, some obligation and some responsibility on the board to deal with applicants. When I raised this, the minister's advisers said, 'This is the way it is structured in other pieces of legislation.' I am not arguing that. The same situation applies. If it is a deemed refusal there is really no pressure on the board to consider an application.

There is only one other area—and many things have been altered by this bill—on which I want to commend the minister. The changes relating to veterinary surgeons will create quite a different regime for the veterinary industry in Queensland. We went through a similar process in optometry and in a whole range of professional areas in which non-qualified people were able to own practices providing they employed qualified persons. So this is not new. I understand the principles.

I know that there have been concerns with the ownership of the practice, irrespective of what type it is, by non-qualified people. The risk was that their focus would be dollar orientated, not service orientated, and there would perhaps be an increased temptation for the directors of that company to give directions to the licensed, qualified professional people to act contrary to their code of conduct—indeed, contrary to the act that constrains them. I commend the minister. Clearly, within this amendment to the act it is stated that any direction that requires a vet to act contrary to their obligations means that the owner of that practice is also guilty. I think that is probably one of the greatest constraints that you can place on a practice.

I have not had any concerns raised with me about the non-veterinary ownership of practices. I have not received any letters, either. I know that quite a lot of concerns were raised about the changes relating to optometry and a number of other professions. I do commend the minister for ensuring that that very real risk has been identified and dealt with so effectively. I thank the minister for the opportunity.