



Speech by

Hon. HENRY PALASZCZUK

MEMBER FOR INALA

Hansard 21 August 2003

PRIMARY INDUSTRIES AND OTHER LEGISLATION AMENDMENT BILL

Hon. H. PALASZCZUK (Inala—ALP) (Minister for Primary Industries and Rural Communities)
(2.59 p.m.): I move—

That the bill be now read a second time.

The Primary Industries and Other Legislation Amendment Bill 2003 proposes amendments to a number of acts in the Primary Industries portfolio, namely—

- Animal Care and Protection Act 2001;
- Chicken Meat Industry Committee Act 1976;
- Exotic Diseases in Animals Act 1981;
- Fisheries Act 1994;
- Food Production (Safety) Act 2000;
- Grain Industry (Restructuring) Act 1991;
- Plant Protection Act 1989; and
- Stock Act 1915.

The bill also proposes consequential amendments to the Integrated Planning Act 1997 in relation to development approvals under the Fisheries Act 1994, and makes a minor amendment to the Police Powers and Responsibilities Act 2000. The major amendments covered by this bill relate to the Fisheries Act 1994, the Food Production (Safety) Act 2000 and the Exotic Diseases in Animals Act 1981. I will now outline the amendments in these three areas and will then proceed to the other acts covered by this bill.

Since the Integrated Planning Act 1997 commenced on 30 March 1998, a number of pieces of Queensland legislation have been consequentially amended to achieve consistency with the development assessment and approval process in that act. Under this bill, the proposed amendments to the Fisheries Act 1994 continue the government's commitment to reforming and streamlining the planning and development process for the benefit of all Queenslanders.

The proposed amendments will remove the development related approvals processes from the Fisheries Act and will replace them with provisions requiring all such approvals to be processed in accordance with the requirements of the Integrated Planning Act. In addition, the Integrated Planning Act also provides an appeal process through the Planning and Environment Court for development related decisions and enforcement processes for development related offences. Accordingly, the amendments proposed in this bill will also achieve consistency in these areas.

In administering the Fisheries Act, two categories of process are undertaken—'resource allocation' and 'development approval'. Resource allocation deals with the allocation of state owned resources for purposes such as commercial and recreational fishing and access to designated reserves or unallocated state land. Development approvals deal with statutory approvals to undertake a range of development related activities. In accordance with the fundamental principles of the Integrated Planning Act, the proposed amendments provide for a separate resource allocation process to continue under the Fisheries Act while approval for development related matters will be processed under the Integrated Planning Act.

The amendments proposed in this bill integrate assessment processes for the following development related activities into the Integrated Planning Act, namely:

- aquaculture development;
- disturbances to marine plants which includes the destruction, damage or removal of marine plants;
- works within declared fish habitat areas;
- the construction of waterway barrier works such as dams and barrages; and
- the construction of fishways or fish ladders associated with waterway barrier works.

Under the amendments proposed in this bill provision has been made for low impact forms of development to be 'self-assessed' by the developer. This will be achieved through the development of 'self-assessable' codes that will prescribe how such development must be managed. This means that many smaller developments, including maintenance of existing developments, will no longer require an assessment and approval by the Queensland Fisheries Service. Examples of this include: maintenance of transport and local government infrastructure; minor disturbance to marine plants; minor waterway barriers; and small, low-impact, freshwater aquaculture developments. As the issues relating to the management of the impacts of particular forms of development are resolved with the relevant development sector, there is scope to extend the application of self-assessment to other forms of development.

The integration of waterway barrier and fishway approvals into the Integrated Planning Act has resulted in a single approval where there were previously two separate approvals. In addition, the bill will enhance the capacity for successful development applications by providing a clear statement of the ways a waterway barrier can successfully address fish movement requirements. It also promotes consideration of fishways at an early design stage and allows applicants for a licence to take water under the Water Act 2000 to factor in fishway operating requirements when seeking an appropriate water allocation.

To enable the administration of fisheries development approvals, the bill also proposes consequential amendments to the Integrated Planning Act to clearly identify which fisheries development will be subject to the development assessment, appeal and enforcement provisions in the Integrated Planning Act. In addition—and this is a significant development—the Queensland government has negotiated a package of statutory amendments and administrative arrangements that, once implemented, will enable the Commonwealth Minister for the Environment to accredit Queensland law under the Great Barrier Reef Marine Park (Aquaculture) Regulation 2000.

These proposed amendments address the process related discrepancies between Queensland and Commonwealth law in relation to land based aquaculture development. The effect of accreditation is that the Commonwealth Minister for the Environment recognises that Queensland law provides the requisite degree of protection for the Great Barrier Reef from the impacts of land based aquaculture development.

The current requirement for two separate approvals from the state and the Commonwealth has been a major constraint on aquaculture industry development adjacent to the Great Barrier Reef. This bill provides the legal framework to eliminate duplications between the two governments, thereby removing the current impediments that are inhibiting significant potential for growth in the aquaculture sector. By removing these impediments the bill confirms this government's commitment to a sustainable aquaculture industry that can provide Smart State outcomes, including direct and indirect job opportunities in rural communities and diversification in many rural economies.

The bill also proposes a number of additional minor amendments to the Fisheries Act aimed at ensuring a more efficient administration and better enforcement of the act. This includes provisions to waive fees and surrender provisions when transferring or amending fishing licences as a result of unforeseen or unfortunate circumstances such as divorce, bankruptcy, death or an incident at sea resulting in the loss of a commercial fishing boat. This evidences a commitment to fairness toward people in the community who are faced with difficult circumstances beyond their direct control.

It is also proposed to include a new provision within the act to provide discretionary power for the courts to recommend the suspension of an 'authority' on the grounds of a conviction for a serious fisheries offence. This arises from concerns whereby the chief executive currently has the power to consider 'authority' suspensions subsequent to court proceedings. As this can result in the application of an additional penalty, suspension would be more appropriately considered at the time the matter is heard by the court.

Amendments are proposed to the Food Production (Safety) Act 2000 in two areas, namely, to strengthen the operation of food safety schemes and to enhance the corporate governance

arrangements for Safe Food Production Queensland, which administers the food safety arrangements under this act.

The Dairy Food Safety Scheme, administered by Safe Food Queensland, commenced on 1 January this year and is based on the relevant national food safety standards in this area, as determined by the Australian New Zealand Food Regulatory Ministerial Council on advice from Food Standards Australia New Zealand, the joint trans-Tasman food standards regulatory agency.

At the present time, the national standards, set out in the Australia and New Zealand Food Standards Code, require pasteurisation for milk and dairy products intended for human consumption, and naturally the Queensland arrangements under the Dairy Food Safety Scheme incorporate this requirement. Unfortunately, some operators are seeking to evade this requirement by devising all sorts of schemes to get around the pasteurisation requirement. We see things like 'Cleopatra's Bath Milk', 'body butter' and 'rent a cow'—all designed to try to find a loophole in the food safety scheme. This is not acceptable. It is not acceptable to me as the minister responsible for the Food Production Safety Act, it is not acceptable to Queensland Health and it is not acceptable to the legitimate operators in the dairy industry. The legitimate operators, who are by far the vast majority of producers and processors, I would add, do pasteurise. They have been sending a very clear message to the Queensland government that if they are expected to 'play by the rules', and they are prepared to, then other operators in that industry must play by those rules as well—or not play at all. I wholeheartedly agree.

Let me state quite clearly that my position is to ensure that effective food safety arrangements are observed in the primary industry area so that public health and public confidence in the system are not compromised.

I turn now to the issue of corporate governance. When Safe Food Queensland was first established, it did not have a board of directors as it was based on the arrangements in place in New South Wales for its agrifood safety agency, Safe Food NSW. In accordance with the principles of good corporate governance, the Queensland government has decided to enhance corporate governance arrangements by establishing a board of directors to which the organisation will answer in the first instance.

The act is to be amended to constitute a board which will initially consist of three members with appropriate expertise in areas such as finance, food safety, law and public administration and which will represent the interests of consumers as well as the directors-general of Queensland Health and the Department of Primary Industries or their senior level representatives. Good governance requires the right governance structure to be in place, and that is what we are doing with the amendments in this area.

I turn now to the major amendments to the animal and plant health legislation. Amendments to the Exotic Diseases in Animals Act 1981 are proposed to address a number of issues identified during the foot-and-mouth disease simulation exercise, Exercise Minotaur, conducted in September 2002. These issues relate to unnecessary licensing requirements in respect of a 'restricted area' declared for an exotic disease and to deficiencies in the entitlement to 'top-up compensation' entitlements for death of animals or destruction of animals and property from an exotic disease where a quarantine may be automatically revoked by the declaration of a restricted area.

In the case of the first matter, the act will be amended to provide the authority for the minister to define by public notice those movements of persons into and out of a restricted area and those movements of animals, carcasses, animal products, animal pathogens, biological preparations, fittings, fodder, property, vehicles, vessels or other things likely to spread the exotic disease for which a licence is required. The effect of this amendment will be to exempt movements that pose a low risk of spreading the exotic disease from requiring a licence and apply licences to those movements that pose a risk of spreading the exotic disease.

The act will also be amended to require persons to stop and obtain permission from an authorised officer to pass through entry or exit places and checkpoints established for a restricted area. In regard to the second matter, the act will be amended to provide top-up compensation calculated at the time when the property is eligible to restock. This entitlement will occur when the premises are released from quarantine or when a restricted area is revoked. This amendment clarifies the existing situation in the act.

The major amendment proposed to the Plant Protection Act 1989 provides for a review of decision making by the chief executive or an inspector to accredit or refuse an application for accreditation or an application for an inspector's certificate or approval. Minor amendments are also being made to correctly cite the appropriate schedule in the definition of 'non-approved cane' in the act and to correct a minor drafting error in the definition of 'crop plant district'.

I will now outline the legislative changes proposed to the other acts covered by this bill. The Animal Care and Protection Act 2001 is to be amended to include a reasonable excuse for failure to

comply with an information requirement of an inspector if the information sought is not relevant to an animal welfare direction. The Chicken Meat Industry Committee Act 1976 is to be amended to allow the Chicken Meat Industry Committee to recoup the costs of services provided by the committee to the producer and processing sectors of the industry.

The amendments to the Grain Industry (Restructuring) Act 1991 are to repeal various provisions of the act that are no longer relevant following the termination of the vesting arrangements for wheat and barley on 30 June last year. The Police Powers and Responsibilities Act 2000 is to be amended to correct a citation of a provision of the Animal Care and Protection Act in one section.

The Stock Act 1915 is to be amended to remove a redundant reference to a provision in one section of the act and also to remove a redundant reference to an 'honorary inspector' in the definition of 'inspector'. Minor amendments are also being made to change the title of one section and to remove certain cross-references to reflect modern drafting practice.

While some parts of this bill may appear to be somewhat complicated, all of the amendments are necessary at this time to facilitate the effective working of the acts in question and the legislative schemes thereunder. I look forward to informed debate on the bill, which in my view deserves the full support of all honourable members. I commend the bill to the House.