




Speech By  
**Stephen Bennett**

**MEMBER FOR BURNETT**

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Record of Proceedings, 13 October 2015

**AGRICULTURE AND OTHER LEGISLATION AMENDMENT BILL**

 **Mr BENNETT** (Burnett—LNP) (4.45 pm): In opening my response to the Agriculture and Other Legislation Amendment Bill, I am not sure why we did not hear a second reading speech from the minister. I do hope that we can get an appropriate summary considering the resources of the staff. I do not think we have ever had a piece of legislation debated without a ministerial introduction, so what a great day for politics, Minister!

The Agriculture and Environment Committee is appointed with the responsibilities of agriculture, fisheries, sport and racing; environment and heritage protection; national parks and the Great Barrier Reef. The committee examined the Agriculture and Other Legislation Amendment Bill 2015, which was tabled on 14 July by the minister, and the subsequent committee report was tabled on 2 October. It was agreed early that the bill was to make miscellaneous and non-controversial amendments to 10 acts administered within the portfolio's jurisdiction, those being the Agricultural and Veterinary Chemicals (Queensland) Act 1994; the Agricultural Chemicals Distribution Control Act 1966; the Animal Care and Protection Act 2001; the Animal Management (Cats and Dogs) Act 2008; the Biosecurity Act 2014; the Brands Act 1915; the Chemical Usage (Agricultural and Veterinary) Control Act 1988; the Forestry Act 1959; and the Stock Act 1915. The bill also seeks amendments to the Nature Conservation and Other Legislation Act (No. 2) 2013. The Office of Best Practice Regulation assessed the amendments in the bill as being machinery in nature or unlikely to have any adverse impacts and did not require the department to complete a regulatory impact assessment.

With reference to the amendments to the Agricultural and Veterinary Chemicals (Queensland) Act 1994, the bill seeks to clarify and validate the application of legislation made under the Commonwealth act as law in Queensland. It was unclear whether the Queensland act also applies to other legislative instruments made under the Commonwealth act as law in Queensland if they are not specifically prescribed. Amendments to the Agricultural Chemicals Distribution Control Act 1966 require changes to Queensland's licensing framework to accommodate Commonwealth licensing and rating arrangements for aircraft operations, and we reference the removal of impediments and enable the use of new technologies to aerially distribute agricultural chemicals.

The bill will also now allow for persons to apply for these licences where they intend to use manned or unmanned aircraft in the use of chemical distribution, something that is an increasing technology and business practice across Queensland. The issue of loss or damage to stock or crops as a result of chemical overspray was clarified, as alluded to by the shadow agriculture minister, and of course we thank the department for its engagement on many issues during discussions on the bill. Those who have contact with crop management know chemical overspray can be devastating, so we were content that the department would provide us with the obligation to investigate any use of chemicals in such incidents not in accordance with label instructions under the act and issues arising out of chemical overspray can be resolved in civil jurisdictions.

Amendments to the Animal Care and Protection Act 2001 will update the reference to the scientific use code and provide clarity that an entity who is authorised to administer restricted or controlled substances to kill an animal is not liable under the act. Changes to the scientific use code reflect a change in the name of the code that occurred recently, so the Animal Care and Protection Act refers to the change of name of the code that has occurred. There was also duplication for persons who approached the department to become prescribed entities to euthanise an animal in that it was very inefficient and a huge waste of government resources. We clearly acknowledged that and support the amendment. Entities mostly had already had authorisation under the Health Act to obtain and use these substances to euthanise animals but previously were subject to an offence under this legislation.

So the proposed amendment includes, under the categories of people exempted from the offence, those who have an authorisation under the Health Act 1937. Amendments to the Animal Management (Cats and Dogs) Act 2008 will assist suppliers of permanent identification devices for maintaining obligations on those implanting microchips in cats and dogs and, importantly, with the wild dog problem increasing, enable landowners to destroy dogs attacking or about to attack stock on their land. The amendments also protect the landowner from criminal liability or having to pay compensation for the dogs' destruction.

The Biosecurity Act is set to commence on 1 July 2016 and, as it needs to be proclaimed before that date, a number of deficiencies in the act are proposed to be addressed in this bill. Amendments to the very important Biosecurity Act will appropriately provide for restrictions on feeding animal matter to certain animals; clarify the appropriate instrument to authorise activities that are subject to biosecurity zone regulatory provisions; provide for the immediate suspension of the auditor's approval where there is a serious risk to trade in a particular commodity; and provide other minor amendments.

Currently, we have two feeding bans across Australia, including Queensland: the ruminant feed ban and the swill feed ban. These bans are in place to ensure that Australian meat and meat products continue to have strong access to domestic and international markets. These bans prohibit the feeding of any animal meal or fish meal to all ruminant animals to prevent the spread of the disease commonly known as mad cow disease. Australia is free of this disease, but we need a second line of defence should that disease enter this country. The swill feed ban operates in parallel with the ruminant feed ban. We need to protect our strict quarantine laws to prevent the introduction of some exotic diseases, such as foot-and-mouth disease. These viruses can be found in even small amounts of meat or dairy products. If those meat or dairy products are fed to pigs, poultry or ruminants, we could see the adverse situation of unwanted diseases being found in our country.

Both the ruminant feed ban and the swill feed ban are currently implemented under the Stock Act 1915. The Stock Act 1915 is to be repealed when the Biosecurity Act commences. Section 46 of the Biosecurity Act attempts to combine the acts, which is problematic because of the effects of the exceptions and whether the exceptions have been agreed to at a national level. So section 46 is proposed to be replaced in its entirety by clauses dealing separately with ruminants, pigs and poultry and provide more broadly for the exceptions to be dealt with by the chief executive. The proposed amendments in clause 48 of the bill will allow a biosecurity instrument permit that is not available to be applied for in circumstances where a biosecurity certificate is more appropriate to be issued to authorise activities that are subject to biosecurity zone regulatory provisions. These proposed amendments assist in obtaining a permit for an activity in movement control orders or biosecurity zones to manage a pest, disease or contaminant at no cost.

An amendment to the Exotic Diseases in Animals Act 1981 is proposed for a more timely notification of restricted area and standstill zones. The committee heard from the department that these amendments will ensure a more efficient and timely implementation of restricted areas and standstill zones to stop the spread of exotic diseases into or within an area. The amendment will provide that notifications for each of these areas can be made by the chief executive officer instead of the minister. This is a welcome amendment.

The amendments to the Forestry Act 1959 will provide that a person who damages or destroys a forest product in carrying out their biosecurity obligation or if directed under the Biosecurity Act will not be liable for certain offences under the Forestry Act. As I have alluded to previously, the Biosecurity Act is due to commence in July 2016. When the act commences, it is possible that a person might have to interfere or destroy a forest product in order to carry out their obligations. A good example for me and for other members of this House is if a person has to burn off in a forest area to eradicate prickly acacia. Currently, under sections 86 and 88 of the Forestry Act, that person would be held liable for damages to that forest in carrying out their obligations. These amendments will assist such a person in carrying out the important work of making sure that we deal with biosecurity issues.

Clause 98 of the bill amends the Stock Act to provide inspectors with greater flexibility to deal with stock disease incidents. It will allow disease incidents to be managed flexibly on a case-by-case basis without imposing an absolute quarantine over an entire area or over an entire category of stock.

Amendments to the Nature Conservation and Other Legislation Amendment Act (No. 2) 2013 will allow for the ongoing management and administration of forest reserves. We have spoken about these forest reserves in this place. It is very important to note that there was to be a deadline of 7 November 2015 to ensure the effective management of 38 remaining forest reserves. I welcome the government's commitment that we can maintain a maintenance structure as these reserves transition into new tenures.

Amendments to the Agricultural Chemicals Distribution Act, the Biosecurity Act, the Brands Act and the Chemical Usage (Agriculture and Veterinary) Control Act will change conditions for state employees where they are not covered by the provisions of the Public Service Act. The amendment will also retain cover for those persons who do not fit the definition of a 'state employee' under the Public Service Act, but such protection would be reasonable for a person acting under the direction of an inspector. I think that is an important move. Clause 16 amends the four acts that I have mentioned to make them consistent with the objectives of the amended Public Service Act 2013.

Clauses 16 and 73 of the bill contain amendments to the company director liability provisions. They will reduce the liability on executive officers of corporations where the corporation commits an offence under the act for some offences and reduce the range of offences for which liability applies. The significant difference is that the executive officer no longer must prove they took reasonable steps to avail themselves of a defence. Instead, the prosecution must prove they did not take reasonable steps. Clause 73 also provides that an executive officer is liable for certain other offences under the chemical usage act but only if they authorised or permitted the corporation's illegal conduct, or were knowingly involved.

The committee reviewed the fundamental legislative principles and reviewed clause 44, which replaces section 46 of the Biosecurity Act with four new provisions—sections 46, 46A, 46B and 46C—that relate to the feeding or supply of restricted animal materials. Clause 52 of the bill omits the requirement to give a show cause notice under section 484 if the chief executive officer amends approvals under section 454(3)(b). That is to ensure that audits are carried out and conducted appropriately. The committee considered these clauses and found that they were reasonable and gave sufficient regard to rights and liberties by allowing recourse to both internal and external review. I note the committee's response on the limitations on the power of the chief executive officer to suspend and the fact that an auditor's right to natural justice is not extinguished by the Biosecurity Act.

The committee considers that clause 53, which provides for the immediate suspension of relevant authorities in certain circumstances, is sufficiently constrained and is justified in the interests of the biosecurity issues confronting Queensland. Clause 10 amends the Agricultural Chemicals Distribution Control Act 1996 and enables conditions on a pilot chemical rating licence or an aerial distribution contractor licence.

In conclusion, I would like to thank the members of the committee for their deliberations. I would also like to acknowledge the committee secretariat and the departmental officers for their diligence in assisting the committee in its deliberations.