



Speech By  
**Hon. Mark Furner**


**MEMBER FOR FERNY GROVE**

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## **AGRICULTURE AND OTHER LEGISLATION AMENDMENT BILL**

### **Introduction**

 **Hon. ML FURNER** (Ferny Grove—ALP) (Minister for Agricultural Industry Development and Fisheries) (11.40 am): I present a bill for an act to amend the Animal Care and Protection Act 2001, the Animal Management (Cats and Dogs) Act 2008, the Biosecurity Act 2014, the Biosecurity Regulation 2016, the Chemical Usage (Agricultural and Veterinary) Control Act 1988, the Drugs Misuse Act 1986, the Exhibited Animals Act 2015, the Farm Business Debt Mediation Act 2017, the Fisheries Act 1994, the Food Production (Safety) Act 2000, the Forestry Act 1959, the Forestry Regulation 2015, the Nature Conservation Act 1992, the Racing Act 2002, the Rural and Regional Adjustment Act 1994, the State Penalties Enforcement Regulation 2014, the Summary Offences Act 2005, the Veterinary Surgeons Act 1936 and the legislation mentioned in schedule 1 for particular purposes. I table the bill and explanatory notes. I nominate the State Development, Natural Resources and Agricultural Industry Development Committee to consider the bill.

*Tabled paper:* Agriculture and Other Legislation Amendment Bill 2019 [1323](#).

*Tabled paper:* Agriculture and Other Legislation Amendment Bill 2019, explanatory notes [1324](#).

Today I have pleasure in introducing the Agriculture and Other Legislation Amendment Bill 2019. The bill is an omnibus bill that amends 17 acts and four regulations. Most of the amendments are directed at more effective protection for and regulation of agriculture, animal management and welfare, forestry and fisheries. In particular, this bill is a significant further step in addressing unacceptable behaviour that is affecting our agricultural and related industries, such as we have seen with recent animal activist protests in south-eastern Queensland.

Over the past 12 months some protests by animal activists have involved people invading farms and businesses, putting unfair pressure on law-abiding farm owners, managers and staff. In my travels around Queensland, I have witnessed the fear and anger that the actions of those protesters have created among those who live and work on the land in relatively isolated rural and regional communities. They worry about being far from help if they are faced with a large group of protesters. Quite often those protests have posed unnecessary welfare risks to animals. The protesters have also been putting human safety, biosecurity and food safety at risk and are affecting people's livelihoods by disrupting production.

The Palaszczuk government supports the rights of individuals to protest lawfully in Queensland. However, the distress caused to law-abiding primary producers by some types of protest actions and the risks to food safety, biosecurity and animal welfare are completely unacceptable. It is the community's expectation that protesters who use tactics such as unlawfully entering farming land with such disregard for the consequences will be met with a strong government response.

In April this year, a joint government and industry group, the Animal Industry Security Taskforce, was formed to focus on issues associated with the preservation of safety and public order, the avoidance of disruption to farm enterprises and the minimisation of biosecurity and food safety risks. I

thank the task force for their ongoing work. Also in April this year, amendments were made to the Biosecurity Regulation 2016 to more directly address the biosecurity risks associated with unauthorised entry into places where animals are kept and to provide for swift enforcement action in response to those risks. At that time the government signalled that it was considering further amendments, including act amendments, to address biosecurity risks.

The bill includes a package of amendments to the Summary Offences Act 2005, the Biosecurity Act 2014 and the Exhibited Animals Act 2015 that will address unacceptable behaviour that poses risks to agricultural and related industries. The amendments in the bill carefully balance the rights of those who wish to protest lawfully and the rights of those involved in relevant industries.

I point out to honourable members that only unacceptable behaviours that put our agricultural and related industries at risk will be affected by the amendments in this bill. The amendments do not target particular groups or particular views. They certainly do not prevent peaceful protests in appropriate places by animal activists or any other groups. They will apply to all Queenslanders, including non-protesters, whose behaviour puts agricultural and related industries at risk. Our farmers have a right to feel safe and protected from the risks posed to themselves, their properties and their livelihoods. Our community needs to be confident that human safety, animal welfare, biosecurity and food safety are not being compromised. This government is determined to protect our farmers, protect Queensland's biosecurity and protect our clean, green credentials with our global trading partners.

Under section 13 of the Summary Offences Act, it is an offence to unlawfully enter farmland. The bill will increase the maximum penalty for the offence from 10 penalty units or six months imprisonment to 20 penalty units or one year imprisonment. The bill also broadens the range of land uses covered by the offence to include more purposes related to agriculture, agricultural food production and animal keeping. For example, it will now include unlawfully entering a food production facility, a feedlot and a live export facility, as well as a showground for animals and a sporting ground used for animals. The bill also amends section 10A of the Summary Offences Act to make a gathering of three or more persons unlawful if the gathering is on land used for those purposes and the gathering poses a risk to the safety of any person or food, or a risk to animal welfare or biosecurity for the business carried out on the land.

In addition, the bill makes amendments to the Biosecurity Act to clarify that a person entering land has an obligation to minimise biosecurity risks. If they enter a place where production animals are kept and that is covered by a biosecurity management plan, an amendment to the Biosecurity Regulation will require them to meet their obligation to minimise risks by complying with the requirements in the plan. These amendments have the effect of increasing the maximum penalty for noncompliance with a biosecurity management plan from 20 penalty units to 500 penalty units or more. Currently, 500 penalty units equates to about \$66,500.

The bill also introduces a new offence into the Exhibited Animals Act for causing or increasing an animal welfare, biosecurity or public safety risk associated with an exhibited animal. If someone is interfering with the risk management of the person responsible for the exhibited animal, it will also be an offence if they do not comply with the responsible person's reasonable instructions to stop the interference. An inspector will be able to issue a direction to move from the place someone who is not complying.

Together, the amendments to the Summary Offences Act, the Biosecurity Act and the Exhibited Animals Act will help protect our farmers and other animal industries from unacceptable behaviour. The bill shows how seriously the Palaszczuk government takes any action that may pose risks to human safety, animal welfare, food safety and biosecurity for those businesses.

The bill includes many other measures to better protect our primary industries and promote animal welfare and biosecurity. For example, the bill enables the more responsive management of biosecurity risks, such as fire ants, by amending the Biosecurity Act to enable the chief executive to amend a biosecurity zone map. Biosecurity zones are established to manage, reduce or eradicate biosecurity matters such as pests or diseases that pose risks to agriculture, human health, social amenity, the economy or the environment.

Up until now, when the distribution of pests or diseases has changed, the boundaries of biosecurity zones, as reflected on maps published on my department's website, have had to be changed by an amendment regulation made by the Governor in Council. However, even a short delay in making appropriate changes could significantly exacerbate the serious risks posed by these pests and diseases.

The bill will enable the chief executive to make changes to the area of a biosecurity zone by publishing a new map, but only if there is new information or the chief executive is otherwise satisfied there has been a change in the distribution of the pest or disease. This will assist, for example, to ensure that the \$411 million eradication program to tackle fire ants is highly agile in response to changes in their distribution.

The bill promotes animal welfare by clarifying the existing offences which apply to dogs left in cars. Animals can quickly begin to suffer due to heat when confined without shade, air movement and access to cool drinking water, such as in a vehicle. Dogs can die in a hot car within minutes because they cool themselves by panting, which is ineffective if the air becomes hot. It takes only minutes for a car to become hot, even if the window is down. It is completely unacceptable that, despite significant publicity to raise awareness, a very significant proportion of animal welfare complaints are still about dogs left in hot cars. Last year the RSPCA reported it rescued 829 animals from vehicles.

At the 2017 state election the Palaszczuk government committed to the Animal Welfare Advisory Board considering further actions required to ensure the welfare of companion animals. In April 2019, the board recommended that a separate offence was not necessary to deal with people leaving dogs in cars. Consistent with this expert advice, the government will ignore the LNP opposition's proposals to establish a separate offence. Instead, after further consultation with the RSPCA, the bill clarifies that a person's duty of care to an animal includes confining or transporting it appropriately. The bill also clarifies that confining an animal in or on a vehicle in a way that causes the animal heat stress or pain is an animal cruelty offence. These amendments will further assist the RSPCA to raise awareness, and I have committed to providing them with additional assistance in their campaign.


The amendment to section 17 in the bill makes it clear that a person in charge of an animal may be guilty of breaching his or her duty of care to the animal, if he or she inappropriately confines or transports it. A person who confines or transports an animal in a vehicle in which it was unlikely to be able to regulate its body temperature, may be breaching his or her duty of care to the animal even if, for example, the animal was rescued before the animal actually suffered heat stress or other pain.

The bill will also make it easier to provide appropriate care for the welfare of abandoned animals by expanding inspectors' powers of entry to allow them to enter a property without a warrant if they reasonably suspect an animal is abandoned and have made appropriate attempts to find its owner. There are large numbers of abandoned animals reported to the RSPCA each year. This amendment will enable them to be seized and taken into care before they are at imminent risk of death or injury.

The bill provides for a trial of the use of body worn cameras by inspectors exercising functions under a range of acts in my portfolio. It is hoped they may reduce obstruction of officers' activities, assist them to gather evidence of offences, provide a record of verbal orders and directions and assist in investigating complaints. The bill ensures that information gathered, including by body worn cameras, will be appropriately handled by prohibiting the inappropriate use or disclosure of confidential information.

The bill includes a large number of other miscellaneous amendments to legislation in my portfolio. For example, it omits a problematic exemption to movement reporting for some goats, enhances feral pig control, clarifies arrangements for statutory bodies, committees and positions and extends access to farm debt mediation. For convenience, the bill also includes amendments to legislation outside my portfolio, including to the Racing Act 2002 to provide legal certainty about the responsibilities of the Queensland Racing Integrity Commission and to the Nature Conservation Act 1992 to address a recommendation made by the Queensland Audit Office about making decisions on the conservation status of a species within a specified period of time. I commend the bill to the House.

### **First Reading**

 **Hon. ML FURNER** (Ferry Grove—ALP) (Minister for Agricultural Industry Development and Fisheries) (11.54 am): I move—

That the bill be now read a first time.

Question put—That the bill be now read a first time.

Motion agreed to.

Bill read a first time.

### **Referral to State Development, Natural Resources and Agricultural Industry Development Committee**

**Mr DEPUTY SPEAKER** (Mr Whiting): Order! In accordance with standing order 131, the bill is now referred to the State Development, Natural Resources and Agricultural Industry Development Committee.