



Speech By  
**Hon. Mark Furner**


**MEMBER FOR FERNY GROVE**

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**AGRICULTURE AND OTHER LEGISLATION AMEMDMENT BILL**

**Second Reading**

 **Hon. ML FURNER** (Ferny Grove—ALP) (Minister for Agricultural Industry Development and Fisheries) (3.42 pm): I move—

That the bill be now read a second time.

I am pleased to speak to the Agriculture and Other Legislation Amendment Bill 2019 which I introduced into the Queensland parliament on 22 August last year. This omnibus bill amends 17 acts and four regulations. Most of the amendments address impediments to the efficient and effective regulation of agriculture, animal management and welfare, forestry and fisheries. It also includes some amendments 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 ensure a decision on the conservation status of a species is made within a specified time frame.

I put on record my thanks to the State Development, Natural Resources and Agricultural Industry Development Committee for its thorough consideration of the bill. The committee tabled its report on 8 October 2019 and made five recommendations, including that the bill be passed. Most of the written and verbal submissions to the parliamentary committee inquiry on the bill commented on the amendments to address unacceptable protest behaviour targeting our agricultural industries and other places where animals are used or exhibited.

Actions such as farm invasions have produced fear and anger in the relevant industries. This behaviour could also pose risks to human safety, animal welfare, biosecurity and food safety. I am therefore pleased to acknowledge the support of major animal industry stakeholders for the relevant amendments to the Summary Offences Act 2005, the Biosecurity Act 2014 and the Exhibited Animals Act 2015 in this bill.

AgForce, for example, in its written submission to the committee stated that greater deterrents are required through legislation to provide protection to primary producers and industrial and commercial business owners and operators from those who intentionally disrupt businesses in an intrusive manner. Similarly, in their submission to the committee, the Queensland Farmers' Federation acknowledged that legislation is the only way to enhance the potential to prosecute persons who trespass or inappropriately protest to better reflect community concern and the risks that these protest actions are causing. They also support the amendments to the Summary Offences Act, the Biosecurity Act and the Exhibited Animals Act.

I wish to acknowledge the support of AgForce and the Queensland Farmers' Federation, as well as Australian Pork Ltd, Egg Farmers of Australia and the Australian Livestock and Property Agents Association, for the government's proposal to protect our agricultural industries. I think these industry groups reflect the values and the views of the Queenslanders who see the need to provide additional protection for farmers. They recognise that farmers are often working in regional and remote locations

and may not have the resources to defend their own interests, especially when confronted with a large group of protesters. The community and our government value the work of our farmers, and it is in the community interest to protect them, including to provide food safety and security.

The measures in the bill demonstrate the high value that the government places on our agricultural and related industries. Not all businesses are provided this level of protection. In many cases, a business would not have to deal with things like nuisance and trespass as civil matters. This government recognises that farmers have a unique and special community value because they produce our food, protect its quality to ensure that it is safe and make a significant contribution to the regional and state economy. The bill is just the latest action by the Palaszczuk government to support Queensland's hardworking farmers deal with inappropriate protest action.

In April 2019 the government formed the Animal Industry Security Taskforce. This task force comprises senior operational policy officers from the Department of Agriculture and Fisheries, the Queensland Police Service and intensive livestock industry leaders. The task force has been established to identify and analyse all of the issues related to animal activism and farm trespass. It has been putting processes in place to de-escalate these tense situations and to maintain the safety of everyone involved.

Also in April 2019, this government took a legislative step to directly address the biosecurity risks caused by unauthorised entry to places where animals are kept by introducing the Biosecurity and Other Legislation Amendment Regulation 2019. This regulation introduced a new offence for not complying with a biosecurity management plan to prevent, control or stop the spread of biosecurity matter. It enables police and biosecurity inspectors to issue an on-the-spot fine to protesters who go onto a farm without complying with the farm's biosecurity plan. There have been fewer incidents in Queensland since this fine has been implemented. The new offence has no doubt contributed to the reduction in protest activity, as has the prosecution of trespassers for incidents that occurred earlier in the year, and the work of the task force is readying animal industries and the Palaszczuk government to better respond to incidents.

New South Wales has now copied the Queensland approach and made it an offence not to comply with a biosecurity plan. Unfortunately, experience overseas and interstate suggests that these protests will resume. It is clear that the existing penalties may be insufficient to deter some protesters. Also, there are some risks posed by protesters which are not covered by existing offences.

The Agriculture and Other Legislation Amendment Bill goes the next step in providing protection to farmers by addressing these deficiencies. Some submissions to the parliamentary committee on this issue focused on the right to protest and levels of penalties. For example, a number of submissions to the committee suggested that current laws and penalties are sufficient to address the risks associated with protest behaviour. This is not supported by the facts.

Protest incidents have increased in the past 12 months. Advice received from the Queensland police in August last year indicates that animal activist protest incidents have escalated from five reported incidents in 2017 and 15 reported incidents in 2018 to 47 reported incidents in 2019. These incidents include actual protests as well as intelligence reports sourced from the public and police. This increase demonstrates that existing legislation and penalties are insufficient to deter this activity.

To make this clearer, I now table an erratum to the explanatory notes for the bill which is explicit that a reason for increasing the penalty for unlawfully entering farming land is that the recent history of protests demonstrates that the existing penalty of 10 penalty units or six months imprisonment appears to have been insufficient to deter protesters.

*Tabled paper:* Agriculture and Other Legislation Amendment Bill 2019, explanatory notes: erratum [\[187\]](#).

The increased penalties also better reflect the fear and intimidation that may be experienced where persons unlawfully enter farming and other land, especially in large groups in regional and remote locations.

Some submissions seemed to suggest that risks were overstated and being used as an excuse to close down protests. Firstly, these laws are not designed to suppress the rights of people to lawfully protest. The Palaszczuk government upholds the right of persons to protest peacefully and within the law, and these laws will not prevent peaceful protests in appropriate places.

The offences under the Summary Offences Act, as expanded in this bill, including those amendments I will move concerning section 10A of that act, will only apply to behaviour that is already unlawful. These offences are not discriminatory as they will apply equally to all persons. Secondly, the risks posed by unacceptable behaviour are very real. People can spread serious animal diseases on their skin, footwear, vehicles and equipment if they do not maintain strict biosecurity measures.

Conduct such as allowing animals to mix or moving animals that are normally kept separate can also spread disease. Access to a broad range of domestic and international markets' favourable import conditions is critical to the competitiveness of Queensland agriculture but is dependent upon proof of freedom from diseases and pests.

The biosecurity harms caused by the unauthorised entry of a person carrying a disease onto a livestock production premises could be catastrophic to Queensland industry and regional communities. For example, foot-and-mouth disease is a serious, highly contagious viral disease affecting cloven-hoofed animals such as cattle, pigs, sheep and goats. Foot-and-mouth disease had a devastating impact on the United Kingdom in 2001, China in 2005, again in the United Kingdom in 2007, and Japan and Korea in 2011. A major 2013 study estimated that a large outbreak of foot-and-mouth disease could cost Australia more than \$52 billion in lost revenue over 10 years.

Another example is African swine fever which is an infectious viral disease of pigs which could spread via the entry of contaminated items, including people, into pig production facilities. The virus is harmless to humans but deadly to pigs. There have been recent outbreaks in Europe and Asia, and it has most recently been found on Australia's doorstep, with Timor-Leste being the 10th country to confirm it has the disease. Queensland is the second largest pork producer in Australia with approximately 22 per cent of the national herd. Economic impacts from an outbreak of African swine fever would be significant.

Incidents like those that occurred at Carey Bros at Yangan last year where a chemical was spilled in a food production area highlight the potential not only for increased biosecurity risks but also for food safety risks. Several of the recent incidents at livestock production facilities have had an adverse impact on animal welfare or food safety. Activist activities directed at animal exhibitors could also impact animal welfare or exacerbate public safety risks such as by release of exhibited animals that could injure or kill a person.

Several submissions raised concerns about the wording of clause 132 of the bill which amends section 10A of the Summary Offences Act. The amended unlawful assembly offence would make a gathering of three or more people on land used for certain purposes unlawful if the conduct of the gathered persons, taken together, would cause economic loss to a business conducted on the land or pose a risk to the safety of any person or food, or a risk to animal welfare or biosecurity.

To ensure the amendments are not broader than necessary in order to achieve their intent, I propose to move amendments to clause 132 of the bill during consideration in detail. They will ensure the offence does not extend beyond conduct which is already unlawful. They will also ensure the offence does not extend beyond conduct which actually disrupts a business or poses a risk to the safety of any person or food, or a risk to animal welfare or biosecurity.

Some submissions also excused the recent protests on the basis of concern for animal welfare. The Palaszczuk government is committed to ensuring the welfare of all animals in this state. We have a robust system for monitoring and ensuring the compliance of our animal welfare laws, laws that are some of the strongest in the country. The government's commitment to animal welfare is underscored by the amendments in this bill that will strengthen the powers of animal welfare inspectors to adequately deal with abandoned animals and clarify the application of offences when animals are left in hot vehicles.

Animals left in vehicles are a significant animal welfare issue. The RSPCA Queensland reports that animals being left in vehicles are a significant animal welfare issue and its hotline receives about 1,000 calls each year reporting these types of incidents. The RACQ has released data indicating that two pets per day on average are rescued from hot cars in Queensland and that it rescued 859 animals from boiling cars last year, with 260 of those in Brisbane. Animals can quickly begin to suffer due to heat when confined without shade, air movement and access to cool drinking water. Dogs can die in a hot car within minutes because they cool themselves by panting which is ineffective if the air becomes hot.

The bill amends the Animal Care and Protection Act to clarify that the offences of a breach of a duty of care to an animal and animal cruelty may apply to situations where animals are confined in vehicles. The amendments in the bill make 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 also amends the Animal Care and Protection Act to insert an example clarifying that a person may be guilty of animal cruelty if he or she confines an animal in or on a vehicle in a way that causes heat stress or other pain to the animal. The abandonment of animals is also a significant issue, with the RSPCA reporting that it investigates approximately 15,000 cases of cruelty, neglect and abandonment annually.

The bill amends the Animal Care and Protection Act to amend inspectors' powers of entry to enable them to enter premises to investigate and render assistance to abandoned animals, even when they are not at imminent risk of death or injury. This has led to situations where an animal has had to deteriorate to a stage where its welfare is significantly compromised. Up until now, an inspector could only enter premises without a warrant or consent to investigate abandonment if an animal was at imminent risk of death or injury. This has led to situations where an animal has had to deteriorate to a stage where its welfare is significantly compromised. The bill amends inspectors' powers to provide an additional basis to enter a premises without a warrant if an inspector reasonably suspects an animal has been abandoned irrespective of what condition it is in.

As I mentioned earlier, the parliamentary committee made five recommendations. I now table the government response to the committee report.

*Tabled paper:* State Development, Natural Resources and Agricultural Industry Development Committee: Report No. 37, 56th Parliament, October 2019—Agriculture and Other Legislation Amendment Bill 2019, government response [188].

In response to the committee's second recommendation that provisions that insert a new offence or provisions that amend an existing offence commence on a date fixed by proclamation, I will move an amendment during consideration in detail to ensure relevant provisions all commence on 1 March 2020. Recommendation 3 sought clarification of the intended operation of clause 132. I propose to move amendments during consideration in detail of the bill to clarify the operation of clause 132.

With regard to recommendation 4 concerning increasing the amount of public information available on animal welfare breaches, I want to stress that the Department of Agriculture and Fisheries is committed to transparent and open compliance systems. To that end, I advise that my department will work collaboratively with RSPCA Queensland to enhance the level of detail provided on animal welfare monitoring and enforcement in Queensland to support a better understanding within the community about animal welfare practices and standards. This will be undertaken through the department's annual report and the departmental website.

Recommendation 5 requests that the Queensland government work with the Australian government on the coordination of animal welfare policy. Through the Agriculture Ministers' Forum—Agmin—and the Agricultural Senior Officials' Committee—AGSOC—Queensland already ensures consistent implementation of animal welfare standards for animal production systems. Both Agmin and AGSOC are currently considering reform options for the national governance framework and implementation of standards for farm animal welfare to ensure continuous improvement. My department and I are committed to continuing to work within these committees to improve this national framework.

When the bill is considered in detail I also propose to seek leave of the House to move amendments to repeal the Queensland Agricultural Training Colleges Act 2005. On 5 December 2018 the government announced its decision that the Queensland Agricultural Training Colleges cease operating by the end of 2019. It made this decision based on the advice of the review of vocational training in Central West Queensland conducted by Professor Peter Coaldrake. This followed years of declining enrolments and mounting financial losses notwithstanding substantial government support. Previous governments closed colleges in Ayr and Dalby, but still financial losses mounted notwithstanding substantial government support. It is not surprising, therefore, that Emeritus Professor Peter Coaldrake concluded that the residential model of agricultural training delivery was outmoded and unsustainable in the modern training system, with no prospect of this changing. The Palaszczuk government was therefore prepared to take the hard decision to close QATC as a training entity and repurpose its very substantial facilities in Longreach and Emerald.

To assist the transition process, the government provided \$7 million to ensure students could complete their qualifications or studies at Queensland Agricultural Training Colleges or through a supported transition to other training providers to maximise employment opportunities, establish a project management office and work with local communities to determine the best future use of existing college facilities. Queensland Agricultural Training Colleges—or QATC, as it is often known—is a statutory body with its own act. The proposed amendments will repeal the Queensland Agricultural Training Colleges Act 2005 and cover necessary legislative transition issues such as what will happen to assets and liabilities. The repeal is just a necessary formality that reflects a decision that has been known for over a year. QATC has now ceased operations.

The repeal will not impact students. All QATC students have either completed their studies this year or been transferred to another training provider. Staff transition has also happened. An employee assistance program assisted staff with job searches. Some 28 staff are known to have found other jobs before QATC ceased operating on 6 December; 34 permanent staff accepted voluntary redundancy packages; and seven permanent staff are receiving priority placement in other government jobs. On repeal of the act, these staff transfer to the Department of Agriculture and Fisheries with all of the job security protections the Palaszczuk government has implemented. Ten former QATC staff have been

employed by the Department of Agriculture and Fisheries to provide caretaker services for the Longreach and Emerald facilities pending the commencement of new operations. The project management office has worked with industry to identify and find solutions for any training gaps that may result from QATC's closure.

I am proposing that the repeal and associated transitional arrangements be moved as amendments during consideration in detail of this bill so that it can be achieved by the end of February this year. This will enable the repurposing of facilities for the benefit of local communities. Local community stakeholder committees have been created in Longreach and Emerald. Through these committees the communities concerned have come to recognise the opportunities for improved education, training and community outcomes available from repurposing the QATC facilities.

An expression of interest process elicited more than 20 proposals for the future use of the facilities in each centre. The committees considered these proposals and developed short-lists of proposals they consider would best reinvigorate education and training and repurpose the Longreach and Emerald colleges. Interest has centred on a multi-user model in both locations to support the provision of vocational education, training and research in agriculture and other industries as well as other community uses and commercial uses to underpin sustainability for the future. Detailed feasibility studies are in preparation and negotiations with short-listed proponents and others are continuing. Details will be announced once these negotiations are finalised.

I would like to once again thank the committee for its report into this bill and its recommendation that the bill be passed. I encourage members to support this bill because it will provide added protection to our farmers from interference. It will protect the community from risks to human health, the welfare of animals, biosecurity and the safety of food produced for human or animal consumption. It will enable inspectors to more easily assist abandoned animals and clarify that leaving dogs in hot cars is an offence. It will facilitate the management of animal and plant pests and diseases by enabling more timely changes to be made to the boundary of a biosecurity zone. It will enable other interested parties to be allowed to participate in farm debt mediation. There are many other small but worthy ways in which this bill will benefit Queensland. The amendments I propose to repeal the Queensland Agricultural Colleges Act will also mean that the bill will enable the repurposing of assets to benefit local communities. I commend the Agriculture and Other Legislation Amendment Bill 2019 to the House.