




Speech By
Hon. Mark Furner

MEMBER FOR FERNY GROVE

Record of Proceedings, 6 February 2020

AGRICULTURE AND OTHER LEGISLATION AMENDMENT BILL

 **Hon. ML FURNER** (Ferny Grove—ALP) (Minister for Agricultural Industry Development and Fisheries) (4.50 pm), in reply: I am thankful for all the contributions made to the Agriculture and Other Legislation Amendment Bill 2019 debate. It is a very important omnibus bill. I would like to touch firstly on the amendments regarding Paradise Dam. Community safety is always this government's main priority. Sunwater acted after advice from a multitude of experts that recommended the immediate lowering of the Paradise Dam wall. Anyone living in that environment, anyone upstream or down the Burnett River, would have a complete understanding of the importance of their safety because of these amendments.

This is a government that will listen to expert advice. The government recognises the impact Sunwater's decision to lower the Paradise Dam wall will have on the local community. There is a fully independent inquiry headed by former Supreme Court judge Justice John Byrne. The technical reports into the dam are publicly available on Sunwater's website. Building Queensland is investigating future options for the dam and will report back this month. Safety is paramount and the works are required urgently. This government puts human life first and there are credible concerns. After 13 reports, I am advised that now is the time to act.

Most of the amendments I have tabled as part of the AOLA Bill address impediments to the efficient and effective regulation of agriculture, animal management and welfare, forestry and fisheries. Again, I wish to thank the State Development, Natural Resources and Agricultural Industry Development Committee for its thorough consideration of the bill. I thank the members of that committee for their contributions. The committee tabled its report on 8 October 2019 with five recommendations, including that the bill be passed. I trust that the recommendation of the committee that the bill be passed is also undertaken by the members in the House this afternoon. The certainty that the bill delivers will be welcomed by industry also.

I note the submissions to this important bill. The input from industry and members of the public is always welcomed and should always be encouraged. As a former chair of committees in this parliament and the parliament in Canberra, I know the importance of consultation and engaging with industry and community on important bills like this.

The most notable amendments of this bill, as has been ventilated, are to address unacceptable behaviour affecting agricultural and related industries, such as we have seen in recent animal activist protests in South-East Queensland. This has been a topic of concern from industry over the past year and is being addressed in this bill today. The amendments enhance the potential to prosecute persons who trespass or protest in other inappropriate ways for offences under criminal law, as well as biosecurity or exhibited animal offences.

Amendments to the Summary Offences Act 2005 increase the maximum penalty for unlawfully entering farming land and expand the land uses where the offence applies. They also make a gathering of three or more people on such land unlawful if it is likely to cause economic loss or poses a risk to the safety of any person or food or a risk to animal welfare or biosecurity. Clarification of the general

biosecurity obligation under the Biosecurity Act 2014 ensures that a person must minimise the biosecurity risk posed by his or her entry to such land, and related amendments increase the penalty for noncompliance with a biosecurity management plan.

Amendments to the Exhibited Animals Act 2015 require that a person not cause or increase a relevant risk and must comply with reasonable instructions from someone responsible for an exhibited animal to enable him or her to manage a relevant risk. They also allow an inspector to direct a non-compliant person to move from the place. These amendments carefully balance the rights of those who wish to protest and the rights of those involved in relevant industries. They do not target particular groups or particular views or prevent peaceful protests being held at appropriate places. They apply to all Queenslanders, including nonprotesters whose behaviour puts these industries at risk.

I note the issues as raised by the opposition regarding rangeland goats. This matter has had ongoing ventilation. I am advised that the Goat Industry Council were consulted on the national position. I am also advised that they continue to be consulted at a national level through the traceability joint task group. It is acknowledged that, unfortunately, AgForce and the Goat Industry Council of Australia were not originally consulted regarding the specific amendment in the bill. The Department of Agriculture and Fisheries has had consultation with the Goat Industry Council of Australia, AgForce, Western Meat Exporters and the Australian Meat Industry Council about the amendment. Consultation on this is continuing to ensure a workable system is implemented, and this amendment is not aimed at disadvantaging industry.

There has been some misunderstanding about the current arrangements for goat harvesting and a concern that movements of wild goats without a tag will no longer be possible if the bill is passed. That is simply not true. Biosecurity Queensland has already issued six new travel approvals so that when the act is amended the key goat depots will continue to move rangeland goats through the supply chain without having to tag for certain movement conditions. I am able to confirm with the opposition that ongoing discussion is happening to give certainty to the industry, while ensuring that the biosecurity of industry is protected, as goats are susceptible to a range of serious diseases, including foot-and-mouth disease, which also affects other livestock. This amendment is aimed at ensuring all of the sector is protected.

I want to refer to some of the other speeches during the debate. Again, I would like to express my thanks to the government members for their contributions throughout this debate. Omnibus bills, such as the Agriculture and Other Legislation Amendment Bill 2019, are often diverse in their scope but they are important to the sector in many ways. I want to thank the member for Bancroft, the chair of the committee, for his insights, contribution and guidance through the committee process, in particular on this bill. As chair of the agriculture committee, he has always been strongly involved in the interests and concerns of industry, and he has always been willing to visit egg farms or Spyglass in Northern Queensland, along with all other committee members, to experience the concerns of the industry.

The member for Mount Ommaney's contribution highlighted the strong community concern regarding cosmetic testing on animals. Her eloquent contribution spelt out the concerns out there in the community over this particular aspect of the bill. The amendment will remove the restriction on the use of an animal for a scientific purpose involving a cosmetic product or ingredient of a cosmetic product from section 92 of the Animal Care and Protection Act 2001. All other uses of an animal for a scientific purpose—for example, involving sunscreen products or medical research—will continue to be restricted under the Animal Care and Protection Act.

Animals will, however, still be protected from testing of cosmetic products and ingredients. A nationally consistent approach aimed at balancing and banning the use of animals in testing of cosmetic products and ingredients will be adopted. Legislation introduced by the Commonwealth government, the Industrial Chemicals Act 2019, will create a national ban on new animal test data being used to support the introduction of chemicals used exclusively as cosmetic ingredients. State and territory governments are then expected to work together to incorporate a testing ban on cosmetic products through changes to the Australian code for the care and the use of animals for scientific purposes. The scientific use code, a compulsory code of practice under the ACPA, promotes the ethical, humane and responsible care and use of animals used for scientific purposes.

The Industrial Chemicals Act and the amendments to section 92 of the ACPA will commence on 1 July 2020. The Industrial Chemicals Act 2019 will only allow for animal test data to be considered in limited circumstances such as for environmental hazards where there are no available alternative means for assessing the risk.

The Queensland government is committed to ensuring that all animals in Queensland have appropriate standards of welfare. There is strong public support to maintain a prohibition on cosmetic testing on animals. A national ban on cosmetic testing on animals will bring Australia into line with the European Union and other countries introducing a ban on animal test data of new cosmetic ingredients.

Queensland will continue to uphold its strong commitment to ensuring animal welfare by working with the Australian government to ensure the scientific use code will be amended to incorporate a cosmetic testing ban as proposed.

The member for Ipswich West has always been a strong advocate for agriculture, and his past performance and knowledge in this sector is well rewarded by his involvement in this House. I also thank the member for Greenslopes for his contribution. As a former chair of the agriculture committee, his interests, his ongoing support and also his knowledge has never wavered and should never be tested. I also note his specific interest in forestry.

I would like to address the concerns raised by the member for Gympie and his proposed amendments. The member for Gympie should have appreciated that when Queensland introduced the on-the-spot fines, it was done via regulation. It was done quickly with industry engagement through the AIST task force. The Palaszczuk government acted swiftly and spontaneously in making sure we had adequate regulations in place to curtail the activities of these animal activists. In fact, with New South Wales now duplicating the aim of our regulations, this demonstrates that Queensland is leading the way.

The fine will always be limited by regulation but—and I need to make this clear—there are higher penalties, significant penalties, in legislation and in this bill. Ultimately, it is the courts that will decide on that punishment. I still do not understand why those opposite do not understand the separation of powers. It seems to stem from the days of Bjelke-Petersen, and that lack of understanding still prevails today.

In terms of the member for Gympie's proposed amendments, I need to correct the member's understanding. The bill inserts an example in the cruelty offence to ensure that if an animal is left in a hot car and it causes the dog heat stress or pain, then the person could be prosecuted for animal cruelty. The bill also inserts an example in the duty of care offence, and it is this example that the member for Gympie proposes should be omitted. The member clearly does not realise that this would weaken the potential to prosecute someone who leaves a dog in a hot car. Our bill ensures that a person will be able to be prosecuted for a breach of this duty of care even if, for example, the animal was rescued before the animal actually suffered heat stress or pain. I know there are many in this chamber who like myself are strong dog lovers and realise the importance of the amendments to this bill to ensure our four-legged friends have protection at times like this.

The baiting amendment proposes very substantial increases to the penalties for breaching the prohibition on substances that are harmful or poisonous to an animal from 300 penalty units, or one year's imprisonment, to 2,000 penalty units, or three years imprisonment. The government is not prepared to support this amendment because it could have serious unintended consequences. I will give one example.

Say a person baiting wild dogs accidentally baits a domestic dog. Animal welfare is a priority for this government, but there are circumstances where this particular offence could apply to farmers who lay baits for feral dogs. This is because the only protection for someone using 1080 appropriately on their land to control wild dogs is section 42 of the Animal Care and Protection Act, which provides that it is an offence exemption if an act is done to control a feral animal or pest animal including, for example, by killing it if it is done in a way that causes as little pain as possible. A problem arises where the farmer's neighbour has not properly contained their dog and it strays onto the farmer's land, takes the bait and dies. The LNP should not be trying to find new ways to jail farmers. Therefore this amendment should not be supported by the House.

The member for Bundaberg's concerns have been mostly addressed by my previous comments. The member for Buderim seems surprised at the government's action regarding QATC. The release of a disclosed report, an announcement of the closure in 2018—it closed in 2019—and it now being finalised is considered by those opposite as us 'rushing in here today with no notice, outside the committee process, to introduce these amendments. This announcement has been well and truly flagged.

The member for Burdekin will probably never be happy with any penalty drafted, but I remind the member once again that it is the courts that will decide the actual penalty imposed. I note the member for Gregory tried to get the jump last night—but he could not jump—and could not table the LNP's own shutdown report into the QATC. Those opposite have had the report on the QATC for five years, but have not tabled it. It is all talk by the opposition on the QATC, but they have not tabled their report on the QATC's future.

In conclusion, I want to address some of the comments from the crossbenches, in particular the Katter's Australian Party. The member for Hill, quite rightly, pointed out the concerns about biosecurity in the northern parts of our state, up around the Tully area. He quite rightly pointed out that there are

three recognised cases of Panama TR4 disease in our banana industry, an industry worth close to \$600 million supporting 95 per cent of this country's bananas. That is why we need to make sure we have tough penalties and tough enforcement powers under the bill that we are debating this evening. In that way we can ensure that, in the example that the member for Hill provided, people entering those properties do not transmit Panama TR4 onto those properties that are currently free from it. I know the disease has its challenges, but it is important that we put safeguards around it.

I want to commend the Australian Banana Growers' Council for the work they have done over many years and their support of the Palaszczuk government in the containment of that particular disease. The department's containment practices and procedures are world renowned now. In fact, we are exporting that knowledge and that capability to the likes of Central America to make sure they have the same processes in place that apply here in Queensland.

Both the member for Hill and the member for Hinchinbrook touched on body worn cameras. It never ceases to amaze me that people would have any concern about body worn cameras. There are many former police officers sitting in this parliament, both on our side and on the opposition, who know for a fact that in their duties in the Queensland Police Service the evidence captured on their body worn cameras has led to the prosecution and conviction of those who were doing the wrong thing. Those who were out there committing criminal offences were able to be convicted as a result of body worn camera evidence.

That capability has also extended to other officers in the fisheries department. Since we increased the officers' ability to partake in engaging with illegal fishers, we know of the increase in prosecutions and convictions. We have seen major convictions. Courts have prosecuted those cases and charged those involved in those illegal activities. I will never take a backwards step in ensuring that enforcement officers have the appropriate tools to achieve successful prosecution of those doing the wrong thing, be it on the water or the land. In conclusion, I commend the bill to the House and seek its support.