




Speech By
Hon. Mark Furner

MEMBER FOR FERNY GROVE

Record of Proceedings, 16 November 2023

**AGRICULTURE AND FISHERIES AND OTHER LEGISLATION AMENDMENT
BILL**

Message from Governor

 **Hon. ML FURNER** (Ferny Grove—ALP) (Minister for Agricultural Industry Development and Fisheries and Minister for Rural Communities) (4.01 pm): I present a message from Her Excellency the Governor.

Madam DEPUTY SPEAKER (Ms Lui): The message from Her Excellency the Governor recommends the Agriculture and Fisheries and Other Legislation Amendment Bill. The contents of the message will be incorporated in the *Record of Proceedings*. I table the message for the information of members.

MESSAGE

AGRICULTURE AND FISHERIES AND OTHER LEGISLATION AMENDMENT BILL 2023

Constitution of Queensland 2001, section 68

I, DR JEANNETTE ROSITA YOUNG AC PSM, Governor, recommend to the Legislative Assembly a Bill intitled—


A Bill for an Act to amend 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 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 Forestry Act 1959, the Nature Conservation Act 1992, the Sugar Industry Act 1999, the Veterinary Surgeons Act 1936 and the legislation mentioned in schedule 1 for particular purposes

GOVERNOR

Date: 15 November 2023

Tabled paper: Message, dated 15 November 2023, from Her Excellency the Governor recommending the Agriculture and Fisheries and Other Legislation Amendment Bill 2023 [1908](#).

Introduction

 **Hon. ML FURNER** (Ferny Grove—ALP) (Minister for Agricultural Industry Development and Fisheries and Minister for Rural Communities) (4.01 pm): I present a bill for an act to amend 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 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 Forestry Act 1959, the Nature Conservation Act 1992, the Sugar Industry Act 1999, the Veterinary Surgeons Act 1936 and the legislation mentioned in schedule 1 for particular purposes. I table the bill, the explanatory notes and a

statement for compatibility with human rights. I nominate the State Development and Regional Industries Committee to consider the bill.

Tabled paper: Agriculture and Fisheries and Other Legislation Amendment Bill 2023 [1909](#).

Tabled paper: Agriculture and Fisheries and Other Legislation Amendment Bill 2023, explanatory notes [1910](#).

Tabled paper: Agriculture and Fisheries and Other Legislation Amendment Bill 2023, statement of compatibility with human rights [1911](#).

Today I have pleasure in introducing the Agriculture and Fisheries and Other Legislation Amendment Bill 2023. The bill is an omnibus bill that amends 14 acts and six regulations. Most of the amendments are directed at more effective protection for, and regulation of, agriculture, animal management and welfare, forestry, biosecurity and fisheries ensuring a safe and sustainable Queensland.

In particular, this bill will amend the Animal Management (Cats and Dogs) Act 2008 to strengthen dog laws in Queensland and address community concerns following the recent spate of serious dog attacks. These attacks have not been isolated to one area of Queensland, or to particular locations within the community, and highlight the need for action to be taken. Dogs are an important part of over a million Queensland families, and responsible dog ownership can have numerous benefits to both individuals and the community.

I know that there will be many in this place who, if they do not have a dog themselves, have constituents with very firm views on dogs within the community. In my seat of Ferny Grove—and I am sure it is the same in many other seats—I engage with a lot of those constituents. On many occasions, they bring their dogs to markets and to coffee catch-ups and talk about the effects of attacks on their own cute, fluffy animals as a result of irresponsible dog owners who allow their dogs to get out of control and sometimes attack these dogs.

This bill will have strong community interest, no doubt, and I am sure the committee will have very strong community engagement on this matter. The benefit with our system of government is, although the elements surrounding our proposed stronger dog laws have been through long consultation as well as public feedback, the committee process allows for that final round of community engagement on the draft laws for our state.

However, dog management presents an ongoing challenge for local government, our health system and communities. Across Queensland, more than 8,500 complaints about aggressive dogs and dog attacks are received annually by local governments, with approximately 2,500 dog attack victims requiring hospitalisation. Unfortunately, 81 per cent of those are children who are attacked, sometimes in their own homes. These statistics are harrowing, and that is why further action has been required. A lot of these attacks do not make the media, but any attack is an experience that can live with people for years and can cause mental as well as physical trauma.

That is why I established the Animal Management Taskforce to respond to community and local government concerns about serious dog attacks across Queensland. The Animal Management Taskforce is made up of mayors and councillors from across Queensland, the Local Government Association of Queensland, the RSPCA and senior Department of Agriculture and Fisheries officers. Assisting the Animal Management Taskforce is a Technical Working Group represented by officers from a range of urban, rural, regional and Aboriginal and Torres Strait Island communities and local governments, the Local Government Association of Queensland and the RSPCA.

The Technical Working Group was tasked with compiling evidence to support the priority areas and to make recommendations to the taskforce that provide an effective and efficient animal management framework. At this point I would like to thank the Local Government Association of Queensland as well as the involvement of individual councils for their involvement in the taskforce. The information provided by the councils to the taskforce highlighted a number of areas where there could be improvements to how they manage dogs within their communities.

The Local Government Association of Queensland and councils were active in their involvement, and there were areas of improvement that were identified that went for further public consideration. On 30 May 2023, I chaired a meeting of the Animal Management Taskforce to discuss the work undertaken to date, including the preparation of a discussion paper which would cover a suite of proposed measures to better deal with dangerous dogs in this state and promote community safety.

The amendments included in this bill are the culmination of reforms recommended by the taskforce as well as input from the community on our public 'Strong dog laws: safer communities' discussion paper, released on 25 June 2023. I said at the time, 'It is so important that we get this right to make sure any new laws meet community expectations.' The consultation was open for 60 days and allowed many Queenslanders to have their say. The discussion paper highlighted the strong views Queenslanders have when it comes to human safety as well as the safety of other dogs. This was

demonstrated by the feedback received during public consultation on the discussion paper confirming strong community support for all the prevention and enforcement strategies and activities included in this bill.

I would like to thank all those who provided submissions and responded to the discussion paper. Almost 4,000 people completed a survey or made a written submission. This included 14 written submissions from local governments, including the LGAQ; 11 submissions from animal welfare, veterinarian or dog associations; four from environmental and native wildlife organisations, as well as written submissions from the service industry, including Australia Post, as well as the Queensland Council for Civil Liberties.

On 13 July, the survey was amended to collect data on the dog ownership status of survey respondents. Of the respondents, 3.9 per cent did not provide their dog ownership status. Of the respondents who did provide their dog ownership status: 87.38 per cent own or have owned a dog not declared dangerous or menacing; 1.99 per cent own or have owned a dog declared dangerous or menacing; 4.07 per cent own or have owned both dogs not declared dangerous or menacing and declared dangerous or menacing; and 6.56 per cent have never owned a dog.

There was also a very broad geographical spread identified for consultation on this discussion paper: 54 per cent of respondents were from major Queensland cities such as Brisbane and areas around the Sunshine Coast and Gold Coast; a further 20 per cent were from inner regional Queensland locations, which include areas such as Bundaberg and Gympie; 20 per cent of respondents were from outer regional centres such as Townsville and Cairns; four per cent were from remote Queensland; and two per cent were from very remote Queensland.

Deputy Speaker, you would recall when we were governing from Cairns as a parliament earlier this year, I engaged with the governors and also the mayors from the Torres Straits and they referred to many occasions and issues they face in dealing with dogs in those communities, matters you would all too well be very familiar with.

About 90 per cent of survey respondents supported a community and educational campaign, 69 per cent supported the ban on the restricted dog breeds, 84 per cent supported a penalty review, 88 per cent supported a new effective control in public places offence, 81 per cent supported clarification of destruction orders, and 71 per cent supported streamlining external reviews. The bill implements all these proposals with only minor variations.

The bill emphasises the importance of people keeping their dogs under control when in public by introducing a new offence for not keeping a dog under effective control in a public place. This will complement existing offences where a person did not take reasonable steps to ensure their dog does not attack or cause fear, and for anyone encouraging a dog to attack or cause fear. The bill also includes significant increases in maximum penalties which will range from terms of imprisonment of up to three years where a person encourages a dog to attack and that results in death or grievous bodily harm to a person, down to fines where no wounding to person or animal has occurred.

The bill also increases the penalties for a range of other existing dog management offences in line with community expectations. Whilst legislation regulating dogs is not uniform around Australia, almost every state and territory has an offence related to dog attacks where the maximum penalty includes imprisonment. This bill brings Queensland into line with penalties in other jurisdictions, with recognition of the Queensland legal frameworks, and sends a strong message to irresponsible dog owners that the Queensland government is committed to safeguarding the community from dangerous dogs.

The bill also includes amendments to ban the five dog breeds classified as restricted in Queensland. These breeds, for example the American pit bull terrier, have all been associated with dog fighting. These breeds already cannot be imported into Australia and are only able to be kept in Queensland and most other states and territories under a permit. The dogs are already defined under section 63 of the act, and defines the dogs as those listed in the Commonwealth Customs (Prohibited Imports) Regulations 1956. These breeds are: Dogo Argentino, Fila Brasileiro, Japanese Tosa, American pit bull terrier or pit bull terrier and Perro de Presa Canario or Presa Canario. Very few Queenslanders own these dogs, with the restricted dog register held by my department identifying the youngest restricted dogs as 12 years old.

This bill will mean that these dogs will not be allowed in Queensland and no banned breed of dog will be present once currently permitted dogs die out. The existing dogs of these breeds will be grandfathered so that they will not need to be put down, but no new dogs of this breed will be allowed to replace them.

In addition, the bill will support local governments by increasing clarity around when an authorised person must or should make a destruction order for a dog, and limiting external appeals of QCAT decisions on destruction orders to questions of law. The amendments include a requirement that a destruction order must be made if a regulated dog or a prohibited dog seriously attacks a person or animal. Feedback from councils as part of the taskforce highlighted the need to ensure that dogs were dealt with quickly and from a humane perspective, and not left languishing until a decision was completed. It should also be made clear that, by the time a decision is appealed to QCAT, the facts of the matter will already have been reviewed twice.

To also assist local government, there will be provisions for penalty infringement notices, or PINs, that will allow councils flexibility for managing effective control requirements in public places, especially with dogs biting other animals. PINs give flexibility to councils to deal with matters quickly and provide a financial impost designed to deter poor behaviour and prevent conditions that can lead to people and animals being bitten.

I reflect on the time when I spent some time at the dog park with the member for Mansfield and the discussion paper had been recently released. There was overwhelming support from the constituents of the member for Mansfield for the Palaszczuk government acting on their behalf in appropriately bringing in these laws that the community is calling out for.

A legislative authority is also created for the chief executive to make guidelines about matters relating to compliance—for example, guidelines to help an authorised person to decide whether or not to make a destruction order.

The Palaszczuk government is committed to community safety, including better protections for the community from dangerous dogs. That is why the amendments included in this bill are part of a package of measures to promote responsible dog ownership which balances the numerous benefits of dog ownership and community safety. Today, as part of that package, I am announcing an additional \$5.304 million over five years to support more coordinated, consistent and effective government action in response to dog attacks. This funding will ensure that local government animal management officers are supported to implement the bill. It will also fund a team of specialised investigators within the Department of Agriculture and Fisheries and a dedicated prosecutor to address those incidents which could result in prosecution for more serious offences.

Funding of \$0.595 million over two years is also available for co-designed initiatives to promote safety and reduce the incidence of, and harm caused by, dog attacks in First Nations' communities. Funding of \$1.567 million is being provided for a community education and awareness campaign, delivered with stakeholders across a range of platforms. This campaign will promote dog safety directly into Queensland homes, particularly those with vulnerable young children. The community education received strong feedback as part of the discussion paper with 90 per cent supportive of the development and implementation of a community education and awareness raising campaign, while five per cent of respondents were not supportive. In total, \$7.574 million over five years will be available under the *Strong dog laws: safer communities* implementation package.

With so many households accommodating companion dogs as pets in Queensland, the government recognises the inherent value and importance of dog ownership. These measures continue to support responsible dog ownership; however, the government is acting decisively on rising community concerns about safety and is delivering these stronger laws with more severe penalties to deal with behaviours that cause menace or serious harm in our public places.

The bill also amends the Fisheries Act 1994 to introduce measures that will support continued access to commercial fishing within the Great Barrier Reef World Heritage Area and will meet wildlife trade operation conditions for trawl fisheries, while ensuring a sustainable future. Wildlife trade operation conditions are set by the Commonwealth government under the Environment Protection and Biodiversity Conservation Act 1999 and an approval of a wildlife trade operation is made through an instrument signed by the minister or delegate.

For Queensland, it is vitally important that the wildlife trade operation is maintained in fisheries, otherwise there would be potential for financial loss for our commercial fishers. In March 2022, representatives of the International Union for the Conservation of Nature and the United Nations' Educational, Scientific and Cultural Organization visited the Great Barrier Reef. On 28 November 2022, the report of their missions was released, which included a recommendation that the reef be ascribed on the list of World Heritage in danger. I encourage members of this place to read that report and the implications on the fisheries sector as part of the report.

My department has been instrumental in developing a response to the recommendations, some of which have already been publicly announced today, with further announcements of the report to follow. I make clear: there is no way to ignore the report, or to do nothing. Should the reef be listed as in danger, this would have major economic and reputational impacts on Queensland, including to the Queensland tourism industry and to commercial fishing in Queensland. There is an industry wrapped around the reef that is worth \$6.4 billion to the Queensland economy. It supports some 64,000 jobs.

Our government is committed to demonstrating to the international scientific environment community that Queensland takes the health of the Great Barrier Reef seriously. That is why this bill amends the Fisheries Act to introduce a legislative framework to support independent onboard monitoring on commercial fishing vessels in Queensland. Independent, onboard monitoring will allow data to be validated on bycatch. Any interactions with protected species will support continued access to commercial fishing within the Great Barrier Reef World Heritage area and meet Wildlife Trade Operation conditions for trawl fisheries, which may be implemented by the middle of 2024.

The amendments to support independent onboard monitoring include new chief executive powers to impose video monitoring of onboard observer conditions, and to approve monitoring equipment and appoint onboard observers. The amendment also provides for the installation of requirements for video monitoring equipment, including an express provision that recreational fishery activities are not to be recorded and an offence is introduced for interfering with monitoring equipment. To support the legislative framework, the bill includes a head of power to prescribe relevant matters for regulation, including specific authorities and boats to which video monitoring or onboard observers will apply requirements of how monitoring equipment is to be used, the period of use, along with information about the types of monitoring equipment use that must be kept.

These reforms will ensure the Great Barrier Reef remains an important and valuable resource for generations to come. Nearly every area of fisheries gets scrutinised by the committee, and that is to their credit. I know that at the estimates hearings there were detailed and insightful questions in regard to Queensland commercial fisheries. In this instance, I place firmly on the record that these provisions need to happen. Queensland is not an island when it comes to the legislative oversight of the fisheries sector. Queensland must act to preserve our commercial sector, as without action—as I previously mentioned—the Commonwealth’s powers related to world trade operation conditions have the ability to intervene.

I reference the previous environment minister, the Hon. Sussan Ley, who wrote to me in regards to revoking the inshore fin fisheries, but also revoking the blue swimmer crab fisheries and Queensland mud crab fisheries. Furthermore, there are expectations for buyers, consumers, as well as the broader international community, when it comes to fisheries interactions. There is genuine international interest to—and I quote from the report recommendation—‘develop and implement appropriate mandatory independent mechanisms for discard and bycatch monitoring, such as e-monitoring via vessel-based cameras, on all gillnet and trawl vessels within the property’.

There is also strong environmental non-government organisation interest in these provisions. I have no doubt that the committee will see submissions from them, as well as from their supporters, in the submission phase of this inquiry. In addition to the independent onboard monitoring reforms, the bill includes amendments to support the effective and efficient operation of the Fisheries Act more broadly. The bill will streamline the process for amending aquaculture improvements by the creation of a separate aquaculture authority to approve the ongoing operation and management aspects of aquaculture operations. The bill will enhance fisheries enforcement by simplifying and modernising seizure provisions.

The bill includes amendments to both the Fisheries Act and the Nature Conservation Act 1992. It replaces outdated references to First Nations people to support inclusive legislation that meets community expectations. These amendments will bring these acts into line with more contemporary legislation and will ensure our laws are truly reflective and encompass our First Nations people and reflects well on this place to show that we are listening to our First Nations voices.

This bill will ensure modern and responsible legislative frameworks by implementing legislative review recommendations for the Biosecurity Act 2014 and the Farm Business Debt Mediation Act 2017. Both these acts were relatively new pieces of legislation and included the requirement for a review within five years of their commencement. These reviews confirmed the acts are performing well, but identified some areas for operational improvement where regulatory burden can be introduced via minimum effective legislation.

The Biosecurity Act review made several recommendations for improving its operation, including: transferring the list of prohibited and restricted matter to the Biosecurity Regulation 2016; improving DAF’s ability to work collaboratively with local governments on biosecurity management; giving the chief

executive power to approve extending the maximum period during which an inspector may use emergency power; extending the maximum period of a biosecurity emergency order from 21 days to six weeks to support emergency responses; and allowing a BEO to require a person to maintain movement records.

In response to the Biosecurity Act review, the bill makes a number of amendments to the Biosecurity Act to implement review recommendations. The bill amends the Biosecurity Act to transfer the list of prohibited and restricted matter to schedule 1 and schedule 2 of the Biosecurity Act in the biosecurity regulation. It supports the effective and timely management of these lists. The bill improves emergency responsiveness under the Biosecurity Act by increasing the maximum length of time of a biosecurity emergency order may be in effect under the Biosecurity Act from 21 days up to 6 weeks. The bill gives the chief executive power to approve an extension of the maximum period an inspector can use their emergency powers from 96 hours up to seven days.

These provisions are required to ensure this state can equal deal with its biosecurity response. Since the act has been in place there has been a number of responses that Biosecurity Queensland has faced and, each time, they have done a great job. In terms of what that means when compared with other jurisdictions, the New South Wales Biosecurity Act 2015 contains the most comparable structure to Queensland and it allows their biosecurity emergency order equivalent to be in place for up to six months, with the ability to extend it for a further six months. For comparison, Victoria captures biosecurity emergencies under their broader Emergency Management Act 2013. An emergency management plan may be put in place and it is reviewable at least every three years. As the requirements for making an emergency management plan more onerous, urgent updates may be made to a plan. These can only be enforced for a period of three months.

There will be protections in place to ensure reasonable use of these powers, although the maximum penalty would increase from 21 days to six weeks, but in considering whether to invoke an emergency order the chief executive must ensure the duration of the order is as short as reasonably practicable. The maximum duration of an inspector's emergency power would increase from 96 hours to a maximum of seven days at the discretion of the chief executive. The chief executive must publish the reasons for extension on the department's website as soon as reasonably practicable. These safeguards are reasonable in balancing the requirement of the need to have a strong biosecurity framework in Queensland to protect our agricultural sector from threats of disease such as foot-and-mouth disease and lumpy skin disease, while at the same time not having due to powers that are too broad for the demand as required.

Ultimately, staff need the time to deal with the multiple requirements of our biosecurity response and these provisions assist in that. The bill supports collaboration with local governments by authorising local governments under the Biosecurity Act to deal with certain pests under that invasive biosecurity matter. This is limited to invasive plants and animals that have been listed under the local law and where the chief executive is satisfied the listed matter meets the relevant criteria. The bill introduces these changes along with other minor amendments that enable more responsive management of biosecurity risks by simplifying powers of entry in an emergency and clarifying who is responsible for destruction of a biosecurity threat.

The bill also introduces recommendations from the Farm Business Debt Mediation Act review done in the first half of 2022. These amendments include changing the title of an enforcement action notice to 'notice inviting a request for mediation'. This is intended to reduce the perceived emphasis on enforcement action and ensure the process does not come across as unnecessarily adversarial for those unfamiliar with it, particularly at a time when they are potentially under financial and emotional stress. The bill also establishes a requirement that the Farm Business Debt Mediation Act be reviewed every 10 years to ensure it continues to achieve its purposes. With the possibility of future drought impacts on farm viability, these provisions will assist our producers and should be a means to reduce stress at times when there is already enough stress.

The bill also includes miscellaneous amendments to better protect our primary industries, promote animal welfare and biosecurity, and address human rights. The bill will support the industrial cannabis industry in Queensland by clarifying that industrial cannabis seed may be supplied to a seed handler and improving information-sharing provisions with other agencies such as the Queensland Police Service under the Drugs Misuse Act 1986. The bill will improve animal welfare by ensuring businesses are appropriately responsible for the conduct of their employees and representatives in relation to animal welfare offences under the Animal Care and Protection Act 2001.

The bill amends the false and misleading information offence provision in the Sugar Industry Act 1999 and the forfeiture provision in the Chemical Usage (Agricultural and Veterinary) Control Act 1988 to align with human rights. These provisions have been identified in a review of the Human Rights Act and should not be seen as controversial.


The bill also amends the Veterinary Surgeons Act 1936 to include a specific power to require veterinary premises to produce relevant records to support the Veterinary Surgeons Board to more easily obtain records where a veterinarian no longer works at the practice.

This bill is important in delivering community expectations when it comes to dangerous dogs and ensuring our councils have the necessary powers to take the actions required to keep Queenslanders safe while also ensuring there is an understanding of the place dogs have in so many peoples' lives.

The fisheries provisions are necessary to ensure that our commercial sector meets the expectations of the global community as well as the oversight requirements from the Commonwealth when it comes to the Environment Protection and Biodiversity Conservation Act 1999 and related wildlife trade operation conditions. Without the provisions I have outlined, the sector will be constrained.

At this point I would like to thank my department for the extensive consultation that has occurred on this bill as well as all of the organisations and groups that have made submissions to the differing sections. Finally, I thank all Queenslanders who have been involved, whether through the informal consultations or the discussion papers that have led directly to the relevant provisions. The feedback has been appreciated and welcome and there is always that further engagement through the committee process. The committee has a detailed, interesting and necessary bill that will excite strong community engagement before it, and I wish it well in its consideration. I commend the bill to the House.

First Reading

 **Hon. ML FURNER** (Ferny Grove—ALP) (Minister for Agricultural Industry Development and Fisheries and Minister for Rural Communities) (4.32 pm): 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 and Regional Industries Committee

Mr DEPUTY SPEAKER (Mr Lister): In accordance with standing order 131, the bill is now referred to the State Development and Regional Industries Committee.

Portfolio Committee, Reporting Date

 **Hon. ML FURNER** (Ferny Grove—ALP) (Minister for Agricultural Industry Development and Fisheries and Minister for Rural Communities) (4.32 pm), by leave, without notice: I move—

That, under the provisions of standing order 136, the State Development and Regional Industries Committee report to the House on the Agriculture and Fisheries and Other Legislation Amendment Bill by Friday, 8 March 2024.

Question put—That the motion be agreed to.

Motion agreed to.