



Speech By  
**Hon. Mark Furner**


**MEMBER FOR FERNY GROVE**

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Record of Proceedings, 18 April 2024

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

**Second Reading**

 **Hon. ML FURNER** (Ferny Grove—ALP) (Minister for Agricultural Industry Development and Fisheries and Minister for Rural Communities) (3.39 pm): I move—

That the bill be now read a second time.

This important bill, which I introduced into the Queensland parliament on 16 November last year, reflects the government's commitment to community safety through strengthening dog laws and implements necessary changes to support the ongoing sustainability of fisheries resources in Queensland. To ensure the most efficient use of parliament's time, the bill also progresses suitable amendments to other legislation in my portfolio, including implementing supported recommendations from legislative reviews and minor or technical amendments.

The community has voiced concerns about dangerous dogs in Queensland, particularly in the wake of serious dog attacks, including the tragic death of a meter reader in late 2022. This government has listened and consulted on a suite of measures aimed at strengthening dog laws in Queensland to make our communities safer. The Agriculture and Fisheries and Other Legislation Amendment Bill 2023 would implement those measures.

The bill amends the Animal Management (Cats and Dogs) Act 2008 to: introduce a statewide requirement for an owner to keep their dog under effective control; increase the penalties for offences relating to dog attacks and the control of dogs, up to and including imprisonment for the most serious offences; mandate that a destruction order must be made in cases where a regulated dog seriously attacks a person or animal; introduce a power for the chief executive to make guidelines to assist authorised officers in performing their duties under the act; limit appeals of external reviews on destruction order decisions to only questions of law; and ban restricted breeds of dogs in Queensland.

The banning of restricted breeds of dog in Queensland under the bill has attracted significant attention. I want to be clear that breed is not the only thing that determines aggression in dogs. There are other factors that are significant including, as highlighted in some community submissions on the bill, the role that irresponsible dog owners play. However, the community has also made it clear that it does not want breeds of dog to be here in Queensland if they were bred for dog fighting or have been used for dog fighting. It makes them feel unsafe.

In its review of the sections of the bill that implement such a ban, the committee rightly concluded that the breed ban was appropriate and meets community expectations. The restricted breeds are limited to those already banned from import into Australia under the Commonwealth Customs (Prohibited Imports) Regulation 1956. It is also already an offence for a person to keep these breeds of

dog in Queensland without a permit. The government understands the important role dogs play in many Queensland families. That is why this bill also includes transitional provisions to recognise and support existing compliant owners of a restricted dog to continue to be issued permits for the life of their dog.

The bill will also ensure a uniform approach is taken to the effective control of dogs in Queensland. Under the animal management act, dogs may be regulated because of their breed or because a local government has declared them menacing or dangerous based on their behaviour. The person responsible for such a regulated dog is already required to keep the dog under effective control as a condition of the dog's permit. However, there is currently no statewide requirement for effective control of other dogs.

Some local government areas have adopted their own requirements for non-regulated dogs, but these can differ between local government areas and some local governments have not brought in requirements at all. This bill would introduce a uniform statewide requirement on the person responsible for a dog to always keep the dog under effective control when in a public place. The new requirement brings together the new and existing effective control requirements, ensuring that whenever a dog is in a public place in Queensland there is a clear expectation that the dog is effectively controlled.

This bill will also support local government officers in carrying out their duties under the animal management act. Currently, the act gives authorised persons, generally local government officers, the power to seize a dog that has attacked, threatened to attack or acted in a way that causes fear to a person or animal. Under certain circumstances, they can also destroy it. Generally, this is after giving the registered owner notice and the opportunity to seek a review of the decision. While the destruction of a dog is a 'last resort', it is important that the safety of the community be the primary concern where a dog cannot be effectively controlled. However, the act gives limited guidance to assist the authorised person in deciding when a destruction order should be made. The bill addresses this by introducing a new power for the chief executive to make guidelines to assist authorised persons in discharging their duties under the act to help them with decisions about when to make a destruction order. Guidelines will also help ensure greater consistency across local government areas in making these decisions, giving greater clarity to victims of dog attacks.

The government also recognises stronger action must be taken in cases where a person has failed to control their dog following a regulated dog declaration. A regulated dog declaration is a clear indicator to the person of the risk to the community their dog poses. To address this issue, the bill also requires an authorised person to make a destruction order where the dog is a regulated dog and the regulated dog seriously attacks either a person or an animal.

This government recognises the significant impact dog attacks have on victims, their families and the broader community. The bill will send a clear message to dog owners and others with responsibility for a dog that they must act appropriately to control their dogs and prevent attacks. This is why the bill includes new maximum penalties of up to three years imprisonment for offences related to dog attacks on people. The highest penalties will apply to attacks by regulated dogs—that is, dogs which have already been declared menacing or dangerous and restricted breed dogs.

For example, if a person encourages a regulated dog to attack and the attack causes the death of, or grievous bodily harm to, a person, the bill would provide a maximum penalty of 700 penalty units or three years imprisonment. Similarly, if a person fails to keep a regulated dog under effective control and the dog attacks causing the death of, or grievous bodily harm to, a person, the bill would provide a maximum penalty of 600 penalty units or two years imprisonment.

The community has also made clear their concerns about the role irresponsible owners and other repeat offenders play in contributing to dog attacks. That is why these new maximum penalties also apply in cases where the responsible person for the dog has been convicted of a serious dog offence in the preceding five years. A serious dog offence includes offences under the animal management act where a dog attacked causing bodily harm. This means people who are repeat offenders will face higher penalties regardless of whether it is the first time that a particular dog attacked someone. I note that the committee report showed support for the increased penalties, stating that they provide a sufficient deterrent, particularly for dog owners who are repeat offenders.

Acknowledging community concerns more broadly, the bill also increases the maximum penalty unit amount of other key offences under the animal management act related to compliance and control of a dog by owners, including: an increase from 75 to 150 penalty units for failure to comply with permit conditions when a proposed regulated dog notice is in force; an increase from 75 to 150 penalty units for failure to comply with permit conditions for a declared dangerous or menacing dog; and an increase from 75 to 150 penalty units for failure to comply with a compliance notice for a regulated dog. These increases better align Queensland with interstate jurisdictions, particularly New South Wales, and aim to send a clear message to dog owners about the need for safety and compliance.

Another key issue which has been raised by local governments and the community is the impact long appeal processes have, not only on local governments but also on the welfare of dogs held long term pending the outcomes of reviews and appeals. That is why I was pleased to read that the committee also supported measures that improve the timeliness of responses. I would like to thank the committee for their comment that community safety will be enhanced by our amendment limiting subsequent appeals to the Queensland Civil and Administrative Tribunal to questions of law only. This amendment ensures dog owners have the opportunity for an independent external review of the decision but cannot prolong the process further by applying to appeal, except where there may be an error of law.

This bill also makes necessary amendments to the Fisheries Act 1994 to amend our national and international commitments to support continued access to commercial fishing in the Great Barrier Reef World Heritage area, and maintain modern fisheries legislation which include: introducing a framework for independent onboard monitoring; enhancing the efficacy of and modernising provisions related to fisheries enforcement; and streamlining the process for amending aquaculture approvals by creating a separate approval for operational components to be processed under the Fisheries Act.

I would first like to address the introduction of a framework for independent onboard monitoring. There is currently no process in place for independently validating data on non-retained catch or protected species interactions in Queensland. The government has committed to addressing this by implementing a framework for independent onboard monitoring to support continued commercial access to the Great Barrier Reef World Heritage Area and Commonwealth wildlife trade operation approvals. Independent onboard monitoring is a process of using camera technology or observers on board commercial fishing vessels, and control systems and software to detect interactions with threatened, endangered or protected species, and other non-target catch during commercial fishing activities. The information or footage captured can then be compared with logbooks provided by fishers to independently validate the logbook data.

Legislating independent onboard monitoring is essential to supporting the ongoing sustainable management of fisheries resources in Queensland. It will: provide more accurate and reliable data for fisheries management; identify and quantify non-retained catch including protected species interactions; satisfy the conditions of wildlife trade operation approvals to maintain access to export markets; and strengthen the reputation of and confidence in Queensland's fisheries.

The amendments to the Fisheries Act to establish this framework include: power for the chief executive to impose monitoring conditions on authority holders; power for the chief executive to approve monitoring equipment to be used; prescribing installation requirements for video monitoring equipment; and creating an offence for interfering with monitoring equipment. The bill also includes heads of power to prescribe appropriate matters by regulation. These will include the specific authorities and boats to which monitoring will apply, requirements for how monitoring equipment is to be used and the period of use, and the types of information that must be kept.

This bill also makes important amendments to other legislation in my portfolio. The bill includes amendments that reflect the government's commitment to a strong and resilient biosecurity system, protecting Queensland agricultural industries, the economy and our way of life. In the past two years, the government has invested heavily in strengthening Queensland's ability to deal with biosecurity threats as they continue to increase. In 2022, we committed \$22 million over five years and almost \$2.5 million each year thereafter. In the 2023-24 budget, we committed an additional \$21.7 million over five years and \$2.8 million each year thereafter. That is a commitment of over \$40 million in additional funds over the next four to five years, with an additional \$5.3 million in ongoing annual support. This bill will support the funding commitment by ensuring we have the right legislative tools in place to respond effectively and efficiently in the face of a biosecurity incident.

The bill amends the Biosecurity Act 2014 to implement several changes recommended by the review of the Biosecurity Act that was undertaken five years after it commenced. The review confirmed that the legislation was working well, but made a number of recommendations to strengthen our biosecurity framework. Amendments in this bill which arose from the review include authorising local governments to deal with locally significant invasive plants and animals under the Biosecurity Act. This will make it more efficient for local governments to manage pests and weeds that have been listed under a local law, but which are not classified as invasive biosecurity matter statewide. For example, if a local government authorised officer enters a property to deal with the state declared annual ragweed, they do not have to re-enter to deal with a locally significant invasive plant such as Easter cassia.

The bill would also transfer the primary lists of prohibited matter and restricted matter from the Biosecurity Act into the Biosecurity Regulation 2016. As the lists of prohibited and restricted matter are currently located in the act, updating the lists generally requires an amendment to the Biosecurity Act. Moving the lists to the regulation would ensure the lists can be managed more responsively through the regulation amendment process.

The bill would allow the chief executive to approve extending the maximum period that an inspector may use emergency powers from 96 hours to seven days, and extending the maximum period of a biosecurity emergency order from 21 days to six weeks to better support emergency responses. This would increase the time available to assess a biosecurity risk under emergency powers and reduce the need to make consecutive emergency orders during extended incidents.

Looking to our counterparts in New South Wales who have been responding to the varroa mite outbreak since June 2022, the New South Wales government was required to utilise their biosecurity emergency orders over an extended period of time. Even with regular updates to their emergency orders, several orders still needed to be in place for periods in excess of 21 days. It is in cases like these that Queensland would have to make consecutive orders as a result of our current 21-day limit. This places an unnecessary administrative burden on the emergency response when, in many cases, regular updates to the emergency order would still be needed throughout the longer six-week period.

Currently, our government is responding to an incursion of the varroa mite that was detected in a sentinel hive at the Port of Brisbane. Due to the surveillance program in place at the port, we were able to detect the invasive pest early and issue a movement control order to limit the spread of the varroa mite and its carriers. The government is continuing work to understand the spread of the incursion and eradicate any further detections of the varroa mite.

This bill would also continue to build on the government's strong record in animal welfare. It amends the Animal Care and Protection Act 2001 to ensure businesses are appropriately responsible for the conduct of their employees or representatives in cases of animal welfare offences. The changes in this bill evidence the government's commitment to address any issues that arise and follow the raft of animal welfare legislation improvements made in 2022, which at that time saw 2,300 submissions during public consultation and 1,500 submissions to the then State Development and Regional Industries Committee.

The bill also supports the continued growth of the industrial cannabis industry in Queensland by amending the Drugs Misuse Act 1986. These changes include authorising the supply of industrial cannabis plants and seeds for testing related to the commercial production of industrial cannabis products. The amendments also establish a power to enter into information-sharing arrangements with entities including the Queensland Police Service to improve the sharing of industrial cannabis industry information under the act.

The bill implements recommendations of the Farm Business Debt Mediation Act review. The amendments to the Farm Business Debt Mediation Act 2017 would reduce the emphasis on 'enforcement' in the wording of notices issued under the act, placing greater emphasis on the mediation component, and also require that the act be reviewed every 10 years.

The bill also makes a number of amendments to support human rights and First Nations peoples in Queensland. The bill amends the Chemical Usage (Agricultural and Veterinary) Control Act 1988 and the Sugar Industry Act 1999, making minor amendments to better align provisions in those acts with human rights. The bill also amends the Nature Conservation Act 1992 and the Fisheries Act, updating outdated references to First Nations people. The bill also makes several minor and technical amendments that I will not detail here but have been considered by the committee.

This bill was referred to the State Development and Regional Industries Committee for consideration on 16 November 2023. On 13 February 2024, the bill was transferred to the Housing, Big Build and Manufacturing Committee following the establishment of that committee. I would like to thank the chair of the Housing, Big Build and Manufacturing Committee, the member for Bancroft, Mr Chris Whiting, for his consideration and deliberation. He always does a very thorough and fine job as committee chair.

The committee's inquiry into the bill included a call for public submissions, three public hearings and a private briefing. I take this opportunity to thank every committee member or organisation who provided submissions to the committee and those who took the time to appear before the committee to brief them on the various issues addressed in the bill. Your input is a valuable part of this process and it has resulted in improvements being identified, as demonstrated by the amendments I intend to move during consideration in detail. I want to thank my hardworking staff at the Department of Agriculture and Fisheries as well for their hard work and commitment in bringing this bill to the House. The committee

tabled a comprehensive report on the bill on 8 March 2024 which includes five recommendations. I table the government response to the committee report.

*Tabled paper:* Housing, Big Build and Manufacturing Committee: Report No. 2, 57th Parliament—Agriculture and Fisheries and Other Legislation Amendment Bill 2023, government response [629](#).

The first recommendation was that the bill be passed. I again thank the committee for its detailed consideration and support of the bill. Recommendation 2 proposed that the government develop guidelines on breed identification to assist local government officers. I advise the House that the government supports this recommendation and that it will work with the animal management taskforce to develop guidelines. Local government has the primary responsibility for the management of dogs in their local communities, including implementing the changes made by this bill, and our government intends to support them in that role.

Recommendation 3 suggests amendments to the new section 127A of the Animal Management (Cats and Dogs) Act in clause 67 of the bill to provide that if a non-regulated bill has seriously attacked a person as defined in the act, the authorised person must make a destruction order in relation to the dog. This amendment would compel local governments to destroy any dog if it attacked a person and caused bodily harm. If accepted, this would remove all discretion that is currently afforded to local governments in relation to dogs that have not previously been aggressive. It is proposed to instead insert and retain the option for a local government to regulate rather than destroy a dog that has not previously been aggressive. This ensures a more proportionate range of responses is available to local governments in circumstances such as where the dog has provoked and merely scratched a person. Local government officers would also be supported with guidelines to help them in determining when a destruction order should be made for non-regulated dogs. These guidelines will be developed with input from local governments and the Local Government Association of Queensland and will contain information such as the process of ensuring a destruction order; considerations for local government, for example, the severity of the incident and impact on the victim; and definitions of key terms.

Recommendation 4 calls for the government to consider introducing into regulation measures that safeguard the privacy of information collected through independent onboard monitoring, including the preparation and publication of an information privacy plan. I advise the House that the government is supportive of this recommendation. The government intends to adopt privacy-by-design principles when establishing independent onboard monitoring and will consider whether regulation measures can be used to safeguard the privacy of personal information. In addition, the Department of Agriculture and Fisheries will prepare a privacy impact assessment to ensure the privacy of fisheries is respected and protected.

Recommendation 5 is that the Department of Agriculture and Fisheries consider the time frames associated with aquaculture authorities, specifically whether a period of more than 12 months may be appropriate. I advise the House that the government supports this recommendation and under the Fisheries Act the approval of authorities, including their length, is a matter for the chief executive of the Department of Agriculture and Fisheries. However, I am advised that it is envisaged that the aquaculture authorities will be issued for a period of up to 30 years when undertaken in tidal waters or in perpetuity when agriculture is undertaken on land.

As I mentioned, there are several minor and non-controversial amendments that I propose to move during consideration in detail. The submission on the bill by the Animal Defenders Office to the committee raised the need for greater clarity regarding the references to 'attack' in the penalties for the new effective control offence provisions. The committee's report also commented on the potential need for clarification. While the committee did not make a specific recommendation on this, I have heard the concerns of both the committee and the submitter and I intend to move an amendment to clarify the references to attack in clause 25 of the bill. This amendment will not change the operation of the offences that were drafted and consulted on. The amendment will simply clarify that the references to the penalty provisions of the new offence control to 'the attack' of references to where a relevant person has failed to effectively control a dog and the dog has attacked a person.

Under the bill, the primary lists of prohibited matter and restricted matters would be moved from the Biosecurity Act to the regulation. I will move amendments that ensure the criteria of listing by regulation still allow all current listings as needed. Currently, new offences related to dangerous dogs under the Animal Management (Cats and Dogs) Act would commence on 1 May 2024. We are close to that date already. The intention of commencing these offence provisions on a stated date is to ensure the committee has sufficient notice of the new penalties following the assent of the bill. To that end, I will move an amendment to defer the commencement date to 31 July 2024 to allow sufficient time to properly disseminate public information about the new offences before they commence.

Finally, the bill replaces the definition of 'shark control apparatus' under the Fisheries Act with 'shark control equipment'. I will move a minor amendment to the definition of 'exclusion zone' to appropriately reflect this change.

This bill demonstrates the government's commitment to listening to the concerns of Queenslanders and making amendments and investments in response. Our government is promoting responsible dog ownership in Queensland. That is why we have proposed the amendments to this bill with a \$7.574 million package to fund that arrangement. This investment in community safety will support an education and awareness campaign; more coordinated, consistent and effective government action in response to dog attacks; and dog management initiatives in First Nations communities. I want to thank those discrete, local Indigenous community members we engaged with when we held parliament up in Cairns who came not only to me but also to the committee members and spoke about the issues that are in their communities. We recognise the challenges that are ahead of us, but also the challenges they face in their communities. The Miles government listens to our rural and First Nations communities and addresses the concerns that they face.

Our government is committed to sustainable fisheries management. That is why we have proposed amendments in this bill to strengthen and modernise the Fisheries Act. We understand the importance of fisheries—whether it be commercial fisheries, recreational fisheries, or people who enjoy the water and the act of catching fish. Our government is committed to biosecurity. That is why we have made record investments in biosecurity preparedness and have proposed amendments to the Biosecurity Act in this bill that will support effective responses to biosecurity threats. Every member in this House would be aware of our proximity to the north of this state and aware of the challenge that we face in dealing with pests and diseases as they get close to our borders.

This bill reflects the government's determination to make improvements where issues are identified right across my portfolio and beyond. It is my pleasure to commend this bill to the House.