




Speech By
Stephen Andrew

MEMBER FOR MIRANI

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AGRICULTURE AND FISHERIES AND OTHER LEGISLATION AMENDMENT BILL

 **Mr ANDREW** (Mirani—PHON) (5.17 pm): I would like to make a declaration of interest that I have been a professional fisherman and I hold a commercial fishing licence as a master fisherman and also a coxswain licence. I rise to speak on the Agriculture and Fisheries and Other Legislation Amendment Bill 2023. The bill is an omnibus bill that amends some 14 acts and six regulations. Given the time constraints in addressing all the bill's changes, I would like to restrict my comments to those changes that concern me the most.

I will start with the bill's amendments to the Biosecurity Act 2014, which removes the requirement for authorised officers to obtain an occupant's consent before entering a premises. Under the bill's changes, officers will now simply notify the occupants that they intend entering their premises. The rationale provided in the EN is that seeking consent before entering a premise can be confusing if consent is not given and therefore authorised officers should be able to enter anyway. That is a pretty nonsensical line of reasoning. As QLS pointed out in their submission, wouldn't it be better for officers to simply take the time to provide occupants with better information on the reason for their request to gain entry? Why is the go-to always this heavy-handed, rights-stripping approach when it comes to the Queensland government?

On a similar note, clause 126 of the bill's amendments to the Drugs Misuse Act 1986 permits information sharing for law enforcement and regulatory efficiency purposes. These arrangements must have appropriate privacy and other safeguards and not be so broad that the information can be misused or disclosed in a way not contemplated by this bill.

Turning to the bill's changes to the Fisheries Act, I will start with clause 140, which I think needs to be removed from the bill. Clause 140 will insert a new section 61A into the act which purports to address the problem of marine animal death and injury and to make sure protected species, in particular, are not adversely affected. The clause invests enormous power in the minister for imposing new conditions on authorities, which could even prevent the use of that authority, without its holder having any right to respond or object. The statement of compatibility claims that this is justified, saying that it is 'essential to ensuring that behaviour is modified and there are appropriate consequences for failing to do so'.

Again, it is a very weak justification for something that may breach the principle of proportionality and a number of human rights. Investing such broad executive powers in the hands of the minister is unnecessary and, I believe, dangerous. The section's goals could have easily been achieved using existing governance structures within the fisheries regime. The section needs to be removed and the issue it addresses dealt with through non-statutory management plans or arrangements.

Clause 173 amends the Fisheries Act to require authority holders to install approved camera monitoring equipment on their boats in order to monitor or record all commercial fishing activities. The footage must then be supplied to the department within a stipulated time frame for an independent

validation of its date. The imposition of this big-brother solution on commercial fishing is extremely concerning. Many of the justifications for doing so provided in the bill's documentation are unconvincing, to say the least.

I think it is also pertinent to say that the situation with the fishermen at the moment is that they are losing any traction that they had in society. They are not able to meet their commitments. The mental health of fishermen is deteriorating rapidly. I have heard from people up in the northern areas that some are committing suicide in order to pay out their houses and meet their commitments because they have no future in the industry. That is concerning. I hope the government is taking some sort of measures to make sure this does not go on. It has to stop. We cannot kill our people like that.

There are also arguments that could very easily be adapted over time to justify the imposition of similar laws across a wide range of businesses. This is hardly a leap, given most of these framework bills being passed in Queensland come up with inbuilt mechanisms for mission creep. As one of the European fishing bodies told the EU parliament—

Will policy-makers agree to install CCTV systems in their own offices to ensure that taxpayers' money is well spent and to guard against corruption?

We believe the answer is no.

Why then fishers ... who actually hold an excellent record of compliance? We cannot help but feel persecuted and criminalised by a system that constantly applies a presumption of guilt based on mistrust towards the sector.

If surveillance cameras are deemed necessary to prevent overfishing, why would they not be used to prevent political corruption? That is something to think about.

The Queensland wild harvest fishing industry is possibly the most massively overregulated and over-surveilled industry in the state. Vessels are monitored by an array of satellites, planes and drones that constantly track their positions and activities. Now they are being enforced to install on their vessels onboard cameras recording where they fish and haul in catches. I remember the old days when we started fishing. We were told, 'These log books will never be used against you.' Yeah, right! These video monitoring systems include sensors and lasers that detect all onboard motion, triggering the cameras. Over the longer term, those systems are capable of building up an extensive record of fisheries data on every vessel in the state's commercial fishing fleet. Camera surveillance is an extremely offensive intervention that is completely out of proportion to the problems being addressed. It is unnecessary and violates the privacy of fishermen.

For some fishermen, their boat is their second home. Moreover, clause 173 will seriously impinge on the property rights of fishers in a manner that the act does not permit. It will do so by converting fishers' key commercial knowledge—their intellectual property—into the hands of unknown third parties. Where are the safeguards in the bill to ensure data will be securely transmitted to maintain confidentiality and to prevent third-party interception? There is no acknowledgement of this in the explanatory notes or of the fact that fishers' secret spots, also known as marks—we always have our marks—are their most valuable assets. We look after those marks. We do not go and fish them until they are absolutely exhausted; we plan it over certain times of the year. We might go to those places only two or three times in a year. For some fishers, that knowledge may have been inherited from their father. Mine was given to me by my old skipper. He told me, 'Never share them with anyone.' To this day, I never have. As one fishermen put it—

These marks tell a fisherman the spots where fish are likely to be—down to within a few feet. They also show me where the obstacles are: as a trawler I need to know where rocks are to avoid them, to stop them ripping my nets. If I was blue cod potting I would want to find rock where the fish live. Because I have these marks, I am able to fish in more dangerous inshore waters with many obstacles, which another fisherman without my local knowledge would not be able to do. It is my one real competitive advantage. I will even lie to my own brother about these things when I am fishing—even though we tell each other all our personal secrets back on land.

Neither the explanatory notes nor the statement of compatibility have anything to say about the potential threat to copyright and intellectual property. There are no comments regarding confidentiality, nor is there any mechanism through which the government would investigate a data breach by the third-party operator of the surveillance system.

All of this demonstrates why a comprehensive regulatory impact assessment was an absolute requirement for this particular amendment. The excuse provided for not doing one was nonsensical. The Office of Best Practice Regulation needs to better explain its reasons and provide evidence for those reasons. There is absolutely no social licence for the changes this bill makes to the Fisheries Act and very little meaningful consultation has occurred. This is a trend I am seeing with a lot of things—no RIS, no consultation, go back to the dams, go back to some of the stuff we have going on with renewable energy up in my patch—

Mr FURNER: Madam Deputy Speaker, I rise to a point of order. I have been pretty tolerant in regards to the member's contribution, but there is no reference to RIS in the bill before the House. I draw your attention to the relevance of the contribution of this member.

Madam DEPUTY SPEAKER (Ms Bush): Member for Mirani, it is starting to stray a little from the long title. I bring you back to the bill.

Mr ANDREW: QSIA said—

Most of the amendments proposed in the bill have had no consultation with the commercial fishing industry. Where consultation has occurred, it has been very limited and not canvassed alternative solutions to those specified in the proposed legislation.

All of that is why I do not support the bill.