




Speech By
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MEMBER FOR GYMPIE

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AGRICULTURE AND FISHERIES AND OTHER LEGISLATION AMENDMENT BILL

 **Mr PERRETT** (Gympie—LNP) (4.08 pm): I rise to speak on the Agriculture and Fisheries and Other Legislation Amendment Bill. I declare that, in accordance with my register of interest, I am a primary producer and have a registered biosecurity entity. The main purpose of this bill is to deal with dangerous dogs. It has been years in the making. Despite all the self-congratulations, the minister has been slow to tackle the issue. It took four dog attacks in one week last April and media pressure on the former premier to get the minister to adequately respond. It was 16 months after promising a taskforce in December 2021, then another nine months before it even met. The minister's diary indicates that only two meetings of the animal management cats and dogs taskforce were held in April and May last year after the Premier had to intervene. It is another year later and we are now debating the bill.

As well as changes involving dangerous dogs, the bill makes fishing industry changes including independent onboard monitoring, or IOM, enforcement provisions and processes related to aquaculture. It also makes changes to biosecurity measures regarding significant invasive plants and animals, duration of emergency powers, movement control orders, emergency orders, powers of entry and notices regarding biosecurity entities. While the LNP generally supports the policy intent of the bill, we have concerns about breed-specific bans on certain dogs and the rollout of IOM and its impact on commercial fishers.

The committee made three recommendations regarding dogs including that DAF develop guidelines on breed identification of dogs, destruction orders and safeguarding private information. Dealing with attacks by non-regulated dogs on private property is complicated. The LNP is concerned with committee recommendation 3 about destruction orders regarding a non-regulated dog. Of course we support destruction if a serious attack occurs in a public place. However, the department needs to further investigate serious attacks on private property before acting on this recommendation. Consideration should be given to whether the dog's behavioural instincts have been provoked or it is seeking to protect the residents of a property.

The bill introduces a statewide ban on restricted dog breeds. There are significant concerns about whether this is achievable by the legitimate identification of prescribed breeds and whether this will be open to legal challenge. Focusing on the breed and not the behaviour is flawed because you cannot accurately determine some of the prescribed breeds. Furthermore, the RSPCA submission said this approach targets dogs and dog owners that have no known history of menacing or dangerous behaviour, discriminating against them based on breed or appearance. Many councils and the LGAQ support this measure saying it will remove ambiguity, achieve consistency and provide clarity to council and dog owners about restrictions. Industry stakeholders, the RSPCA, veterinarians, Dogs Queensland, Animal Care Australia and dog professionals warn that this approach may not achieve the anticipated outcome.

The identification of prescribed breeds is vague and open to challenge because identification is unreliable. Breed identification can only be done by pedigree, appearance or DNA. Australia already bans importing certain breeds. The RSPCA advises that four of the five breeds cited are not even found in Queensland and the fifth, the pit bull, is not even a breed-specific dog. Pit bulls have a notorious reputation for being dangerous, yet pit bulls are not even a recognised breed. The term is a descriptive label given to dogs that loosely share some physical features. A pedigree certificate only helps to rule a dog is not a pit bull but is another breed.

The appearance method of identification is also flawed. The RSPCA said several studies showed that dog professionals, including veterinarians, cannot accurately identify the predominant features of different dogs. DNA analysis is also not possible. The former science leader of the Queensland University's animal genetics laboratory, Dr Vankan, said—

DNA-based breed identification is not reliable and could not be used as evidence in a court of law. ... Accuracy claims by commercial companies are untested by scientific scrutiny and published comparisons ... demonstrate a wide variability in test results ... DNA-based breed identification cannot be considered a valid tool for forensic or legislative enforcement purposes.

The representative from a leading genetic testing organisation, Orivet Genetic Pet Care, said—

The main issue with breed ID tests is that they are predictive and designed to answer questions around mixed breed, rescue or pound dogs that simply do not work to clarify whether a dog is pure or 100 per cent.

If the identification methods are unreliable, it would be difficult to enforce or defend against challenges. After more than a decade of breed-specific bans in Victoria, enforcement declarations about pit bulls are scarce. Since 2011, 74 per cent of appeals against declarations by council officers were successfully overturned. Any dog of any size, breed or mix of breeds can be dangerous. Management strategies for dangerous dogs should focus on the behaviour of the individual dog. The government must be open to amending and reviewing this legislation because the uncertainty caused by focusing on breeds and not behaviour means it could be vulnerable to successful legal challenge.

The bill also makes several amendments regarding the fishing industry. The committee has made two recommendations concerning the IOM system and time frames in the aquaculture industry. Across the board, the government inherently avoids conducting meaningful consultation. Once again, commercial fishers raise concerns about lip-service and the absence of meaningful consultation and alternative solutions. Commercial fishers are concerned that the proposed management regime does not need legislation; prevents a nuanced approach to issues; the chief executive's new powers are an overreach; and the precedent of government mandated solutions threatens their privacy, copyright and intellectual property rights.

The committee was advised there was effectively no consultation with the broader commercial fishing industry about the IOM and that DAF's claims of consultation are misleading. Consultation on the Sustainable Fisheries Strategy, specifically around independent data validation on the east coast otter trawl fleet, does not apply to the changes in this bill. To use those consultations as evidence is deceptive and it goes against previous commitments. QSIA executive officer David Bobbermen told the committee—

Yes, there was consultation around the sustainable fishing strategy, but very little consultation has occurred particularly in relation to the gillnet NX licence, independent onboard monitoring and broadly around the otter trawl.

In 2022 DAF assured commercial fishers they would be involved in the rollout of IOM from day one. David Bobbermen advised the committee that a field trial of the rollout for the gillnet industry never occurred. He said—

That has not happened in the gillnet fishery. The gillnet fishery, because of the pledges given by the federal minister and state ministers to UNESCO to mandate independent onboard monitoring on gillnet boats, have been told, 'Suck it up, princess. You either have it or you don't go fishing.'

Fishing does not occur in a bubble. The QSIA raised concerns that the one-size-fits-all approach is not feasible because of the geographical overlap with fishing operations, type of fishing apparatus and the experience and knowledge of individuals.

A new section 61 in the bill gives the chief executive new and increased powers. The QSIA is concerned the powers are too draconian and have taken no consideration of the regular experience of fishers. David Bobbermen told the committee—

Every fisherman ... has an interaction with threatened and endangered species at some time ... but an interaction as defined is all interactions. ... an interaction could be a migratory bird landing on the wheelhouse of a trawler or a bird resting on a cork on a gillnet. We believe that that power is too draconian ...

...

If you go up into the tropics, crocodiles are there everywhere. ... If you have two crocodile interactions, the chief executive has the power to close down your business.

Commercial fishers feel the government deliberately portrays their industry practice as untenable, unsound and indefensible. They feel they are being demonised and this legislation threatens their privacy, copyright and intellectual property rights. They have little faith that the footage from installed CCTV cameras will not be accessed and used against them. Footage becomes part of government data. It could be open to searches and then misused. David Bobbermen told the committee that footage of dead dugongs on Queensland beaches was used during the campaign to close gillnet fishing. Some of those pictures were 20 years old and others were not even from Australia.

The committee's recommendation No. 4 advocated for regulations to safeguard privacy of information from the IOM. To have such a recommendation from the Labor dominated committee is a damning indictment on the government's treatment of privacy. It proved the government introduced legislation without full consideration of privacy issues. Isn't there a smart enough mind to realise this measure impacts privacy and commercial confidentiality?

The member for Bundaberg ludicrously compared the IOM to the use of CCTV cameras in electorate offices. That is nonsense. Security cameras are not monitoring cameras. I do not know what happens in the Bundaberg office, but cameras in electorate offices face outwards. They deal with issues the state is losing control of. They are not there to monitor what is going on in the workplace.

The Queensland Law Society made several recommendations regarding its concerns about privacy and commercial confidentiality. It recommended that cameras not include audiovisual surveillance, that video footage is limited to departmental personnel validating data and associated prosecutions and that access to footage for other purposes such as personal injury claims is restricted. It recommended legislation only mandate vessel location and times for operation as is reasonably necessary to enable landing, sorting and discarding of catches as part of the vessel's commercial fishing activities to be independently validated.

Other Queensland Law Society recommendations include giving vessel owners and operators an as-of-right ability to access copies of footage taken on their vessels; to mandate delivery to or destruction of footage after a reasonable period has elapsed; mandating that personal information collected, held, used and disclosed by the department via this surveillance must accord with a published privacy plan; and, because individual video footage may be commercially valuable to competitors, to restrict access from right-to-information and freedom-of-information obligations. The government must get this right. There is too much mistrust because it frequency gets it wrong. Trust has been eroded and the sector is suspicious because its experience is that this government says one thing and does another.

The submission from the Australian Prawn Farmers Association is further proof of the caution stakeholders have with this government. The bill creates a new aquaculture authority to authorise the ongoing operation and management of aquaculture operations which generally relate to fisheries management and biosecurity. APFA submitted that—

... it strongly recommends that these processes come with procedural fairness, reasonable time frames for assessment, reasonable costs structures and rights of review and appeal.

It continued—

... this must be delivered in a practical and sustainable way which also protects and grows food production and Queensland's food security, as well as the flow on of ongoing investment in regional jobs and local communities.

The commercial fishing industry is under extreme stress from new government restrictions and changes and the government's refusal to consider the practical and daily impacts of changes. The government has form. The minister is fond of avoiding impact assessment statements. That makes sense if you do not want to know the impact of changes on fishermen, their families, their workers and their industries and communities which rely on them. How can you assess measures if do not know the true extent and implications of any changes? The QSIA submission stated—

Government needs to consider the implications of the proposed amendments ... and how it impacts the daily operations of the industry. Government at all levels and all departments must work collaboratively with industry to ensure that any unintended consequences ... are worked through ...

The legislation also makes changes to the Biosecurity Act about issues such as significant invasive plants and animals, duration of emergency powers, movement control orders and biosecurity emergency orders, powers of entry and notices regarding biosecurity entities. Managing biosecurity issues should always be at the forefront of the minister's attention. Already landowners and primary producers must meet strict biosecurity obligations. They are being made vulnerable to risks introduced by utility companies, third parties, animal activists and now from the surge in renewable projects across regional and rural areas. AgForce's submission said it was deeply important—

... to ensure compulsory compliance by third parties with farm biosecurity plans. Remoteness is no longer a protection for farmland, which is being increasingly accessed by renewable energy and other companies that are not compelled to take

reasonable biosecurity measures required by primary producers as business owners, livestock and crop producers and as custodians of biodiversity ...

It called for additional amendments to enable enforcement of farm biosecurity plans to strengthen land access rules. AgForce further stated—

Key concerns relate to electricity infrastructure/supply companies ... and even the State itself when accessing reserves, State Parks and other kinds of Crown land.

The people in charge of such third-party entities have little legal incentive to enforce compliance with farm biosecurity plans, as there are limited avenues for a landholder to take action when an employee or contractor of a third party does not adhere to a farm biosecurity plan.

Primary producers resent being a neighbour of the state government. The state is a poor land manager, often leaving it a fire hazard and overrun with invasive pests and weeds. Submissions also raised concerns about threats from fire ants by defence personnel on defence land at Amberley, feral pigs infesting native title land and the loss of our northern most biosecurity checkpoint because of native title claims. In her submission, former senior policy advisor of biosecurity at AgForce Marie Vitelli said—

DAF's Chief Veterinary Officer Dr Allison Crook has not responded to previous questions about the scope of authorised biosecurity officers to access defence land or native title land, which was raised at the National Feral Pig Conference in Cairns in June 2023.

A lack of clarity about guidelines and gaps in biosecurity zones seriously undermines eradication and control efforts. Both Mrs Vitelli and AgForce said it was essential there were clear unequivocal guidelines and that DAF's authorised officers must be able to check, inspect and impose movement orders over every land measure within biosecurity zones. AgForce's submission called for national parks to be required to undertake control of all listed species, including fire ants, similar to the requirements that are expected of their private neighbours. Currently national parks only treat fire ants directly and do not put down preventative buffers.

Last year Minister Furner closed the Cape York biosecurity centre at Coen. It was one of the first northern physical barriers to incoming threats. The closure has made us vulnerable. AgForce CEO Michael Guerin said that the consequences of the closure could be catastrophic and made no sense. He said—

It is simply madness to close the facility ... Without a solid movement control checkpoint in Cape York ... the country has lost the ability to prevent a pest or disease from spreading.

AgForce advised the committee it is—

... yet to receive convincing assurance that this gap in border surveillance and ability for vehicle standstill and checkpoint is being adequately addressed.

Marie Vitelli said—

Any priority prohibited biosecurity matter entering Queensland from northern shores will require cooperation and assistance from native title entities spanning Cape York and northern Queensland.

Last year the minister boasted that we were winning the war on fire ants. It was hollow. For years the minister has paid lip-service to biosecurity. Biosecurity has been underfunded and understaffed on the government's watch. Responses about biosecurity are dismissive, indifferent and full of spin. Numbers are twisted to confuse and conflate. The minister is habitually slow to act. Biosecurity is a serious issue, not just a media or a political issue. It should not be an afterthought.

While I support the majority of measures in this bill, I urge the minister to further consider breed-specific bans on certain dogs, destruction orders, issues around the rollout of IOM and the time frame for aquaculture changes. Before I conclude, we made an inquiry to the minister's office with respect to the amendments. I thank it for the clarity of the new provisions within the amendments that relate to dog attacks on not only persons but also animals and how that relates to off-leash dog parks, which I understand are public areas, and how that interacts. That clarity was welcomed and I ask the minister in his reply speech to this debate to clarify that to the House to ensure that there is no ambiguity, particularly around those off-leash dog areas. With those few words, I do not oppose the bill.