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State Development, Natural Resources & Agricultural Industry Development Committee
Parliament House
George Street
BRISBANE QLD 4000

By Post & by Email: SDNRAIDC@parliament.qld.gov.au

Dear Committee

Re: Agriculture & Other Legislation Amendment Bill 2019

AgForce Queensland Farmers (AgForce) is the peak rural group representing beef, sheep & wool and grain producers in Queensland. The broadacre beef, sheep and grains industries in Queensland generated around \$6.2 billion in gross farm-gate value of production in 2017-18. AgForce exists to facilitate the long-term growth, viability, competitiveness and profitability of these industries. The producers who support AgForce provide high-quality food and fibre to Australian and overseas consumers, manage around 40% of the Queensland agricultural landscape and contribute significantly to the social fabric of rural and remote communities.

Thank you for the opportunity to provide comment on this Bill.

We would like to note that the limited timeframes set by Parliament for public submissions to this Bill have constrained our member consultation and submission preparation processes.

AgForce therefore, refers to only six (6) of these Legislative Acts and one (1) Regulation that is proposed to be amended, that are of particular interest to AgForce Membership and primary producers of Queensland as a whole.

Due to the limited time provided to review the proposed amendments to the various Acts, it is possible that there are unintended consequences or other potential issues which we may not have identified.

If you have any questions, please don't hesitate to contact Livestock Policy Officer Michael Allpass on (07) 3236 3100 or allpassm@agforceqld.org.au.

Yours faithfully

Mike Guerin
Chief Executive Officer

Submission on Agriculture and Other Legislation Amendment Bill 2019
September 2019

Introduction

AgForce would like to thank the Parliamentary Committee for the opportunity to make a submission to the Agriculture & Other Legislation Amendment Bill 2019.

In summary, the Bill looks to address a number of impediments to create effective regulation of agriculture, animal management and welfare, forestry and fisheries; proposing amendments to seventeen (17) existing Legislative Acts and four (4) Regulations.

AgForce’s submission focuses on proposed amendments to six (6) of these Legislative Acts and one (1) Regulation, as identified in Table 1 below, aiming to provide constructive feedback to the Committee to ensure appropriate consideration to their implementation.

Table 1: Proposed Amendments of Specific Interest to AgForce

Section of the Bill	Existing Queensland Legislation or Regulation Affected by the Bill Amendments Proposed	Clauses
Part 4	<i>Biosecurity Act 2014</i>	28 – 43
Part 5	<i>Biosecurity Regulation 2016</i>	44 – 66
Part 6	<i>Chemical Usage (Agriculture and Veterinary) Control Act 1988</i>	67 – 73
Part 9	<i>Farm Business Debt Mediation Act 2017</i>	84 – 93
Part 12	<i>Forestry Act 1959</i>	111 – 118
Part 14	<i>Nature Conservation Act 1992</i>	121 – 122
Part 18	<i>Summary Offences Act 2005</i>	131 – 133

Comments on Amendments to Individual Legislative Acts

Biosecurity Act 2014

AgForce supports most of the proposed amendments to the *Biosecurity Act 2014*, with the exception of **Clauses 33 and 38**.

AgForce also provides further suggested amendments to the *Biosecurity Act 2014* in Table 2.

Clause 31

Amends Chapter 6:

- Proposes to insert Part 3A, with inclusion of s130A, s130B and s130C.

Comments

AgForce supports the proposed changes to enable updates of biosecurity zone maps by the Chief Executive, to enable efficient, rapid delimitation of the specified biosecurity matter.

Clause 33

Amends Chapter 7, Part 3, Division 2, Section 180:

- Proposes to delete s180 (c), thereby removing the existing exemption on the need for an approved device for tracking movement of rangeland (wild) goats.

Comments

AgForce opposes the intention of the Bill regarding **Clause 33**.

AgForce suggests that wide consultation of affected stakeholders has been non-existent and strongly recommends that the Committee disregard the proposed removal of s180 (c) from the *Biosecurity Act 2014*.

The Explanatory Notes state that *“The Safemeat Partnership which ensures hygiene and safety standards of red meat and livestock products includes the Goat Industry Council of Australia. The Safemeat Partnership supports the proposed amendments relating to goats”*.

AgForce has not been consulted on this proposed amendment.

Furthermore, advice from both Goat Industry Council of Australia (GICA) and Australian Meat Industry Council (AMIC), AMIC also being a member of Safemeat Partners, notes that whilst the matter was raised as recently as Safemeat Partners’ June 26, 2019 Meeting, minutes from this Meeting record the opposition to the removal of tagging exemptions.

The issue of rangeland goat exemptions has been discussed by Safemeat Partners numerous times previously, where GICA and AMIC have consistently and strongly rejected any proposal to remove tag exemptions stating a) rangeland goats pose minimal risk to exotic disease; b) a minimal residue risk and c) tag-free movements minimise stress for animal welfare purposes, thereby minimising stress for enhanced food safety and product integrity purposes.

In February 2016, GICA, with support from AMIC, developed the NLIS Industry Standards for Operating a Goat Depot and User Manual¹ (Standard Operating Procedures). The User Manual sets out the criteria and registration requirements for a goat depot to operate NLIS tag free. Subsequently, in 2017, the National Vendor Declaration (Goats) and Waybill² was updated to include registered goat depots and tag free movement options.

These Standing Operating Procedures were accepted by the Queensland State Government, AgForce and Queensland’s goat industry.

These enhancements to rangeland goat traceability demonstrate industry’s commitment to ensure strong biosecurity; which were accepted by all state jurisdictions and formally documented within the *NLIS Sheep & Goat National Business Rules*, as follows:

“Rangeland (feral) goats consigned directly or via a depot to an abattoir for slaughter do not need to be tagged. If retained in the depot for the purposes of farming, the goats must be tagged with a depot transaction tag within 10 days (Clause 2.5.2 NLIS Sheep and Goat Business Rules).”

Note: the NLIS Sheep & Goats National Business Rules are currently being converted to NLIS Sheep & Goat Standards.

The Bill’s proposed amendments are in complete contradiction to previously agreed and accepted national practices.

The Explanatory Notes also comment (p5) *“ ... audits in Queensland and other jurisdictions indicate the current exemptions are being misused. Some meat processing facilities are dealing with untagged goats originating from places other than properties which sourced them from the wild. These movements present an increased biosecurity risk and compromise traceability”*.

AgForce is unaware of any such audits and upon advice from Western Meat Exporters, Queensland’s largest goat meat processing facility based in Charleville which processes approximately 95% of

¹ <https://www.goatindustrycouncil.com.au/wp-content/uploads/2019/06/goat-depots-final-270517.pdf>

² https://www.mla.com.au/globalassets/mla-corporate/meat-safety-and-traceability/documents/livestock-production-assurance/sample-nvds/goats-nvd-17_sample.pdf

Queensland’s rangeland goats, no issues relating to untagged goats originating from other places are evident. Furthermore, Western Exporters Managing Director, Mr Campbell McPhee, states that they have never been notified of any breaches regarding the ‘direct to meat works’ exemption and that the existing 10-day tag exemption system for ‘depots’ works very well. This demonstrates any issues occur with a very small percentage of processed goats.

Similarly, neither AMIC nor GICA are aware of any evidence where rangeland goat movements were being processed without adequate control or where misuse of the current exemptions is taking place. Further supporting evidence and justification of the need for the proposed amendment is clearly required.

GICA’s current policy, which is supported by AMIC, states:

“GICA supports that harvested rangeland goats (also referred to as feral or rangeland goats) are allowed to move without an NLIS tag from the property of capture directly to an abattoir for slaughter, OR via one registered goat depot (where they are allowed to be held tag free for up to 10 days) and then moved directly to an abattoir for slaughter.”

Clause 38

Amends Chapter 18:

- Proposes to re-write s493(4) ‘Confidentiality of Information’.

Comments

AgForce opposes the intention of the Bill regarding **Clause 38**.

The Bill proposes to change the definition of ‘*confidential information*’ to include information that could identify an individual. Confidential information is not to be disclosed by the chief executive or authorised persons to other entities, unless it is granted by the individual.

At times, identity of an individual or individual property is required by neighbouring or supply chain entities that may be affected by the biosecurity matter or outbreak. For example, when managing an outbreak of a notifiable biosecurity matter, such as Anthrax in cattle, neighbouring properties need to be advised so they can rapidly take precautionary action.

Other Considerations to the *Biosecurity Act 2014*

In addition to the amendments proposed by the Bill regarding the *Biosecurity Act 2014*, AgForce suggests consideration of further additional amendments as noted in Table 2 below.

Table 2: Additional Beneficial Amendments that should be considered by the Committee.

Section No	Act Contents	Recommended Changes
Chap 6, part 3, Sect. 128 (1) (a)	A regulation may include provisions that establish the whole or part of the state as a biosecurity zone for stated biosecurity matter	There is no provision for extending biosecurity zones into adjoining states, watercourses or water bodies, whereby regulated biosecurity matter spreads beyond Queensland’s borders, or vice versa. What trigger mechanism is required to initiate contiguous biosecurity zones in adjoining states, especially during an eradication campaign? For example, if white spot in prawns or if red imported fire ants spread to New South Wales, or if Russian wheat aphid spreads north into Queensland.

Dictionary	<p>There is no definition of 'biosecurity waste' in the Dictionary Schedule of the <i>Waste Reduction and Recycling Act 2011</i> or in Dictionary Schedule 4 of the <i>Biosecurity Act 2014</i>.</p>	<p>The Queensland Government has introduced a waste levy on 33 local government areas. Users of waste disposal sites may be charged up to \$75/tonne unless the waste falls into one of the several exemption categories.</p> <p><i>There is a need to define 'biosecurity waste'.</i></p> <p>Advice from the Office of Resource Recovery, Department of Environment and Science on 16 July 2019 stated:</p> <p><i>"Under section 28 of the Waste Reduction and Recycling Act 2011, application can be made for exemption from the waste disposal levy for biosecurity waste. Only the chief executive of the department responsible for administration of the Biosecurity Act 2014 (Qld) can apply for an application for approval of waste as exempt waste – biosecurity waste".</i></p> <p>The Australian Government <i>Biosecurity Act 2015</i> defines 'biosecurity waste' as waste subject to biosecurity or quarantine control such as waste from food, humans, animals or plants.</p> <p>The Queensland <i>Biosecurity Act 2014</i> defines biosecurity 'matter', but not biosecurity 'waste'.</p> <p>Does biosecurity 'waste' come from all or some biosecurity 'matter' or other material?</p> <p>The <i>Biosecurity Act 2014</i> defines Biosecurity matter within Part 4, Div 2, s15, as:</p> <p>(a) a living thing, other than a human or part of a human; or</p> <p>(b) a pathogenic agent that can cause disease in (i) a living thing, other than a human; or (ii) a human, by the transmission of the pathogenic agent from an animal to the human; or</p> <p>(c) a disease; or</p> <p>(d) a contaminant</p>
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Biosecurity Regulation 2016

Clause 49

Amends Chapter 5:

- Proposes to add Part 13 regarding biosecurity management plan provisions.

Comments

AgForce supports the proposed changes, being a positive step towards alerting visitors and 'Issues Motivated Groups' (Activists) of potential biosecurity risk.

The national red meat industry requires Farm Biosecurity Plans under the national Livestock Production Assurance system.

<https://www.mla.com.au/meat-safety-and-traceability/red-meat-integrity-system/about-the-livestock-production-assurance-program/seven-lpa-requirements/biosecurity/>

Similarly, Animal Health Australia is providing updated guidelines to red meat producers on how to amend existing Biosecurity Plans and farm signage to align with the prescribed wording in the *Biosecurity Regulation 2016* requirements.

<https://www.animalhealthaustralia.com.au/what-we-do/biosecurity-services/>

Chemical Usage (Agriculture and Veterinary) Control Act 1988

Clause 68

Amends Part 2, Division 4:

- Proposes to add section 13F regarding 'Definition of a relevant thing'.

AgForce seeks clarification from the Parliamentary Committee that the proposed insertion of Section 13F should actually be inserted into Section 15.

Comments

AgForce does not support extra onerous reporting on producers in Great Barrier Reef catchments by inserting s13F by only applying this reporting requirement on relevant things to producers in Great Barrier Reef catchments.

Section 13 of the Act pertains to Great Barrier Reef measures.

The reporting of chemical residues exceeding maximum residue limits applies to all food and trade species across all of Queensland and all the relevant agricultural industries.

'Relevant thing' pertains to all of Queensland and is already defined in Section 15(3) of the existing Act.

AgForce recommends the definition noted in s15(3) should consider including:

(e) soil conditioners and organic mulches applied to agricultural areas.

Including (e) within this section considers the risk that agricultural produce and animals produced from areas treated with soil conditioners or organic mulches may have been introduced to chemicals, hormones and heavy metal contaminants that do not break down easily.

Clause 69

Amends Part 2, Division 4:

- Proposes to replace sections 15 and 15A

Comments

AgForce supports the proposed changes, but wishes to emphasise the need for the State Government's testing laboratories to follow national residue survey procedures when undertaking residue testing.

AgForce recommends including within s15 (6):

- (i) Name of accredited residue testing laboratory conducting the test.

Farm Business Debt Mediation Act 2017

AgForce notes and supports the proposed amendments to the *Farm Business Debt Mediation Act 2017* to address some practical issues that have arisen since the Act commenced and to correct some drafting errors.

Forestry Act 1959

AgForce notes and supports, with clarification, the proposed amendments to the *Forestry Act 1959* to address some practical issues that have arisen since the Act commenced.

Clause 114

Amends Part 8, s72 (Wild stock) regarding procedures to remove livestock.

Comments

AgForce agrees with the intent to streamline the communications approach ie, not going through public notification, but direct to neighbours of the areas instead.

Following discussions with our northern members who have utilised the Cape York mustering process, it is recommended that the proposed five (5) Business Days' notice of the actual date of a muster, be extended to ten (10). This provides neighbouring landholders additional time to prepare for a muster of State-owned lands. As many property-owners work across several properties and run complex businesses, this additional time will ensure they are aware of the muster and where possible, have the opportunity to participate in the muster.

Having had no discussion of this Bill with the Department prior to introduction, AgForce seeks to clarify the proposed disposal of stock guidelines under this Bill.

AgForce interprets that this Bill currently proposes to provide owners of stock that are potentially seized, with notification only via the original intention to muster notice, which can be provided 14 days in advance. If a general muster results in livestock being seized, then a 14-day notice from the date of the original muster notice does little to assist a neighbour in understanding what stock (if any) were mustered. Similarly, the proposed notice period gives little consideration to the busy weekly and daily work practices of many landholders where much of their property and livestock husbandry needs are planned months in advance.

AgForce recommends at least a 14-day notice period to claim the stock from the date of the actual muster, with such information published on the Department's website.

AgForce supports the timeframes and process in the *Operational Policy: Removal and disposal of stock on Queensland Parks and Wildlife Service Protected Areas (Nature Conservation Act 1992)* being followed.

Nature Conservation Act 1992

AgForce notes and supports the proposed amendments but recognises that this is only a small part of a much larger change agenda that has been recommended by the Queensland Audit Office in 2018.

Clause 122

Amends Part 8, Section 132

- Proposed to add s132B.

Comments

Whilst AgForce supports the Bill's proposed amendment, AgForce is surprised that there is not a more comprehensive amendment agenda within this Bill that aligns with reasonable recommendations of the Queensland Audit Office.

AgForce does not support the ability of a Minister to decide whether or not to progress a change to the species listing status, unless the other recommendations made by the Queensland Audit Office in the Conserving threatened species Report 7: 2018–19 are implemented in a systematic manner.

Increased support for scientific evidence is required in the nominations and listing process, with emphasis on allocation of listing status only after the Species Technical Committee is able to make informed decisions in a transparent manner.

AgForce supports the reduction in landholder uncertainty around the *Nature Conservation Act* and encourages that the wider actions recommended by the Queensland Audit Office, such as implementing the Common Assessment Method accompanied by necessary legislative amendments and improvements with the governance framework, be implemented. Important to this are scientific studies needed to review and reclassify Queensland's endemic species on the threatened species list in line with the Common Assessment Method.

Summary Offences Act 2005

Clause 133

Amends Part 2, Division 2, Section 13:

- Proposes to amend section heading from "*Unlawfully entering farming land, etc.*" to "*Unlawfully entering or remaining on particular land*".
- Proposes to include recognition of holding facilities and abattoirs/processing facilities.
- Proposes to enhance definitions and terminology with inclusion of, as an example, wording such as "*agricultural or animal husbandry activities*".
- Proposes to encapsulate broader commercial, agricultural enterprises and exhibit animals, providing improved definitions of these activities.
- Proposes to double maximum penalties from "*10 penalty units or 6 months imprisonment*" to "*20 penalty units or 12 months imprisonment*".

Comments

AgForce supports the intention of the Bill regarding **Clause 133**.

Amendments to the Act intend to protect all businesses, not just primary production, from intentional acts of those known by Queensland Police as Issues Motivated Groups (IMG), whose aim is to be disruptive to business and ordinary people's lives.

AgForce does not oppose the right of individuals and groups to protest, but illegal trespass causes distress to those innocently going about their lives and businesses and this form of activism is opposed by AgForce.

In early 2019, a number of Queensland regional business enterprises were the victim of IMG's unwanted intrusions on both farming land and land owned and operated by industry's supply chain business partners. The Government acted quickly to implement changes to the *Biosecurity Regulations 2016*, introducing on-the-spot fines to people that fail to meet their General Biosecurity Obligation (GBO). AgForce recognised this as a step in the right direction, but it did not go far enough in providing a strong deterrent to halt further illegal activist activity on rural land.

IMG activities are premeditated, well organised and planned, where it is well known that organisers facilitate training workshops for their followers to ensure they are biosecurity aware and capable of meeting their GBO as defined in the Queensland *Biosecurity Act 2014*. Biosecurity Act regulatory change alone will therefore likely prove to be of little benefit.

Primary producers and industrial and commercial business owners and operators require greater protection from those that intentionally disrupt business in an intrusive manner.

Greater deterrents are therefore required through the provision of legislative amendments such as those proposed in the Agriculture and Other Legislation Amendment Bill 2019.

Ends