



Agriculture and Fisheries and Other Legislation Amendment Bill 2023

**Report No. 2, 57th Parliament
Housing, Big Build and Manufacturing Committee
March 2024**

Housing, Big Build and Manufacturing Committee¹

Chair	Mr Chris Whiting MP, Member for Bancroft
Deputy Chair	Mr Jim McDonald MP, Member for Lockyer
Members	Mr Don Brown MP, Member for Capalaba Mr Michael Hart MP, Member for Burleigh Mr Robbie Katter MP, Member for Traeger Mr Tom Smith MP, Member for Bundaberg

Committee Secretariat

Telephone	+61 7 3553 6662
Email	HBBMC@parliament.qld.gov.au
Technical Scrutiny Secretariat	+61 7 3553 6601
Committee webpage	www.parliament.qld.gov.au/HBBMC

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All web address references are current at the time of publishing.

¹ The Housing, Big Build and Manufacturing Committee was established as a portfolio committee of the Legislative Assembly on 13 February 2024, at which time certain inquiry responsibilities including the examination of the Agriculture and Fisheries and Other Legislation Amendment Bill were transferred from the State Development and Regional Industries Committee which was dissolved on the same date.

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Chair's foreword

This report presents a summary of the Housing, Big Build and Manufacturing Committee's examination of the Agriculture and Fisheries and Other Legislation Amendment Bill 2024.

The committee's task was to consider the policy to be achieved by the legislation and the application of fundamental legislative principles – that is, to consider whether the Bill has sufficient regard to the rights and liberties of individuals, and to the institution of Parliament. The committee also examined the Bill for compatibility with human rights in accordance with the *Human Rights Act 2019*.

The Bill is the culmination of the efforts of many people in Queensland, local councils, individuals, peak bodies and staff of the Department of Agriculture and Fisheries, over a lengthy period of time. All parties are congratulated for their dedication, hard work and commitment.

I commend this report to the House.



Chris Whiting MP

Chair

Recommendations

- Recommendation 1** **3**
- The committee recommends the Agriculture and Fisheries and Other Legislation Amendment Bill 2023 be passed.
- Recommendation 2** **9**
- The committee recommends that the Department of Agriculture and Fisheries develop guidelines on breed identification, in consultation with the Animal Management Taskforce, to support the local government sector.
- Recommendation 3** **20**
- The committee suggests that the Government amend new section 127A in clause 67 to provide that if a non-regulated dog has seriously attacked a person, the authorised person must make a destruction order in relation to the dog.
- Recommendation 4** **29**
- The committee recommends that the Government 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.
- Recommendation 5** **34**
- The committee recommends that the Department of Agriculture and Fisheries consider the timeframes associated with aquaculture authorities, specifically whether a period of more than 12 months may be more appropriate.

Executive Summary

The committee has recommended that the Bill be passed.

Key objectives of the Bill include:

- amending the *Animal Management (Cats and Dogs) Act 2008 (AMCD Act)* to strengthen dog control and management laws in Queensland to enhance community safety by:
 - imposing a new state-wide ban on restricted dog breeds
 - reviewing penalties for the owners of dogs that cause harm
 - introducing a new offence that includes imprisonment as a maximum penalty for the most serious dog attacks
 - clarifying when a destruction order must be made for a regulated dog
 - limiting appeals to the Queensland Civil and Administration Tribunal Appeals (QCATA) jurisdiction to matters of law regarding destruction orders.
- amending the *Fisheries Act 1994 (Fisheries Act)* to:
 - introduce a framework for independent onboard monitoring (IOM) under the Fisheries Act
 - enhance the efficacy of and modernise provisions relating to fisheries enforcement
 - streamline the process for amending aquaculture approvals by creating a separate approval for operational components to be processed under the Fisheries Act.

The Bill also:

- amends the *Biosecurity Act 2014* by implementing certain recommendations of the Biosecurity Act Review
- implements recommendations of the *Farm Business Debt Mediation Act 2017 (FBDM Act)* Review
- amends the *Drugs Misuse Act 1986* to give effect to outstanding improvements to the industrial cannabis industry
- amends the *Animal Care and Protection Act 2001* to ensure businesses are appropriately responsible for the conduct of their employees or representatives.

Chapter 2 - Amendments to the Animal Management (Cats and Dogs) Act

- The committee was satisfied that the proposed state-wide ban on restricted dog breeds was appropriate, noting that this will align Queensland legislation with Commonwealth legislation and meets community expectations. The committee has recommended that the Department of Agriculture and Fisheries develop guidelines on breed identification, in consultation with the Animal Management Taskforce, to provide consistency in the identification process and outcomes across all Queensland local governments.
- The committee acknowledged the benefits associated with state-wide effective control requirements and that effective compliance by dog owners provides preventative measures that have the capacity to keep community members and their animals safe in public places. The committee considers the increased penalties outlined in the Bill provide a sufficient deterrent for dog owners who do not ensure effective control of their dog, particularly dog owners who are repeat offenders.
- The committee recognised the need for a comprehensive community education campaign to educate dog owners and the community regarding responsible dog ownership, dog safe behaviours and effective control requirements. The committee found that a community education

campaign will provide another vital layer of prevention against dog attacks and aggression, further protecting community members and their animals.

- The issue of a timely and effective response to serious dog attacks was of particular concern to the committee, especially the process of destruction of dogs that have instigated serious attacks on people.
- The committee considers the rights of victims in serious attacks by a dog to be underdeveloped suggesting that the matter be further explored by the Animal Management Taskforce.
- The committee supported measures that improve the timeliness and effectiveness of responses to serious dog attacks and commented that community safety will be enhanced by limiting subsequent appeal applications for QCAT Appeals (QCATA) to questions of law.

Chapter 3 – Amendments to the Fisheries Act

- The committee recommended, in relation to Independent Onboard Monitoring, the Government 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.
- The committee also recommended, in relation to aquaculture authorities, that the Department of Agriculture and Fisheries examine whether or not a licencing period longer than 12 months would be more suitable for aquaculture authority holders to support certainty.

Legislative compliance

- The committee was satisfied that potential breaches to fundamental legislative principles were reasonable and sufficiently justified in all cases and that the Bill is compatible with human rights outlined in the HRA.

1 Introduction and overview

1.1 Policy objectives

The Agriculture and Fisheries and Other Legislation Amendment Bill 2023 (the Bill) is an omnibus bill which amends 14 acts and 6 regulations to enhance the protection for and regulation of agriculture, animal management and welfare, forestry, biosecurity and fisheries.²

Policy Objectives of the Bill

The key objectives of the Bill include:

- amending the *Animal Management (Cats and Dogs) Act 2008* (AMCD Act) to strengthen dog control and management laws in Queensland to enhance community safety.³
- amending the *Fisheries Act 1994* (Fisheries Act) to:
 - introduce a framework for independent onboard monitoring (IOM) under the Fisheries Act as an outstanding element of the Sustainable Fisheries Strategy 2017-2027 and to meet key commitments made by the Queensland Government to support the Great Barrier Reef
 - enhance the efficacy of and modernise provisions relating to fisheries enforcement
 - streamline the process for amending aquaculture approvals by creating a separate approval for operational components to be processed under the Fisheries Act.⁴

The Bill also seeks to:

- improve the operation of the *Biosecurity Act 2014* (Biosecurity Act) by implementing certain recommendations of the Biosecurity Act Review.
- implement recommendations three and five of the *Farm Business Debt Mediation Act 2017* (FBDM Act) Review
- give effect to outstanding improvements to the industrial cannabis industry only achievable through amendments to the *Drugs Misuse Act 1986* (DM Act)
- ensure businesses are appropriately responsible for the conduct of their employees or representatives under the *Animal Care and Protection Act 2001* (ACP Act).

The Bill also makes a number of minor and miscellaneous amendments.

1.2 Legislative scrutiny

The committee's deliberations included assessing whether or not the Bill complies with the Parliament's requirements for legislation as contained in the *Parliament of Queensland Act 2001*, *Legislative Standards Act 1992* (LSA) and the *Human Rights Act 2019* (HRA).

1.2.1 Legislative Standards Act 1992



Fundamental legislative principles require that legislation has sufficient regard to the rights and liberties of individuals and the institution of Parliament.⁵

² Hon. Mark Furner, Minister for Agricultural Industry Development and Fisheries and Minister for Rural Communities, Record of Proceedings, 16 November 2023, p 3642.

³ Explanatory notes, p 1.

⁴ Explanatory notes, p 1.

⁵ LSA, s 4(2).

The committee's assessment of the Bill's compliance with the LSA included consideration of fundamental legislative principles (FLPs) which are the principles relating to legislation that underlie a parliamentary democracy based on the rule of law.

The committee considered the following FLPs:

- Rights and liberties of individuals:
 - new and increased offences and penalties
 - undue restriction of ordinary activities
 - makes rights and liberties, or obligations, dependent on administrative power only if the power is sufficiently defined
 - is consistent with the principles of natural justice
 - confers power to enter premises, and search for or seize documents or other property, only with a warrant issued by a judge or other judicial officer.
- Sufficient regard to the institution of Parliament:
 - Delegation of legislative power in appropriate cases to appropriate persons.

Relevant considerations of FLPs are discussed throughout this report.

Committee comment

The committee is satisfied that the Bill has sufficient regard to the rights and liberties of individuals and the institution of Parliament.

Part 4 of the LSA requires that an explanatory note be circulated when a Bill is introduced into the Legislative Assembly and sets out the information an explanatory note should contain.

The committee is satisfied that the explanatory notes tabled with the Bill contain the information required by Part 4 and a sufficient level of background information and commentary to facilitate understanding of the Bill's aims and origins.

1.2.2 Human Rights Act 2019



A law is compatible with human rights if it does not limit a human right or limits a human right only to the extent that is reasonable and demonstrably justifiable.⁶

The committee's assessment of the Bill's compatibility with the HRA considered the potential issues and limitations on human rights:

- Right to property
- Entry without consent to a place
- Right to privacy.

Relevant considerations of FLPs are discussed throughout this report.

Committee comment

The committee is satisfied that any potential limitations on human rights proposed by the Bill are demonstrably justified.

⁶ Human Rights Act 2019, s 8.

A Statement of Compatibility was tabled with the introduction of the Bill as required by section 38 of the HRA. The statement contained a sufficient level of information to facilitate understanding of the Bill in relation to its compatibility with human rights.

1.3 Should the Bill be passed?

The committee is required to determine whether or not to recommend that the Bill be passed.

Recommendation 1

The committee recommends the Agriculture and Fisheries and Other Legislation Amendment Bill 2023 be passed.

2 Amendments to the Animal Management (Cats and Dogs) Act

This section discusses key issues raised during the committee’s examination of the amendments to the *Animal Management (Cats and Dogs) Act 2008* (AMCD Act). It does not discuss all consequential, minor or technical amendments.

Key amendments

The Bill amends the AMCD Act to enhance community safety by reforming control and management of dogs. This includes:

- imposing a new state-wide ban on restricted dog breeds
- reviewing penalties for the owners of dogs that cause harm
- introducing a new offence that includes imprisonment as a maximum penalty for the most serious dog attacks
- clarifying when a destruction order must be made for a regulated dog
- streamlining the external review process for regulated dogs to minimise unnecessary delays experienced by councils and relevant parties.

2.1 Background

Dog management presents an ongoing challenge for local governments, health systems and communities. More than 8,500 complaints about aggressive dogs and dog attacks are received annually by local governments across Queensland. Approximately 2,500 dog attack victims require hospitalisation and 81 per cent of these victims are children, some who have been attacked in their own homes.⁷

The proposed amendments to the AMCD Act follow a comprehensive consultation process.

An Animal Management Taskforce, comprising representatives from the local government sector from across Queensland, the RSPCA, and departmental officers was established in April 2023. The Taskforce examined proposals regarding increased penalties for owners of dogs that cause harm, jail time for the most serious attacks, state-wide bans on restricted breeds, and the development of a community education program.⁸

The Department of Agriculture and Fisheries (DAF) released a discussion paper, ‘Strong dog laws: safer communities’ in June 2023. Almost 4,000 people completed a survey attached to this discussion paper or made a written submission. The response comprised 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.⁹

Feedback on the discussion paper demonstrated strong support for responsible dog ownership through additional deterrents to ensure dog owners effectively control their dogs and a complete

⁷ Minister for Agricultural Industry Development and Fisheries and Minister for Rural Communities, Record of Proceedings, 16 November 2023, p 3643.

⁸ Queensland Government, Tougher Penalties Proposed for Dangerous Dog Owners, Media Statement, 19 April 2023.

⁹ Minister for Agricultural Industry Development and Fisheries and Minister for Rural Communities, Record of Proceedings, 16 November 2023, p 3643.

prohibition on restricted dog breeds. Eighty-one per cent of respondents to the survey supported clarification of when a dog can be destroyed.

The Bill continues to allow dog owners to seek review of administrative decisions through the Queensland Civil and Administrative Tribunal but restricts further avenues for appeal. Seventy-one per cent of survey respondents supported streamlining external review processes. Sixty-nine per cent of respondents supported the ban on restricted dog breeds, providing feedback that they feel unsafe around these breeds and do not want them present in our communities.¹⁰

2.2 Banning certain breeds of dogs

The Bill imposes a new state-wide ban on restricted dog breeds. Mixed responses on the amendment were submitted by inquiry stakeholders.

2.2.1 Restricted dogs

Under the AMCD Act, ownership of restricted dogs is limited to people who have been issued a restricted dog permit in relation to an individual dog. Restricted dogs must also be desexed.¹¹

A restricted dog is defined as a dog of a breed included in schedule 1 of the Customs (Prohibited Imports) Regulations 1956 (Cwlth) as being prohibited from being imported into Australia. The breeds currently listed are:

- Dogo Argentino
- Fila Brasileiro
- Japanese Tosa
- American pit bull terrier or pit bull terrier
- Perro de Presa Canario or Presa Canario.¹²

The Bill amends the AMCD Act to remove the ability for new permits to be issued for restricted dogs and prohibit a person from owning the above breeds in Queensland, except under the transitional arrangements.¹³ The Bill will ban restricted breeds of dogs in Queensland from 28 August 2024. The relevant breeds have all been associated with dogfighting globally.¹⁴

The transitional provisions include 'grandfathering' existing restricted dogs that have a permit in Queensland at the time of commencement of the ban. According to the explanatory notes, this will ensure owners who are compliant with the existing restricted dog laws at ban commencement can continue to own their restricted dog for the life of the dog.¹⁵

The Bill proposes significant penalties for keeping restricted breed dogs, to be known as prohibited dogs. Section 103B(1) provides a maximum penalty of 150 penalty units (which is equivalent to approximately \$23,000) for a breach of the requirement that a person must not own, or be a responsible person for, a prohibited dog unless the person has a reasonable excuse.¹⁶

¹⁰ Rachel Chay, Deputy Director-General and Chief Biosecurity Officer, Biosecurity Queensland, DAF, Public briefing transcript, Brisbane, 27 November 2023, p 2.

¹¹ Explanatory notes, p 4.

¹² Explanatory notes, p 5.

¹³ Explanatory notes, p 5.

¹⁴ Rachel Chay, DAF, Public briefing transcript, Brisbane, 27 November 2023, p 2.

¹⁵ Explanatory notes, p 5.

¹⁶ DAF, correspondence, 1 February 2024, p 13.

Very few Queenslanders own these dogs, with the restricted dog register held by the department identifying the youngest restricted dogs as 12 years old.¹⁷

2.2.2 Breed-specific legislation

During the department's consultation period, nearly 70% of responses indicated support for breed-specific legislation that reflected banning the dog breeds identified in Commonwealth law. The inquiry garnered mixed responses from stakeholders on this amendment.

The Local Government Association of Queensland (LGAQ) considers the proposed amendment to ban these restricted breeds will close an existing loophole. LGAQ advises that having the breed definitions in the Bill will help remove any ambiguity and ensure restrictions are clear for both councils and dog owners. Most importantly, LGAQ sees these proposed reforms can achieve consistency in actions by councils.¹⁸

Brisbane City Council agrees in principle with the banning of restricted dogs. Since at least 1997, the Council has included in its local laws, restrictions on dog breeds (as stated in Commonwealth legislation). Under the current *Animals Local Law 2017* (the Local Law), the keeping of all dogs that are identified as a dog breed prohibited from importation into Australia under the *Customs Act 1901* (Cwlth) are prohibited in Brisbane.¹⁹

Veronica Wingrove, whose daughter suffered injuries from being attacked by a dog, strongly supports the banning in Queensland of dog breeds that are restricted under Commonwealth legislation. She concurs with the provision of a grandfathering clause to allow dogs under an existing restricted permit to be kept (until the end of that dog's life), as long as all the required conditions continue to be met.²⁰

The RSPCA expressed reservations about breed specific legislation and submit that it is important to have a discussion around the most dangerous dogs that are in our communities—that is, dogs bred for the purpose of dogfighting.²¹ The RSPCA has significant experience investigating dogfighting offences and the subsequent dangerous dogs that this blood sport creates. These are the most dangerous dogs that the RSPCA has seen in their shelters in recent years.²²

These animals can obviously be quite unpredictable around humans and other dogs. The efforts that breeders or dogfighting syndicates will go to are quite extensive, including importing the sperm of male dogs; and also importing prize-fighting bitches into the country even though that is prohibited. The RSPCA feels that without stronger laws around this, the situation will continue. The RSPCA notes that these laws are out of the scope of this Bill and are covered in the *Animal Care and Protection Act*, but they consider, because these discussions are around dangerous dogs and trying to keep our community safer, it is an important element to consider.²³

The Animal Defenders Office (ADO) states they do not support breed-specific legislation.²⁴ The Australian Veterinary Association (AVA) also holds this position. AVA advocates for the 'deed not breed' position regarding dangerous dog classifications. This stance asserts that aggression in dogs is not tied to any particular breed, but is influenced by various individual factors and circumstances, not

¹⁷ Minister for Agricultural Industry Development and Fisheries and Minister for Rural Communities, Record of Proceedings, 16 November 2023, p 3643.

¹⁸ Alison Smith, Chief Executive Officer, LGAQ, Public hearing transcript, Brisbane, 12 December 2023, p 10.

¹⁹ Brisbane City Council, submission 14, p 77.

²⁰ Veronica Wingrove, submission 59, p 6.

²¹ Rachel Woodrow, General Manager, Inspectorate, Community Outreach and Education, RSPCA Queensland, Public hearing transcript, Brisbane, 12 December 2023, p 2.

²² Rachel Woodrow, RSPCA Queensland, Public hearing transcript, Brisbane, 12 December 2023, p 2.

²³ Rachel Woodrow, RSPCA Queensland, Public hearing transcript, Brisbane, 12 December 2023, p 2.

²⁴ ADO, submission 46, p 6.

breed alone.²⁵ Dogs Queensland claims that the proposed breed-based ban will fail to prevent dog attacks. They purport aggression is not breed-specific and aggressive dog incidents occur as a result of interactions between humans and dogs.²⁶

In response, DAF clarifies that the breed ban is just one aspect of the Bill. Other proposed amendments, including a state-wide effective control requirement and increased penalties, will encourage dog owners to manage their dogs.²⁷

DAF refers to the recent consultation through the discussion paper, which indicates strong public support for the ban. DAF advises that as these breeds are already banned from importation into Australia, and grandfathering is included for existing dogs permitted at the time of commencement, the effect of the ban will primarily be to ensure no new dogs are brought into Queensland from other Australian jurisdictions. DAF also identified five studies from around the world that suggest breed-specific legislation may reduce dog bite rates. DAF advises that banning of these breeds will reassure victims of dog aggression and increase community confidence in using public spaces.²⁸

2.2.3 Identification of breeds

Multiple inquiry stakeholders discussed challenges relating to the identification of the breeds proposed to be banned.

City of Moreton Bay notes the Bill does not establish how breeds can be identified in the event the owner of the dog disputes its breed identification. The Council recommends the onus needs to be on the dog owner to prove their dog is not such a breed and should be placed in legislation to support local government in the effective implementation of the Act.²⁹ Other stakeholders, including Dogs Queensland,³⁰ Logan City Council³¹ and ACA³² agree that the accurate identification of dog breeds is challenging and uncertain.

DAF states that the AMCD Act restricts breeds by reference to those that are already banned from import under the *Customs Act 1901* (Cwlth). DAF advises that importers must complete a signed declaration about their dog. DAF acknowledges there are, and will continue to be, some difficulties identifying breeds that are restricted or prohibited under the AMCD Act, especially in relation to pit bull terriers. Despite these challenges, the ban is likely to deter people from keeping these breeds and would clearly express that these dogs are unacceptable in Queensland. DAF advises that most Queenslanders will likely accept and comply with the ban.³³

DAF will consider drafting standards or guidelines on identifying breeds as provided in other jurisdictions, such as Victoria and Tasmania, to guide actions by authorised officers. City of Moreton Bay requests these guidelines be in place at the time of the assent of the amendments in the Act.³⁴ However, DAF confirms their ability to make guidelines will not be available until assent of the Bill.³⁵

²⁵ AVA, submission 11, p 4.

²⁶ Dogs Queensland, submission 29, p 3.

²⁷ DAF, correspondence, 1 February 2024, p 7.

²⁸ DAF, correspondence, 1 February 2024, p 7.

²⁹ City of Moreton Bay, submission 20, p 2.

³⁰ Dogs Queensland, submission 29, p 3.

³¹ Logan City Council, submission 34, p 2.

³² ACA, submission 32, p 5.

³³ DAF, correspondence, 1 February 2024, p 11.

³⁴ City of Moreton Bay, submission 20, p 4.

³⁵ DAF, correspondence, 1 February 2024, p 25.

Further to this, ACA considers that 'reasonable belief' is not sufficient to guarantee or justify the seizure of a dog from its owners. They recommend the inclusion of a legal requirement by those identifying restricted or prohibited breeds to confirm the breed via DNA-matching.³⁶

DAF confirms this proposal would effectively impose a requirement on local governments to undertake DNA testing even where other methods of identification may be suitable. The AMCD Act currently provides several ways that a breed may be identified:

- a pedigree certificate from the Australian National Kennel Council
- a pedigree certificate from a member body of the Australian National Kennel Council
- a pedigree certificate from a national breed council registered with the Australian National Kennel Council
- a certificate signed by a veterinary surgeon stating, or to the effect, that the dog is of a particular breed.³⁷

The LGAQ states there are systems in place that councils use to identify these breeds and they have been working. These systems allow councils to make a declaration, but then the dog owner may move to a council area that does not make a declaration. Without a state-wide ban, this dog will then live in the community, undeclared and without notice. The LGAQ are looking to the department to develop clear guidelines as to how these dogs can be identified, so the steps are clear for every council.³⁸ LGAQ members have been requesting a prohibition of the nominated breeds so as to align with the national authority. The LGAQ agrees with the RSPCA that it can be difficult to identify a breed, but prohibition sends a message to the community that these breeds are not acceptable due to the danger they pose to the community.

Committee comment

The committee is satisfied that the alignment of Queensland legislation with Commonwealth legislation is appropriate.

It is clear that the proposed prohibition meets community expectations and will seek to ensure that no new banned dogs are brought into Queensland. The committee are of the view that the prohibition will help achieve consistency in actions by local governments. We also acknowledge the range of views on breed specific legislation but note that this measure is one of a number of approaches designed to enhance community safety.

The committee acknowledges calls from the local government sector for a comprehensive set of guidelines to assist with the identification of prohibited breeds. We agree and accordingly recommend that the Department of Agriculture and Fisheries develop guidelines on breed identification, in consultation with the Animal Management Taskforce, to provide consistency in the identification process and outcomes across all Queensland local governments.

³⁶ ACA, submission 32, p 5.

³⁷ DAF, correspondence, 1 February 2024, pp 25-26.

³⁸ Rudolph Pretzler, LGAQ, Public hearing transcript, Brisbane, 12 December 2024, p 10.

Recommendation 2

The committee recommends that the Department of Agriculture and Fisheries develop guidelines on breed identification, in consultation with the Animal Management Taskforce, to support the local government sector.

2.3 State-wide requirement for effective control**2.3.1 Background**

Currently, the AMCD Act imposes requirements on dogs that are restricted dogs or are declared dangerous or menacing, including that they be muzzled and under the effective control of an adult who has control of not more than one dog. However, these provisions do not address the risks from non-regulated dogs.³⁹ Furthermore, a number of local governments have made local laws about the effective control of animals in public places. This has created inconsistency or uncertainty where the requirements for effective control differ between local government areas, and in some cases there is no effective control requirement.⁴⁰

The Bill aims to establish uniform effective control requirements for dogs in Queensland, which combine the existing requirements applying to regulated dogs with new state-wide requirements for non-regulated dogs. According to the explanatory notes, this gives owners certainty of their obligations wherever they are in the State and addresses community concerns about uncontrolled dogs.⁴¹

The Bill inserts a new definition of effective control for non-regulated dogs into the AMCD Act and consolidates the existing effective control requirements for regulated dogs. It also inserts a new offence where a relevant person fails to keep a dog under effective control.⁴²

The new effective control offence includes circumstances of aggravation, where a dog not under effective control attacks a person or animal. Other factors taken into consideration for this offence include the level of harm caused, whether the dog is a regulated or prohibited dog, or if the relevant person has been convicted of a serious dog offence in the preceding five years.⁴³

The maximum penalties under the new effective control offence range from 50 to 600 penalty units (approximately \$7,740 to \$93,000) depending on the circumstances of aggravation and level of harm. The offence also includes maximum penalties of imprisonment between 6 months where a dog not under effective control has attacked and caused harm to a person, and up to 2 years if the harm was grievous bodily harm or death.⁴⁴

2.3.2 Regulated dogs not at the relevant place

Brisbane City Council (BCC) refers to Clause 51 s 93 and recommends that all regulated dogs as well as dogs subject to a proposed declaration be muzzled when not at the relevant place – (1AA), rather than only dogs subject to a proposed declaration.⁴⁵ DAF advises that requirements in relation to muzzling

³⁹ Explanatory notes, p 5.

⁴⁰ Explanatory notes, p 5.

⁴¹ Explanatory notes, p 5.

⁴² Explanatory notes, p 6.

⁴³ Explanatory notes, p 6.

⁴⁴ Explanatory notes, p 6.

⁴⁵ BCC, submission 14, p 38.

remain unchanged from the current requirements, but some provisions would be moved by the Bill to consolidate effective control requirements.⁴⁶

Veronica Wingrove strongly supports the introduction of a new state-wide requirement, with uniform conditions, for all dogs to be effectively controlled in public places. She notes Queensland is a large state with a mobile population and many people take dogs on holidays with them or relocate to other areas of the state.⁴⁷

2.3.2.1 Leash held by a person who can control the dog

City of Moreton Bay recommends that regulated dogs can only be restrained by a leash held by a person who can control the dog. The Council submits in this respect that subsection 192 (1)(a)(iii)(B) be removed.⁴⁸

DAF states section 192(1)(a)(iii)(B) remains unchanged from the existing effective control requirements for regulated dogs under Section 64 of the AMCD Act, which has been consolidated with the new effective control requirements for dogs that are not regulated dogs. Dogs are expected to remain under physical control and supervision at all times, whether that is achieved by the leash being held by the relevant person or the dog being tethered to a fixed object and being continuously supervised by the relevant person.⁴⁹

2.3.2.2 Dogs in vehicles

Logan City Council supports the wording that a dog's head should not protrude beyond a vehicle. They consider this to be essential in preventing bites, particularly if the vehicle is stationary.⁵⁰ DAF clarifies that though not expressly stated, proposed s 192(2)(c) of the AMCD Act, which concerns effective control of a dog confined or tethered in a vehicle, is primarily directed at dogs in stationary vehicles, including where they are not supervised. In contrast, section 33(1) of the *Animal Care and Protection Act 2001* applies at all times to protect dogs in moving vehicles from injury.⁵¹

DAF states that the new s 192(2)(c) in the Bill, and the existing s 33(1) of the *Animal Care and Protection Act 2001*, operate in tandem to require that any dog must not be able to escape a vehicle – whether that be stationary or during transport.

2.3.2.3 Non-regulated dogs in public places and dog off-leash areas

The new offence for not keeping a dog under effective control in a public place will complement existing offences for not taking reasonable steps to ensure a dog does not attack or cause fear and for encouraging a dog to attack or cause fear.⁵²

The City of Moreton Bay recommends the following amendments:

- it is reasonable that four non-regulated dogs can be effectively controlled in a public place subject to other effective control measures; and
- it is reasonable that two non-regulated dogs can be effectively controlled in a dog off-leash area subject to other effective control measures.⁵³

⁴⁶ DAF, correspondence, 1 February 2024, p 32.

⁴⁷ Veronica Wingrove, submission 59, p 7.

⁴⁸ City of Moreton Bay, submission 20, p 2.

⁴⁹ DAF, correspondence, 1 February 2024, p 16.

⁵⁰ Logan City Council, submission 34, p 4.

⁵¹ DAF, correspondence, 1 February 2024, p 15.

⁵² Rachel Chay, Deputy Director-General and Chief Biosecurity Officer, Biosecurity Queensland, DAF, Public briefing transcript, Brisbane, 27 November 2023, p 2.

⁵³ City of Moreton Bay, submission 20, p 3.

DAF asserts that the effective control requirements for non-regulated dogs were drafted to be as consistent as possible with *Model Local Law No. 2 (Animal Management) 2010*. The Model Local Law provides no hard limit for the maximum number of dogs that a person can effectively control. However, DAF notes that the greater number of dogs a single individual has control of at any one time will have implications for that person's capacity to effectively supervise and physically control each dog. A number of factors may impact consideration of the number of dogs that can be effectively controlled by an individual on a case-by-case basis including the training and experience level of the relevant person. (

DAF will consider developing guidelines to assist authorised persons when determining whether a relevant person is physically able to control a dog, including factors like the number of dogs under control at one time.⁵⁴

Logan City Council raises concerns that determining control of a dog by voice command in designated off leash areas may be inconsistent in its application in different jurisdictions.⁵⁵ Whereas the Animal Defenders Office notes that in some circumstances it may be hard to establish that someone 'is able to supervise the dog and control the dog by using voice command'..⁵⁶

The RSPCA also queries how effective voice control of a dog will be determined. They recommend the involvement of local laws officers in the drafting of guidelines.⁵⁷

To address concerns such as these, the Government has allocated funding of \$5.412 million for a more consistent and effective Government response to dog attacks and will engage with local governments about where and how guidance should be provided.⁵⁸

2.3.3 Private property

Logan City Council recommends dog attacks occurring on private property, due to ineffective control, need to be addressed.⁵⁹ DAF notes that section 193 of the AMCD Act already requires a relevant person for a dog take reasonable steps to ensure the dog does not attack or act in a way that causes fear, including on private property. Failure to take such reasonable steps carries a penalty of up to 300 penalty units (approximately \$46, 500) if the dog attacks and causes grievous bodily harm or death to a person.⁶⁰

Australia Post suggests effective control on private premises for non-regulated dogs could be as simple as ensuring access to visitors is restricted (e.g. by placing dogs in a separate room).⁶¹

2.4 Local government regulatory powers

Brisbane City Council refers to Clause 25 and voices a concern that moving 'effective control' into the Act will reduce the existing regulatory powers available to Council. Like other local governments, the Council has a definition of 'effective control' in the local law. They are concerned the extension of this definition, coupled with reduced regulatory powers, will reduce their existing enforcement approach, such as their ability to utilise proportionate and escalatory regulatory tools including oral compliance directions and compliance notices.⁶² City of Moreton Bay also requests the provision of flexible

⁵⁴ DAF, correspondence, 1 February 2024, pp 16-17.

⁵⁵ Logan City Council, submission 34, p 4.

⁵⁶ ADO, submission 46, p 5.

⁵⁷ Rachel Woodrow, General Manager, Inspectorate, Community Outreach and Education, RSPCA Queensland, Public hearing transcript, Brisbane, 12 December 2023, p 7.

⁵⁸ DAF, correspondence, 1 February 2024, p 14.

⁵⁹ Logan City Council, submission 34, p 5.

⁶⁰ DAF, correspondence, 1 February 2024, p 14.

⁶¹ Australia Post, submission 17.

⁶² BCC, submission 14, p 17.

enforcement powers, such as verbal directions, to secure compliance in such matters of a non-regulated dog not being under effective control.⁶³ Local Government Association of Queensland (LGAQ) concurs the Bill be amended to provide the ability for authorised officers to use verbal compliance direction before issuing a PIN relating to sections 192 and 193 of the AMCD Act.⁶⁴

DAF will continue meeting with the Animal Management Taskforce and Technical Working Group on matters raised by local governments which are outside the scope of the Bill. They note that the amendments do not alter the discretion authorised persons hold for determining when it is appropriate to issue a PIN.⁶⁵

2.4.1 Support and resources

Noosa Shire Council recommends the Government provides adequate support and resources for councils to increase and maintain the levels of competency necessary to fully discharge the increased regulatory responsibilities that will result from the proposed Bill.⁶⁶ DAF highlights that the allocated funding of \$5.412 million for a more consistent and effective Government response to dog attacks, includes support to achieve an uplift in local government capability designed to promote consistent implementation of the AMCD Act across the State. DAF will engage with local governments about when and how information and guidance should be provided.⁶⁷

2.4.2 Authorised persons

Noosa Shire Council notes that limiting the requirement for adequate control to an ‘authorised person’ may limit the effective seizing of a dangerous dog. The Council requests that the Government give consideration to amending this proposed provision to a ‘person’.⁶⁸ DAF notes the concern that the existing construction of s 127 is limited to an ‘authorised person’. This aspect of the provision would not change with the Bill. Once again, DAF confirms they will continue to meet with the Animal Management Taskforce and Technical Working Group on matters raised by local governments that are outside the scope of this Bill.⁶⁹

Sunshine Coast Regional Council recommends that s 125(1)(c) be updated to allow authorised persons to seize regulated dogs where the relevant person for the dog has not complied with the mandatory conditions. The Council also recommends that an authorised person be allowed to enter a property for the purpose of seizing or attempting to seize a regulated dog not being kept in accordance with sections 97 and 98.⁷⁰

DAF states that under the current framework, a compliance notice can be issued if a person fails to comply with mandatory conditions. A dog can be seized under s 125(1)(c) due to failure to comply with a compliance notice. The process of issuing a compliance notice first provides procedural fairness to the relevant person. Careful consideration would need to be given to the potential increase in appeals of those seizure decisions if it was proposed to remove this requirement. DAF will continue to meet with the Animal Management Taskforce and Technical Working Group on matters of concern to local government that are outside the scope of this Bill.⁷¹

⁶³ City of Moreton Bay, submission 20, p 3.

⁶⁴ LGAQ, submission 1, p 5.

⁶⁵ DAF, correspondence, 1 February 2024, p 19.

⁶⁶ Noosa Shire Council, submission 45, p 2.

⁶⁷ DAF, correspondence, 1 February 2024, p 20.

⁶⁸ Noosa Shire Council, submission 45, p 3.

⁶⁹ DAF, correspondence, 1 February 2024, p 26.

⁷⁰ Sunshine Coast Regional Council, submission 18, p 5.

⁷¹ DAF, correspondence, 1 February 2024, pp 32-33.

2.4.3 Registration

Brisbane City Council would like all registration forms (Clause 35 s 47) to include information such as age or date of birth and name of dog. This further information would assist with identifying dogs that come into their care or are subject to enforcement action.⁷² In response, DAF confirms that each local government authority will remain responsible for dog management in their respective area.⁷³

Fraser Coast Regional Council recommends the permit conditions applying to declared, dangerous, and menacing dogs include additional provisions requiring that registration must be maintained with the relevant local government for the relevant period, and failure to do so would be subject to the maximum penalty amount under the AMCD Act.⁷⁴ While BCC requests that the person supplying a regulated dog not only notify the other person that the dog is regulated, but also informs the council about the change of ownership and provides the council with the new owner's contact details.⁷⁵

DAF confirms the registration of all dogs with the relevant local government authority is mandatory in Queensland. The requirements in relation to registration remain unchanged from the current requirements, including existing penalties for failing to register a dog, and failing to update changed information.⁷⁶

DAF notes that under Chapter 7 (Registers) of the AMCD Act, local governments must provide certain information about restricted/prohibited and regulated dogs to the chief executive to be held in a state-wide register. Access to this information is restricted to persons performing functions under the AMCD Act for privacy reasons.

2.5 Educating dog owners and the community

Multiple inquiry stakeholders commented on the importance of educating dog owners and the community when considering dog management.

Brisbane City Council would like to see more responsibility placed on dog owners to undertake training by implementing a similar framework to that implemented by the Victorian Government,⁷⁷ including the requirement for owners of regulated dogs to undertake training. The Council notes this Bill does not propose any amendments that relate to training requirements for dog owners or dangerous dog owners.⁷⁸

In response, DAF states these amendments will be complemented by a \$1.6 million package, including a community education campaign focused on responsible dog ownership, funding for more effective government action in response to dog attacks, and funding for initiatives in First Nations communities. This campaign will raise awareness of responsible dog ownership and dog safe behaviour.⁷⁹ This will be delivered over three years, using multiple media channels to reach a wide audience.⁸⁰

⁷² BCC, submission 14, pp 26-27.

⁷³ DAF, correspondence, 1 February 2024, pp 19-20.

⁷⁴ Fraser Coast Regional Council, submission 58, p 1.

⁷⁵ BCC, submission 14, pp 31-32.

⁷⁶ DAF, correspondence, 1 February 2024, p 35.

⁷⁷ The requirements for keeping a restricted dog in Victoria include desexing, microchip identification, collar, warning signs displayed on premises, appropriate housing so the dog cannot escape, restraint off premises, notification and ownership requirements, dogs cannot be sold, given away or transferred to another person (see Things you should know about restricted breed dogs, Victorian Government https://agriculture.vic.gov.au/__data/assets/pdf_file/0011/529535/Restricted-breed-2017-artwork-for-email.pdf)

⁷⁸ BCC, submission 14, p 76.

⁷⁹ DAF, correspondence, 1 February 2024, p 8.

⁸⁰ DAF, correspondence, 1 February 2024, p 8.

As well as the education campaign, the Bill includes a uniform requirement for ‘effective control’ of dogs across Queensland. This will simplify the approach for owners or others responsible for a dog by ensuring consistency in the requirements, which currently may differ between local government areas.⁸¹

Committee comment

The committee acknowledges the benefits associated with state-wide effective control requirements. Effective control compliance by dog owners provides preventative measures that have the capacity to keep community members and their animals safe in public places.

The committee recognises the need for a comprehensive community education campaign to educate dog owners and the community regarding responsible dog ownership, dog safe behaviours and effective control requirements. We consider a community education campaign will provide another vital layer of prevention against dog attacks and aggression, further protecting community members and their animals.

2.6 Higher penalties for dog attacks including imprisonment

The Bill amends the AMCD Act to increase penalties for key offences relating to the control and management of dogs, including dog attacks:

- for owners failing to comply with permit conditions for restricted or declared dangerous or menacing dogs maximum penalties are increased from 75 PU (\$11,610) to 150 PU (\$23,220)
- for owners failing to comply with a compliance notice, or a person who owns restricted dog breed without permit after commencement of the ban maximum penalties are increased from 75 PU (\$11,610) to 150 PU (\$23,220).⁸²

The Bill also reforms offences in sections 194 and 195 of the AMCD Act specifically related dog attacks. Amended sections expand the circumstances of aggravation listed to take into consideration other relevant factors beyond the level of harm caused. The additional factors include whether the dog is a regulated or prohibited dog, or if the relevant person has been convicted of a serious dog offence in the preceding five years.⁸³

The amendments propose higher penalties for persons who fail to take reasonable steps to ensure their dog does not attack or cause fear, or where a person encourages a dog to attack or cause fear. The highest financial penalties will be:

- failure to take reasonable steps to ensure dog does not attack, if the attack causes death or grievous bodily harm to a person – from 300 PU (\$46,440) to 600 PU (\$92,880)
- encouraging a dog to attack, if the attack causes death or grievous bodily harm to a person – from 300 PU (\$46,440) to 700 PU (\$108,360).⁸⁴
- The amendments also introduce new penalties of imprisonment for dog attacks that causes bodily harm, grievous bodily harm, or death to a person. The new penalties of imprisonment are up to and including:
- failure to take reasonable steps to ensure dog does not attack, if the attack causes death or grievous bodily harm to a person – two years imprisonment

⁸¹ DAF, correspondence, 1 February 2024, p 8.

⁸² Explanatory notes, p 6.

⁸³ Explanatory notes, p 6.

⁸⁴ Explanatory notes, p 7.

- encouraging a dog to attack, if the attack causes death or grievous bodily harm to a person – three years imprisonment.⁸⁵

According to the explanatory notes, these amendments will ensure there is a sufficient deterrent in place for an owner who fails to take steps to ensure a dog under their control does not attack, especially if it is a repeat offender and/or regulated dog. The increased penalties will also reflect community expectations that regulated dogs present a greater risk to the community, and higher penalties are needed for incidents involving regulated dogs.⁸⁶

2.6.1 Penalties

The LGAQ supports the increase of penalties and understands the updated and new penalty provisions under the Bill will need to be supported by amendments to the State Penalties Enforcement Regulation 2014 (SPER). The LGAQ seeks amendment of the SPER to align with the commencement of any reforms to the AMCD Act.⁸⁷

Sunshine Coast Regional Council submits that the current on the spot fine amount is \$309, and the increase to 50 PU would potentially raise the fine to \$774, which is disproportionate to other simple offences.⁸⁸ Sunshine Coast Regional Council submitted that increased penalties could lead to Beach Patrol and Monitoring Officers having more acrimonious interactions when issuing penalties, placing their safety at risk and reducing compliance and enforcement action.⁸⁹

In response, DAF states the Bill proposes a maximum penalty of 50 PU (\$7,740) for s 193(e)(ii) (not keeping a dog under effective control where there are no aggravating circumstances). The Bill does not contain proposed amendments to the SPER to establish a PIN for the offence. Amendments to the SPER will be progressed separately in an amendment regulation.⁹⁰

DAF advises that PINS typically represent a significant discount on the maximum penalty. A PIN of no more than five penalty units (currently \$774) would be consistent with current guidelines. An increased PIN would reflect the increased risk of dog attacks where dogs are not under effective control in a public place.⁹¹

The Bill does not alter the discretion available to authorised persons to determine if it is appropriate to issue a PIN. The increased penalty amounts will deter poor dog management and influence dog owners to do the responsible thing when in public.⁹²

City of Gold Coast seeks clarity on whether a prosecution under new s 195(1)(a) of the AMCD Act for the offence of encouraging a dog to attack, with a potential three-year imprisonment term, should proceed through indictment, or be dealt with in summary proceedings.⁹³ DAF states the Bill does not propose any indictable offences. Consequently, all the offences would be simple offences, and may be dealt with summarily by a Magistrates Court.⁹⁴

⁸⁵ Explanatory notes, p 7.

⁸⁶ Explanatory notes, p 7.

⁸⁷ LGAQ, submission 1, p 10.

⁸⁸ Explanatory notes, p 7.

⁸⁹ Sunshine Coast Regional Council, submission 18, pp 2-3.

⁹⁰ DAF, correspondence, 1 February 2024, pp 21-22.

⁹¹ DAF, correspondence, 1 February 2024, pp 21-22.

⁹² DAF, correspondence, 1 February 2024, pp 21-22.

⁹³ City of Gold Coast, submission 30, p 3.

⁹⁴ DAF, correspondence, 1 February 2024, p 23.

2.6.2 Imprisonment

DAF submits the amendments in the Bill regarding imprisonment will ensure there is a sufficient deterrent in place for an owner who fails to take steps to ensure a dog under their control does not attack.⁹⁵

DAF clarifies imprisonment is considered as a last resort, and courts retain discretion to impose alternative penalties where appropriate. The option of imprisonment under the AMCD Act will be limited to the most serious dog attacks causing death or grievous bodily harm and that Criminal Code offences may also be an option in these circumstances.⁹⁶

2.6.3 Prohibition orders

Sunshine Coast Regional Council proposes a liability provision be included in the AMCD Act, which makes the owner of a dog strictly liable for any injury or death caused by a dog.⁹⁷

DAF advises liability and compensation claims for damage allegedly sustained as a result of a dog attack fall outside the scope of the AMCD Act. In Queensland, a person subject to harm resulting from a dog attack may take civil action for compensation under the *Civil Liability Act 2003*. Scope also exists under the *Penalty and Sentences Act 1992* for a Court to award compensation to the victim of a crime after a conviction.⁹⁸

Committee comment

The committee considers the penalties, as outlined in the amendments, provide sufficient deterrent for dog owners who do not ensure effective control of their dog, particularly dog owners who are repeat offenders.

2.7 Definitions

Several inquiry stakeholders raised issues relating to definitions contained in the Bill.

Animal Care Australia expressed reservations about the inclusion of 'cause fear' in the legislation as it is not defined, leaving it ambiguous and open to misinterpretation.⁹⁹ While Animal Defenders Office¹⁰⁰ and Logan City Council¹⁰¹ suggest 'maims' and 'wounds' should be defined, or guidance provided as to when a maiming or a wounding triggers the power under s 89.

In response, DAF states that where definitions are not provided, the word has its ordinary or dictionary meaning. The use of 'maims' and 'wounds' ensures consistency of terminology with the existing offence for injuring animals in section 468 of the Criminal Code.¹⁰² DAF also encourages the consideration of victim impacts during regulated dog and destruction order decisions and they confirm a victim may have a right of review as a 'person aggrieved' by a decision under the *Judicial Review Act 1991*.¹⁰³

⁹⁵ DAF, correspondence, 1 February 2024, p 21.

⁹⁶ DAF, correspondence, 1 February 2024, p 23.

⁹⁷ Sunshine Coast Regional Council, submission 18, p 6.

⁹⁸ DAF, correspondence, 1 February 2024, pp 33-34.

⁹⁹ ACA, submission32, p 3.

¹⁰⁰ ADO, submission 46, p 4.

¹⁰¹ Logan City Council, submission 34, p 3.

¹⁰² DAF, correspondence, 1 February 2024, p 4.

¹⁰³ DAF, correspondence, 1 February 2024, p 4.

Animal Defenders Office notes proposed s 193, paragraph (a) of the penalty provision refers to ‘the attack’, yet there has been no previous reference to an attack to warrant the use of the definite article (‘the attack’). The proposed provision should clarify what attack it is referring to.¹⁰⁴ DAF is consulting with the Office of the Queensland Parliamentary Counsel and, if necessary, will propose the Government clarify the references to ‘the attack’.¹⁰⁵

Committee comment

The committee notes that the Department of Agriculture and Fisheries is consulting with the Office of the Queensland Parliamentary Counsel on the use of the words ‘the attack’ which is referenced in new s 193. The committee encourages the Government to consider amending the Bill if required to address this matter.

2.8 Clarifying when to make a destruction order

Currently, under the AMCD Act, a regulated dog may be destroyed immediately if the authorised person reasonably believes the dog is dangerous and cannot be controlled by the authorised person. Alternatively, it may be destroyed 3 days after it is seized if it has no registered owner or its owner or a responsible person for the dog cannot be identified.¹⁰⁶

Otherwise, the AMCD Act provides that an authorised person may make a destruction order for a regulated dog and give notice to the owner or a responsible person for the dog. The dog may then be destroyed 14 days after the order is served, if no application for internal review has been made.¹⁰⁷

According to the explanatory notes, the destruction order process is designed to provide for a broad range of circumstances outside of those outlined above. While this provides flexibility in deciding when to make a destruction order, the consequence is limited guidance to assist an authorised person in when to exercise that power.¹⁰⁸

Clause 18 of the Bill seeks to address this consequence by introducing a new power for the chief executive (that is the Director-General of the Department of Agriculture and Fisheries) to make guidelines about this matter. This includes guidelines to help authorised persons perform their functions under the Act, which will allow the chief executive to make guidelines to assist authorised persons in deciding when a destruction order should be made.¹⁰⁹

Clause 66 of the Bill also introduces a mandatory requirement for an authorised person to make a destruction order where the seized dog attacked a person causing grievous bodily harm or death, or attacked an animal and maimed or killed the animal. This will promote consistency in the way in which dogs that cause significant harm are dealt with under the AMCD Act.¹¹⁰

The explanatory notes state that removing the discretion about whether or not a destruction order is made where significant harm occurs is also aimed at streamlining review and appeal processes for a destruction order by eliminating discretion of whether or not to make a destruction order as a relevant factor for review.¹¹¹

¹⁰⁴ ADO, submission 46, p 5.

¹⁰⁵ DAF, correspondence, 1 February 2024, p 17.

¹⁰⁶ Explanatory notes, p 7.

¹⁰⁷ Explanatory notes, p 7.

¹⁰⁸ Explanatory notes, p 7.

¹⁰⁹ Explanatory notes, p 7.

¹¹⁰ Explanatory notes, p 8.

¹¹¹ Explanatory notes, p 8.

2.8.1 Mandatory destruction of a dog

Issues surrounding the processes relating to the mandatory destruction of a dog that has caused serious harm to a person has drawn the attention of many submitters and generated a range of suggestions.

Logan City Council considers where a dog has attacked resulting in death to a person, a destruction order need not be issued as it provides an opportunity for appeal. Rather, the obligation should be the immediate destruction of the dog.¹¹²

Brisbane City Council (BCC) also suggests the provisions for seizure and destruction within the Act have not provided sufficient powers for authorised persons. When a dog has caused the death of a person s 125 should also include clear provisions that indicate the dog must be seized and have a mandatory destruction order. The Act should include a provision allowing immediate destruction of the dog if it has caused the death of a person (also Clause 66 s 127). There can be extensive delays with appeal processes and the ongoing management of the dog can cause workplace health and safety issues.¹¹³ BCC also requests the provision of clear differentiation for cases where an authorised person *must* make a destruction order, as opposed to where the authorised person *may* make an order.¹¹⁴ City of Moreton Bay recommends repealing s 90 (proposal to regulate a dog menacing or dangerous) to reduce timeframes for dog owners, local governments and, importantly, persons affected by dog attack incidents.¹¹⁵

In response, DAF notes s 127(2)(a) of the AMCD Act provides for the immediate destruction of a regulated dog where there is a belief a dog is dangerous and cannot be controlled. However, DAF has concerns about the issues of potential appeals that may be nullified by an immediate destruction action. DAF believes it renders all review and appeal mechanisms ineffective and may limit the appropriate consideration of whether defences under s 196 apply.¹¹⁶

DAF advises that information and guidance material will be provided to local governments on the new offences. DAF will also develop statutory guidelines for the destruction of dangerous dogs and guidelines for issuing PINS to build local government officers' capacity. However, the department's ability to make guidelines will not be available until assent of the Bill.¹¹⁷

DAF states they will continue to meet with the Animal Management Taskforce and Technical Working Group on matters of concern to local governments which are outside the scope of this Bill. DAF notes the declaration notice under s 90 upholds procedural fairness by providing the owner or relevant person an opportunity to respond to the proposed declaration before it is made. Removing this step may increase appeals of regulated dog declarations.¹¹⁸ DAF also advises that the removal of this step may have human rights implications.¹¹⁹

The matter of issuing a destruction order for a dog that is not a regulated dog was of particular concern to some submitters.

Veronica Wingrove notes the proposed amendments to s 127A (2), where even though the regulated dog declaration has not taken effect under s 95(3), an authorised officer *may* make a destruction order for the dog. She suggests that by making a destruction order for *all* serious dog attacks mandatory, no

¹¹² Logan City Council, submission 34, p 3.

¹¹³ BCC, submission 14, p 80.

¹¹⁴ BCC, submission 14, p 81.

¹¹⁵ City of Moreton Bay, submission 20, p 5.

¹¹⁶ DAF, correspondence, 1 February 2024, p 25.

¹¹⁷ DAF, correspondence, 1 February 2024, p 25.

¹¹⁸ DAF, correspondence, 1 February 2024, pp 33-34.

¹¹⁹ DAF, correspondence, 27 February 2024, p 2.

matter the category of the dog, oversights or maladministration will be prevented, whilst still allowing the dog owner review rights as authorised by the Act.¹²⁰

DAF claims creating a power to issue destruction orders for non-regulated dogs could not be achieved by simple amendment of Section 127, stating it would require significant amendments to several associated provisions related to seizure and destruction.¹²¹

2.8.2 Investigations

Noosa Shire Council requests that DAF's intention to establish an internal investigative capacity to manage the most serious dog attacks should enable the potential for increasing investigative capability across both levels of government, including the Queensland Police Service, while not diminishing local government decision making.¹²² LGAQ also recommends the proposed specialist investigation team within DAF does not erode local government decision-making powers.¹²³

City of Moreton Bay requests the Bill clarifies sections 193 to 195 to confirm who is responsible for the investigation of alleged offences such as when an attack causes the death of a person or grievous bodily harm to a person – DAF or local government.¹²⁴ City of Gold Coast recommends the adoption of state-wide investigation standards and the implementation of electronic investigation management systems.¹²⁵

DAF states that an agreement between DAF and local governments is proposed to clarify roles and responsibilities. DAF confirms local government will remain responsible for dog management in their respective area. Local government officers will be responsible for conducting investigations into dog offences. In more complex cases, the newly established State investigations team will be available to provide support and guidance to local government upon request. The QPS is proposed to lead investigations in certain situations, such as cases where a dog attack results in the death of a person.¹²⁶

DAF confirms it will develop statutory guidelines for the destruction of dangerous dogs and guidelines for issuing PINS to build local government officers' capacity. The guidelines and other supporting material will promote consistent state-wide investigation and reporting processes.¹²⁷

City of Gold Coast also requests the information disclosed for an investigation of a prescribed offence be used for the investigation and enforcement of all offences identified during the investigation of a dog attack, including offences under the AMCD Act and local government animal management laws.¹²⁸

DAF clarifies that s 207A provides that vehicle registry information may be provided to an authorised person investigating a prescribed offence. These are the most serious dog attacks involving an attack by a dog that causes: death or grievous bodily harm, or bodily harm to a person; or death, maiming or wounding of an animal. In effect, s 207A provides an exception to the information privacy principles (IPPs) under the *Information Privacy Act 2009*. DAF will continue to meet with the Animal Management Taskforce and Technical Working Group on other matters raised by local governments that are outside the scope of this Bill.¹²⁹

¹²⁰ Veronica Wingrove, submission 59, pp 18-19.

¹²¹ DAF, correspondence, 27 February 2024, p 1.

¹²² Noosa Shire Council, submission 45, pp 1-2.

¹²³ LGAQ, submission 1, p 5.

¹²⁴ City of Moreton Bay, submission 20, p 4.

¹²⁵ City of Gold Coast, submission 30, pp 3-4.

¹²⁶ DAF, correspondence, 1 February 2024, p 20.

¹²⁷ DAF, correspondence, 1 February 2024, p 25.

¹²⁸ City of Gold Coast, submission 30, p 3.

¹²⁹ DAF, correspondence, 1 February 2024, pp 22-23.

The Queensland Law Society acknowledges the Explanatory Notes¹³⁰ state that clarifying when a destruction order can be made would assist decision makers in local governments and QCAT, which may reduce the workload of QCAT. QLS claims this proposal also holds the potential to increase the number of orders made, potentially resulting in additional applications to QCAT, including potentially increasing the number of stay applications being heard by QCAT pending the determination of the destruction order decisions.¹³¹

Veronica Wingrove strongly supports amendments being made to the Act to make it clear when a destruction order can and must be made for a regulated dog, and she supports the inclusion of the proposed s 127AA - Destruction of a regulated dog or prohibited dog in the event that the dog has seriously attacked a person or an animal. However, Ms Wingrove notes this still only applies to already regulated dogs that seriously attack a person or an animal.¹³²

Committee comment

The issue of a timely and effective response to serious dog attacks is of particular concern to the committee, especially the process of destruction of dogs that have instigated serious attacks on people. We agree with councils that want to see a less cumbersome system that promptly removes dogs responsible for such attacks and support the measures in the Bill that will enhance community safety.

The committee also considers that that improvements can be further made through the Animal Management Taskforce and DAF by their considering and advancing of some proposals from councils, including guidelines on seizure and destruction, clarification of responsibilities and disclosure of appropriate information.

We also particularly empathise with the suggestion put forward by Ms Wingrove to expedite processes for destruction orders of non-regulated dogs that cause serious harm to people, and suggest that the Government consider amending Clause 67 to insert a new part into section 127A(2) to (4) that aligns with new section 127AA(2) in clause 66, and renumbered accordingly, that provides that if a non-regulated dog has seriously attacked a person, the authorised person must make a destruction order in relation to the dog.

Recommendation 3

The committee suggests that the Government amend new section 127A in clause 67 to provide that if a non-regulated dog has seriously attacked a person, the authorised person must make a destruction order in relation to the dog.

2.8.3 Interested persons

Ms Wingrove also raises concerns about victims of dog attacks, or their representatives, not being made aware of how proceedings are being progressed for declarations for destruction or appeals against such declarations.¹³³

The committee sought further information on the definition of ‘interested person’ and whether it is appropriate for this definition to include a dog attack victim or their representative. DAF claims that expanding the definition would require careful consideration. Among other things it could impact on the number, complexity and/or timeframes of reviews.¹³⁴

¹³⁰ Explanatory Notes, p 18.

¹³¹ QLS, submission 21, p 2.

¹³² Veronica Wingrove, submission 59, p 18.

¹³³ Veronica Wingrove, Public hearing transcript, Brisbane, 16 February 2024, p 3.

¹³⁴ DAF, correspondence, 27 February 2024, p 2.

DAF advises that victims are not typically provided with a statutory review mechanism in dog destruction processes. In reviewing comparable legislation of other States and Territories, the department has not identified any example where victims are given a right to appeal decisions relating to dog attacks.¹³⁵

DAF believes that any amendment to the definition of ‘interested person’ would require a thorough review and could potentially result in significant reworking of associated review and appeal provisions to count for the possibility of reviews by the victim and the dog owner, and in the case of appeals, the Local Government too.¹³⁶

Committee comment

The committee considers the rights of victims in serious attacks by a dog to be underdeveloped. We believe community expectations and community safety would be best served to include a recognised or expanded role for a victim within the process of considering any appeals against a destruction order.

The committee believes any impact on timeframes of this expanded role would be negligible in a process that is already unnecessarily lengthy. We suggest the matter of victims’ rights be further explored by the Animal Management Taskforce.

2.9 Limitations on appeals about a destruction order

Under the AMCD Act a destruction order can be contested by the dog’s owner or responsible person by applying for an internal review of the decision. If the person is not satisfied with the outcome of the internal review, they can then apply to the QCAT for the external review of the destruction order.¹³⁷

Currently, if the outcome of the QCAT external review is unsatisfactory the person can further appeal the decision to QCAT Appeals jurisdiction (QCATA) in most circumstances. However, a person must first seek leave to appeal decisions on questions of fact or a question of mixed law and fact.¹³⁸ According to the explanatory notes, this process takes a significant period of time, sometimes exceeding 12 months, during which time the relevant dog remains under the care of the local government.¹³⁹

Clause 17 of the Bill will restrict appeals of QCAT external review decisions on destruction orders to only questions of law.¹⁴⁰ Explanatory notes state that streamlining review processes would provide greater certainty for local government and the community and ensure more humane outcomes for dogs. Providing clarity on when a review can be lodged will also reduce emotional uncertainty experienced by the dog owner.¹⁴¹

2.9.1 Delays in QCAT appeals process

Brisbane City Council called for delays occasioned by the current QCAT review process to be addressed. Council recommended that the Government prescribe timeframes for QCAT to decide the application for appeal. Brisbane City Council submitted that the amendment proposed by the Bill will have limited to no impact in reducing costs of the length of time the dog is in custody.¹⁴² City of

¹³⁵ DAF, correspondence, 27 February 2024, p 2/

¹³⁶ DAF, correspondence, 27 February 2024, p 2/

¹³⁷ Explanatory notes, p 8.

¹³⁸ Explanatory notes, p 8.

¹³⁹ Explanatory notes, p 8.

¹⁴⁰ Explanatory notes, p 8.

¹⁴¹ Explanatory notes, p 8.

¹⁴² BCC, submission 14, p 6.

Moreton Bay also recommends continued review of the timeframes for QCAT in respect to all regulated dog and destruction order appeal processes.¹⁴³

Logan City Council concurs with the need for a shortened time for QCAT matters relating to dogs who are impounded under Council's care to be heard. They suggest this would ensure better welfare outcomes for impounded dogs, less financial impost incurred by Council (via ratepayers), and reduced emotional uncertainty experienced by the dog owner.¹⁴⁴

Noosa Shire Council suggests establishing a statutory internal appeals process for AMCD Act related matters including decision timeframes and review process guidance for council internal reviews.¹⁴⁵

Australian Veterinary Association opposes the impounding dogs for extended periods without providing proper care, socialisation, and visitation with their owners where appropriate and safe. Mechanisms to streamline decisions and appeals on the future of seized dangerous animals is welcomed to help improve welfare outcomes for seized dogs and their owners.¹⁴⁶

DAF explains QCAT has a broad jurisdiction that spans across a full range of complex and urgent matters, including the review of decisions related to the care of children, impaired capacity decisions, review of assisted dying decisions, and special health care decisions. Any legislative requirement for it to hear matters concerning dogs within a specified timeframe could adversely affect hearing times for other matters.¹⁴⁷

DAF also advised that the Government has also allocated funding of \$5.412 million for a more consistent and effective Government response to dog attacks, which may have the effect of expediting QCAT considerations.¹⁴⁸

2.9.2 Right to procedural fairness

Queensland Law Society notes that while the length of time to finalise a matter is a consideration, this may not be sufficient to justify the limitation of appeal rights, which are central to our justice system and which may, as noted in the Explanatory Notes at page 21, infringe s 4(3)(b) of the *Legislative Standards Act 1991* (Qld).¹⁴⁹

DAF states consideration was given to procedural fairness and human rights in the development of the Bill. The amendment does not limit applications to the review jurisdiction of QCAT. It only limits subsequent appeals applications to QCAT Appeals (QCATA) to questions of law. Before a matter reaches QCATA, the matter will have been subject to the initial decision to make a destruction order, an internal review process and a QCAT external review.¹⁵⁰

DAF advises that the amendment limits a further application to QCATA to considering whether there were errors of law made by the previous decision makers as opposed to being used to retry a case on the facts. It is also important to note that the amendment does not limit the right to other appeals or reviews, such as judicial review mechanisms.¹⁵¹

¹⁴³ City of Moreton Bay, submission 20, p 5.

¹⁴⁴ Logan City Council, submission 34, p 3.

¹⁴⁵ Noosa Shire Council, submission 45, p 2.

¹⁴⁶ AVA, submission 11, p 5.

¹⁴⁷ DAF, correspondence, 1 February 2024, p 27.

¹⁴⁸ DAF, correspondence, 1 February 2024, p 28.

¹⁴⁹ QLS, submission 21, p 1.

¹⁵⁰ DAF, correspondence, 1 February 2024, p 27.

¹⁵¹ DAF, correspondence, 1 February 2024, p 27.

ADO advocates that decisions to destroy dogs are extremely serious decisions and must be subjected to scrutiny by independent decision-makers.¹⁵²

Dogs Queensland also has concerns about the proposal to restrict the right of appeal and suggest, rather than removing avenues of appeal, the process should be expedited.¹⁵³

Committee comment

As detailed in previous committee comments, the committee supports measures that improve the timeliness and effectiveness of responses to serious and even fatal dog attacks. We believe community safety will be enhanced by limiting subsequent appeal applications for QCAT Appeals (QCATA) to questions of law.

2.10 Fundamental legislative principle issue – penalties and offences

The Bill proposes to create new offences and increase the maximum penalties for existing offences and broaden existing offences.

The Bill proposes a range of offences related to the failure to exercise effective control of a dog and serious dog attacks. Under the Bill:

- a relevant person for a dog must, unless the person has a reasonable excuse, exercise effective control of the dog if the dog is in a public place
- a relevant person for a dog must take reasonable steps to ensure the dog does not attack, or act in a way that causes fear to, a person or an animal
- a person must not allow or encourage a dog to attack, or act in a way that causes fear to, a person or an animal.

Each of these proposed offences provides for a different range of maximum penalties, depending on the severity of the consequences of the offence. The maximum penalties, ranging from higher penalties to lower penalties, depend on whether the attack:

- causes the death of a person or grievous bodily harm to a person
- causes the death of an animal or maims an animal
- causes bodily harm to a person
- wounds an animal, or
- is not covered by these circumstances.¹⁵⁴

The applicable maximum penalties are further distinguished by whether the subject dog is a regulated dog, or the relevant person has been convicted of a serious dog offence within the preceding 5 years, or otherwise.¹⁵⁵

These new offences attract maximum penalties ranging from 50 penalty units (\$7,740) to 700 penalty units (\$108,360) or from 6 months imprisonment to 3 years imprisonment.

In seeking to justify the Bill's proposed requirement for effective control of dogs, the explanatory notes state:

The amendment ensures that dogs are appropriately restrained in public places and under the full control of the owner or responsible person for the dog. The amendment also ensures statewide consistency

¹⁵² ADO, submission 46, pp 3-4.

¹⁵³ Dogs Queensland, submission 29, pp 5-6.

¹⁵⁴ Bill, cl 25 inserts AMCD Act, ss 193 to 195.

¹⁵⁵ Bill, cl 25 inserts AMCD Act, ss 193 to 195.

removing any ambiguity about whether a person is in an area where effective control applies, as not all councils have implemented a requirement for effective control.¹⁵⁶

In terms of the proposed penalties for offences relating to dog attacks, the explanatory notes contend that the purpose of the increased maximum penalties, including imprisonment, is to:

... protect community safety by incentivising dog owners and responsible persons to ensure the dog under their control does not threaten or attack another human.

The amendment particularly considers the issue of repeat offences where either the dog has already had a malicious or dangerous dog declaration made, making it a regulated dog or a person has previously failed to control their dog, and harm has resulted. The latter circumstance aims to deter owners from simply surrendering a dog after an incident and repeating a problematic cycle with a new animal.

Specific deterrence is also required in cases where a person was aware a dog might be dangerous due to its status as a regulated dog or the person has previously committed similar offences previously yet they failed to keep their dog under control.¹⁵⁷

Committee comment

The committee is satisfied that the consequences imposed by the Bill are relevant, proportionate and consistent, such that they have sufficient regard for the rights and liberties of individuals.

2.11 Human rights issue – right to property

The Bill provides that an authorised person can immediately destroy a regulated dog or prohibited dog – without notice given to the owner – if the authorised person ‘reasonably believes the dog is dangerous and the authorised person cannot control the dog’.

This provision engages the right to property (HRA s 24) because it authorises the immediate destruction of a person’s property. The immediate destruction of a dog, without notice to an owner and in the absence of any opportunity for review, may be considered an arbitrary deprivation of the person’s property within the meaning of HRA s 24(2).

The purpose of the limitation of the right is stated to be the protection of the community through the prevention of dog attacks. As noted in the Statement of Compatibility, a dangerous animal may pose a risk of future harm to individuals, including children.

Committee comment

The committee is satisfied that a reasonable balance has been struck between the community’s right to safety and individuals’ right to property. The committee is satisfied that the potential limitation to the human right to property is appropriate in the circumstances.

¹⁵⁶ Explanatory notes, p 19.

¹⁵⁷ Explanatory notes, p 20.

3 Amendments to the Fisheries Act

This section discusses key issues raised during the committee’s examination of the amendments to the *Fisheries Act 1994* (Fisheries Act). It does not discuss all consequential, minor or technical amendments.

Key amendments and issues canvassed

The Bill amends the Fisheries Act to:

- introduce a framework for independent onboard monitoring (IOM) which allows data reported by commercial fishers on bycatch or interactions with protected species to be independently validated
- enhance and clarify certain fishing enforcement measures
- streamline the process for amending aquaculture approvals by creating a separate approval for operational components to be processed under the Fisheries Act.¹⁵⁸

3.1 Independent Onboard Monitoring

Clause 173 of the Bill introduces a framework for independent onboard monitoring (IOM) requirements which allows data reported by commercial fishers on bycatch or interactions with protected species to be independently validated.¹⁵⁹ According to the explanatory notes, implementing IOM will:

- Improve understanding and management of fishing and its impacts on the wider marine ecosystem
- Satisfy conditions of the Wildlife Trade Operation (WTO) approvals under the Environment Protection and Biodiversity Conservation Act (Cwlth) and thereby maintain access to export markets
- Support sustainable management of the GBR World Heritage Area and maintain access to key fishing grounds
- Support industry-led third party sustainability certification schemes and provide opportunities to improve seafood traceability, demonstrate provenance and develop new markets.¹⁶⁰

The explanatory notes state that the amendments support two methods of IOM: independent onboard observers and onboard camera systems. Both methods can collect accurate information on bycatch and detect interactions with protected species during commercial fishing activities. The information collected can then be compared with logbooks provided by fishers to validate the logbook data independently.¹⁶¹

The Bill addresses recommendations of the *Report on the Reactive Monitoring Mission to the Great Barrier Reef (GBR), 21-30 March 2022*, released by the International Union for Conservation of Nature (IUCN) and the United Nations Educational, Scientific and Cultural Organization (UNESCO) on 28

¹⁵⁸ Explanatory notes, p 1.

¹⁵⁹ Explanatory notes, p 9.

¹⁶⁰ Explanatory notes, p 9.

¹⁶¹ Explanatory notes, p 9.

November 2022, which include legislating the requirement for mandatory IOM for the remaining 'N1-limited' gillnet licences, and the east coast trawl fishery, by March 2024.¹⁶²

DAF advises that if IOM is not implemented in priority Queensland commercial fisheries, WTO export approvals may be revoked. Consequently, fishing access particularly within the GBR World Heritage Area may be reviewed, resulting in reduced or restricted access and less commercial catch and supply of seafood to domestic and international markets.¹⁶³

3.1.1 Consultation

The Queensland Seafood Industries Association (QSIA) claims there has been limited consultation with the commercial fishing industry in relation to amendments and alternative solutions. The proposed 'one size fits all' approach is not considered feasible due to the geographical overlap with fishing operations, type of fishing apparatus, and the experience/knowledge of individual fishers.¹⁶⁴

In response, DAF states the Strategy, which underpins several of the amendments in the Bill, was released in 2017 after extensive consultation. The use of IOM is the only way to collect independent data on retained and discarded commercial catch to provide accurate and reliable data needed for evidenced based decision making.¹⁶⁵

QSIA also requests an Impact Assessment Statement (IAS) be completed under the guidelines of this policy as the proposal has significant impacts.¹⁶⁶

DAF states that legislative amendments have been developed in accordance with the Queensland Government Better Regulation Policy (the Policy). A number of amendments are machinery in nature and make minor and administrative changes to the Fisheries Act. These do not result in a substantive change to regulatory policy or impose new impacts on business, government, or the community.¹⁶⁷

Other amendments relate to public sector management and no regulatory impact analysis is required under the Policy. Further, the amendments relating to repeated interactions with Threatened, Endangered and Protected Species are intended for fishers who are persistently non-compliant and will have minimal impact on those who are compliant. These amendments are documented in the IAS, which will be published by DAF in accordance with the Policy.¹⁶⁸

3.1.2 Independent onboard observers and onboard camera systems

AMCS and WWF consider IOM is a vital tool to provide accurate data on catch and bycatch from commercial fisheries. In Queensland, fishers are legally required to report their catch in logbooks, including interactions with threatened species. IOM can be used to validate fisher reporting and ensure that the data being used to manage fisheries and ascertain risk to threatened species is accurate. IOM is part of the Queensland Government's Sustainable Fisheries Strategy 2017-2027; however, AMCS and WWF note its implementation is running more than three years behind schedule.¹⁶⁹

AMCS and WWF suggest each form of IOM has advantages and disadvantages, with one option perhaps more suitable than the other for a specific fishery.¹⁷⁰

¹⁶² Explanatory notes, p 2.

¹⁶³ Explanatory notes, p 2.

¹⁶⁴ QSIA, submission 35, pp 2-4.

¹⁶⁵ DAF, correspondence, 1 February 2024, p 36.

¹⁶⁶ QSIA, submission 35, p 4.

¹⁶⁷ DAF, correspondence, 1 February 2024, pp 36-37.

¹⁶⁸ DAF, correspondence, 1 February 2024, p 37.

¹⁶⁹ AMCS and WWF, submission 36, pp 3-4.

¹⁷⁰ AMCS and WWF, submission 36, p 4.

One of the main advantages of independent scientific observers is that if suitably trained, they are able to identify threatened species, some of which may not be able to be identified to a species level (through fine scale details) via electronic monitoring. Another advantage is that observers can take biological samples that can be used in other scientific studies.¹⁷¹ However, costs for independent scientific observers can be prohibitive.¹⁷²

In the case of electronic monitoring, AMCS and WWF identify one of the main advantages is that it is significantly more cost effective. Electronic monitoring systems include cameras, computer systems, data storage and in some cases gear sensors.¹⁷³

With modern 4k cameras, electronic monitoring has been demonstrated to be as effective as independent scientific observers in identifying species. The drawbacks to electronic monitoring include difficulties in identifying some species; scientific samples cannot be taken; and with data stored on external hard drives and posted to reviewers there is the chance of data being subjected to tampering, though many systems can store and send data via mobile internet or onboard WIFI greatly reducing these risks. Due to the large amounts of data generated and the resultant secure storage and privacy issues, sufficient protocols must be established.¹⁷⁴

In response, DAF advised that it has not yet developed what coverage will occur across which fisheries but will consider relevant information such as results of the field trial, other jurisdictional learnings, the gear used in the fishing operation, logbooks from fishers, and data entry priorities of the department.¹⁷⁵

3.1.3 IOM video equipment

QSIA has taken issue with elements of the Bill relating to IOM video equipment. QSIA states that 'interfere' is not defined, and comments it is a broad term that in the extreme means the equipment cannot be touched.¹⁷⁶ DAF notes the submitter's comments. In cases where definitions aren't provided, the word has its ordinary or dictionary meaning.¹⁷⁷

In relation to the definitions for video monitoring conditions in Clause 173 of the Bill, the QSIA considers the definition of 'commercial fishing activity' is very broad. As this definition is applied in Clause 173, provided these activities are within the range of a camera installed on a boat or type of boat, they must be recorded. QSIA states the definition needs to be narrowed to only include when at sea or equivalent and the designated purpose of the trip is commercial.¹⁷⁸

DAF reiterates the intention is to only film commercial fishing activity. However, the cameras may capture images of boat operators or crew members on board the vessel. Those images are classed as personal information as defined in the *Information Privacy Act 2009* (Qld). Fisheries Queensland will manage any personal information collected in accordance with this Act.¹⁷⁹

QSIA submits that the approval of equipment is fraught with issues ranging from fit for purpose, ongoing supply, warranty, service and repair etc.¹⁸⁰ DAF states that learnings from the Vessel Tracking

¹⁷¹ AMCS and WWF, submission 36, pp 5-6.

¹⁷² Queensland Department of Agriculture and Fisheries (2018), Fisheries Data Validation Plan; Course, G.P., Pierre, J., and Howell, B.K., 2020. What's in the Net? Using camera technology to monitor, and support mitigation of, wildlife bycatch in fisheries. Published by WWF.

¹⁷³ AMCS and WWF, submission 36, pp 5-6.

¹⁷⁴ AMCS and WWF, submission 36, pp 5-6.

¹⁷⁵ DAF, correspondence, 1 February 2024, pp 44-45.

¹⁷⁶ QSIA, submission 35, p 18.

¹⁷⁷ DAF, correspondence, 1 February 2024, p 46.

¹⁷⁸ QSIA, submission 35, p 16.

¹⁷⁹ DAF, correspondence, 1 February 2024, p 47.

¹⁸⁰ QSIA, submission 35, p 17.

Decision Post Implementation Impact analysis statement can be applied to the implementation of onboard monitoring and relevant equipment.¹⁸¹

QSIA also draws attention to the fact that many Queensland commercial fishers operate in remote and harsh environments, where access to communications is not available and access to service agents can be challenging. QSIA submits that fishers ought to be afforded the opportunity to continue fishing when a system malfunctions. .¹⁸²

DAF notes the QSIA's concerns and states that subordinate legislation is still to be developed and these factors will be considered.¹⁸³

3.1.4 Privacy and copyright

Several stakeholders questioned privacy arrangements relating to captured material.

QSIA submits that privacy is a significant issue when video monitoring equipment is installed by the Government to monitor the activities of private businesses and individuals.¹⁸⁴ QSIA notes that there are no comments in either the explanatory notes or statement of compatibility concerning ownership of copyright and intellectual property, and there are no comments regarding confidentiality, particularly if non-commercial activity is on the data provided to the chief executive officer.¹⁸⁵

DAF states the intention is to only film commercial fishing activity, however the cameras may capture images of boat operators or crew members on board the vessel. Those images are classed as personal information as defined in the *Information Privacy Act 2009* (Qld).¹⁸⁶

Fisheries Queensland will handle all personal information arising from the trial as required by the *Information Privacy Act 2009* Act and will not use or disclose it for any other purpose, unless authorised or required by law. Queensland's *Right to Information Act 2009* and information privacy legislation are designed to make government information, that is in the public interest, available to members of the community and provide a framework for the lawful management and handling of individuals' personal information.¹⁸⁷

Video footage, associated data and analysed data are all classed as government records. This means any footage and data from the field trial can be applied for under the *Right to Information Act 2009*, but it will not necessarily be released. If a request for information is received, the person/s affected, and Fisheries Queensland will be consulted and given the opportunity to clarify the request or appeal the release of information.¹⁸⁸

QLS recommends the following measures to ensure the privacy of onboard commercial fishing vessels is safeguarded¹⁸⁹:

- The cameras should be limited to video surveillance only and should not include audio-visual surveillance.
- The legislation should limit the permitted use of video footage to departmental personnel validation of data and associated prosecutions under the Fisheries Act. The video footage should not be accessible for other purposes such as for use in personal injuries claims.

¹⁸¹ DAF, correspondence, 1 February 2024, p 45.

¹⁸² QSIA, submission 35, p 46.

¹⁸³ DAF, correspondence, 1 February 2024, p 36.

¹⁸⁴ QSIA, submission 35, p 17.

¹⁸⁵ QSIA, submission 35, p 17.

¹⁸⁶ DAF, correspondence, 1 February 2024, p 47.

¹⁸⁷ DAF, correspondence, 1 February 2024, pp 47-48.

¹⁸⁸ DAF, correspondence, 1 February 2024, pp 47-48.

¹⁸⁹ QLS, correspondence 20 February 2024, p 2.

- The legislation should only mandate such 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.
- The footage may be commercially valuable to operators of competitor vessels. Therefore, access to video footage should be outside the 'right to information' and 'freedom of information' sphere.
- Vessel owners and operators should have an 'as of right' ability to access a copy of the footage taken from surveillance devices on their vessels.
- There should be a mandate to deliver up or destroy footage after a reasonable period of time has elapsed for the approved purpose of use.
- The legislation should mandate that the management of personal information collected, held, used and disclosed by the department via this surveillance initiative must be in accordance with a published Privacy Plan.¹⁹⁰

Committee comment

The committee notes the concerns of QSIA and QLS over issues of privacy and commercial confidentiality relating to the use of Independent Onboard Monitoring.

It is important that information collected from commercial fishing vessels through onboard monitoring has sufficient privacy safeguards in place. Accordingly, we have recommended that the Government 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.

Recommendation 4

The committee recommends that the Government 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.

3.1.5 Official observers

QSIA submits that in relation to new s 76ZR, there appears to be no allowance should the fisher be unable to replace an official observer who is unable to perform their function. QSIA notes that new s 76ZP(3) makes it an offence, while under an observation notice, to operate a boat without an official observer.¹⁹¹

DAF notes new s 76ZR(4) provides that the chief executive may give the holder of, or another person acting under the authority a written notice stating that the official observer (the original observer) is to be replaced with another official observer (the replacement observer) for the remainder of the observation period. If this does not occur the commercial fisher is not required to take an official observer.¹⁹²

3.1.6 Excuse not to comply

QSIA states in relation to new s 76ZQ, which provides a requirement to help an official observer, the boat captain, when at sea, has responsibility for the safety of all onboard and the boat. QSIA submits that it should also be a reasonable excuse for an individual to not comply with a requirement to help an official observer if safety is being compromised.¹⁹³

¹⁹⁰ See example produced by the Residential Tenancies Authority <https://www.rta.qld.gov.au/about-us/corporate-information/privacy-plan>

¹⁹¹ QSIA, submission 35, p 18.

¹⁹² DAF, correspondence, 1 February 2024, pp 49-50.

¹⁹³ QSIA, submission 35, p 18.

DAF notes the submitter's comment and states that new s 76ZQ(3) is not an exhaustive list of what excuses are reasonable and would not prohibit other circumstances where a reasonable excuse might exist.¹⁹⁴

3.2 Enhancing and clarifying fishing enforcement

A further objective of the Bill is to amend the Fisheries Act to enhance the efficacy of certain provisions relating to fisheries enforcement.

3.2.1 Seizure powers and appealing seizure

Currently, under the Fisheries Act a person is already restricted from appealing a seizure decision where a fisheries resource, which is alive, is immediately returned to the wild by an inspector.

The Bill amends this part of the Fisheries Act to provide that a person may not appeal if a dead seized fisheries resource is immediately disposed of by an inspector, who on reasonable grounds, believes the resources are putrid, unfit for sale, or of no or insufficient value to justify their sale.¹⁹⁵ According to the explanatory notes, this will reduce the administrative burden of ineffective appeals where the department would have no way to return the fisheries resources in the event of a successful appeal.¹⁹⁶

The Queensland Law Society (QLS)¹⁹⁷ raises concerns about removing these rights. DAF advises that it will monitor the number of appeals through QCAT.¹⁹⁸

3.2.2 Prescribing section 87 as a serious fisheries offence

Under section 87 of the Fisheries Act, it is an offence to interfere with an aquaculture activity or fishing apparatus. This is currently not prescribed as a serious offence which means courts are limited to imposing fines for the conduct. The explanatory notes state that due to the personal and financial gain associated with interference, the imposition of fines has not been an effective deterrent for offending under the provision.¹⁹⁹ The Bill addresses this issue by prescribing section 87 as a serious offence.

DAF notes that because Section 87 is not currently prescribed as a serious fisheries offence, courts are limited to imposing fines for the above conduct.²⁰⁰

The amendment applies to all authority holders. An authority within the meaning of the Fisheries Act includes a licence, permit, quota authority, resource allocation authority or other authority issued, and in force, under the Act. At present, the authorities issued by DAF are primarily related to acts for commercial gain. However, the amendment would capture persons who hold permits, including recreational fishers who hold a stocked impoundment permit.²⁰¹

3.2.3 Written notice of conditions

AMCS and WWF support the proposed amendments to the Fisheries Act to create a head of power to enable the chief executive to impose conditions on a fishing authority following repeated interactions and mortalities of threatened/endangered/protected species (TEPS).²⁰² Many species (e.g., dugong, sawfish, green turtles and loggerhead turtles, hammerhead sharks and grey nurse sharks) are under

¹⁹⁴ DAF, correspondence, 1 February 2024, p 49.

¹⁹⁵ Explanatory notes, p 10.

¹⁹⁶ Explanatory notes, p 10.

¹⁹⁷ QLS, submission 21, p 2.

¹⁹⁸ DAF, correspondence, 1 February 2024, p 38.

¹⁹⁹ Explanatory notes, p 11.

²⁰⁰ DAF, correspondence, 1 February 2024, p 37.

²⁰¹ DAF, correspondence, 1 February 2024, p 37.

²⁰² AMCS and WWF, submission 36, p 15.

threat and the Queensland populations are in decline.²⁰³ The incidental catch of threatened species in commercial fishing gear, particularly gillnets and trawl nets has been assessed as a high or intermediate risk to many species. Gillnets are largely invisible to protected species - they can become entangled, quickly drown and on occasion they can be intentionally and illegally killed when being removed from the net.²⁰⁴ Incidental catch of threatened species is the unknown scale – interactions are considered largely under-reported.²⁰⁵

AMCS and WWF propose that a number of fisheries have unacceptable levels of bycatch of threatened species. Bycatch rates are largely driven by individual vessel behaviour with more skilled fishers able to avoid high rates of bycatch while maintaining high catches of the target species. One option to address these differences in performance relating to threatened species bycatch is to impose conditions upon a fishing licence. This concept is not new and already exists in Fisheries Queensland policy within the Protected Species Management Strategy (PSMS) for the East Coast Inshore Fishery. The aim of this strategy is to reduce interactions with threatened species to as close to zero as possible, while allowing sustainable fishing practices. However, AMCS and WWF acknowledge that individual accountability alone will not reduce interactions with threatened species to a level that does not have an unacceptable impact on their populations.²⁰⁶

The QSIA submits that Clause 140 regarding conditions imposed for repeated interactions with protected animals should be omitted. They state that the commercial fishing industry supports and is actively participating in the goal to address protected marine animal death and injury.²⁰⁷

DAF states the amendment recognises individual differences in compliance with interactions with protected animals. The current fisheries legislation does not support an individual management approach and there is limited scope to partially restrict a licence holder's fishing activities, for example reducing the total length of commercial nets used in an individual's fishing operation rather than outright suspending their licence. There is also limited scope to require them to develop a mitigation plan in response to repeated interactions with protected species.²⁰⁸

DAF states that clause 140 further provides that the chief executive must review each condition within the time stated in the condition. This will ensure that conditions which are imposed, are not overlooked and do not remain on the authority for any longer than is necessary. The definition of 'interaction' with a protected animal is also defined for the purposes of the provision. The inclusion of Section 61A provides a head of power to improve the enforceability of management plans, such as the Protected Species Management Strategy for the East Coast Inshore Fishery.²⁰⁹

3.3 Aquaculture Authorities

Currently, the vast majority of Queensland aquaculture development is authorised under a development approval (DA) issued under planning legislation, such as the Planning Act. The explanatory notes state that the current DA process is difficult to administer for aquaculture development as planning legislation limits the conditions that can be recommended for developments and a more responsive method is needed.²¹⁰

²⁰³ Cleguer C, Hamel M, Rankin RW, Genson A, Edwards C, Collins K, Crowe M, Choukroun S, Marsh H (2023) '2022 Dugong Aerial Survey: Mission Beach to Moreton Bay', JCU Centre for Tropical Water & Aquatic Ecosystem Research Publication 23/44, Townsville. 128pp. <https://doi.org/10.25903/s661-1j55>

²⁰⁴ Great Barrier Reef Marine Park Authority (2020), Position Statement - Fishing

²⁰⁵ AMCS and WWF, submission 36, p 3.

²⁰⁶ AMCS and WWF, submission 36, pp 12-13.

²⁰⁷ QSIA, submission 35, p 5.

²⁰⁸ DAF, correspondence, 1 February 2024, p 41.

²⁰⁹ DAF, correspondence, 1 February 2024, p 41.

²¹⁰ Explanatory notes, p 3.

The Bill creates a new aquaculture authority under the Fisheries Act that will authorise the ongoing operational and management aspects of aquaculture operations, which generally relate to fisheries management and biosecurity.²¹¹

3.3.1 Resource allocation authorities

A resource allocation authority is required for the development of certain fisheries activities including aquaculture developments on unallocated tidal land or in Queensland waters. It does not give the holder any right of ownership or tenure over the land, nor does it grant the holder the right to carry out the proposed development without a valid aquaculture development approval. A resource allocation authority is a permit to undertake an aquaculture operation.²¹²

ABFA²¹³ and APFA²¹⁴ request that the continued use of resource allocation authorities be clarified.

In response, DAF states there are currently two types of resource allocation authorities (RAA) under Part 5 of the Fisheries Act:

- RAAs for prescribed declared fish habitat area development; and
- RAAs for prescribed aquaculture development.

RAAs for prescribed declared fish habitat area development and the associated legislative framework are unaffected by the proposed Bill and will continue to be issued.

RAAs for prescribed aquaculture development will be phased out and transitioned to aquaculture authorities. Relevant provisions to the effect of the omitted subsection (4) are introduced into the new Section 52A, under clause 160, dealing with RAAs and aquaculture authorities.²¹⁵

3.3.2 Regulatory conditions

ABFA²¹⁶ and APFA²¹⁷ observe that the Bill provides for the unilateral ability to impose regulatory conditions on authorities without the consent of the applicant. They do not support this provision without procedural fairness, rights of review and/or appeal, and appropriate dispute resolution procedures and time frames.

DAF notes that the amendment to s 63(6) is intended to clarify the provision. Section 63(6) of the Fisheries Act already provides that any condition that may be imposed on an authority when it is issued, may be imposed on the authority by amendment.²¹⁸

DAF also notes that the amendment does not alter or remove any of the existing rights of review or appeal if an amendment was made under the current provision. The chief executive must give the authority holder a show cause notice, and opportunity to respond before making the decision. The authority holder would also receive an information notice following the decision which allows the authority holder to request a review of the decision if dissatisfied.²¹⁹

²¹¹ Explanatory notes, p 12.

²¹² Department of Agriculture and Fisheries, Resource Allocation Authorities for fisheries development, Queensland Government, 25 January 2024, accessed 5 March 2024.

²¹³ ABFA, submission 31, p 4.

²¹⁴ APFA, submission 16, p 4.

²¹⁵ DAF, correspondence, 1 February 2024, p 38.

²¹⁶ ABFA, submission 31, p 4.

²¹⁷ APFA, submission 16, p 5.

²¹⁸ DAF, correspondence, 1 February 2024, p 40.

²¹⁹ DAF, correspondence, 1 February 2024, p 40.

3.3.3 Issuing authorities

ABFA²²⁰ and APFA²²¹ note the impact of the *Coastal Management Act*, *Environmental Protection Act* and the *Marine Parks Act* on decisions to be made by the chief executive when considering whether to issue an Aquaculture Authority. They consider the link to these legislative provisions ought to aim to:

- strengthen the chief executive’s ability to work with other relevant departments regarding issues such as environmental authority limits, relevant species and other matters pertaining to environmental licencing;
- provide relevant science-based guidance to decision-making criteria; and
- place emphasis on the importance of operational fisheries provisions but not seek to over-regulate on-farm activities that should be the sole responsibility of the operator, provided environmental authority conditions are met, such as nutrient concentration limits.

DAF states the applicability of these provisions to the aquaculture authorities is particularly necessary for tidal aquaculture, for example oyster farming or scallop ranching. The chief executive should consider impacts to coastal management, Queensland waters and marine parks before authorising the use of Queensland waters for the purposes of aquaculture.

DAF further clarifies that s 52A is unlikely to affect aquaculture proposals on terrestrial land, for example pond-based operations, as relevant impacts do not apply or are considered at the development assessment stage.²²²

3.3.4 Authority period

ABFA²²³ and APFA²²⁴ support the explanatory notes’ commentary that a licence should only be refused by operation of law, and not by discretion. They comment this the only way to ensure business certainty, particularly if the authority is one that will require annual application or renewal. Both associations request that the authority be for a period longer than 12 months, given the operational capital, investment and certainty needed to continue to invest in aquaculture. Consideration should be given to the period of the licence and the application of further costs to operations to ensure the fee for holding an aquaculture authority is not onerous to operators in this already heavily regulated industry.

Committee comment

The committee notes submitters’ concerns regarding 12-month aquaculture authorities and the lack of certainty or long-term horizon this could create for authority holders. We recommend that the Department of Agriculture and Fisheries examine whether a longer time period may be more appropriate for these authorities.

²²⁰ ABFA, submission 31, p 4.

²²¹ APFA, submission 16, p4.

²²² DAF, correspondence, 1 February 2024, pp 38-39.

²²³ ABFA, submission 31, p 4.

²²⁴ APFA, submission 16, p 5.

Recommendation 5

The committee recommends that the Department of Agriculture and Fisheries consider the timeframes associated with aquaculture authorities, specifically whether a period of more than 12 months may be more appropriate.

3.4 Fundamental legislative principle issue - penalties

The Bill provides for the following offences:

- a person must not carry out prescribed declared fish habitat area development unless the person holds the necessary resource allocation authority, attracting a maximum penalty of 3,000 penalty units (\$464,400)²²⁵
- a person must not carry out prescribed aquaculture development,²²⁶ or an associated aquaculture activity for aquaculture development,²²⁷ unless the person holds the necessary aquaculture authority, attracting a maximum penalty of 1,665 penalty units (\$257,742).

The Bill also proposes a range of new offences, each attracting a maximum penalty of 1,000 penalty units (\$154,800), including:

- 4 offences relating to the installation and use of approved video monitoring equipment (AVM equipment) in relation to an authority that is subject to a video monitoring condition for one or more boats used under the authority
- 5 offences relating to the placement of official observers in relation to an authority that is subject to an observation condition for one or more boats used under the authority.

Additionally, the Bill proposes a new offence for a contravention of a condition imposed under new section 61A. The proposed maximum penalty is 1000 penalty units (\$154,800).²²⁸

In relation to the Bill's proposal to prescribe the existing offence for interfering with an aquaculture activity or fishing apparatus as an SFO, the explanatory notes identify the likely increase in deterrence as motivation for the change.²²⁹

Committee comment

The committee is satisfied that the consequences imposed by the Bill are relevant, proportionate and consistent, such that they have sufficient regard for the rights and liberties of individuals.

3.5 Fundamental legislative principle issue - undue restriction of ordinary activities

The Bill includes provisions relating to IOM that would restrict individuals' ordinary activities. It also includes a range of provisions that seek to limit the impact of the IOM framework, for example:

- in relation to imposing a video monitoring condition or an observation condition on an authority, the Bill requires the chief executive to be satisfied that the condition is reasonably necessary to monitor whether the purposes of the Fisheries Act are being achieved, or monitor how commercial fishing activities are carried out under the authority

²²⁵ Bill, cl 169, replaces Fisheries Act, s 88B.

²²⁶ Bill, cl 169, inserts Fisheries Act, s 88C.

²²⁷ Bill, cl 169, inserts Fisheries Act, s 88D.

²²⁸ Bill, cl 145 replaces Fisheries Act, s 79A, penalty

²²⁹ Explanatory notes, pp 24-25.

- the proposed amendments apply to commercial fishing activities and do not provide for the monitoring or recording of recreational activities
- the observation notice must state the reasonable period (the observation period) during which the official observer is required to be on the relevant boat, and in deciding what is a reasonable period, the chief executive must have regard to the specified matters
- the observation notice must be given within a reasonable period before the observation period starts
- on the basis that the authority holder allows the official observer to perform their function and exercise their powers, the authority holder may use the relevant boat for a commercial fishing activity during the observation period.

The explanatory notes make the following observations on how the proposed IOM framework will impact the ordinary activities of an authority holder:

Fisheries observers will have to be given access to sleeping quarters and food on the vessels to which they have been assigned. Consultation is ongoing as to where the responsibility for these arrangements should lie and the potential for the financial impacts upon a fishing operator for providing for an observer.

Where possible, IOM will be done through e-monitoring. However, some fisheries will require physical observers either because the Commonwealth has conditioned that in its export approvals or a video would not be able to identify the species that are sought to be observed (for example, certain species of coral, which appear similar to rocks on camera).²³⁰

According to the explanatory notes, 'IOM is necessary (and is the only possible method) for validating information on retained catch and determining levels of non-target species catch, including interactions with protected animals'.²³¹

In further seeking to justify the proposed amendments, the explanatory notes state they will improve the protection of Queensland's fisheries and marine ecosystems, and ensure the State's continued compliance with, and eligibility for, international trade of fisheries stock.²³²

Committee comment

The committee is satisfied that, on balance, the impact on the rights and liberties of individuals, including on ordinary activities, are sufficiently justified.

3.6 Fundamental legislative principle issue - regard to institution of Parliament

The Bill includes a number of provisions that delegate legislative power to regulation, rendering it necessary to consider whether the delegations have sufficient regard to the institution of Parliament. This includes proposed amendments to the Fisheries Act to allow a regulation to prescribe:

- fees
- the payment of the specified compensation
- the specified fishing licences
- in relation to the proposed AVM equipment provisions:
 - the position and way AVM equipment for a relevant boat is installed
 - the commercial fishing activities carried out in the relevant boat that are required to be recorded

²³⁰ Explanatory notes, p 24.

²³¹ Explanatory notes, p 24.

²³² Explanatory notes, p 24.

- information about the recording that is required to be given to the chief executive
- the way in which an authority holder must notify the chief executive of a malfunction with AVM equipment and the procedures to rectify the malfunction
- any conditions on which an official observer holds office and any limitations to the official observer's powers.

Section 62 of the Fisheries Act provides that an authority is also subject to the conditions prescribed by regulation.²³³ The Bill includes a range of provisions that would enable authority conditions, including the following, to be prescribed by regulation:

- a condition for an aquaculture authority
- a video monitoring condition for authorities of a type in relation to boats of a type used under the authorities
- the monitoring period, and the required time and way, if the video monitoring condition is imposed on the authority by a regulation
- an observation condition for authorities of a type in relation to boats of a type used under the authorities
- any matter the chief executive must have regard to, in deciding what is a reasonable period:
 - during which the official observer is required to be on the relevant boat
 - before the start of an observation period by which an observation notice must be given to an authority holder.

A Bill should allow the delegation of legislative power only in appropriate cases and to appropriate persons.²³⁴ Further, a Bill should sufficiently subject the exercise of a delegated legislative power to the scrutiny of the Legislative Assembly.²³⁵

Although the Bill includes a significant number of provisions which seek to delegate legislative power to regulation, the explanatory notes do not raise the Bill's proposed regulation-making powers in the context of fundamental legislative principles.

There are a range of reasons why different provisions in the Bill may seek to delegate legislative power, including to increase flexibility in the operation of the legislation or because the subject matter of the proposed delegation is technical or detailed in nature. Some safeguards or limitations are included in the Bill for some provisions.

Committee comment

The committee is satisfied that, on balance, the proposed amendments have sufficient regard to the institution of Parliament. Although we note that better practice would be to include more justification in the explanatory notes for the proposed delegations of legislative power.

²³³ Any condition that may be imposed on an authority by the chief executive may be prescribed by regulation.

²³⁴ LSA, s 4(4)(a).

²³⁵ LSA, s 4(4)(b).

4 Other amendments

Other amendments

The Bill also seeks to:

- improve the operation of the *Biosecurity Act 2014* (Biosecurity Act) by implementing certain recommendations of the Biosecurity Act Review.
- implement recommendations three and five of the *Farm Business Debt Mediation Act 2017* (FBDM Act) Review
- give effect to outstanding improvements to the industrial cannabis industry only achievable through amendments to the *Drugs Misuse Act 1986* (DM Act)
- ensure businesses are appropriately responsible for the conduct of their employees or representatives under the *Animal Care and Protection Act 2001* (ACP Act).

The Bill also makes a number of minor and miscellaneous amendments.

4.1 Amendments to the Biosecurity Act

The Bill seeks to improve the operation of the *Biosecurity Act 2014* (Biosecurity Act) by implementing certain recommendations of the Biosecurity Act Review (the Review) which was undertaken by the Department of Agriculture and Fisheries. The Review examined learnings from the initial operation of the Act, including the use of emergency powers, application of shared responsibility and risk-based decision-making functions, performance of compliance and enforcement, and utilisation of third-party accreditation.²³⁶

The amendments:

- authorise local governments to deal with locally significant invasive plants and animals under the Biosecurity Act, that have been listed under a local law, but which are not classified as invasive biosecurity matter state-wide to simplify operations²³⁷
- extend the duration of biosecurity emergency powers from 21 days to up to 6 weeks²³⁸
- allow for conditions to be imposed under Movement Control Orders (MCOs) and Biosecurity Emergency Orders (BEOs) for relevant people to keep traceability records where required for the implementation of disease control measures.²³⁹
- remove the requirement for an authorised officer, using biosecurity program powers of entry under the Biosecurity Act, to attempt to seek consent prior to entry, instead requiring notification prior to entry.²⁴⁰
- align the power of entry under a MCO with those available under a BEO, allowing authorised officers under the Biosecurity Act to enter or re-enter a place that is not a dwelling with or without consent to ensure compliance during a MCO, better to better respond to biosecurity risks.²⁴¹

²³⁶ Explanatory notes, p 3.

²³⁷ Explanatory notes, p 12.

²³⁸ Explanatory notes, p 27.

²³⁹ Explanatory notes, p 14.

²⁴⁰ Explanatory notes, p 14.

²⁴¹ Explanatory notes, p 15.

- authorises the chief executive officer to issue a notice to a registered biosecurity entity (RBE) that the person must, within a stated period, advise whether the person is still a registerable biosecurity entity. If a person does not respond within the stated period, the chief executive may deregister the RBE.²⁴²
- provides the ability for the chief executive officer to waive the fee for a prohibited matter permit in exceptional circumstances, such as cases where prohibited matter needs to be removed from an infected site and the applicant will derive no financial benefit from the dealing or where the fee is likely to cause hardship.
- simplify the process for listing prohibited and restricted matter by transferring lithe lists into Bio security Regulation.²⁴³

4.1.1 Consultation

A Biosecurity Legislation Reference Group (BLRG) was established at the commencement of the review and comprised over 40 representatives from a wide range of organisations.²⁴⁴ A local government specific BLRG was also established with 22 local governments accepting the invitation.²⁴⁵

Internal consultation consisted of surveying authorised officers across the agency. The Regulatory Change Committee (RCC) was also consulted to ensure any issues raised by each biosecurity program were considered. The proposed amendments were approved by the BLRG, local government BLRG, RCC and Biosecurity Leadership Board before being progressed to the Minister.²⁴⁶

4.1.2 Stakeholder views

The Local Government Association of Queensland (LGAQ) strongly support the proposed changes to the *Biosecurity Act 2014*.²⁴⁷

4.1.2.1 Locally significant invasive plants and animals

Marie Vitelli²⁴⁸ and AgForce²⁴⁹ refer to amendment of s 43 (distributing or disposing of Category 3 restricted matter), Clause 86. This section needs to clarify that Category 3 Restricted Biosecurity Matter and other matter defined under local government local law can be sold or traded, if an alternative cost-effective use is found which poses no biosecurity risk.

4.1.2.2 Requirement to keep movement records

AgForce notes it is not apparent that third parties need to take specific biosecurity measures/precautions before entering a property. As per general biosecurity obligations requirements, third parties 'ought to reasonably know' about biosecurity risks (weeds, animal and plant diseases, etc.) before entering a property.²⁵⁰

4.1.2.3 Requirement to notify before entry

QLS suggests better information needs to be given to occupants about their rights and obligations, rather than removing the requirement to seek consent to enter.²⁵¹

²⁴² Explanatory notes, p 15.

²⁴³ Explanatory notes, p 16.

²⁴⁴ Explanatory notes, p 33.

²⁴⁵ Explanatory notes, p 33.

²⁴⁶ Explanatory notes, p 33.

²⁴⁷ LGAQ, submission 1, p 12.

²⁴⁸ Marie Vitelli, submission 53, p 1.

²⁴⁹ AgForce, submission 60, p 3.

²⁵⁰ AgForce, submission 60, p 2.

²⁵¹ QLS, submission 21, p 2.

DAF states the amendment is only relevant to a circumstance when entry is permitted without consent. Occupants have expressed frustration that they have refused consent only to be told that the authorised officer is permitted to enter regardless. DAF recognises that improvements in information provided to occupants are essential whether consent or notification is given.²⁵²

4.1.2.4 Aligning entry powers under orders

Brisbane City Council supports the proposed improvements that both align and link entry provisions to local laws. However, BCC seeks to clarify whether participating landowners already within the program are subject to additional obligations such as an emergency declaration under the amendments.²⁵³

DAF clarifies that the Bill does not change the circumstances in which a BEO, a MCO or an emergency prohibited matter declaration can be made. Under the Bill, inspectors would have additional powers under a MCO. However, these powers are limited to only a place to which the MCO relates, and only to the extent reasonably necessary to fulfil the purpose of the order.²⁵⁴

4.1.3 Fundamental legislative principles issue - penalties

The Bill provides that an inspector may, in relation to a place to which a MCO relates, and to the extent reasonably necessary for managing, reducing or eradicating controlled biosecurity matter, do any of the specified things, including give a direction restricting the movement of controlled biosecurity matter, and including directing a person to:

- move controlled biosecurity matter to a stated area within the place
- inspect or test controlled biosecurity matter at the place
- clean or disinfect the place or any structure or thing at the place
- treat, destroy, dispose of, decontaminate, disinfect or vaccinate controlled biosecurity matter at the place.²⁵⁵

The Bill seeks to create an offence requiring a person to whom such a direction is given under this provision to comply with the direction, unless they have a reasonable excuse.²⁵⁶ This new offence attracts a maximum penalty of 1,000 penalty units (\$154,800) or one year imprisonment.

The proposed maximum penalty appears consistent with the maximum penalties for existing offences in the Biosecurity Act. Maximum penalties in the Biosecurity Act range from 20 penalty units (\$3,096) to 3,000 penalty units (\$464,400) or 3 years imprisonment.

4.1.4 Fundamental legislative principle - General rights and liberties of individuals

The Bill proposes to amend the emergency powers in the Biosecurity Act, which will impact a range of general rights and liberties of individuals by:

- extending the maximum period a BEO may be in effect under the Biosecurity Act from 3 weeks (21 days) to up to 6 weeks (42 days)²⁵⁷

²⁵² DAF, correspondence, 1 February 2024, p 51.

²⁵³ BCC, submission 14, p 1.

²⁵⁴ DAF, correspondence, 1 February 2024, pp 51-52.

²⁵⁵ Bill, cl 91 inserts Biosecurity Act, s 127A(1).

²⁵⁶ Bill, cl 91 inserts Biosecurity Act, s 127A(5).

²⁵⁷ Bill, cl 89 amends Biosecurity Act, s 115.

- authorising the chief executive to approve a period longer than 96 hours (4 days), but not more than 168 hours (7 days), during which an inspector may exercise their emergency powers.²⁵⁸

The Bill's proposed amendments involve the exercise of existing administrative decision-making powers of the chief executive in the making of a BEO, including by specifying its expiration date, and in considering an inspector's request for an extension of the maximum duration of an inspector's emergency powers.

Doubling the maximum period that a BEO may be in effect increases the potentially significant impact of a BEO on an individual. For example, a BEO is required to include provisions that state the duties and obligations imposed on occupiers of any place within the biosecurity emergency area, and on other persons in, or in the vicinity of, the biosecurity emergency area.

Given the nature of the powers which would be exercised in emergency situations where time is of the essence, the Bill does not necessarily seek to be consistent with the principles of natural justice, for example, by providing for affected parties to have the right to be heard before they are deprived of some right or interest.

The explanatory notes assert that emergency powers available to inspectors, and BEOs, are necessary to appropriately manage biosecurity emergencies. The notes identify the reasons why the Bill's proposed amendments (to extend the maximum duration of emergency powers) are also necessary.

Committee comment

The committee is satisfied that the proposed amendments are adequately justified and have sufficient regard to the rights and liberties of individuals.

4.2 Amendments to the Farm Business Debt Mediation Act

Under the Farm Business Debt Mediation Act 2017 (FBDM Act), the Minister is required to review the Act within five years. On 1 July 2022, the report titled Review of Farm Business Debt Mediation Act 2017 was tabled in Parliament.

The review concluded that the FBDM Act is meeting its objectives but also recommended that consideration be given to six possible amendments to improve the operation of the Act. The Bill implements certain recommendations from this review.²⁵⁹

In reviewing the FBDM Act, DAF consulted with mediators, banking organisations, industry organisations, the Queensland Law Society, Legal Aid Queensland and the organisations of rural financial counsellors. Stakeholder feedback during the FBDM Act Review was overwhelmingly supportive of the way the Act operated.²⁶⁰

No submissions were received in relation to this amendment.

4.3 Amendments to the Drugs Misuse Act

The Decision Regulatory Impact Statement (RIS) which examined potential reforms to the Drugs Misuse Act 1986 (DM Act) to support the industrial cannabis industry in Queensland was published in February 2022 when new fees to achieve full cost recovery, as proposed in the RIS, were introduced.

²⁵⁸ Bill, cl 104 replaces Biosecurity Act, s 283. The chief executive may approve the longer period for the exercise of the powers at the place if, upon the written request of an inspector (which must include reasons for the request), the chief executive is satisfied the longer period is necessary for exercising the powers.

²⁵⁹ Explanatory notes, p 3.

²⁶⁰ Explanatory notes, p 34.

The reforms examined included enabling different types of testing of industrial cannabis and information sharing for law enforcement and regulatory efficiency purposes, which are only achievable through Act amendments. An objective of the Bill is to implement those outstanding reforms.²⁶¹

The Bill:

- inserts powers into the DM Act to authorise information-sharing arrangements with other departments or relevant bodies, including interstate jurisdictions. The amendment will ensure DAF can enter into proactive information sharing arrangements with entities such as QPS.²⁶²
- Makes minor amendments to the authorisations for each licence holder category to support the development of an industrial cannabis testing framework under the existing regulation making power.²⁶³

4.3.1 Consultation

The Consultation RIS was released for public consultation in May 2019. A stakeholder meeting was held on 4 June 2019 to explain and discuss the consultation RIS with key industry stakeholders. In total, 13 submissions were received from industry stakeholders and the general public.

All respondents surveyed were in support of the proposal to allow for greater analyses for growers and researchers. In response to the Consultation RIS, 62% of all respondents supported the proposal to enable the QPS and DAF to use their resources more efficiently to enforce the law and regulate the industry. Twenty-three per cent voted against the proposal and 15% were unsure.²⁶⁴

4.3.2 Stakeholder views

QLS recommends the *Drugs Misuse Act 1986* (Old) information sharing provisions have appropriate privacy and other safeguards so information cannot be misused.²⁶⁵

DAF states the **new** Division 12B Information Sharing provisions in the *Drugs Misuse Act 1986* includes safeguards for the sharing of information under s 110CA(4).²⁶⁶

4.3.3 Human Rights Act issue – Exchange of information the right to privacy

Proposed s 110CA of the *Drugs Misuse Act* would allow the chief executive for health to enter into information sharing arrangements with relevant entities, including the commissioner of the police service (QPS) and other government departments. This could include information concerning the commercial production of industrial cannabis (s 110CA(2)(a)) and personal information about all licensees and applicants for licences.

The disclosure of personal information engages the right to freedom from unlawful or arbitrary interference with a person's privacy (HRA s 25(a)).

4.4 Amendment to the Animal Care and Protection Act

Section 181 of the Animal Care and Protection Act ACP Act allows a person to be held responsible for the conduct of their representatives, for example an employee, in certain circumstances. In 2023, a prosecution was dismissed by a Magistrate on the basis that s 181 only applies to offences that require proof of a mental element. This is inconsistent with the purposes of the ACP Act, as the most significant

²⁶¹ Explanatory notes, pp 3-4.

²⁶² Explanatory notes, p 16.

²⁶³ Explanatory notes, p 17.

²⁶⁴ Explanatory notes, p 34.

²⁶⁵ QLS, submission 21, p 2.

²⁶⁶ DAF, correspondence, 1 February 2024, p 53.

offences, including breaching a duty of care (s 17) or cruelty (s 18) are primarily strict liability offences with limited mental elements. The Bill aims to correct this inconsistency.²⁶⁷

4.4.1 Fundamental legislative principle issue – reversing the onus of proof

Legislation should not reverse the onus of proof in criminal proceedings without adequate justification.²⁶⁸ The Bill seeks to reverse the onus of proof by placing ‘the burden on the employer, or other relevant person, to prove they were not in a position to influence their representative’s behaviour, or took reasonable steps to prevent the conduct’. According to the explanatory notes ‘Employers have an obligation to ensure a work environment and procedures to support their employees’ adherence to the standards of welfare of animals under their care’.

Committee comment

The committee is satisfied that the potential breach is justified in the circumstances.

4.5 Miscellaneous amendments

The Bill makes a number of miscellaneous amendments to Acts within the portfolio jurisdiction of the Minister for Agricultural Industry Development and Fisheries, including:

- Agricultural Chemicals Distribution Control Act 1966 – a minor definition clarification
- Chemical Usage (Agricultural and Veterinary) Control Act 1988 – aligning the forfeiture provision with human rights
- Exhibited Animals Act 2015 – consequential changes following amendments to the Nature Conservation (Animal) Regulation 2020 (NCA Regulation)
- Forestry Act 1959 – minor updates to prescribed state plantation forest lists
- Guide, Hearing and Assistance Dogs Act 2009 – correcting an erroneous legislation reference
- Sugar Industry Act 1999 – aligning an offence provision with human rights
- Veterinary Surgeons Act 1936 – amending the power to require record production to include veterinary premises approval holders.

The Bill also includes minor amendments to the Nature Conservation Act 1992 and Fisheries Act replacing outdated and offensive language in reference to First Nations peoples.²⁶⁹

No submissions were received for these amendments.

²⁶⁷ Explanatory notes, p 4.

²⁶⁸ LSA, s 4(3)(d); OQPC, Notebook, pp 36-43

²⁶⁹ Explanatory notes, p 4.

Appendix A – Submitters

Sub #	Submitter
1	Local Government Association of Queensland
2	Kym Waters
3	Serana Cronau
4	Name Withheld
5	Name Withheld
6	Sarah Mann
7	Jason Brewer
8	Name Withheld
9	Lynette Adele Laskus
10	Val Bonney
11	Australian Veterinary Association
12	Peter Steindl
13	Aleksandr
14	Brisbane City Council
15	Tasmanian Dog Walking Clubs Inc.
16	Australian Prawn Farmers Association
17	Australia Post
18	Sunshine Coast Regional Council
19	Queensland American Pit Bull Terrier Rescue Association Inc
20	City of Moreton Bay
21	Queensland Law Society
22	Larissa Riley
23	Samantha Grech
24	Alison Levings
25	Morgan Darbyshire
26	Shanae Munro
27	RSPCA QLD
28	Jane Cartwright
29	Dogs Queensland
30	City of Gold Coast
31	Australian Barramundi Farmers Association
32	Animal Care Australia
33	Name Withheld

- 34 Logan City Council
- 35 Queensland Seafood Industry Association Inc.
- 36 Australian Marine Conservation Society (AMCS) and World Wide Fund for Nature-Australia (WWF-Australia)
- 37 Name Withheld
- 38 Olivia Mokrzecki
- 39 Elizabeth Clarke
- 40 Mathew Field
- 41 Name Withheld
- 42 Kirsten Fraser
- 43 Name Withheld
- 44 Christopher Robert Stelmach
- 45 Noosa Shire Council
- 46 Animal Defenders Office
- 47 Fethat Puris
- 48 Name Withheld
- 49 Diana Visser
- 50 Gordon Mills
- 51 Alexander Booth
- 52 Name Withheld
- 53 Marie Vitelli
- 54 Rose Sheen
- 55 Name Withheld
- 56 Confidential
- 57 Beaumane Silao
- 58 Fraser Coast Regional Council
- 59 Veronica Wingrove
- 60 AgForce Queensland

Appendix B – Officials at public departmental briefing

27 November 2023

Department of Agriculture and Fisheries

- Dr Rachel Chay, Deputy Director-General and Chief Biosecurity Officer, Biosecurity Queensland
- Marguerite Clarke, Director, Strategy and Legislation, Biosecurity Queensland
- Dallas D’Silva, Executive Director, Fisheries Queensland
- Elisabeth Manning, Director, Reporting, Information and Digital Solutions, Fisheries Queensland
- John Dexter, Principal Fisheries Manager, Fisheries Queensland
- Dr John Kung, Principal Fisheries Manager, Fisheries Queensland

Appendix C – Witnesses at public hearing

12 December 2023

RSPCA Queensland

- Darren Maier, Chief Executive Officer
- Rachel Woodrow, General Manager, Inspectorate, Community Outreach and Education
- Dr Anne Chester, Chief Vet

Local Government Association Queensland (LGAQ)

- Alison Smith, Chief Executive Officer
- Rudolf (Rudi) Pretzler, Lead, Public Health and Waste Advocate

12 February 2024

Brisbane City Council

- Rosalynn Fergusson, Principal Policy and Legislation Officer, City Safety
- Shannon Tille, Acting Business Manager, Safety, Amenity and Litter Team, City Safety
- Courtney Craig, Senior Project Officer

Queensland Seafood Industry Association

- David Bobbermen, Executive Officer

Australian Marine Conservation Society (AMCS)

- Simon Miller, Great Barrier Reef Fisheries Campaign Manager

World Wide Fund for Nature Australia (WWF)

- Rick Leck, Head of Oceans

AgForce Queensland

- Dr Annie Ruttledge, Senior Policy Advisor
- Marie Vitelli, AgForce Member, Country Connection

16 February 2024

- Veronica Wingrove

Australian Veterinary Association

- Dr Isabelle Resch, President of the Australian Veterinary Behavioural Medicine Group

Dogs Queensland

- Courtney Stevens, Canine Welfare and Liaison Officer
- Elisa McCutcheon, Junior Vice President Chair, Government & Media Liaison Committee Chair, Canine Health Committee

Animal Care Australia

- Michael Donnelly, President
- Steve Courtney, President, Professional Dog Trainers Australia

Animal Defenders Office

- Tara Ward, Managing Solicitor

Queensland Law Society

- Bridget Cook, Senior Policy Solicitor
- Kate Brodnik, Special Counsel, Legal Policy

Australian Barramundi Farmers Association

- Jo-Anne Ruscoe, Chief Executive

Australian Prawn Farmers Association

- Kim Hooper, Executive Officer

Sunshine Coast Regional Council

- Shanagh Jacobs, Manager, Customer Response

City of Moreton Bay

- Sheryl Krome, Manager, Customer Response
- Shane Mansfield, Local Laws Manager

Fraser Coast Regional Council

- Steven Gatt, Executive Manager, Regulatory Services

Gold Coast City Council

- Felicia Nevins, Senior Policy Officer
- Mykel Smith, Manager, Licences and Permits

Noosa Shire Council

- Rob Smith, Manager, Local Laws and Environmental Health

Logan City Council

- Michelle Burrige, Animal Management Program Leader
- Emily Shafto, City Safety and Liveability Manager

Statement of Reservation

STATEMENT OF RESERVATIONS

AGRICULTURE AND FISHERIES AND OTHER LEGISLATION AMENDMENT BILL 2023

JIM MCDONALD MP (DEPUTY CHAIR) AND MICHAEL HART MP

Introduction

From the onset, the LNP is generally supportive of this Bill and its overall policy intent. We do however wish to raise some concerns we have with the Bill in its current form and hope the government will take good consideration of these concerns.

These reservations primarily relate to the proposed breed specific ban on certain dogs, along with the proposed Independent Onboard Monitoring and its impact on commercial fishers. If left unchanged, these elements will be of significant concern.

We also have reservations with the Committee's Recommendation No. 3 that suggests that the Bill be amended at clause 67 to provide that if a non-regulated dog has seriously attacked a person, the authorised person must make a destruction order in relation to the dog.

Breed specific legislation

Any dog of any size, breed or mix of breeds can be dangerous and dog management strategies should focus on the behaviour of the individual dog. This position is consistent with a large volume of evidence and global opinion.¹

We consistently heard from inquiry stakeholders that there are challenges around identifying a dog breed. Measures include its pedigree, its appearance or its DNA. However, none of the methods for identification can be relied upon to enforce breed-specific legislation, these sections of the Act will be difficult to enforce and open to challenge. In addition to issues of identification is the complex issue of dog behaviour.²

Aggressive behaviour in dogs is a complex issue and breed specific legislation does not consider that a number of studies have shown that there can be much variation within breed as between breeds. Additional research shows that owner behaviour can have a direct impact on dog aggression and personality.³

Breed-specific bans were introduced in Victoria in 2011 and have since been amended following recommendations from the Parliament of Victoria, Inquiry into the legislative and regulatory framework relating to restricted-breed dogs.⁴

The clearest indicator of the Victorian system's failure can be seen in the appeals to the Victorian Civil and Administrative Tribunal about declarations that dogs are Pit Bulls. The Tribunal has overturned 74 per cent of the declarations by council officers that have been appealed since 2011.⁵

¹ RSPCA, submission 27, p 1.

² RSPCA, submission 27, p 2.

³ RSPCA, submission 27, pp 2-3.

⁴ RSPCA, submission 27, p 3.

⁵ RSPCA, submission 27, p 3.

We consider this legislation appears unworkable.

Attacks by non-regulated dogs particularly on private property

We also have reservations about Recommendation 3 in the report:

The committee suggests that the Government amend new section 127A in clause 67 to provide that if a non-regulated dog has seriously attacked a person, the authorised person must make a destruction order in relation to the dog.

We support the destruction of an unregulated dog if a serious attack occurs in a public place; however, we request the department further investigate serious dog attacks by unregulated dogs on private property before acting on this recommendation.

This is a complicated matter, and we believe that further considerations are required around the behavioural instincts of a dog that has been provoked or seeks to protect the residents of the property.

Independent onboard monitoring

We heard that the commercial fishing industry is hurting. The Queensland Seafood Industry stated:

the industry is in mourning and is probably suffering PTSD from the removal of gillnets and the N1, N2 and N4 authorities within the Great Barrier Reef Marine Park. It is a hard time for the industry. It has been going through a lot of reforms since the sustainable fishing strategy was implemented in 2017 which was meant to cut red tape, but again we see another legislative body of work being put upon the industry. It is trying to work with government and the department to ensure it maintains access to a fantastic renewable resource. It an extractive industry. It has been going for over a century. Other than one or two, fish stocks, by Fisheries Queensland's own measurement, are at fantastic levels.

*We are working with the government. We are trying to move forward with the new NX licences, although that has been challenging because the department are obviously under-resourced and they are trying to meet deadlines that are being imposed upon them. That has given industry a very short period to adjust and understand what is going on, particularly for the NX licence, which is the new gillnetting licence in the Great Barrier Reef, and the need for independent onboard monitoring that has been mandated by the government and how that would work, either through independent onboard observers or via electronic means.*⁶

We heard that very little meaningful consultation has occurred with industry around the proposed amendment in relation to Independent Onboard Monitoring. Further, changes within the department have also resulted in the lack of a transfer of corporate knowledge around these fishing controls.

The Queensland Seafood Industry Association told us 'that the consultation in relation to these amendments has been very poor. 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.'⁷

This is a serious concern and a common theme with legislation this committee examines.

⁶ Mr David Bobberman, Executive Officer, Queensland Seafood Industry, public hearing transcript, Brisbane, 12 February 2024, p 6.

⁷ Mr David Bobberman, Executive Officer, Queensland Seafood Industry, public hearing transcript, Brisbane, 12 February 2024, p 6.

We also heard about significant concerns regarding the privacy, copyright, and intellectual property surrounding the installation of Government mandated CCTV systems on private property. QSIA told us:

This “Big Brother” style solution is, to my knowledge, the only example of such an arrangement, and sets a dangerous precedent. Industry requires greater safeguards of their rights and interests if government mandated onboard cameras are deemed necessary.⁸

It is important that we also recognise that these mandated monitoring cameras make up a large part of the governments data capture of take and bycatch.

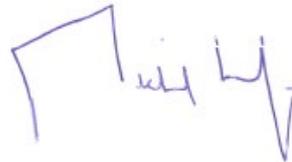
We also heard that:

the Government needs to consider the implications of the proposed amendments to the Fisheries Act 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 of the enacted amendments are worked through to ensure industry can continue to access the resource.⁹

In conclusion, the Opposition recognises the intent of the Bill however implore the government to make the necessary changes and work with industry to produce sustainable fishing operations.



Mr Jim McDonald MP
Deputy Chair
Member for Lockyer



Mr Michael Hart MP
Member for Burleigh

⁸ Queensland Seafood Industry Association, submission 35, p 2.

⁹ Queensland Seafood Industry Association, submission 35, p 2.