

HOUSING, BIG BUILD AND MANUFACTURING
COMMITTEE

Report No. 2, 57th Parliament, March 2024

Agriculture and Fisheries and Other Legislation Amendment

Bill 2023

QUEENSLAND GOVERNMENT RESPONSE

Queensland Legislative Assembly	
Number: 5724T629	Tabled <input checked="" type="checkbox"/>
18 APR 2024	By Leave <input type="checkbox"/>
MP: HON. TURNER	
Clerk's Signature: [Signature]	

INTRODUCTION

On 16 November 2023, the Agriculture and Fisheries and Other Legislation Amendment Bill 2023 (Bill) was introduced into the Legislative Assembly.

The key objectives of the Bill are to:

- enhance community safety by amending laws for the control and management of dogs, including:
 - banning certain breeds; and,
 - higher maximum penalties for dog attacks, including imprisonment.
- a new offence where a person fails to keep a dog under effective control;
- establish a framework for independent onboard monitoring (IOM) requirements which allow data reported by commercial fishers on bycatch or protected species to be independently validated;
- enhance and modernise provisions relating to fisheries enforcement;
- streamline the process for amending aquaculture approvals;
- implement certain recommendations of the Review of the *Biosecurity Act 2014*;
- implement certain recommendations of the Review of the *Farm Business Debt Mediation Act 2017*;
- clarify information sharing arrangements between entities and make minor amendments to the testing framework for the industrial cannabis industry; and,
- improve animal welfare by ensuring businesses are responsible for the conduct of their employees or representatives.

After introduction, the Bill was referred to the former State Development and Regional Industries Committee for consideration. On 13 February 2024, the Legislative Assembly amended Schedule 6 of the *Standing Rules and Orders of the Legislative Assembly*, establishing the Housing, Big Build and Manufacturing Committee and transferred the Bill Inquiry to the Housing, Big Build and Manufacturing Committee (Committee) for detailed consideration.

On 8 March 2024, the Committee tabled its report (No. 2, 57th Parliament) on the Bill. The Queensland Government response to the recommendations made by the Committee is provided below.

RESPONSE TO RECOMMENDATIONS:

Recommendation 1 -

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

Queensland Government response:

The Government thanks the Committee for its consideration of the Bill and notes the Committee's recommendation that the Bill be passed.

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.

Queensland Government response:

The Government supports this recommendation.

The Department of Agriculture and Fisheries will consult with the Animal Management Taskforce in developing guidelines on breed identification.

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.

Queensland Government response:

The Government does not support this recommendation.

The definition of '**seriously attack**' a person in the Bill includes bodily harm, grievous bodily harm, or death. Section 1 of the *Criminal Code Act 1899* defines bodily harm as any bodily injury which interferes with health or comfort. This could include a scratch or bruising. The Government considers this threshold for destruction of a dog is appropriate if the dog has a prior history of being aggressive and has subsequently attacked a person despite the additional requirements for control attached to having been declared a regulated dog.

Mandating destruction orders for non-regulated dogs would remove all discretion an authorised officer has in cases where there is no prior history of risk to consider relevant mitigating factors, such as whether the dog was attacked or provoked. This could result in local governments destroying dogs in inappropriate cases. For example, a local government may be forced to destroy a dog that scratched someone when it came to the assistance of its owner who was being assaulted or where a perpetrator of domestic violence was bruised when attempting to harm a dog which was beloved by the victim family member.

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.

Queensland Government response:

The Government supports this recommendation.

The Government will consider options for safeguarding the privacy of information collected through Independent Onboard Monitoring, including whether regulation measures can be implemented. The Department of Agriculture and Fisheries will also prepare and publish an information privacy plan.

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.

Queensland Government response:

The Government supports this recommendation.