ENVIRONMENT, AGRICULTURE, RESOURCES AND ENERGY COMMITTEE

Members present:

Mrs C.E. Sullivan (Chair)
Mr A.P. Cripps MP
Mr J.M. Dempsey MP
Ms D.E. Farmer MP
Mr P.J. Lawlor MP
Mr A.C. Powell MP

Staff present:

Mr R. Hansen (Research Director)
Ms S. McCallan (Principal Research Officer)
Ms R. Moore (Principal Research Officer)

BRIEFING—PROTECTING PRIMARY PRODUCTION AMENDMENT BILL 2011

TRANSCRIPT OF PROCEEDINGS

WEDNESDAY, 16 NOVEMBER 2011

Brisbane

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Committee met at 9.27 am

BROWN, Mr Harold Brown, Manager, Legislation Coordination, Food and Agribusiness, Department of Employment Economic Development and Innovation

CHAPMAN, Ms Robyn, Principal Legislation Officer, Legislation Coordination, Agriculture and Food, Department of Employment Economic Development and Innovation

COWLES, Mr Geoff, Senior Registration Officer, Biosecurity Queensland, Department of Employment Economic Development and Innovation

COYNE, Mr Pat, Acting Principal Policy and Legislation Officer, Legislation Coordination, Agriculture and Food, Department of Employment Economic Development and Innovation

DARLINGTON, Mr John, Principal Policy Officer, Animal Industries Branch, Department of Employment Economic Development and Innovation

FERGUSON, Ms Fiona, Manager, Legislative Support, Biosecurity Queensland, Department of Employment Economic Development and Innovation

McJANNETT, Mr Chris, Policy Adviser, Office of the Minister for Agriculture Food and Regional Economies

MILLER, Mr Elton, General Manager, Food and Agribusiness, Department of Employment Economic Development and Innovation

CHAIR: Welcome, ladies and gentlemen, I declare this meeting of the Environment, Agriculture, Resources and Energy Committee open. I would like to acknowledge the traditional owners of the land on which this meeting is taking place today. My name is Carryn Sullivan. I am the member for Pumicestone and the chair of the EAREC. I would like to introduce all the other members of the committee to you today. On my left I have Andrew Cripps, who is the member for Hinchinbrook and deputy chair; Andrew Powell, the member for Glass House; and Jack Dempsey, the member for Bundaberg. On my right is Di Farmer, the member for Bulimba and on my far right is Peter Lawlor, the member for Southport. Could I introduce Sarah McCallan, who is one of our principal research officers and Robyn Moore, who is also one of our principal research officers.

The purpose of this meeting is to receive a briefing from you, the officers of the Department of Employment, Economic Development and Innovation, on the Protecting Primary Production Amendment Bill 2011. The bill was introduced on 6 September 2011 by the Minister for Agriculture, Food and Regional Economies, the Hon. Tim Mulherin. It was referred to the committee on 6 September for consideration and report by 6 March 2012. We hope that the briefing today will help everyone here to better understand the practical implications of the policy being given effect to by this bill.

The bill proposes a number of amendments to six acts within the portfolio of the Minister for Agriculture, Food and Regional Economies. The amendments amend the following acts: the Agricultural Chemicals Distribution Control Act 1966, the Agricultural Standards Act 1994, the Land Protection (Pest and Stock Route Management) Act 2002, the Plant Protection Act 1989, the Rural and Regional Adjustment Act 1994 and the Veterinary Surgeons Act 1936. The amendments to the Agricultural Chemicals Distribution Control Act 1966 will abolish the Agricultural Chemicals Distribution Control Board and transfer the relevant functions to the chief executive of DEEDI. The amendments to the Agricultural Standards Act 1994 will bring the act into line with other jurisdictions by implementing the national ruminant feed ban or the RFB. The amendments to the Land Protection (Pest and Stock Route Management) Act 2002 will replace two separate strategies with a single Queensland weed and rest animal strategy. The amendments to the Plant Protection Act 1989 relate to obligations regarding reporting the existence notifiable pests. The amendment to the Rural and Regional Adjustment Act 1994 are in response to the report of the review of the act tabled in the Legislative Assembly on 21 September 2010. The amendments to the Veterinary Surgeons Act 1936 will facilitate Queensland's participation in the National Recognition of Veterinary Registration—or NRVR—scheme. A further amendment will ensure that all veterinary surgeons can be contacted at any time about actual or potential biosecurity incidents. You can find links to the bill and the explanatory notes on our website.

Joining us today from DEEDI are: Mr Elton Miller, Mr John Darlington, Ms Fiona Ferguson, Mr Pat Coyne, Ms Robyn Chapman and Mr Harold Brown. Now, I have missed a couple. Could you state your name for Hansard, please.

Mr Cowles: Yes, my name is Geoff Cowles from Biosecurity Queensland.

Mr McJannett: I am Chris McJannett.

CHAIR: Thank you. Please remember that these officers have given their time to be here today to provide factual information. They are not here to give opinions about the merits or otherwise of the policy behind the bill or alternative approaches. I encourage everyone here to ask questions at the end of the briefing. Any questions about the policy of the government that the bill seeks to implement should be directed to the responsible minister, the Hon. Tim Mulherin.

I have a couple of housekeeping announcements. If for any reason we have to evacuate the room today, we will ask that you make your way to the exit at the back of the room and down the stairs to the assembly point and wait for further instructions. The nearest toilets are off the corridor behind you. Before we start, I ask that all mobile phones be switched off or put on silent mode. I will hand it over to Elton when you are ready. We would like to begin the briefing. Thank you very much.

Mr MILLER: Thank you, Madam Chair, and thank you for the opportunity for the Department of Employment, Economic Development and Innovation to provide an oral briefing to the committee here today. As the chair has outlined, the Protecting Primary Production Amendment Bill 2011 includes amendments to six acts and the chair just outlined those. Once I have finished the opening statement, I will hand over to the relevant departmental experts to provide a brief overview to the committee of the main provisions of each part of the bill and to answer any questions that the committee may have regarding those provisions or the accompanying explanatory notes, such as what consultation occurred and the outcomes of that consultation. In this regard, Pat Coyne will address parts 2, 3, 4 and 5 of the bill. John Darlington will address part of the bill and Robyn Chapman and Fiona Ferguson will address part 7 of the bill. We will also endeavour to comment on the issues raised in the three public submissions by stakeholders on the bill that were provided to the committee for its consideration. We will provide those comments at an appropriate time during our oral briefing or at the committee's request. As the committee is aware, the three submitters are Growcom, the organisation representing Queensland fruit and vegetable growers, the Queensland Murray-Darling Committee—a natural resource management body—and the Veterinary Surgeons Board of Queensland. It is intended that a formal written response by the department to each issue will also be provided to the committee on or before the requested response date of 25 November 2011. The written response will also take account of the discussions today on the submissions and can address any other issues requested by the committee arising in regard to the bill. With the committee's permission, I will now hand over to Pat Coyne to commence the briefing.

CHAIR: Right. Welcome, Mr Coyne.

Mr Coyne: Regarding the Agricultural Chemicals Distribution Control Act, if you do not mind I will refer to that with the acronym of ACDC. The ACDC Act concerns the aerial and ground distribution of actuarial chemicals and contains provisions that regulate the licensing of those activities. The purpose of the proposed amendments is to give effect to one of the recommendations—recommendation 57—of the 2008 Webbe-Weller review, which was to abolish the ACDC board, which is established under that act. Since the commencement of the ACDC Act in 1970, successive ACDC boards have delegated many of their powers under section 10B of that act to the standards officer and since that time the standards officer of this department and its predecessor departments have been managing the aerial and ground distribution licensing since the act's inception.

I need to mention that the ACDC board's term last expired on 7 December 2007 and there is no intention to reappoint that board prior to its abolition. Consequently, the intention of the proposed amendments, given the board's impending abolition, is to transfer the functions and the powers of the former ACDC board to that of the chief executive and, in turn, the chief executive could delegate these powers where necessary to the appropriate officers within Biosecurity Queensland.

Parliamentary Counsel has identified an FLP issue that concerns that legislation should have sufficient regards to the rights and liberties of individuals. The point they raised was that where boards are abolished people should not be deprived of office without due compensation. That issue does not arise in this case because, as I have said, the board has not been constituted since 7 December 2007. Parliamentary Counsel also noted that the proposal to give the powers of cancellation or suspension to the chief executive includes appropriate review processes to exercise that power. That is consistent with contemporary legislative practice. In terms of consultation on these particular amendments for this act, there was no consultation undertaken with stakeholders, because they were designed to implement a machinery-of-government change, the position of which was determined by government in accepting the Webbe-Weller review recommendations.

In terms of issues raised in submissions, the Queensland Murray-Darling Committee does not support the transfer of the functions of the ACDC board to the chief executive of DEEDI. It argued for the retention of the ACDC board but with increased membership to include key stakeholders. It further submitted that one agency with appropriate legislative and technical expertise should assume the lead control and management role with respect to responsible agricultural use. In response to that, we would

say that it is government policy to adopt the Webbe-Weller recommendation to abolish the board and it is not within our ability to question or vary this decision. Consequently, no changes are proposed to these amendments. I would add, though, that should the Queensland Murray-Darling Committee have any concerns about the management of aerial or ground distribution of agricultural chemicals or if it believes that its views are not heard or inadequately represented it—as indeed any other stakeholder—could always direct those issues directly to the minister, or the chief executive, or indeed, in fact, the managing director of Biosecurity Queensland or the chief biosecurity officer of Biosecurity Queensland. I will move on to the next act.

Mr Miller: Unless the committee has any questions regarding the ACDC Act?

CHAIR: I am happy to open it up to questions. We actually quite like doing it stage about stage. Has anyone any questions so far?

Mr CRIPPS: No questions on ACDC.

CHAIR: Right.

Mr POWELL: I think it is important to point out that perhaps the QMDC missed the point that probably the department, with the technical and legislative expertise, is DEEDI.

Mr Coyne: I did actually make a note of that, but I did not know if that crossed over the boundaries of whether that was offering an opinion or not.

Mr POWELL: We understand what you were saying.

CHAIR: Okay. Right.

Mr Coyne: In regard to the Agricultural Standards Act, the proposed amendment principally concerns section 24, which is the power of entry to vehicles. Currently, section 24 of that act is constructed such that it provides the power for an inspector to enter a vehicle but only if an inspector suspects an offence against the act. Section 24 does not currently allow an inspector to enter a vehicle—for example, a stockfeed transporter—to undertake, for example, the routine sampling of stockfeed to test for the presence of restricted animal material. That is relevant, because the feeding of restricted animal material to ruminants—cattle et cetera—has been banned since about 1997 because of its potential to exacerbate the spread of significant diseases, such as mad cow disease. All territories and states have agreed through PIMC—the Primary Industries Ministerial Council—to implement in respect of state and territory legislation to give effect to the national ruminant feed ban—that is the ban on feeding meat and bonemeal to cattle—and in doing so they have agreed to undertake a system of audits and inspections to sample stockfeeds to underpin that system. Consequently, the amendment is designed to address a minor deficiency in inspectorial powers and address the exacerbation of spreading diseases like mad cow disease through the food chain.

The proposed amendment broadens the scope marginally for an inspector to enter a vehicle such that it will not be solely based upon having a suspicion of an offence. The propped amendment provides that an inspector may also enter a vehicle on two further grounds. Those two further ground are, one, check compliance with the act for the content labelling or sale of food for stock and, two, for the purpose of preventing the introduction of exotic disease into the state or controlling the spread of an exotic disease. That proposed amendment is very similar to the current section 20(1) (e) of the act, which is the power to enter places. Parliamentary Counsel has identified a potential FLP issue in this regard in that legislation should confer the power to enter premises to search and seize documents only under a warrant. However, Parliamentary Counsel monitored the development of this provision during the drafting and it is satisfied that sufficient justification for this provision exists in light of the serious implications for human health and trade.

The impact on individuals for this proposed amendment is addressed in three respects in that the provision excludes the entry to those parts of the vehicle that are used as a private area—for example, the sleeping compartment of a cabin of a semitrailer. Not all vehicles will be entered under this provision. The intent is that it is to check compliance with the act for the labelling and content of food for sale for stock. So it is those vehicles that are involved in the commercial transport of stockfeed. So that limits the scope of the provision,

Lastly, there are standard provisions included in this amendment that provide that an inspector must produce prior to entry his identification and must also give, if a person is present at the vehicle, the opportunity to consent to the entry. If nobody is present at the vehicle then they are obliged to leave a note in a conspicuous place in the vehicle advising of the date, time and purpose of the entry. In terms of submission issues, no issues were raised in submissions regarding this amendment. In terms of consultation, DEEDI consulted with the Department of Justice and Attorney-General regarding the wording of this provision and JAG did not provide any comment on that.

By way of background, the legislation to implement the national ruminant feed ban was developed by all states and territories by October 1997. So it has been some years and that was done so after extensive consultation with national industry organisations and governments. The ruminant feed ban also is conducted under national uniform guidelines, which were also subject to extensive consultation and impact assessment. So the proposed amendment addresses a minor deficiency in the legislation that provides for the full implementation of the national ruminant feed ban, which has previously been consulted on and agreed to and, consequently, no further consultation, was considered necessary.

CHAIR: Does anyone have any questions?

Mr CRIPPS: No questions regarding the Agricultural Standards Act amendments.

Mr Coyne: Moving on to the Land Protection (Pest and Stock Route Management) Act 2002, section 10 of that act provides that the chief executive must have separate state pest management strategies for animals and plants. Both strategies for plants and animals were originally developed in 2002 with provision for review after five years. It was originally proposed to combine both of those strategies into one strategy prior to their expiry in 2007. However, that proposal was delayed due to machinery-of-government changes at the time and the implementation of the Queensland Biosecurity Strategy.

Because of the significant commonality of goals between both of the existing strategies, it was logical and reasonable to combine them into one. That is what the amendment seeks to do in very simple terms. There were no FLP issues raised with regard to that amendment and consequently because of its minor nature no consultation was undertaken on that amendment.

CHAIR: Any questions on that amendment?

Mr Coyne: Sorry, I should also add that no submission issues were received.

Mr CRIPPS: No questions regarding land protection?

CHAIR: The next one is the Plant Protection Act 1989.

Mr Coyne: The proposed amendment to the Plant Protection Act concerns section 12, which is the provision concerning notification of pests. Section 12 currently imposes an obligation on a land or a vehicle owner or someone engaged by a landowner to notify an inspector of the existence of a notifiable pest within 24 hours once they become aware of its existence. The obligation to report within 24 hours is a current obligation of the legislation and has been in place since the act was introduced in 1989. Subsection 12(3) (b) of that provision provides that a person must confirm the notification in writing to the chief executive within a further seven days after becoming aware of the pest.

The proposed amendment clarifies—and this is the sole purpose of it—the obligations on persons by elaborating on who, how and when to report notifiable pests. In terms of who, currently section 12 says that land and vehicle owners who are aware of the existence of the pest are obliged to notify. The proposed amendment clarifies that it is not just land and vehicle owners who are aware of the pest but those who reasonably ought to have been aware of the existence of the pest that are obliged to report its existence to an inspector.

In terms of how to notify, currently section 12 is silent and does not prescribe how a notification can be provided so the proposed amendment clarifies the provision by stating that notifications may be made either orally or in writing. Obviously oral notifications can be done in person to an inspector or over a telephone. Written notifications could include by email, SMS message, Twitter or whatever equivalents there are. Persons can also discharge their obligation under this provision by calling the DEEDI business information centre which is staffed between the hours of 8 am and 6 pm Monday to Friday. Outside of these hours the business information centre is answered by a contract out-of-hours service. It is because of the time critical nature of this provision that it is considered by the department as appropriate for a person to discharge their obligations in this manner—that is, through calling the information centre.

In terms of when a person has to notify, currently section 12 states that notification has to be made within 24 hours of becoming aware of the pest's existence, and that is all it says. The proposed amendment clarifies this such that notifications have to be made as soon as practicable but not more than 24 hours after becoming aware or reasonably aware of the pests. So it does provide for notification somewhat earlier than the maximum 24 hours. The proposed amendment also reduces red tape in that it removes the further obligation under section 12(3) (b) on persons to follow up the notification in writing within seven days.

Parliamentary Counsel raised an FLP issue when this was initially drafted with a clause concerning reasonable suspicion. However, given the change that has evolved during the drafting of this provision from 'reasonable suspicion' to 'ought reasonably to have been aware', that FLP issue has since been diminished if not done away with. There is, however, the issue that legislation should have sufficient regard to the rights and liberties of individuals. Previously the former scrutiny committee has commented that such provisions where they impose an obligation on people where they are connected to issues of public safety or they impact on rights of persons, the obligation to notify should be imposed on people who are best placed to make those determinations and assessments. The issue is that individuals should have sufficient skills or knowledge in order to form the opinion of whether they are aware or reasonably ought to have been aware of the pest's existence.

In order for the department to determine or assess a person's awareness or reasonable awareness of the existence of a pest, we have a range of factors that we could take into consideration. Each case is assessed on its merits but essentially we would rely upon the educational or identification material that is available to the person, the amount of information or contact that the person had with an inspector of the department and the general media coverage or publicity of the pest in the area in which the person resides. It is by virtue of that information which a person has available to themselves that allows them or provides them with the skill or the knowledge to form the opinion and therefore discharge their obligation,

and it is that obligation which mitigates the impacts on their rights and liberties. In summary, the proposed amendment is necessary to reinforce the time critical nature of the obligation, and it is necessary to protect the individuals, agricultural industries and the economy.

In terms of consultation, DEEDI obviously consulted with the Department of Justice and Attorney-General and the Department of the Premier and Cabinet during the drafting of the amendment and they did not offer a comment in this regard. No consultation was undertaken with the external stakeholders on these amendments as they are considered very minor in nature. They do not represent a substantial change from what is currently provided in legislation.

In terms of submission issues, the Queensland Murray-Darling Committee supports the proposed amendments but seeks clarification as to whether the legal definition of 'pest' aligns with the meaning proposed by the new Biosecurity Bill. In response to that, we would say that the term 'pest' is not defined as such in the Biosecurity Bill. However, pests and diseases are accommodated within the ambit of the Biosecurity Bill under the broad term of what is known as 'biosecurity matter'. Clause 14 of that bill defines quite broadly what is 'biosecurity matter'. I would add that provisions of the Biosecurity Bill allow for action to be taken even if a biosecurity matter is not prescribed.

One further submission from Growcom expressed concern over the time period for notification of a notifiable pest and suggested amendment to the proposed wording of section 12 such that the notification could be provided within 24 hours or as soon as practicable. What they were suggesting is essentially the reverse of what the department is proposing. The department's response to that would be that the proposed amendment actually retains the current obligation to notify an inspector within 24 hours and that obligation has been in existence for some 22 years since the introduction of the act. Twenty-four hours is considered a very reasonable time frame in which to provide notification by the methods that I have previously described. A longer period of time would delay a response by the department which could ultimately mean the difference between the department undertaking eradication of the pest and the pest establishing itself in Queensland and therefore becoming endemic.

CHAIR: Are there any questions on the Plant Protection Act 1989? I am going to pass it over to the member for Hinchinbrook.

Mr CRIPPS: Thank you, Madam Chair. Mr Coyne, in relation to the submission from the Queensland Murray-Darling Committee which asks the committee to seek clarification about the legal definition of 'pest' and whether it aligns with the Biosecurity Bill, I take on board the advice that you have already provided to the committee in response to that submission. I would, however, note that the bill that we are considering, the Protecting Primary Production Amendment Bill, is vesting in DEEDI responsibility for the management of a lot of the agricultural chemicals that were previously the responsibility of the distribution and control board. In terms of a lot of those chemicals, some of those will be used to address issues pertaining to pests that would otherwise address those issues. So there is a significant alignment of responsibility for the management of those chemicals. The Biosecurity Bill is a tool for addressing those biosecurity issues. Should there reasonably be some uniformity of what a definition of a 'pest' is for the purposes of the Plant Protection Act?

Mr Coyne: My apologies if I did not follow your question. You might have summarised that at the end.

Mr CRIPPS: We discussed earlier that the department is taking responsibility for the management of agricultural chemicals in the distribution control act.

Mr Coyne: That is right.

Mr CRIPPS: Some of those chemicals will undoubtedly be used to manage pests.

Mr Coyne: Yes.

Mr CRIPPS: In terms of responding to biosecurity issues.

Mr Coyne: Yes.

Mr CRIPPS: And now we have a Biosecurity Bill before the House. The submission from the Queensland Murray-Darling Committee is that there be consistency in the definition of 'pest' in terms of the Plant Protection Act. There is a consolidation of what is a pest and what will be used to address those pests within the department.

Mr Coyne: That is right.

Mr CRIPPS: The new Biosecurity Bill and now the amendment to the Plant Protection Act. Isn't it reasonable that we test whether or not there is a consistent definition of what is a pest?

Mr Coyne: Could I—

CHAIR: If you are going to pass the question to somebody, could I ask that person to state their name and title for the sake of Hansard?

Mr Coyne: I was going to ask with the committee's permission whether I could confer with my colleagues to see if someone is more qualified or prepared to provide comment on that.

Mr Miller: I am happy to respond to that. My understanding is that the definition of 'pest' will remain in the Plant Protection Act 1989 until the new Biosecurity Bill comes into play and then upon that the Plant Protection Act would be discontinued and the definition of biosecurity matter of which 'pest' is incorporated would then be part of the biosecurity act when it comes into force.

CHAIR: Does that answer your question?

Mr CRIPPS: It does. Can I just clarify that? Mr Miller, are you advising the committee that the amendment to the Plant Protection Act that will occur if this bill is passed will survive long enough for the Biosecurity Bill to pass the House?

Mr Miller: Yes.

Mr CRIPPS: Mr Coyne, in respect of the submission from Growcom, I certainly take on board the advice that you provided to the committee in responding to the submission from Growcom. But I would like to have a discussion with you about Growcom's submission and its concerns about the owner or the person who is aware of a potential biosecurity incident on a property. I suppose the overabundance of caution in Growcom's submission would probably relate to the changes in the nature of farming operations since that act has commenced. It is a fairly long established act, 22 years now.

Mr Coyne: Correct.

Mr CRIPPS: Whereas perhaps 22 years ago the nature of farming operations in Queensland may have been smaller operations, operations that were operated by family farm business enterprises may have changed in that time to larger enterprises, corporate farming models or operations within a single farm business that may be located in two or more geographic locations. In terms of the legal definition of who the owner or the responsible person is, is this legislation going to afford a reasonable opportunity within that 24-hour time frame for someone to be able to notify authorities of a possible biosecurity issue if their properties are at different geographic locations or if the owner of the farm or agricultural enterprise is a corporate entity or if it is a particularly large farm and there are layers of management? Are we going to be able to reasonably apply this legislation to interpret who is a responsible person and have responsibility for reporting a possible biosecurity incident?

Mr Coyne: I do not think the issue comes down so much as to who is responsible but it comes down to whether or not the department would proceed in prosecuting somebody for not reporting. As I say, the department in order to establish whether somebody is aware or reasonably aware would take into consideration a number of factors. Those issues that you raise would be significant considerations in that regard. If somebody is remote from their property which spans thousands and thousands of hectares, that is a relevant consideration.

Mr CRIPPS: And the awareness provision is clearly stated and 'ought to be reasonably aware' is something that I think is widespread in legislation.

Mr Coyne: That is correct, yes.

Mr CRIPPS: There are fairly certain legal definitions about what that means

Mr Coyne: Yes, sir.

Mr CRIPPS: I would just point out that you noted specifically that that particular requirement has not changed really materially in its meaning since the act came into force in 1989.

Mr Coyne: Yes.

Mr CRIPPS: The point I was making is that the nature of farming and the structure of farming has changed during that time. The practice of operating a farm enterprise during that period of time has changed and so the definition of who the owner is, when they are aware or when they ought to be reasonably aware needs to keep pace with its interpretation given the change in that farming operation.

Mr Coyne: I understand your point.

CHAIR: I think Mr Coyne has adequately answered that. The member for Southport has a question?

Mr LAWLOR: Mr Coyne, if a landholder notices an unfamiliar weed on the property but is not sure what it is, are they obliged to report that immediately or does the 24 hours kick in only when they actually identify what the weed is?

Mr Coyne: The provision says as soon as practicable or no later than 24 hours after they become aware or reasonably have been aware. Here again it comes down to whether the department would proceed against somebody. It is up to the person concerned whether they want to argue they were not aware or were not reasonably aware that that pest was, in fact, a notifiable pest. There again, it is on the department, which is to proceed against somebody, to establish that they were aware or reasonably had been aware in light of a whole range of things.

Mr LAWLOR: Biosecurity Queensland presumably would assist with the identification?

Mr Coyne: Certainly, yes. If a person rings an officer of Biosecurity Queensland or indeed the business information centre and seeks clarity, in so inquiring they actually probably disclose or discharge their obligation to notify. They go so far as to satisfy our requirement, I would suggest.

CHAIR: The member for Bulimba has a question, then I am going to pass it to the member for Glass House.

Ms FARMER: Can you clarify for me the 24-hour notification requirement? Is that a significant increase in obligation?

Mr Coyne: No, it is not. Currently a person has an obligation to notify an inspector within 24 hours of becoming aware of the pest. So, a person who becomes aware of a notifiable pest can leave it until the 23rd hour and 59th minute before they contact the department or an inspector and advise of that. What this provision does is it actually provides for notification or obliges notification at a sooner time than the maximum of 24 hours by virtue of the inclusion of 'as soon as practicable'. In terms of the submitters' suggestion of reversing that, where they suggest within 24 hours or as soon as practicable, if we were to have adopted that suggestion then that would actually make that provision unenforceable because we could not establish what was the 'as soon as practicable' figure.

CHAIR: Member for Glass House?

Mr POWELL: Mr Coyne, just to build on that, and probably more for clarification for my sake because I think you addressed it, Growcom also raised concerns about timing in relation to weekends and so on. What you were saying was that the DEEDI business information centre is open from 8 am to 6 pm Monday to Friday and that after those hours you have a contracted party that takes after-hours calls.

Mr Coyne: Yes, that is correct. So, in effect, the business information centre is available to take calls 24 hours a day.

CHAIR: Seven days a week.

Mr POWELL: In contacting that after-hours service—

Mr Coyne: They discharge their obligation to notify.

Mr POWELL: Thank you.

CHAIR: Any further questions? We might move on to the Rural and Regional Adjustment Act 1994.

Mr Miller: We might hand over to John Darlington to cover that one.

CHAIR: State your name and title for Hansard, please?

Mr Darlington: John Darlington, principal policy officer. The primary object of the Rural and Regional Adjustment Act 1994 is to establish QRAA, formerly the Queensland Rural Adjustment Authority. Amendments to the RRA act in this bill relate to the operation and governance of QRAA. The proposals to amend the RRA act were developed following a review of the act. The review was initiated in accordance with the review of the act provision, section 45 in the RRA act. The review was undertaken by DEEDI. The review commenced in 2009 with face-to-face meetings with AgForce, Queensland Farmers' Federation and QRAA to explain the purpose of the review, obtain input into the review and identify any specific issues that could be canvassed through a discussion paper. The purpose of developing a discussion paper was to facilitate written submissions from industry stakeholders and the general public. The discussion paper was released in January 2010 and written submissions were received until 5 March 2010. The discussion paper was mailed to AgForce, Queensland Farmers' Federation and financial institutions and was posted on the government's Get Involved website. Three submissions were received and they were from QRAA, Queensland Farmers' Federation and one from a member of the public.

A two-tiered consultation process of face-to-face meetings and written submissions identified a number of operational and governance matters and they were addressed in the review report which was tabled by the minister in the Legislative Assembly on 21 September 2010. The amendments to the RRA act in the bill implement a number of the act review recommendations. Clauses 41 and 42 of the bill in respect to the object of the act and the authority's functions bring into effect a change to the scope of QRAA's role to include the administration of parts of schemes. The examples of parts of schemes include conducting financial analysis of applications for assistance, review of interstate schemes and providing advice on applications. The matter to expand the scope of QRAA's role was raised by QRAA itself in the review of the act. Clause 43 of the bill amends the process for the authorisation of interstate schemes to include parts of schemes and the authorisation process for interstate schemes and parts of schemes are all the same. Clause 44 of the bill brings into effect the change in the appointment process for the acting chief executive officer. The acting CEO fills the role of the CEO during the absence of the CEO when a CEO cannot perform their duties. This matter was raised by QRAA during the review of the act. Clause 45 of the bill inserts a provision making explicit delegation powers of the CEO. Also this power allows the CEO to delegate functions under part 3A of the act in respect to review of decisions. This matter was raised by QRAA during the review of the act. In particular, the chief executive officer of QRAA raised the issue in that as he is required to undertake review of applications himself and in recent times in administering drought and flood assistance schemes the workload is quite large, therefore there was an issue raised that he should be able to delegate in particular his review of decisions functions to an appropriate officer of the QRAA. Clause 49 of the bill makes explicit the requirement for a future review of the act and the time frame in which the future reviews must occur. QRAA was consulted during the drafting of the bill and supports these amendments.

CHAIR: Are there any questions on the amendments to the Rural and Regional Adjustment Act 1994?

Mr CRIPPS: No questions, Madam Chair.

CHAIR: We might move on to the amendments to the Veterinary Surgeons Act 1936.

Mr Miller: We will hand over to Robyn Chapman to discuss the national recognition of veterinary registration, otherwise known as the NRVR, component of that.

CHAIR: Could you state your name and title for Hansard, please?

Ms Chapman: Good morning, my name is Robyn Chapman. I am the principal legislation officer at DEEDI. I have been working on this scheme to bring in national recognition of veterinary registration. This is a scheme that will facilitate the practice of vets across the whole of Australia without being hindered by crossing into different jurisdictions. It actually stems back to 2007 when the prime minister's ministerial council decided to move forward with this legislation. There was 100 per cent agreement. That means that all jurisdictions are going to be involved. In order to do so they adopted six model rules. I suppose it should be important to understand that it is not template legislation whereby one jurisdiction enacts legislation and each other jurisdiction replicates that legislation. It is about each jurisdiction enacting legislation which adopts the model principles. That means that each jurisdiction can choose to use its own terminology. You would probably understand that each parliamentary counsel has its own rules in terms of technical drafting matters. The Queensland Parliamentary Counsel, of course, decided on the terminology that it thought would best suit the scheme.

The purpose behind these model rules is to make the scheme as simple as possible. One of the main concerns was that there would not be an administrative burden associated with it, which means that vets would not have to apply to practise, which is the case or has been the case up to now, each time they cross a border. It is also meant to be cost effective in that vets do not have to pay a registration fee. The way in which it operates is that it is automatic. So each time a vet decides to practise in another jurisdiction that vet is automatically deemed to be registered in that jurisdiction. That means that the regulatory body, usually called the Veterinary Surgeons Board in that jurisdiction, may not know at any particular time that they have a vet practising in their jurisdiction from interstate. In practical terms, the only time that they will probably realise that they have an interstate vet practising in Queensland, to use that as an example, is if somebody makes a complaint against that vet. An essential element of this scheme is that once a vet moves into, say, Queensland to practise, that vet automatically becomes subject to our Veterinary Surgeons Act. That means that the Veterinary Surgeons Board has the right to discipline that vet upon a complaint by someone.

The next thing that happens is that it is mandatory for that board to advise all the other jurisdictions of the disciplinary action it has taken. That is so, of course, each other jurisdiction will know about a particular vet if that vet comes to their notice. The other thing to understand is that the nature of a vet's registration is determined by the registration in the home jurisdiction. For example, if a vet is registered in New South Wales and has a condition on registration that the vet must confine himself or herself to practising with small animals and that vet moves to Queensland on a temporary basis, that vet will only still be able to practise in relation to small animals because the registration or the nature of the registration in the home jurisdiction is all that is recognised in the other jurisdictions. I think that really covers the main aspects of the scheme, but if anyone has some questions about how the disciplinary measures are going to be applied I am happy to answer it.

CHAIR: Thank you very much. I will open up to any questions on the amendments to the Veterinary Surgeons Act 1936. The member for Hinchinbrook has a question.

Mr CRIPPS: Ms Chapman, thank you for your briefing on the proposed amendments to the Veterinary Surgeons Act. Have you had an opportunity to view the submission to the committee from the Veterinary Surgeons Board?

Ms Chapman: Yes, we have done that.

Mr CRIPPS: You have had an opportunity?

Ms Chapman: Yes, the one about the ability to provide information for the national database.

Mr CRIPPS: Yes. In the first instance, the Veterinary Surgeons Board has pointed out that the draft amendments do not represent uniformity with legislation adopted in other states and you canvass that matter quite significantly. What benefit do you think the Veterinary Surgeons Board believes would be afforded to Queensland if there was uniformity of legislation? Why would they make that point of concern in their submission to the committee?

Ms Chapman: To be absolutely honest, it is hard to understand that comment because, for example, in the Victorian legislation, which is already in force, their provisions are almost identical to ours and do not in fact talk about the national database. The national database was not part of the six-model rules, but it was decided in the national working group on this scheme that the only way this scheme could actually operate would be to have an electronic national database so that all the information about any particular vet would be accessible by any jurisdiction. That is something that has been pretty well progressed and is not far from being attained.

The important thing about that national database is that any board must be able to give that information to the other jurisdictions, therefore, they will not be contravening any privacy rules et cetera. The legislation is actually quite strong, because it makes it mandatory upon the Veterinary Surgeons Board, each time it takes disciplinary action against a vet, either a deemed vet or a registered vet, to give that information to the other jurisdictions. That is the essential element of the legislation in terms of being able to participate in the national database. There is no need to actually refer to the database. I suppose in terms of legislation it would be quite difficult to refer to something that does not have a technical name or is not yet fully effective.

The important thing was to ensure that there is a power for the board to give that information and that that obligation is mandatory. The other states have done that. I think it is only New South Wales that mentions the database. In terms of the VSB comments, all I can say is that there is absolutely no barrier to Queensland fully meeting its obligation to hand over information that will make the national database effective. There is nothing else we could have done, in our view.

CHAIR: Does that answer your question? Do you have a follow up?

Mr CRIPPS: It does answer my question. I thank Ms Chapman for that very comprehensive answer. The only other question that I have in relation to the amendments to the Veterinary Surgeons Act, Ms Chapman, relates to another point made in the submission by the Veterinary Surgeons Board. They make the point that they do not support the progress of the amendments to require veterinary surgeons to provide emergency contact details without all Queensland registered veterinary surgeons having been given the opportunity to be consulted individually. The only point that I would make, building on that issue raised by the Veterinary Surgeons Board, is that the amendment, as I understand it, will make the details of individual veterinary surgeons in Queensland available to DEEDI.

Ms Chapman: Before we go any further—sorry to interrupt—

Mr CRIPPS: Not at all.

Ms Chapman: Fiona Ferguson is from Biosecurity Queensland, which of course was very concerned to be able to contact veterinary surgeons during biosecurity emergencies. Fiona was going to give you a little bit more background on it.

Mr CRIPPS: Good.

CHAIR: Are you happy to have that background?

Mr CRIPPS: I am happy to hear from Ms Ferguson.

Ms Ferguson: I will address the issue about out-of-hours contact for veterinary surgeons and that amendment. The intent of that provision, as Ms Chapman has said, is to provide Biosecurity Queensland with out-of-hours contact details of veterinary surgeons in order to contact them during an emergency response or any type of response, especially for Hendra, where there is a public interest and human health interest, such as doing a Hendra response, and it is considered that there is a public interest in vets being contacted as soon as possible to be given that type of information, not just for themselves but also for their clients. The recent report of the Queensland Ombudsman on the Hendra virus also supports urgent notification to private veterinarians of this type of information. The provisions that are intended in this bill are for vets to supply the registrar with emergency contact details. Those emergency contact details are telephone and email.

CHAIR: Are they kept confidential?

Ms Ferguson: Yes. The intended amendments to section 16 of the Veterinary Surgeons Act mean that that those contact details will not be made public. We did consult with the Justice and Attorney-General privacy unit to ensure that those provisions were consistent with privacy and they agreed that they were consistent with privacy. There is no intent to provide those publicly. The intent is only for that information to be given to Biosecurity Queensland. The reasons for Biosecurity Queensland obtaining those is provided in new section 29C. It has to be if the chief executive considers it necessary to contact a veterinary surgeon to give the veterinary surgeon information about controlling, eradicating or preventing the spread of an exotic disease, a declared pest or a disease. It should be noted that that is only to provide information; it is not to contact the vet to assist in a response. That is consistent with the policy intent.

Mr CRIPPS: Thank you. I have another question, Madam Chair.

CHAIR: Can I just hand it to the member for Bulimba who has been itching to ask a question and then I will pass it back to you.

Ms FARMER: Thank you. I am guessing it is probably Ms Chapman I am asking this question of. Are you able to advise how many vets currently provide their emergency contact details?

Ms Chapman: During the development of this legislation, there were actually quite detailed discussions with the registrar of the Veterinary Surgeons Board about the efforts that they had put in, which were recognised. They have tried to collect this information on a voluntary basis, mainly around the time of annual renewals of registration. There were two problems. Firstly, they got only somewhere between 60 and 70 per cent response. Not only that, but also the type of details they were provided with were not consistent. In other words, some people provided out-of-hours email addresses that could be used out of hours and others provided mobile phone numbers. In talking to BQ, the view was that that would make it

more difficult in a response, in that they could not do a standard email or they could not do a standard ring around of mobile phones. They were the two problems that emerged in the voluntary collection of information. The registrar himself did note that they did not have any mandatory powers under the legislation to request this out-of-hours information on top of the normal registration information that is provided on the annual renewal of registration forms.

Mr CRIPPS: My question follows on from the information provided to the committee by Ms Ferguson. I am very satisfied with the information that you have given to the committee in relation to the responsibilities of Biosecurity Queensland with regard to this amendment. The only issue that I would raise is that it is my understanding that the information, as you clarified, will be provided to Biosecurity Queensland within DEEDI. I wanted to draw your attention to the Ombudsman's report on the Hendra virus, which was tabled in the House earlier this month. You mentioned the recent Hendra virus incidents as a motivator for improving the sharing of information between veterinarians in Queensland and Biosecurity Queensland.

Ms Ferguson: Perhaps I could clarify: it has been the Hendra responses over a period and not just the ones this year. This issue arose fairly early on in the Hendra responses.

Mr CRIPPS: Indeed and that is very clear from the Ombudsman's report, in fact, as the Ombudsman commenced his investigation into Hendra virus incidents in Queensland in August 2009. The Ombudsman notes that he completed his report in April of this year and provided copies of the report to the director-general of DEEDI and the director-general of Queensland Health. Recommendations 76 and 77 in the Ombudsman's report recommend that responsibility for providing information to veterinarians about reducing the risk of and the consequences of human infection with Hendra virus, particularly during Hendra virus incidents, will be jointly held by Queensland Health, Primary Industries and Fisheries and Workplace Health and Safety Queensland. Would it be prudent for the amendment in the bill that is before the committee to facilitate the sharing of information about private veterinarians not only to DEEDI but also to Workplace Health and Safety Queensland and to Queensland Health?

Ms Ferguson: It is something that we could consider. It does raise some privacy issues, but certainly it is something that we could consider.

Mr CRIPPS: Would those privacy issues be any different from the privacy issues of providing the information of veterinarian surgeons to DEEDI?

Ms Ferguson: I suppose the intent of the legislation is to provide the information to DEEDI and not any further. So whilst the privacy issues are of much the same character, veterinarians and certainly the Veterinary Surgeons Board were consulted based on only the provision of that information to DEEDI. If we were going to expand it to Queensland Health and Workplace Health and Safety we would have to reconsult.

CHAIR: That is right. That would be a matter for—

Ms Ferguson: Also, we would have to go back to Justice and Attorney-General, because it does broaden the scope of who would get those details.

CHAIR: That is right.

Mr CRIPPS: We know that the Ombudsman's report was provided to the directors-general of DEEDI and Queensland Health in April this year.

Ms Ferguson: That is correct.

Mr CRIPPS: And this bill was not introduced into the House and referred to the committee until 6 September. The recommendations, therefore, for the need for joint responsibility and the need for the details of veterinarians in Queensland to be available to Queensland Health, Queensland Primary Industries and Fisheries and Workplace Health and Safety Queensland would have been apparent at that time.

Ms Ferguson: When the initial report came out, yes. I suppose the report has only just been finalised, but we take your point.

CHAIR: Any further questions?

Mr Miller: Madam Chair, may I make a statement, please?

CHAIR: Yes.

Mr Miller: That is an issue that we could provide some further information back to the committee on when we provide the report by 25 November.

CHAIR: Are you happy to take that on notice?

Mr CRIPPS: I would be very grateful, Mr Miller.

CHAIR: Thank you very much for the offer. Any further questions from the committee? I thank you, on behalf of the committee, for your thorough introduction to the Protecting Primary Production Amendment Bill 2011. If you can think of any other further issues that may be of interest to the committee, could I ask that you contact us in the near future. Thank you very much. We will have a 30-minute break. We will resume at 11 o'clock for a public briefing on the South-East Queensland Water (Distribution and Retail Reconstructing) and Other Legislation Amendment Bill 2011. Thank you again for your attendance.

Committee adjourned at 10.29 am