

# Biosecurity and Other Legislation Amendment Regulation 2021

## Human Rights Certificate

### Prepared in accordance with Part 3 of the *Human Rights Act 2019*

In accordance with section 41 of the *Human Rights Act 2019*, I, the Honourable Mark Furner MP, Minister for Agricultural Industry Development and Fisheries and Minister for Rural Communities, provide this human rights certificate with respect to the *Biosecurity and Other Legislation Amendment Regulation 2021* (Amendment Regulation) made under the *Animal Management (Cats and Dogs) Act 2008*, *Biosecurity Act 2014* and *State Penalties Enforcement Act 1999*.

In my opinion, the Amendment Regulation, as tabled in the Legislative Assembly, is compatible with the human rights protected by the *Human Rights Act 2019*. I base my opinion on the reasons outlined in this statement.

## Overview of the Subordinate Legislation

### Distinctive collars for regulated dogs

The Amendment Regulation prescribes the dimensions, quality and type of a distinctive collar that must be worn by a declared dangerous, declared menacing or restricted dog under the *Animal Management (Cats and Dogs) Act 2008*.

This will ensure state-wide consistency in identifying regulated dogs, and represents a move towards national consistency as New South Wales, Victoria, Tasmania and Western Australia use similar distinctive collars.

### Prohibited feed for pigs and poultry

In May 2020, the Animal Health Committee (AHC) agreed to an amended national definition of prohibited pig feed which identified treatment requirements to inactivate the African swine fever virus.

The Amendment Regulation amends the *Biosecurity Regulation 2016* to provide that material which undergoes an AHC approved treatment process under a compliance agreement will not be prohibited feed for pigs and poultry. This will enable the waste food recycling industry to heat treat human food waste and then safely supply it for feeding pigs and poultry.

### Penalty Infringement Notices (PINs)

The Amendment Regulation seeks to amend the *State Penalties Enforcement Regulation 2014* to introduce new PINs for offences under the *Biosecurity Act 2014* and the *Biosecurity Regulation 2016*. Specifically, these PINs relate to offences for distribution and disposal of category three restricted matter; inclusion of penalties for corporations where individual

penalties already apply; offences relating to biosecurity instrument permits; and renewal of registered biosecurity entities. The Amendment Regulation also omits an obsolete PIN.

## **Human Rights Issues**

### **Human rights relevant to the subordinate legislation (Part 2, Division 2 and 3 *Human Rights Act 2019*)**

The Amendment Regulation does not engage any of the twenty-three human rights protected under the *Human Rights Act 2019*.

## **Conclusion**

I consider that the Amendment Regulation is compatible with the *Human Rights Act 2019* because it does not raise a human rights issue.

**THE HONOURABLE MARK FURNER MP**  
MINISTER FOR AGRICULTURAL INDUSTRY DEVELOPMENT AND FISHERIES  
AND MINISTER FOR RURAL COMMUNITIES

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