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Updating Agriculture Legislation

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Mr MORRIS (Mornington) (17:21): It is a pleasure to have the opportunity to make some comments on this Agriculture Legislation Amendment Bill 2022, which is not only physically a fairly substantial bill, but it does introduce a range of changes.

It is effectively an omnibus bill in the context of the agriculture area. True, I think most of the changes that are proposed are in fact related directly to agriculture; with some the link is perhaps a little more tenuous. Certainly with the proposed amendments to the low-THC definition, I think the link is non-existent, but ultimately they are, I guess, related in some way.

I think one of the issues, though, with a bill of this nature is that the changes are so many that, frankly, with the speaking limits we have we do not actually get to talk about all of them in any case—and I will not labour this point because I will obviously be burning time—and we do not get the opportunity to really address the whole bill, let alone particularly contentious clauses. I guess the comments from the member for Box Hill bear that out; he needed to focus on one particular area.

There are many changes. Most of them are administrative—or many are administrative, I should say—but some are in fact reasonably significant. I will comment briefly on the less contentious or less complex matters covered by the bill and then, hopefully, spend a bit more time on the bigger changes and where I see more issues.

The changes proposed to the Meat Industry Act 1993 and the Dairy Act 2000 are relatively straightforward. They are about ensuring that the Public Administration Act 2004 applies to both PrimeSafe employees and Dairy Food Safety Victoria employees.

There is an unambiguous exclusion in the current legislation. When we sought an explanation as to why that was in fact the case, apparently the reasoning was lost in the mists of time. No-one seems to know why the exclusion was put there—it is not obvious—so I certainly do not object to it being removed, but hopefully it will not come back to bite us.

The changes with regard to the Farm Debt Mediation Act 2011 extend the application of that act to forestry and agriculture and require that an exemption certificate is in place at all times before further measures are taken.

From my perspective any measures that serve to keep people on the land to keep them

producing food and fibre are worthwhile measures. This bill will certainly assist in that way but it also does in fact streamline the processes associated with it, hopefully for the beneficiaries as well as the people seeking to enforce their entitlements.

The changes to the Plant Biosecurity Act 2010 appear to expand the role of inspectors but also to clarify their powers, so while some of it may be controversial, I think again it is largely acceptable. With the Rural Assistance Schemes Act 2016, it is streamlining again. Essentially providing flexibility for a member appointed to the rural assistance commission to operate part-time makes sense.

With the Wildlife Act 1975, a couple are very small, but I think certainly one of them is an important change. The first one is changing the words 'game birds' to 'game that is waterfowl', a distinction that is apparently important, and the second one of course is substituting a full stop for a semicolon, so we are dealing with another matter of substance there.

The first one, though, relates to the measures to protect non-shooters and shooters under section 58C of the act—that is, during the 2 hours before sunset through to 10.00 am the following morning, the exclusion of non-shooters through that period. I think it is important that that measure continues to work.

Changes to the Agricultural and Veterinary Chemicals (Control of Use) Act 1992—changes to the labelling requirements—are potentially controversial but, provided they are enforced the right way, are not a big issue.

With the Veterinary Practice Act 1997, there are a couple of concerns there from my perspective. There are some changes to the way the board can negotiate with those under investigation for professional misconduct. The changes proposed there, I think, are welcome.

There is a more nuanced approach to penalties; again, that is welcome. There is a change to remove the entitlement of Melbourne University to nominate a member of the board and replace that with a person experienced in veterinary education or veterinary professional development, and I think that makes sense as well.

But then there is the curious decision to remove the requirement that the chair and deputy chair of the board are in fact veterinary practitioners. That one I am not so enthusiastic about. The justification given during the briefing yesterday was that there are sets of skills required to chair a board. I agree, absolutely there are, but those skills are not mutually exclusive from being a veterinary practitioner, and I think if you remove that requirement and then move away from having practising vets on the board, it does change the way the organisation operates.

With the Catchment and Land Protection Act 1994, there are significant changes to the noxious weed provisions. I will not go through the details; there are many pages of them.

I think the most significant thing is that the number of penalty units that will apply for breaches with regard to state prohibited weeds will move from 120 penalty units to 480 and for regionally prohibited weeds it will move from 120 to 240, but on the other side of the coin, regionally controlled and restricted weeds both drop down to 60 penalty units—so there are some winners and some losers.

I think the key point though is the potential for damage to be done to the livelihood of a

primary producer through the spread of noxious weeds is significant. These are serious issues and they do require serious penalties, so I think that is a reasonable change, and the sliding scale is an improvement.

With regard to the Livestock Disease Control Act 1994, there are changes to the Apicultural Industry Advisory Committee, the Cattle Compensation Advisory Committee, the Sheep and Goat Compensation Advisory Committee and the Swine Industry Projects Advisory Committee.

Changes to the composition and changes to the way that the funds that these bodies administer are spent are largely to allow the cost of recruitment and so on to be defrayed and administrative costs to be defrayed. Surely that is something the government should be doing.

Secondly, there are big changes in terms of the membership. Each of those committees currently is constituted differently with different numbers and so on. This bill will increase the numbers to nine members. In each case—except the agricultural industry one—the members are often industry body nominees, and they have specific requirements related directly to that industry.

The bill that we have before us provides just basically a link in the first prerequisite and then provides a whole lot of others that require the board members to have no connection with the industry at all. Certainly the last prerequisite listed is basically whoever the minister thinks is appropriate, which gives, in my view, far more flexibility than is desirable.

It would be far more appropriate, I think, to keep those industries engaged, because—not that I am suggesting this minister will—a minister could in the future appoint a whole committee which would have absolutely no connection to the industry whatsoever under this legislation.

I want to finish on the changes through part 5 to the Drugs, Poisons and Controlled Substances Act 1981.

There are two distinct changes to schedule 4 and schedule 8, prescription drugs and controlled drugs, with regard to catastrophic natural events to assist the treatment of animals. That is a change that is very welcome.

Changes around cannabis, particularly the provisions relating to the authority to cultivate and process low-THC cannabis, are I think a big improvement as well—and beefed up.

Where I have a problem is the increase in the definition of 'low THC' from 0.35 to 1.0. We are tripling that number, and we have had no real commentary from the government, no explanation during the briefing. I am concerned about that particular measure.