

Vegetation Management (Clearing for Relevant Purposes) Amendment Bill 2018

Explanatory Notes

Short title

The short title of the Bill is the *Vegetation Management (Clearing for Relevant Purposes) Amendment Act 2018*.

Policy Objectives and Reasons for the bill

The policy objectives of the bill are to amend the Vegetation Management Act 1999 (the 'Act') to,

- create an obligation on the chief executive to issue an information notice where an application for clearing, as assessed under section 22A of the Act, has been rejected; and
- remove "grazing activities" from the definition of *high value agriculture clearing* to ensure that it is considered a relevant purpose in the chief executive's consideration of an application to clear under the Act.

These objectives have been developed to address gaps within the existing legislative framework that constrain the ability of primary producers to clear land for legitimate purposes and enable access to a reasonable appeals process.

Currently grazing is not considered a relevant purpose for *high value agriculture clearing* however it is considered a relevant purpose for *irrigated high value agriculture clearing*. This limits the ability of a graziers to establish sources of feed to improve the productivity of their operations.

In order to develop a more profitable and competitive domestic and international agriculture industry in Queensland, graziers must have a range of options for cultivating and sourcing feed. Although this Bill broadens the scope of activities that are an acceptable reason to undertake clearing, the existing legislative and regulatory framework provide adequate mitigation against detrimental environmental impacts. Furthermore, the farm management practices of producers ensure a high standard of environmental management across the industry.

Currently there is no right of appeal or review for a person who has made an application under section 22A of the Act, where that application has been rejected.

The only basis for appeal or review pursuant to the Vegetation Management Act 1999 is if the section of the Act dealing with the decision requires an information notice be given with the decision.

Section 63 (1) of the Act states "A person who is given, or is entitled to be given, an information notice about a decision made under this Act may apply for an internal review of the decision."

Creating an obligation for the chief executive to issue an information notice where an application has been rejected on the basis of section 22A, therefore creates a mechanism for an internal review.

Achievement of Policy Objectives

The policy objectives of the Bill are achieved through two main amendments to the Act.

Amendment 3

Amendment of s 22A (Particular vegetation clearing applications may be assessed)

In this amendment a new clause is inserted that states,

“If the chief executive decides the development applied for is not development mentioned in subsection (2) (a) to (l), the chief executive must give the applicant an information notice about the decision.”

This amendment achieves the objective by compelling the chief executive to issue an information notice where the application has been rejected based on section 22A.

Amendment 4

Amendment of schedule (Dictionary)

This amendment removes the term “grazing activities” as a discrete reference in the definition of activities that are excluded from the relevant purposes of *high value agriculture clearing*. By doing this, it is implied that “grazing activities” are a relevant purpose for *high value agriculture clearing* thereby allowing graziers to make an application to undertake clearing for that purpose.

Alternative Ways of Achieving Policy Objectives

There is no alternative method of achieving the objectives other than by legislative amendment.

Consistency with Fundamental Legislative Principles

The Bill is consistent with fundamental legislative principles and with national competition policy.

Estimated Cost of Government Implementation

The cost to the Government of implementing the changes proposed in this Bill are immaterial and will be met through existing departmental resources.

Consultation

Consultation has been conducted with stakeholders including agricultural industry peak bodies and legal experts with experience in developing and assessing clearing applications.

Notes on provisions within the Bill

1 Short title

Clause 1 provides the short title of the Act, when made, is the *Vegetation Management (Clearing for Relevant Purposes) Amendment Act 2018*.

2 Act amended

This Act amends the Vegetation Management Act 1999.

3 Amendment of s 22A (Particular vegetation clearing applications may be assessed)

As stated above, this amendment achieves the objective by compelling the chief executive to issue an information notice where the application has been rejected based on section 22A.

4 Amendment of schedule (Dictionary)

As stated above, this amendment removes the term “grazing activities” as a discrete reference in the definition of activities that are excluded from the relevant purposes of high value agriculture clearing.