



Queensland

Vegetation Management (Reinstatement) and Other Legislation Amendment Bill 2016



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2016

A Bill

for

An Act to amend the *Environmental Offsets Act 2014*, the *Sustainable Planning Act 2009*, the *Vegetation Management Act 1999* and the *Water Act 2000* for particular purposes

[s 1]

The Parliament of Queensland enacts— 1

Part 1 Preliminary 2

Clause 1 Short title 3

This Act may be cited as the *Vegetation Management
(Reinstatement) and Other Legislation Amendment Act 2016*. 4
5

Clause 2 Commencement 6

- (1) Part 1, part 2 (other than section 6) and part 3 of this Act are 7
taken to have commenced on 17 March 2016. 8
- (2) The remaining provisions of this Act commence on a day to 9
be fixed by proclamation. 10

Part 2 Amendment of Vegetation Management Act 1999 11 12

Clause 3 Act amended 13

This part amends the *Vegetation Management Act 1999*. 14

Clause 4 Amendment of s 22A (Particular vegetation clearing applications may be assessed) 15 16

- (1) Section 22A, heading— 17
omit, insert— 18

22A When development is for a relevant purpose 19

- (2) Section 22A(1)— 20
omit, insert— 21

- (1) This section provides for when development is for 22

-
- | | |
|--|----------------------|
| a relevant purpose for the Planning Act, schedule 1, item 3 or 4. | 1
2 |
| (3) Section 22A(2), from ‘A vegetation’ to ‘applied for’— | 3 |
| <i>omit, insert—</i> | 4 |
| Development is for a relevant purpose under this section if the chief executive is satisfied the development | 5
6
7 |
| (4) Section 22A(2)(k) and (l)— | 8 |
| <i>omit.</i> | 9 |
| (5) Section 22A(2AA), ‘a vegetation clearing application’— | 10 |
| <i>omit, insert—</i> | 11 |
| development | 12 |
| (6) Section 22A(2AA), ‘applied for’— | 13 |
| <i>omit.</i> | 14 |
| (7) Section 22A(2B), ‘a vegetation clearing application’— | 15 |
| <i>omit, insert—</i> | 16 |
| development | 17 |
| (8) Section 22A(2B), ‘applied for’— | 18 |
| <i>omit.</i> | 19 |
| (9) Section 22A(2B)(a) after ‘category C area’— | 20 |
| <i>insert—</i> | 21 |
| if the land on which the development is carried out is freehold land, indigenous land or a lease issued under the <i>Land Act 1994</i> for agriculture or grazing purposes | 22
23
24
25 |
| (10) Section 22A(2B)(b), ‘the subject of the application’— | 26 |
| <i>omit, insert—</i> | 27 |
| on which the development is carried out | 28 |
| (11) Section 22A(2B)(c), ‘the subject of the application’— | 29 |
-

[s 5]

omit, insert—

on which the development is carried out

(12) Section 22A(2C), ‘a vegetation clearing application’—

omit, insert—

development

(13) Section 22A(2C), ‘applied for’—

omit.

Clause 5 Omission of pt 2, div 6, sdiv 1A (Particular vegetation clearing applications)

Part 2, division 6, subdivision 1A—

omit.

Clause 6 Insertion of new s 67A and new pt 4, div 2A

After section 67—

insert—

67A Responsibility for unauthorised clearing of vegetation

(1) The clearing of vegetation on land in contravention of a vegetation clearing provision is taken to have been done by an occupier of the land in the absence of evidence to the contrary.

(2) In this section—

occupier, of land, includes—

(a) for freehold land—the registered owner; or

(b) for a lease, license or permit under the *Land Act 1994*—the lessee, licensee or permittee; or

(c) for indigenous land—the holder of title to the land; or

- (d) for any tenure under any other Act—the
holder of the tenure. 1
2

Division 2A Defences 3

67B Defence in proceeding for vegetation clearing offence 4 5

For a proceeding against a person for a vegetation
clearing offence, the Criminal Code, section 24,
does not apply. 6
7
8

Clause 7 Insertion of new pt 6, div 12 9
After section 124— 10
insert— 11

Division 12 Transitional provisions for Vegetation Management (Reinstatement) and Other Legislation Amendment Act 2016 12 13 14 15 16

125 Definitions for division 17

In this division— 18

interim period means the period starting on 17
March 2016 and ending immediately before the
date of assent of the *Vegetation Management
(Reinstatement) and Other Legislation
Amendment Act 2016*. 19
20
21
22
23

unlawful clearing means development that
becomes prohibited development under the
Planning Act because of the amendment of this
Act or the Planning Act by the *Vegetation
Management (Reinstatement) and Other* 24
25
26
27
28

[s 7]

<i>Legislation Amendment Act 2016.</i>	1
126 Applications under s 20C made but not decided before 17 March 2016	2
(1) This section applies if—	4
(a) before 17 March 2016, an application was made under section 20C in the way required under that section; and	5
(b) immediately before 17 March 2016, the application had not been decided.	8
(2) The chief executive must continue to deal with and decide the application as if the <i>Vegetation Management (Reinstatement) and Other Legislation Amendment Act 2016</i> had not commenced.	10
127 Applications under s 20C made during the interim period	15
(1) This section applies if during the interim period an application was made under section 20C to show an area on a PMAV as a category X area that after commencement becomes a category C area or category R area.	17
(2) Any decision of the chief executive to show the area as a category X area during the interim period is taken to have no effect.	22
(3) Subsection (2) does not prevent the chief executive from reconsidering and deciding the application after the commencement.	25
128 Proposed regulated vegetation management map	28
(1) During the interim period, the chief executive must publish, and may republish, on the	30

department's website, a proposed regulated
vegetation management map showing proposed
category C areas and category R areas.

- (2) The proposed regulated vegetation management
map is taken to be the regulated vegetation
management map on the commencement.

**129 How definition *high value regrowth vegetation*
and category C code apply during interim
period**

- (1) During the interim period—
- (a) the schedule, definition *high value regrowth vegetation*, paragraph (a) is taken to include
a reference to freehold land and indigenous
land; and
- (b) the category C code applies to that land in
the same way it applies to vegetation located
on a lease issued under the *Land Act 1994*
for agriculture or grazing purposes.
- (2) In this section—
- category C code*** means the self-assessable
vegetation clearing code called 'Managing
category C regrowth vegetation' made by the
Minister on 14 November 2013.

**130 How definition *regrowth watercourse and
drainage feature area* and category R code
apply during interim period**

- (1) During the interim period—
- (a) the schedule, definition *regrowth watercourse and drainage feature area*, is
also taken to mean an area located within 50
m of a watercourse or drainage feature
located in the following catchments

[s 7]

- | | |
|--|----|
| identified on the vegetation management | 1 |
| watercourse and drainage feature map— | 2 |
| (i) Burnett-Mary; | 3 |
| (ii) Eastern Cape York; | 4 |
| (iii) Fitzroy; and | 5 |
| (b) the category R code applies to the | 6 |
| catchments mentioned in subsection | 7 |
| (1)(a)(i) to (iii) in the same way it applies to | 8 |
| the catchments mentioned in the definition. | 9 |
| (2) In this section— | 10 |
| <i>category R code</i> means the self-assessable | 11 |
| vegetation clearing code called ‘Managing | 12 |
| category R regrowth vegetation’ made by the | 13 |
| Minister on 14 November 2013. | 14 |

131 Restoration and other requirements after unlawful clearing 15 16

- | | |
|--|----|
| (1) This section applies if a person undertakes | 17 |
| unlawful clearing during the interim period. | 18 |
| (2) The chief executive must give the person a | 19 |
| restoration notice. | 20 |
| (3) The chief executive may, in addition to the | 21 |
| matters mentioned in section 54B(3), also include | 22 |
| additional requirements in the notice for the | 23 |
| person to undertake. | 24 |
| (4) Without limiting subsection (3), the restoration | 25 |
| notice may require the person to restore land in | 26 |
| addition to the land the subject of the unlawful | 27 |
| clearing. | 28 |
| (5) In deciding the additional requirements for the | 29 |
| restoration notice, the chief executive must have | 30 |
| regard to the environmental offsets policy under | 31 |
| the <i>Environmental Offsets Act 2014</i> . | 32 |
| (6) The restoration notice, including the additional | 33 |

requirements, is taken to be a restoration notice
for this Act. 1
2

132 No compensation payable 3

To remove any doubt, it is declared that no
amount, whether by way of compensation,
reimbursement or otherwise, is payable by the
State to any person for or in connection with a
provision of this division that applies in relation to
the interim period. 4
5
6
7
8
9

Clause 8 Amendment of sch (Dictionary) 10

(1) Schedule, definitions *high value agriculture clearing* and
irrigated high value agriculture clearing— 11
12

omit. 13

(2) Schedule, definition *high value regrowth vegetation*,
paragraph (a)— 14
15

omit, insert— 16

(a) on freehold land, indigenous land or a lease
issued under the *Land Act 1994* for
agriculture or grazing purposes; and 17
18
19

(3) Schedule, definition *regrowth watercourse and drainage
feature area*, ‘Burdekin, Mackay Whitsunday or Wet
Tropics’— 20
21
22

omit, insert— 23

Burdekin, Burnett-Mary, Eastern Cape York,
Fitzroy, Mackay Whitsunday or Wet Tropics 24
25

[s 9]

Part 3	Amendment of Sustainable Planning Act 2009	1 2
Clause 9	Act amended	3
	This part amends the <i>Sustainable Planning Act 2009</i> .	4
Clause 10	Insertion of new ch 10, pt 15	5
	After section 998—	6
	<i>insert—</i>	7 8
Part 15	Transitional provisions for Vegetation Management (Reinstatement) and Other Legislation Amendment Act 2016	9 10 11 12 13 14
999 Definitions for part		15
	In this part—	16
	<i>amending Act</i> means the <i>Vegetation Management (Reinstatement) and Other Legislation Amendment Act 2016</i> .	17 18 19
	<i>high value agriculture clearing</i> means high value agriculture clearing within the meaning of the Vegetation Management Act immediately before 17 March 2016.	20 21 22 23
	<i>interim period</i> means the period starting on 17 March 2016 and ending immediately before the date of assent of the <i>Vegetation Management</i>	24 25 26

<i>(Reinstatement) and Other Legislation</i>	1
<i>Amendment Act 2016.</i>	2
<i>irrigated high value agriculture clearing</i> means	3
irrigated high value agriculture clearing within	4
the meaning of the Vegetation Management Act	5
immediately before 17 March 2016.	6
<i>unlawful clearing</i> means development that	7
becomes prohibited development because of the	8
amendment of this Act or the Vegetation	9
Management Act by the amending Act.	10
 1000 Development applications made but not decided before commencement	 11 12
(1) This section applies if—	13
(a) before 17 March 2016, a development	14
application has been made for development	15
that, on the commencement, is prohibited	16
development under schedule 1, item 3 or 4;	17
and	18
(b) the application was a properly made	19
application; and	20
(c) immediately before 17 March 2016, the	21
development application had not been	22
decided.	23
(2) The application must continue to be dealt with	24
and decided as if the amending Act had not	25
commenced.	26
 1001 Certain development approvals not affected	 27
(1) This section applies to a development approval in	28
effect immediately before the 17 March 2016.	29
(2) The amending Act does not stop or further	30
regulate development under the development	31
approval or otherwise affect the approval.	32

[s 10]

1002 Unlawful clearing not an offence during interim period	1
	2
Sections 578(1) and 581(1), to the extent the provisions relate to unlawful clearing, do not apply to a person carrying out unlawful clearing during the interim period.	3
	4
	5
	6
<i>Note—</i>	7
See the Vegetation Management Act, part 3, division 1, subdivision 7 for provisions relating to a restoration notice under that Act.	8
	9
	10
 1003 Development application for certain operational works during interim period	 11
	12
(1) This section applies to a development application made, during the interim period, for operational work that is the clearing of vegetation that—	13
	14
	15
(a) is assessable development prescribed under 232(1); and	16
	17
(b) is high value agriculture clearing or irrigated high value agriculture clearing; and	18
	19
(c) is not for a relevant purpose mentioned in the Vegetation Management Act, section 22A(2)(a) to (j) or (2AA).	20
	21
	22
(2) The application is taken not to have been made and any decision on the application is of no effect.	23
	24
 1004 Development application for certain material change of use during interim period	 25
	26
(1) This section applies to a development application, made during the interim period, for a material change of use that is assessable development, other than a material change of use that is assessable development under section 232(1), if—	27
	28
	29
	30
	31
	32

- (a) the material change of use involves the clearing of vegetation that is high value agriculture clearing or irrigated high value agriculture clearing; and
- (b) because of the clearing the chief executive would be a concurrence agency for the material change of use if a development application were made for the material change of use.
- (2) The application is taken not to have been made and any decision on the application is of no effect.

1005 No compensation payable

To remove any doubt, it is declared that no amount, whether by way of compensation, reimbursement or otherwise, is payable by the State to any person for or in connection with a provision of this part that relates to the interim period.

Clause 11 Amendment of sch 1 (Prohibited development)

Schedule 1, table, entry for clearing native vegetation, after item 3—

insert—

- 4 Material change of use that is assessable development, other than development prescribed under section 232(1), if—
 - (a) the material change of use involves operational work that is clearing vegetation; and
 - (b) because of the clearing the chief executive would be a concurrence agency for the material change of use if a development application were made for the material change of use; and
 - (c) the operational work is not for a relevant purpose under the Vegetation Management Act, section 22A.

[s 12]

Part 4 Amendment of Water Act 2000 1

Clause 12	Act amended	2
	This part amends the <i>Water Act 2000</i> .	3
Clause 13	Amendment of ch 2, pt 4, div 1, hdg (Granting permits for excavating or placing fill in a watercourse, lake or spring)	4
	Chapter 2, part 4, division 1, heading, after ‘permits for’—	5
	<i>insert—</i>	6
	destroying vegetation,	7
Clause 14	Amendment of s 218 (Applying for permit to excavate or place fill in a watercourse, lake or spring)	8
	(1) Section 218, heading, after ‘permit to’—	9
	<i>insert—</i>	10
	destroy vegetation,	11
	(2) Section 218(1)—	12
	<i>omit, insert—</i>	13
	(1) A person may apply to the chief executive for a permit (a <i>riverine protection permit</i>) to do any or all of the following activities—	14
	(a) destroy vegetation in a watercourse, lake or spring;	15
	(b) excavate in a watercourse, lake or spring;	16
	(c) place fill in a watercourse, lake or spring.	17
Clause 15	Replacement of s 220 (Criteria for deciding application)	18
	Section 220—	19
	<i>omit, insert—</i>	20

220 Criteria for deciding application

- In deciding whether to grant or refuse the application or what should be the conditions of the riverine protection permit, the chief executive must consider all of the following—
- (a) the effects of the proposed activity on water quality;
 - (b) the quantity of vegetation to be destroyed or material to be excavated or placed;
 - (c) the type of vegetation to be destroyed or material to be excavated or placed;
 - (d) the seasonal factors influencing the watercourse, lake or spring from time to time;
 - (e) the position in the watercourse, lake or spring of the vegetation to be destroyed or the proposed excavation or placing of fill;
 - (f) the reasons given by the applicant for wishing to carry out the activity;
 - (g) whether, and to what extent, the activity that the permit would allow may have an adverse effect on the physical integrity of the watercourse, lake or spring;
 - (h) the implications of granting the permit for the long-term sustainable use of the river systems of Australia, and especially the cumulative effect of granting the application and likely similar applications;
 - (i) any other matters the chief executive considers to be relevant.

Clause 16	Amendment of s 746 (Power to enter land to monitor compliance)	31 32
	(1) Section 746(2), ‘destroy quarry material’—	33

[s 17]

<i>omit, insert—</i>	1
destroy other resources	2
(2) Section 746(2)(a), ‘quarry material’—	3
<i>omit, insert—</i>	4
resource	5

Clause 17	Amendment of s 748 (Power to enter land to search for unauthorised activities)	6
	Section 748(1)(c)—	7
	<i>omit, insert—</i>	8
	(c) unauthorised taking, or destruction, of other resources;	9
		10
		11

Clause 18	Amendment of s 814 (Excavating or placing fill without permit)	12
	(1) Section 814, heading, ‘Excavating’—	13
	<i>omit, insert—</i>	14
	Destroying vegetation, excavating	15
	(2) Section 814(1)—	16
	<i>omit, insert—</i>	17
	(1) A person must not do any of the following activities unless the person has a permit under section 221 to carry out the activity—	18
	(a) destroy vegetation in a watercourse, lake or spring;	19
		20
	(b) excavate in a watercourse, lake or spring;	21
	(c) place fill in a watercourse, lake or spring.	22
	Maximum penalty—1665 penalty units.	23
	(3) Section 814(2), after ‘does not apply to the’—	24
	<i>insert—</i>	25
		26
		27
		28

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- 33
- destruction of vegetation,
- (4) After section 814(2)—
- insert—*
- (2AA) Also, subsection (1) does not apply to the destruction of vegetation—
- (a) that is required under a requisition under the *Fire and Emergency Services Act 1990*, section 69, for reducing the risk of fire; or
- (b) that is permitted or required to be carried out under the *Electrical Safety Act 2002* or the *Electricity Act 1994* to prevent the obstruction of, or interference with, an electric line or the creation of an electrical hazard; or
- (c) that happens as a necessary part of works carried out under this Act, other than under a licence, permit or notice; or
- (d) that is regrowth (other than mulga or other fodder trees) following destruction of vegetation under a permit given under section 221 less than 2 years previously; or
- (e) that has been lawfully planted for woodlot, fodder, agriculture, forestry, garden or horticultural purposes; or
- (f) that is necessary to prevent personal injury or property damage or to provide for emergency access.
- (5) Section 814(2A), ‘permit under section 269’—
- omit, insert—*
- riverine protection permit
- (6) Section 814(5), definition ***prescribed assessable development***, paragraph (b), ‘chapter 2, part 9’—
- omit, insert—*
-

[s 19]

	chapter 2, part 5	1
Clause 19	Amendment of sch 4 (Dictionary)	2
	Schedule 4, dictionary, definition <i>other resources</i> , ‘riverine vegetation’—	3
		4
	<i>omit, insert</i> —	5
	vegetation in a watercourse, lake or spring	6
Part 5	Amendment of Environmental Offsets Act 2014	7
		8
Clause 20	Act amended	9
	This part amends the <i>Environmental Offsets Act 2014</i> .	10
Clause 21	Amendment of long title	11
	Long title, ‘significant’—	12
	<i>omit.</i>	13
Clause 22	Amendment of s 3 (Purpose and achievement)	14
	Section 3(1), ‘significant’—	15
	<i>omit.</i>	16
Clause 23	Amendment of s 7 (What is an <i>offset condition</i> and an <i>environmental offset</i>)	17
		18
	Section 7(2), ‘significant’—	19
	<i>omit.</i>	20
Clause 24	Amendment of s 8 (What is a <i>significant residual impact</i>)	21
	(1) Section 8, heading, ‘ <i>significant</i> ’—	22

<i>omit.</i>	1
(2) Section 8(1), ' <i>significant residual impact</i> is an adverse impact'—	2
	3
<i>omit, insert</i> —	4
<i>residual impact</i> is an impact	5
(3) Section 8(1)(b), 'significant'—	6
<i>omit, insert</i> —	7
adverse	8
(4) Section 8(2), 'adverse'—	9
<i>omit.</i>	10
(5) Section 8(2), 'significant'—	11
<i>omit, insert</i> —	12
adverse	13
(6) Section 8(3), 'significant'—	14
<i>omit.</i>	15
(7) Section 8(4), 'adverse'—	16
<i>omit.</i>	17
(8) Section 8(4), 'significant'—	18
<i>omit, insert</i> —	19
adverse	20
(9) Section 8(4)(b), 'a significant'—	21
<i>omit, insert</i> —	22
an adverse	23

Clause 25	Amendment of s 13 (Content of environmental offsets policy)	24
		25
	Section 13(d), 'significant'—	26
	<i>omit.</i>	27

[s 26]

Clause 26	Amendment of s 14 (Imposing offset condition)	1
	Section 14(1)(a), ‘significant’—	2
	<i>omit.</i>	3
Clause 27	Amendment of s 16 (Conditions that apply under this Act to authority)	4
	Section 16(1), ‘significant’—	5
	<i>omit.</i>	6
Clause 28	Amendment of s 18 (Electing how to deliver environmental offset)	7
	(1) Section 18(1), ‘significant’—	8
	<i>omit.</i>	9
	(2) Section 18(5)(d), ‘significant’—	10
	<i>omit.</i>	11
Clause 29	Amendment of s 95 (Application of this Act or existing Act)	12
	Section 95(4)(b), ‘significant’—	13
	<i>omit.</i>	14
Clause 30	Amendment of s 95B (Amendment of existing authorities)	15
	Section 95B(2)(c)(ii), ‘significant’—	16
	<i>omit.</i>	17
Clause 31	Insertion of new pt 11A	18
	After part 11—	19
	<i>insert—</i>	20
		21
		22
		23

Part 11A Application of Act to Commonwealth offset conditions

89A Definitions for pt 11A

In this part—

authority, under a relevant Commonwealth Act, means a permit or other authority (however described) granted under the relevant Commonwealth Act.

Commonwealth offset condition means a condition imposed on an authority under a relevant Commonwealth Act that requires an environmental offset to be undertaken or otherwise relates to an environmental offset.

Commonwealth prescribed activity means an activity relating to a Commonwealth offset condition the subject of an authority under a relevant Commonwealth Act.

grant, in relation to an authority under a relevant Commonwealth Act, means approve, give, issue or otherwise grant (however described) the authority.

impose, in relation to a Commonwealth offset condition, for an authority under a relevant Commonwealth Act, means apply the condition (however the application is described in the relevant Commonwealth Act).

89B Purpose of part

The purpose of this part is to—

- (a) enable an amount, as a financial settlement offset for a Commonwealth offset condition, to be paid into the offset account; and

[s 31]

- | | |
|---|---|
| (b) enable the establishment, management and | 1 |
| use of legally secured offset areas relating to | 2 |
| Commonwealth offset conditions. | 3 |

89C Way purpose is to be achieved	4
--	---

To achieve the purpose of this part, this Act	5
applies in relation to a Commonwealth offset	6
condition with the following changes—	7

- | | |
|---|----|
| (a) a conservation outcome under this Act is | 8 |
| taken to be achieved, by an environmental | 9 |
| offset for a Commonwealth prescribed | 10 |
| activity for a prescribed environmental | 11 |
| matter, if the offset is selected, designed and | 12 |
| managed to maintain the viability of the | 13 |
| matter; | 14 |
| (b) an environmental offset under this Act is | 15 |
| taken to include an activity undertaken to | 16 |
| counterbalance a residual impact of a | 17 |
| Commonwealth prescribed activity on a | 18 |
| prescribed environmental matter; | 19 |
| (c) a financial settlement offset under this Act is | 20 |
| taken to include a payment for delivering a | 21 |
| Commonwealth offset condition for a | 22 |
| Commonwealth prescribed activity; | 23 |
| (d) an offset condition under this Act is taken to | 24 |
| include a Commonwealth offset condition; | 25 |
| (e) an offset delivery plan under this Act is | 26 |
| taken to include a plan or agreement | 27 |
| (however described) about the way an | 28 |
| environmental offset for a Commonwealth | 29 |
| prescribed activity for a prescribed | 30 |
| environmental matter will be undertaken; | 31 |
| (f) a prescribed activity under this Act is taken | 32 |
| to include a Commonwealth prescribed | 33 |
| activity; | 34 |

[s 32]

- (g) a reference in section 7(1), 8(4)(a), or 29(1)(b) and (3)(a) to another Act is taken to include a reference to a relevant Commonwealth Act.

89D When payment into offset account can not be made

- (1) For the purpose of this part, an amount as a financial settlement offset for a Commonwealth offset condition must not be paid into the offset account if—
- (a) the chief executive considers the amount is not likely to adequately deliver an environmental offset that achieves a conservation outcome; or
- (b) the proposed payment can not be made because of a regulation under subsection (2).
- (2) A regulation may prescribe the circumstances under which a proposed payment of an amount as a financial settlement offset for a Commonwealth offset condition can not be made into the offset account.

Clause 32 Insertion of new pt 13, div 1, hdg

Part 13, before section 94—

insert—

Division 1 Transitional provisions for Act No. 33 of 2014

Clause 33 Amendment of s 94 (Definitions for pt 13)

(1) Section 94, heading ‘pt 13’—

omit, insert—

[s 34]

division	1
(2) Section 94, ‘part—’	2
omit, insert—	3
division—	4

Clause 34	Insertion of new pt 13, div 2	5
	After section 95B—	6
	insert—	7

Division 2	Transitional provision for	8
	Vegetation Management	9
	(Reinstatement) and Other	10
	Legislation Amendment	11
	Act 2016	12

96	Applications made but not decided before commencement	13
		14
(1)	This section applies if—	15
(a)	before the commencement, an application was made under an existing Act that may involve the imposition of an offset condition for a prescribed activity; and	16 17 18 19
(b)	immediately before the commencement, the application had not been decided.	20 21
(2)	The application must be dealt with and decided as if the <i>Vegetation Management (Reinstatement) and Other Legislation Amendment Act 2016</i> had not commenced.	22 23 24 25
(3)	In this section—	26
	<i>existing Act</i> see section 94.	27

Clause	35	Amendment of sch 2 (Dictionary)	1
	(1)	Schedule 2, definition <i>on-site mitigation measure</i> , 'significant'—	2 3
		<i>omit.</i>	4
	(2)	Schedule 2, definition <i>significant residual impact</i> , 'significant'—	5 6
		<i>omit.</i>	7

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