

REPORT NO. 19 ON THE

**Vegetation Management (Reinstatement) and Other Legislation Amendment
Bill 2016**

QUEENSLAND GOVERNMENT RESPONSE

INTRODUCTION

On 17 March 2016, the Vegetation Management (Reinstatement) and Other Legislation Amendment Bill 2016 was introduced into Parliament.

The Bill was subsequently referred to the Agriculture and Environment Committee with a report back date of 30 June 2016.

On 30 June 2016, the committee tabled its report no. 19 in relation to the Bill.

The Queensland Government response to recommendations made by the committee are provided below.

RESPONSE TO RECOMMENDATIONS

Recommendation 1

The committee recommends that the Minister for State Development and Minister for Natural Resources and Mines explains to the House, during the second reading debated on the Bill, the consultation process that will be undertaken on the updated self-assessable codes, including details of who will be consulted.

Government Response

The government, through the Minister for State Development and Minister for Natural Resources and Mines, will explain, during the second reading debate on the Bill, the consultation process for the updated self-assessable codes.

Recommendation 2

The committee recommends that the Minister for State Development and Minister for Natural Resources and Mines provides an update, during the second reading debated on the Bill, on the steps, including the associated timescales that will be undertaken:

- to improve the accuracy of vegetation mapping, and
- to proactively engage with landholders to provide them with updated property maps of assessable vegetation which correct any inaccuracies.

Government Response

The government, through the Minister for State Development and Minister for Natural Resources and Mines, will explain, during the second reading debate on the Bill, including the associated timescales, action undertaken:

- to improve the accuracy of vegetation mapping, and
- to proactively engage with landholders to provide them with updated property maps of assessable vegetation which correct any inaccuracies.

Recommendation 3

The committee recommends that the element of clause 6 of the Bill, which inserts new section 67A into the *Vegetation Management Act 1999* to reverse the onus of proof in relation to vegetation clearing offences, be omitted.

Government Response

When the reverse onus of proof provision was first inserted into the *Vegetation Management Act 1999* (VMA) (s.67A) in 2003, it was noted that it was unlikely that an unknown third party would undertake clearing without the occupier's invitation or approval due to the high cost of clearing and also the personal benefit any third party would derive from this clearing.

The Department of Natural Resources and Mines has made widely available, at no, or very little charge, all the information required by landholders to ensure they clear in accordance with the vegetation management laws.

For example, landholders can obtain a free property report for an individual lot and plan identifying relevant property information, the Regulated Vegetation Management Map and supporting information and maps necessary to determine:

- if a landholder can clear vegetation under an exemption
- what self-assessable code may be applicable
- if clearing may be undertaken under an area management plan
- if a development approval may be required.

It is still the government's intention that the *Vegetation Management (Reinstatement) and Other Legislation Amendment Bill 2016* reinstate Queensland's nation leading land clearing laws and fulfil its election commitment. This includes the offence provisions in the VMA.

It is important to note that the landholder is still able to provide evidence to prove that another person undertook the clearing without their knowledge or consent. There are precedents of this approach in the *Forestry Act 1959* and for traffic offences e.g. red light and speed cameras.

Recommendation 4

The committee recommends that the Department of Environment and Heritage Protection engage with the property, resources and development sectors assess and establish the full impact of the proposed amendments to the environmental offset regime in Queensland.

Government Response

The government, through the Department of Environment and Heritage Protection, has undertaken consultation with the property, resources and development sectors on numerous occasions since the introduction of the Bill on 17 March 2016 to discuss their concerns. This discussion remains ongoing and has resolved a number of identified issues.

Recommendation 5

The committee recommends that the Minister for Environment and Heritage Protection and Minister for National Parks and the Great Barrier Reef informs the House, during the second reading debate on the Bill, of the outcomes of the assessment of the impacts, including potential costs, of the proposed amendments to the environmental offset regime and if any actions will be taken.

Government Response

The government, through the Minister for Environment and Heritage Protection and Minister for National Parks and the Great Barrier Reef will, during the second reading debate on the Bill, inform the House of the impacts, including potential costs, of the proposed amendments to the environmental offsets regime and any actions that will be taken.