Vegetation Management and Other Legislation Amendment Act 2018
Recent History

2013:

- Vegetation management framework amended to:
  - Remove regulation of high value regrowth (post 1989 regrowth) on freehold and indigenous land
  - Introduce high value and irrigated high value agriculture and necessary environmental clearing
  - Introduce self-assessable clearing codes
  - Simplify vegetation mapping
  - Remove some compliance and evidentiary provision

- Water Act 2000 (Water Act) amended to
  - Remove vegetation destruction as a consideration in riverine protection permits
Recent History cont…

2016

• *Vegetation Management (Reinstatement) and Other Legislation Amendment Bill 2016* introduced in Parliament

• Parliament did not pass the Bill
Government commitments

• Election commitment to
  • protect remnant and high conservation value regrowth vegetation
  • review self-assessable codes based on Qld Herbarium advice
  • update and improve mapping
  • establish a land restoration fund.

• *Reef 2050 Long-Term Sustainability Plan*
  – Strengthen vegetation management legislation to protect remnant and high value regrowth native vegetation, including riparian zones
Vegetation Management and Other Legislation Amendment Act 2018

• Bill introduced into Parliament on 8 March 2018.

• Parliamentary Committee consideration.

• Committee tabled report on 23 April 2018.

• Parliament passed the Bill on 3 May 2018.

• Act assented to on 9 May 2018.
VMOLA amends:

• *Vegetation Management Act 1999 (VMA)*

• *Planning Act 2016*

• *Water Act 2000*

• Some parts have retrospective effect from the date of introduction.
VMOLA

• Redefines and expands high value regrowth vegetation (VMA) – *from introduction*

• Expands regulation of vegetation along watercourses and drainage features in the Burnett Mary, Eastern Cape York and Fitzroy Great Barrier Reef catchments (VMA) – *from introduction*

• Removes provisions permitting clearing for high value agriculture (HVA) and irrigated high value agriculture (IHVA) – *from introduction*
VMOLA

• Reinstates the inclusion of near threatened species under the Nature Conservation Act into the essential habitat map (VMA) - *from introduction*

• Enhances compliance measures (VMA) – *some from commencement and some later*

• Reinstates riverine protection permit provisions in the *Water Act 2000* – *from commencement*
VMOLA does not:

- Reintroduce ‘reverse onus of proof’ provisions
- Remove ‘mistake of fact’ as a defence
VMOLA does not affect:

- PMAVs made prior to 8 March 2018
- PMAV applications lodged prior to 8 March 2018
- Any PMAV application not involving areas proposed for regulation
- Development approvals for HVA and IHVA issued prior to 8 March 2018
- Development applications for HVA and IHVA, properly made prior to 8 March 2018
High Value Regrowth (HVR)

VMOLA redefines HVR to:
• native vegetation that has not been cleared in the last 15 years
• on leasehold, freehold and indigenous land and occupational licences (new tenure).

During retrospective period:
• HVR referred to as proposed category C areas on the Proposed Regulated Vegetation Management Map

• Clearing could occur consistent with:
  • New Managing category C regrowth vegetation accepted development vegetation clearing code, or
  • Exempt clearing work under the Planning Regulation
Great Barrier Reef Watercourses

Category R areas will be regulated in the following catchments

- Burnett Mary (new)
- Eastern Cape York (new)
- Fitzroy (new)
- Burdekin (existing)
- Mackay Whitsunday (existing)
- Wet tropics (existing)

Expands regulation to all Great Barrier Reef catchments
Great Barrier Reef Watercourses

VMOLA regulates the clearing of regrowth vegetation within 50 metres of a watercourse or drainage feature in additional Great Barrier Reef catchments.

During retrospective period:

- Referred to as proposed category R areas on the Proposed Regulated Vegetation Management Map.
- Clearing could occur consistent with:
  - the Managing category R regrowth vegetation accepted development vegetation clearing code; or
  - Exempt clearing work under the Planning Regulation.
Proposed Regulated Vegetation Management Maps
High value agriculture / Irrigated high value agriculture

- VMOLA makes HVA / IHVA clearing prohibited development.

- Properly made development applications and previous approvals under the Planning Act/s continue unaffected.

- Does not affect the operation of coordinated projects under the *State Development and Public Works Organisation Act 1971*, or special indigenous purpose under *Cape York Peninsula Heritage Act 2007*. 
Area Management Plans

• VMOLA removes the ability to apply for an area management plan.

• Existing applicant driven AMPs for managing thickened vegetation, fodder harvesting and encroachment will remain in place for 2 years but no new notifications.

• The Mulga lands AMP has been repealed by the Act.

• AMPs for other purposes unaffected.
Unlawful Clearing During Retrospective Period

• Individuals will not be held criminally liable for unlawful clearing as offence provisions under the Planning Act do not apply. Restoration provisions under VMA will apply.

• Consequence of unlawful clearing will be that individuals may be required to undertake restoration activities, including land that was unlawfully cleared, and additional land.

• In deciding the additional area of restoration, the chief executive (VMA) may have regard to the Environmental Offsets Act, and the Environmental Offsets Policy.
Compliance measures

- VMOLA aligns with compliance provisions from other NR legislation (Water Act and EP Act).
- Key changes include:
  - Increasing the max penalty units a court can impose for offences
  - Enforceable undertakings for negotiate outcomes (similar to EP Act)
  - Expansion of powers of entry with notification (AMPs and ADVCCs)
  - Exemption for clearing in accordance with compliance notice
Water Act 2000 changes

• VMOLA amends Water Act to:
  – Reinstate riverine protection permits for destroying vegetation within a watercourse, lake or spring.
  – Consistent with requirements in place prior to 2013.

• Does not apply retrospectively.
Accepted development vegetation clearing codes

- Managing thickened vegetation and fodder harvesting codes reviewed by the Queensland Herbarium and CSIRO.

- CSIRO recommended the managing thickened vegetation code be removed.

- Interim managing thickened vegetation code in place.

- New fodder harvesting code and interim category C codes in place.

- Remaining codes will be reviewed during 2018.
Vegetation mapping

• Updated mapping released on 8 March 2018

• Change from Version 8 to Version 10 regional ecosystem mapping

• Updates to
  • Remnant extent (category B)
  • Regional ecosystem status’
  • Essential Habitat map
  • Wetland map
Communication

• Emails sent to anyone who downloaded a vegetation map since 2016. (17,000+)

• Emails or letters sent to everyone who notified under the previous codes, area management plans and affected clearing applications. (2,000+)

• Veg Hub (1600+ calls)

• Social media campaigns
Further Information

Contact DNRME - 135 VEG (13 58 34), vegetation@dnrme.qld.gov.au