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*Using the law to protect  
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## ***Vegetation Management Framework Amendment Bill 2013 (Qld) (Vegetation Bill)*** **A great leap backwards proposed in vegetation protection**

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### **1. Background**

Protecting vegetation is important for many reasons including to safeguard water quality, to protect soil quality, to protect biodiversity and to sequester carbon.

By way of background of current law, in Queensland the *processes* for obtaining development approvals for vegetation clearing are set out in the *Sustainable Planning Act 2009* (Qld) (SPA). The *detailed criteria* to be applied when an application is assessed are found in the policies and codes made under the framework of the *Vegetation Management Act 1999* (Qld) (VMA). Some projects that involve vegetation clearing, such as major mines in the GBR catchment, are assessed and approved under different legislation.

### **2. New Vegetation Bill will enable massive additional clearing to occur in Queensland**

On 20th March 2013 the Vegetation Bill was introduced to the Queensland Parliament. Protection for regrowth vegetation 50 metres from certain watercourse in three GBR catchments will remain in place<sup>1</sup> but such regrowth in other Queensland catchments, such as the Fitzroy would continue unprotected.

Further, the Vegetation Bill would significantly weaken protection of vegetation in all GBR catchments and other areas of the state. Given that hundreds of thousands of hectares of currently protected regrowth and remnant vegetation would be exposed to clearing, passage of this Bill would be a great leap backwards in vegetation protection in Queensland.

The four key changes are:

1. Clearing applications could now be made for additional relevant purposes<sup>2</sup> of high value agricultural clearing and irrigated high value agricultural clearing under section

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<sup>1</sup>Vegetation Bill cl 46 s22A(2B); cl24 20ANA and cl 65 Dictionary **regrowth watercourse area** means an area located within 50m of a watercourse located in the Burdekin, Mackay Whitsunday or Wet Tropics catchments identified on the vegetation management watercourse map.

<sup>2</sup> The purpose of the clearing matters. The VMA s22A identifies relevant purposes for which development applications to clear vegetation may be made. If an application is made to clear vegetation that is not for a relevant purpose it is prohibited development and cannot be made, SPA s239.

22A VMA. While there are criteria that must be met for those purposes,<sup>3</sup> overall this means areas such as Northern Queensland would be freshly vulnerable to extensive clearing for agricultural purposes. This would have adverse impacts on the GBR.

2. A new map system called the *regulated vegetation management map* will lock in areas of vegetation as non-assessable Category X. High value regrowth vegetation on freehold and indigenous land which has not been cleared since 1989<sup>4</sup> is being moved into this Category X and will no longer be protected. *We understand this will expose hundreds of thousands of hectares of regrowth to clearing.*
3. All the wild rivers provisions are to be removed from the VMA<sup>5</sup> which means that clearing on those wild rivers high preservation areas will be assessed against codes under the VMA not the stricter wild rivers declared area codes. Declared wild rivers<sup>6</sup> in the GBR catchment that would have decreased protection from clearing if the Vegetation Bill comes into effect include Hinchinbrook, Lockhart Basin and Stewart Basin.
4. The compliance, offences and enforcement provisions are significantly weakened. For example the defences are expanded to include “mistaken belief”.<sup>7</sup> The penalty provisions are removed that allow for forfeiture of lease if the lessee has more than one conviction for a vegetation clearing offence.<sup>8</sup>

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<sup>3</sup> Vegetation Bill cl 47 s22DAC(a)-(h).

<sup>4</sup> Vegetation Bill, cl 65 Dictionary ‘high value regrowth vegetation’.

<sup>5</sup> Vegetation Bill, Part 5 for example

<sup>6</sup> [http://www.ehp.qld.gov.au/wildrivers/declared\\_areas.html](http://www.ehp.qld.gov.au/wildrivers/declared_areas.html)

<sup>7</sup> Vegetation Bill cl 56

<sup>8</sup> Vegetation Bill cl 67 cl 68