

VEGETATION MANAGEMENT AND OTHER LEGISLATION AMENDMENT BILL 2004

EXPLANATORY NOTES

FOR

AMENDMENTS TO BE MOVED IN COMMITTEE BY THE HONOURABLE STEPHEN ROBERTSON MP

Title of the Bill

Vegetation Management and Other Legislation Amendment Bill 2004.

Objectives of the Amendments

The proposed amendments are to clauses 14, 27, 28, 32, and 36 of the Bill. The amendments are of a minor nature; a number are needed to correct errors or omissions in the Bill, while others are needed to clarify the intent of the provisions amended or improve the workability of the provisions amended.

Consultation

The Department of the Premier and Cabinet has been consulted on the proposed amendments.

NOTES ON PROVISIONS

Amendment 1 amends clause 14 to insert a head of power to prescribe a fee under a regulation for an application for a property map of assessable vegetation.

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Amendment 2 and *Amendment 3* amend clause 27 to insert provision for the Minister to make a regional vegetation management code for Cape York Peninsular based on the local guideline for the area previously approved by the Minister under the *Land Act 1994*. This provision is necessary because no regional vegetation management plan was prepared for Cape York Peninsular. The amendment will ensure a regional vegetation management code is in place to support the operation of the new framework when the *Vegetation Management and Other Legislation Amendment Act 2004* commences. It is intended that a review of this code, with full public consultation, will be initiated within six months of the Act being proclaimed.

Amendment 4 amends clause 28 to clarify the definition of “category X area”. The amendment will allow, in a limited range of circumstances, cleared land that is too small in area to be represented on the remnant or regional ecosystem map to be shown as a category X area. The amendment will not allow an area to be mapped as a category X area if the area is already shown as an assessable category on a property map of assessable vegetation made for the circumstances in section 20B or if the clearing has been the result of natural causes. This amendment will allow the mapping of regrowth at a property scale rather than at the remnant or regional ecosystem map scale.

Amendment 5 amends clause 28 to clarify the definition of “thinning”. The amendment will ensure that consideration of thinning can take account of the floristics and range of densities of the regional ecosystem typical in surrounding areas as well as within the area in which thinning is proposed.

Amendment 6 amends clause 32 to remove the word “native” from the exemption for a native forest practice. The exemption will therefore apply to a forest practice in a plantation as well as in a native forest. This amendment is necessary to include within the exemption all forest practice activities that are carried out within native species plantations that are mapped as remnant areas.

Amendment 7 amends clause 32 to correct an error. The exemption for local government clearing on roads in urban areas is to apply for clearing vegetation that is a remnant not of concern regional ecosystem or vegetation that is not remnant. The amendment also recasts the provision to better express the exemption.

Amendment 8 amends clause 36 to duplicate the change in amendment 6 above.

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Amendment 9 amends clause 36 to duplicate the change in amendment 7 above.