

~~with working through the development application, in terms of issues such as traffic access, with the local government but insisted on fuelling the debate and the perception that people who will be tenanted in this development, should it be approved, are not worthy of a roof over their heads or are not worthy of living in a unit that is close to a GP and close to transport. I call on the member for Fadden to outline what he plans on doing for the residents of the Gold Coast when they come to him seeking his support and assistance with finding affordable housing on the Gold Coast.~~

(Time expired)

019 VEGETATION MANAGEMENT AND OTHER LEGISLATION AMENDMENT BILL

First Reading

Hon. S ROBERTSON (Stretton—ALP) (Minister for Natural Resources, Mines and Energy and Minister for Trade) (12.30 pm): I present a bill for an act to amend for particular purposes the Land Act 1994, the Land Title Act 1994 and the Vegetation Management Act 1999, to repeal the Vegetation Management (Regrowth Clearing Moratorium) Act 2009 and to make consequential and minor amendments to the Integrated Planning Act 1997, the Queensland Civil and Administrative Tribunal (Jurisdiction Provisions) Amendment Act 2009, the State Development and Public Works Organisation Act 1971 and the Sustainable Planning Act 2009. I present the explanatory notes, and I move—

That the bill be now read a first time.

Question put—That the bill be now read a first time.

Motion agreed to.

Bill read a first time.

Tabled paper: Vegetation Management and Other Legislation Amendment Bill.

Tabled paper: Vegetation Management and Other Legislation Amendment Bill, explanatory notes.

Second Reading

Hon. S ROBERTSON (Stretton—ALP) (Minister for Natural Resources, Mines and Energy and Minister for Trade) (12.30 pm): I move—

That the bill be now read a second time.

Today I introduce the Vegetation Management and Other Legislation Amendment Bill 2009 to deliver on this government's election commitment to consult on and deliver new protection measures for endangered regional ecosystems. It also delivers on this government's commitment to protecting the Great Barrier Reef and will assist in reducing the level of sediments flowing out to the reef.

This bill also modernises and streamlines the operation of the Vegetation Management Act 1999 by providing clear review and appeal rights for vegetation mapping decisions and by simplifying mapping processes. This bill also amends the Land Act 1994 and the Land Title Act 1994 to extend the stay on the registration of tidal boundary plans of subdivision for a further six months. The provisions of this bill relating to regrowth vegetation will take effect from 8 October 2009 immediately following the end of the moratorium on regrowth clearing. This is to make sure there is continuity of protection of high-value regrowth while the bill is considered in parliament.

I have introduced the bill at this time so that the full period of the moratorium could be used for consultation and for development of materials to support rural landholders to understand and apply the new arrangements. The remaining sections of the bill will commence on assent.

In this bill, the government is honouring its commitment to maintain landholder certainty for category X areas on property maps of assessable vegetation, or PMAVs. The new regulations will not affect landholders who have a category X area on a certified PMAV or for category X on PMAVs certified as a result of an application lodged before 8 October 2009. The new arrangements will also not affect clearing regrowth that is a natural and ordinary consequence of valid development approvals and development approvals that are a result of applications made before 8 October 2009.

The new measures will apply to forest quality regional ecosystems on non-urban freehold and leasehold land that have not been cleared since 31 December 1989. It will also apply to all native regrowth vegetation within 50 metres of watercourses in the priority Great Barrier Reef catchments of the Burdekin, Mackay-Whitsundays and the Wet Tropics. This means that areas of younger regrowth that were protected during the moratorium will not be subject to the new regrowth regulations. This responds to concerns of landholders and rural industry groups about land that is currently under production.

To better protect vulnerable landscapes with erodible slopes, riparian areas and essential habitat the map will show of concern and least concern regrowth as well as endangered regrowth. The new

regrowth regulations will cover about 3.7 million hectares of high-value regrowth and regrowth vegetation within 50 metres of watercourses in priority reef catchments. Approximately 1.4 million hectares of this is already locked in as category X areas on PMAVs and, as I have already mentioned, landholders will be able to continue to manage these areas without requiring approval.

Prior to the moratorium on clearing endangered regrowth, less than 240,000 hectares of regrowth vegetation were subject to regulations controlling clearing. The new laws will see an additional approximately one million hectares protected, with a total of 2.3 million hectares subject to minimum standards and best practice management under a code. The code will cover high-value regrowth on freehold land, Indigenous land and agricultural and grazing leasehold land as well as native vegetation along watercourses in priority reef catchments. Other than the reef riparian areas, clearing of this type of regrowth was already regulated on leasehold land. This bill does not change the level of protection for this regrowth on leasehold land. It will make the vegetation that is protected the same on freehold and leasehold land and provide a simpler, less administrative process for lessees.

This bill achieves this through a new regrowth vegetation code. On both leasehold land and freehold land, clearing in accordance with the new regrowth vegetation code will be exempt development, minimising administration and delays for landholders. This means that no permit is required under the new regrowth arrangements. The legislation will require landholders to give notice of the intention to clear in an area. This will be a simple process but a necessary one to assist the government to track the effectiveness of the arrangements and, importantly for landholders, to avoid unnecessary investigations of clearing. Because this requirement to give notice is so important to the ongoing effectiveness of the arrangements for both landholders and for the government, a penalty provision applies for failure to give the notice.

The regrowth vegetation code will protect endangered regional ecosystems, vegetation on erodible slopes, habitat for threatened species and riparian vegetation in areas that have not been recleared since 31 December 1989. On leasehold land it will also protect of concern regrowth areas, consistent with the rules that have applied for many years. It will also protect the most important regrowth vegetation within 50 metres of watercourses in the priority reef catchments. It allows for regrowth clearing in other areas and, therefore, will not impact on landholders who have been doing the right thing for the environment.

The code has been written in a way to make it clear what can and cannot be done and also includes voluntary best management practices for landholders who would like to go above and beyond the minimum requirements. The code also allows for clearing for weed control, thinning and encroachment. It gives certainty about a landholder's duty of care when managing regrowth. Clearing that does not comply with the code will be prohibited development and will be subject to compliance measures.

As with the moratorium, a number of important exemptions will continue to apply to regrowth regulated by this bill. Exemptions include burning vegetation to reduce hazardous fuel loads, clearing firebreaks to protect infrastructure, clearing for mining and roads and clearing in urban areas for urban purposes. Two new exemptions to the regrowth arrangements have also been included, allowing clearing for projects of significant local, regional or state benefit and clearing for extractive industries in a key resource area.

The government has undertaken extensive consultation with peak rural, industry and conservation groups and individual landholders, receiving almost 400 submissions during the moratorium. The government has listened to landholders and this bill will ensure that productive farming and rural industry practices can continue while protecting the highest value regrowth in our landscape. As a consequence of listening to landholders and stakeholders, including the Australian Bankers Association and the major rural lenders, this bill includes three particular provisions related to productivity and practical land management.

The first is a hardship provision. If an agricultural enterprise is demonstrated to have become unviable because of these new protections, the director-general of the Department of Environment and Resource Management will be able to authorise the clearing of regrowth that would otherwise be protected to ameliorate the effect on the business. The second practical provision will allow some small and isolated areas of protected vegetation to be cleared if a larger area of unregulated regrowth is protected in exchange. This will allow landholders to consolidate areas of vegetation on their properties so that they can be more practically managed.

Thirdly, and as I have already mentioned, the new protection is limited to regrowth that has not been cleared since the end of 1989. Because this vegetation has not been cleared for 20 years, it is more likely to be making a significant contribution to the environmental health of Queensland and it is less likely to be critical to business viability.

New and improved techniques have been used to map this regrowth to ensure the highest value vegetation is protected. These maps are available free of charge from the Department of Environment and Resource Management's website. More than 80,000 maps have been downloaded from this website during the moratorium.

This government has allocated \$2 million to deliver the new regrowth measures in partnership with stakeholder groups such as AgForce. I will be working quickly to discuss with stakeholders the most effective way to implement the new regrowth regulations and help landholders understand their responsibilities. As well, the department has developed guides, fact sheets and website information to help landholders understand and follow the code. Landholders will also be able to talk to departmental staff who can explain the new rules. I have made a commitment to remake the code within 12 months and in that time to work with stakeholders to incorporate industry best management practices.

Protection of the Great Barrier Reef is a priority for this government and this bill will protect riparian or watercourse vegetation in priority reef catchments. These watercourses will also be shown on the regrowth map so landholders are clear about where the regrowth regulations apply.

020 This bill contains retrospective provisions to prevent pre-emptive clearing of previously unregulated regrowth. Retrospectivity is justified in this case where the protection of Queensland's environment for all outweighs the interest of an individual. This bill does not impose retrospective criminal liability for protected regrowth. It does, however, provide for the department to require landholders who clear protected regrowth during the retrospective period to allow the vegetation to regrow.

In the longer term, restoration of cleared vegetation will be only one of a range of mechanisms to address unauthorised clearing. Depending on the scale and intent of an offence, the department may issue a warning letter or an infringement notice or proceed to prosecution in court. The priority for the department's compliance strategy will be ensuring that information and tools are available for landholders to do the right thing. It is necessary to limit appeal rights during the retrospective period of the bill so vulnerable regrowth remains protected. This bill limits appeal rights of landholders if the chief executive does not agree to make PMAVs during the retrospective period. If the chief executive approved PMAVs that were lodged during this period, regrowth intended to be protected by this bill may be shown as category X areas and be able to be cleared.

Other important parts of this bill are provisions to streamline operation of the Vegetation Management Act. The changes are based on client feedback and experience gained during the last five years of the current framework. This bill will streamline mapping by making PMAVs the only way to amend clearing regulations regarding regrowth identified on the regional ecosystem, remnant and regrowth maps. If a landholder disagrees with the mapping they can submit a PMAV application which locks in areas that do not contain remnant vegetation or regrowth regulated by this bill. This bill removes rights of appeal on the decision to approve regrowth and regional ecosystem maps but does this only because new review and appeal provisions are provided for PMAVs. If a landholder disagrees with a mapping decision, this bill provides for a right of review and for right of appeal on the merits of the decision at the property level.

Other features include providing a clear head of power for all vegetation management codes and policies to improve their transparency and ensure that projects of significant state, regional and local benefit are given special consideration. Amendments will also make the policy related to the provision of vegetation offsets less onerous and more flexible.

This bill also contains amendments to the Land Act 1994 and the Land Title Act 1994 related to the stay on registration of tidal boundary plans. In November 2005, the government stopped the registration of tidal boundary plans of subdivision until November 2008. This was extended in 2008 for a further 12 months, until 8 November 2009. The stay was introduced after concerns were raised about beaches becoming private property and that, as a consequence, public access could be restricted and fragile dune areas could be damaged. The stay was introduced to enable the former department of natural resources and water to research and develop solutions for government consideration and consultation. The stay protects the public interest in tidal lands by controlling the registration of survey plans with a tidal boundary. Extending the stay for a further six months allows for finalisation of the legislative amendments and consideration of key stakeholder feedback in relation to this bill. I commend the bill to the House.

Debate, on motion of Mr Seeney, adjourned.

~~SOUTH EAST QUEENSLAND (DISTRIBUTION AND RETAIL RESTRUCTURING) AND NATURAL RESOURCES PROVISIONS BILL~~

~~First Reading~~

~~Hon. S ROBERTSON (Stretton — ALP) (Minister for Natural Resources, Mines and Energy and Minister for Trade) (12:43 pm): I present a bill for an act to further restructure the water industry in South East Queensland and to make consequential amendments to the South East Queensland Water (Restructuring) Act 2007 and the Statutory Bodies Financial Arrangements Regulation 2007 and~~