

**Comparisons between the Vegetation Management (Reinstatement) and Other Legislation Amendment Bill 2016 and the Vegetation Management and Other Legislation Amendment Bill 2018**  
**Prepared by the Department of Natural Resources Mines and Energy for the State Development, Natural Resources and Agricultural Industry Development Committee**

<b>A. Amendments to VMA</b>			
<b>2016 Reinstatement Bill</b>	<b>2016 Bill Clause</b>	<b>2018 Bill</b>	<b>2018 Bill Clause</b>
Not included.	N/A	<b>Accepted development vegetation clearing codes:</b> <ul style="list-style-type: none"> <li>Removes the mandatory requirement on Minister to make certain accepted development vegetation clearing codes; and</li> <li>replaces specific activities with references to broad clearing purposes and activities.</li> </ul>	Clause 4
Not included.	N/A	<b>Amendment to section 19Q of the VMA (when clearing under an accepted development clearing code is compliant)</b> –aligning terminology with the <i>Planning Act 2016</i> .	Clause 5
Not included.	N/A	<b>When notice given under an accepted development vegetation clearing code ends</b> – ensures that when an accepted development clearing code is revoked or replaced, a notice made under the replaced or revoked ceases to have effect, and no further clearing can be carried out under the replaced or revoked code.	Clause 6
Not included.	N/A	<b>Amendments to section 20AH, 20AI, 20CA</b> - to correct inconsistencies in terminology between sections 20AH, 20AI and 20CA of the VMA.	Clauses 7, 8 and 12
Not included.	N/A	<b>What is a category A area</b> – allows for an area containing remnant vegetation or high value regrowth vegetation to be mapped as a category A area on a PMAV by agreement with the landholder.	Clause 9
Not included.	N/A	<b>What is a category X area</b> – confirms an area cannot be made a category X area on a PMAV unless the area has been previously cleared.	Clause 10

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Not included.	N/A	<b>When the chief executive may make a PMAV</b> – confirms the chief executive can make a PMAV for multiple purposes over the same area or a different areas.	Clause 11
Not included.	N/A	<b>Amendments to section 20CA of the VMA (Process before making PMAV):</b> clarifies an area cannot be made a category X area on a PMAV if the area was not cleared lawfully.	Clause 12
Not included.	N/A	<b>When PMAV may be replaced</b> – includes a new provision to allow a category A area on a PMAV made by agreement with the landholder (ie under Clause 9) to be remade to another category. (Note: it can only be made a particular Category if it meets the criteria for that Category including under clause 10 and 12 above)	Clause 13
Not included.	N/A	<b>Removal of ability for landholders / entities to apply for an area management plan.</b> (Note: the ability for the chief executive to make an area management plan is retained.)	Clause 14
<b>Amendments to section 22A of the VMA (Relevant Purpose):</b> <ul style="list-style-type: none"> <li>to remove high value agriculture and irrigated high value agriculture as a relevant purposes for clearing;</li> <li>to apply category C areas to freehold and Indigenous land; and</li> <li>to align terminology with the <i>Planning Act 2016</i>.</li> </ul>	Clause 4, clause 5	<b>Amendments to section 22A of the VMA (Relevant Purpose):</b> <ul style="list-style-type: none"> <li>to remove high value agriculture and irrigated high value agriculture as a relevant purposes for clearing;</li> <li>to apply category C areas to freehold and Indigenous land;</li> <li>to apply category C areas to a new tenure (land subject to an occupational licence under the <i>Land Act 1994</i>);</li> <li>change term “thinning” to “managing thickened vegetation”; and</li> <li>to align terminology with the <i>Planning Act 2016</i>.</li> </ul>	Clause 15, 16,18

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Not included.	N/A	<b>Relevant purpose determination requirements for managing thickened vegetation</b> – a new section in the VMA that provides the requirements for applications to manage thickened vegetation.	Clause 17
<b>Requirements for making application</b> – removing the section that provides requirements for applications for high value agriculture or irrigated high value agriculture	Clause 5	<b>Requirements for making application</b> – removing the section that provides requirements for applications for high value agriculture or irrigated high value agriculture	Clause 18
Not included.		<b>Alignment of penalties:</b> amendments that increase the penalties for offences to align with Water Act and Planning Act: <ul style="list-style-type: none"> <li>- failure to return identify card</li> <li>- failure to help authorised officer</li> <li>- failure to give information</li> <li>- power to require information</li> <li>- failure to certify copy of document</li> <li>- failure to produce document</li> <li>- restoration notice</li> <li>- false or misleading statement</li> <li>- impersonation of authorised officer</li> <li>- obstructing an authorised officer</li> </ul>	19, 22, 23, 25,26,27,29, 30, 31, 32, 33
Not included.		<b>Power to enter places:</b> <ul style="list-style-type: none"> <li>- extending the power of entry to apply where there is an enforceable undertaking or a notification under a code or area management plan</li> <li>- creating a power to enter without a warrant or consent by giving 24 hours' notice, where there is a reasonable belief an offence is happening or has happened, with corresponding ability to seize evidence</li> </ul>	20, 21, 24

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Not included.		<b>Review decisions:</b> a minor change to the process for review decisions	34
Not included.		<b>Enforceable undertakings:</b> creating the instrument of enforceable undertakings which a person can make voluntarily in relation to a clearing offence or alleged clearing offence by the person of the VMA or the Planning Act.	35
<b>Mistake of fact</b> - section 24 of the Criminal Code 1899 to not apply for proceedings against a person for a vegetation clearing offence.	Clause 6	Not included.	N/A
<b>Reverse onus of proof</b> – clearing of vegetation on land in contravention of a vegetation clearing provision is taken to have been done by the occupier of the land in the absence of evidence to the contrary.	Clause 6	Not included.	N/A
<b>Transitional provisions for:</b> <ul style="list-style-type: none"> <li>• Landholder PMAV applications;</li> <li>• Proposed regulated vegetation management map (proposed category C areas and proposed category R areas);</li> <li>• Application of ‘Managing category C regrowth vegetation’ to apply to proposed category C areas;</li> <li>• Application of ‘Managing category R regrowth vegetation’ to apply to proposed category R areas;</li> <li>• Unlawful clearing during the interim period – the chief executive must give the person a restoration notice; and</li> </ul>	Clause 7	<b>Transitional provisions for:</b> <ul style="list-style-type: none"> <li>• Landholder PMAV applications;</li> <li>• Proposed regulated vegetation management map (proposed category C areas and proposed category R areas);</li> <li>• Application of ‘Managing category C regrowth vegetation’ to apply to proposed category C areas;</li> <li>• Application of ‘Managing category R regrowth vegetation’ to apply to proposed category R areas;</li> <li>• Unlawful clearing during the interim period – the chief executive may give the person a restoration notice;</li> </ul>	Clause 37

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<ul style="list-style-type: none"> <li>No compensation payable in connection with these transitional provisions under the Bill in relation to the interim period.</li> </ul>		<ul style="list-style-type: none"> <li>No compensation payable in connection with these transitional provisions under the Bill in relation to the interim period;</li> <li>Area Management Plans that remain in force for 2 years (encroachment, thinning and fodder harvesting);</li> <li>Revocation of the 'Managing fodder harvesting Mulga Lands Fodder Area Management Plan'</li> <li>Application of proposed essential habitat during the interim period;</li> <li>Application of instruments under the Environmental Offsets Act during the transitional period;</li> <li>Accounting for thinning on the regulated vegetation management map</li> </ul>	
<p><b>Amendment of the Dictionary</b> Including:</p> <ul style="list-style-type: none"> <li>High value regrowth is extended to apply to freehold land and indigenous land</li> <li>regrowth water course and drainage feature area (for Category R) – to include Burnett-Mary, Eastern Cape York, and Fitzroy catchments</li> </ul>	<p align="center">Clause 8</p>	<p><b>Amendment of the Dictionary:</b> Including:</p> <ul style="list-style-type: none"> <li>High value regrowth is extended to apply to freehold land, indigenous land and occupational licences</li> <li>High value regrowth applies to areas not cleared for 15 years</li> <li>regrowth water course and drainage feature area (for Category R) – to include Burnett-Mary, Eastern Cape York, and Fitzroy catchments</li> <li>Managing thickened vegetation (previously "thinning")</li> <li>Changes to fodder harvesting and forest practice</li> <li>Protected wildlife: to include near threatened wildlife</li> </ul>	<p align="center">Clause 38</p>

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<b>B. Amendments to Planning Act</b>			
<b>2016 Reinstatement Bill</b>	<b>2016 Bill Clause</b>	<b>2018 Bill</b>	<b>2018 Bill Clause</b>
Not included.		Renumbering of sections	Clause s 39 - 44
<b>Transitional provisions for:</b> <ul style="list-style-type: none"> <li>• Development applications made for high value agriculture or irrigated high value agriculture made or decided before introduction</li> <li>• Unlawful clearing in the interim period (not an offence)</li> <li>• Development applications made for high value agriculture or irrigated high value agriculture made after introduction</li> </ul>	Clause 9,10	<b>Transitional provisions for:</b> <ul style="list-style-type: none"> <li>• Development applications made for high value agriculture or irrigated high value agriculture made or decided before introduction</li> <li>• Unlawful clearing in the interim period (not an offence)</li> <li>• Development applications made for high value agriculture or irrigated high value agriculture made after introduction</li> <li>• Consequential changes to the Planning regulation</li> </ul>	Clause 45 - 48
<b>C. Amendments to Water Act</b>			
<b>2016 Reinstatement Bill</b>	<b>2016 Bill Clause</b>	<b>2018 Bill</b>	<b>2018 Bill Clause</b>
Inclusion of destroying vegetation within the scope of activities requiring approval by a Riparian Protection Permit, including: <ul style="list-style-type: none"> <li>• Providing criteria for deciding an application</li> <li>• Allowing power of entry to monitor compliance</li> <li>• Penalties for destroying vegetation without a permit</li> </ul>	Clause 12 - 19	Inclusion of destroying vegetation within the scope of activities requiring approval by a Riparian Protection Permit, including: <ul style="list-style-type: none"> <li>• Providing criteria for deciding an application</li> <li>• Allowing power of entry to monitor compliance</li> <li>• Penalties for destroying vegetation without a permit</li> </ul>	Clauses 49 - 56

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<ul style="list-style-type: none"> <li>Exemptions for destroying vegetation necessary or permitted under other Acts</li> </ul>		<ul style="list-style-type: none"> <li>Exemptions for destroying vegetation necessary or permitted under other Acts with the addition of the maintenance of government supported transport infrastructure under the <i>Transport Infrastructure Act 1994</i></li> </ul>	
<b>D. Amendments to Environmental Offsets Act</b>			
<b>2016 Reinstatement Bill</b>	<b>2016 Bill Clause</b>	<b>2018 Bill</b>	<b>2018 Bill Clause</b>
Amendments to the Environmental Offsets Act to: <ul style="list-style-type: none"> <li>require offsets for any residual impact on prescribed environmental matters rather than only significant residual impacts; and</li> <li>provide an ability to legally secure offset areas and make payments into Queensland's offset account for conditions required under Australian Government approvals.</li> </ul>		Not included.	