

22 March 2018

Committee Secretary
State Development , Natural Resources
and Agricultural Industry Development Committee
Parliament House
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QELA, a not for profit organisation, consults with and educates interested professionals and government representatives about planning, development and environmental laws which apply, or are proposed to apply in Queensland. QELA provides a collegiate forum for multi-disciplinary interaction and collaboration.

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Dear Committee Secretary,

Vegetation and Other Legislation Amendment Bill 2018

Thank you for the opportunity for the Queensland Environmental Law Association (**QELA**) to make a submission about the Vegetation and other Legislation Amendment Bill 2018 (**Bill**).

QELA is a non-profit, multi-disciplinary association. Its members include lawyers, town planners, and a broad range of consultants who represent and advise a miscellany of participants in the development industry.

We were pleased to observe that the Bill does not contain the reverse onus of proof offence provision and does not propose to remove application of the mistake of fact defence provisions, as was proposed in the Vegetation Management (Reinstatement) and Other Legislation Amendment Bill 2016

There are a number of areas of the Bill that propose retrospective application. We understand the Government's concern to avoid pre-emptive clearing and that this underlies the retrospective application. QELA's concerns with the retrospective application are that it could have the effect of making unlawful, actions that were lawful at the time they were undertaken (for example an activity undertaken in accordance with a notice given under a code). This is particularly concerning because the unlawful action would be an offence. Give there was no consultation with relevant stakeholders, this is particularly concerning. The result is that a person could unknowingly commit an offence, because it was unaware of the effect of the Bill and its retrospective application. In those circumstances and without evidence as to the prospective





extent of pre-emptive clearing, we consider on balance there is not sufficient evidence to warrant the retrospective nature of the Bill.

QELA would welcome the opportunity to assist the committee further if considered appropriate.

Yours sincerely,

A handwritten signature in blue ink that reads 'Leisa Sinclair'.

Leisa Sinclair

President
Queensland Environmental Law Association

