

QUESTION ON NOTICE

No. 762

asked on Tuesday, 24 May 2005

MR PEARCE ASKED THE MINISTER FOR NATURAL RESOURCES AND MINES (MR ROBERTSON)—

QUESTION:

What impact will the Commonwealth's Environmental Protection and Biodiversity Conservation Act have on vegetation management in Queensland?

ANSWER:

From a regulatory perspective, the Commonwealth's *Environmental Protection and Biodiversity Conservation Act 1999* (EPBC Act) does not acknowledge the Queensland vegetation management framework or legislation.

However, the listing of endangered ecological communities under the EPBC Act affects Queensland landholders. Anyone intending to undertake development that may affect these communities is now obliged to seek approval from the Commonwealth. Therefore a landholder with permission to clear under the *Queensland Vegetation Management Act* also needs to check whether approval is needed under the Commonwealth legislation.

The EPBC Act provides no guidance for landholders as to what actions may or may not be approved in the listed communities. The Commonwealth previously released broad administrative guidelines in an attempt to clarify the Act's requirements for these communities (the *EPBC Administrative Guidelines on Significance*). However, legal advice to producer organisation AgForce, confirms that compliance with these guidelines does not necessarily protect landholders from prosecution under Commonwealth laws.

Any listings under the EPBC Act would be best supported by appropriate guidelines for landholders that clearly explain requirements for applications and compliance, and also provide some clarity on undertaking ongoing management activities.

Despite efforts by the Queensland Government to provide advice to the Commonwealth on these matters, there is still concern over issues relating to the effect and implementation of the EPBC Act.