Nature Conservation (Protected Plants) and Other Legislation Amendment Bill 2013

Explanatory Notes

Short title

The short title of the Bill is the *Nature Conservation (Protected Plants) and Other Legislation Amendment Bill 2013.*

Policy objectives and the reasons for them

The protected plants framework includes the *Nature Conservation Act 1992* ('NCA'), the *Nature Conservation (Administration) Regulation* 2006, the *Nature Conservation (Protected Plants) Conservation Plan 2000* ('Conservation Plan'), the *Nature Conservation (Wildlife Management) Regulation 2006* ('Wildlife Management Regulation'), the *Nature Conservation (Wildlife) Regulation 2006* and the *Nature Conservation (Protected Plants Harvest Period) Notice 2013.*

The review of the protected plants framework arose out of a need to contemporise the framework, and to assess its currency and effectiveness in achieving the conservation and preservation of threatened plants. Businesses, landholders and other interested parties operating under the framework identified that the existing legislation concerning protected plants is complicated and burdensome, and difficult for operators to interpret and regulators to effectively implement and administer. These factors have led to a lack of compliance with regulatory requirements and, in turn, poor conservation outcomes for protected plants.

Accordingly, the policy objectives of the Nature Conservation (Protected Plants) and Other Legislation Amendment Bill 2013 are to lay the foundations for a new, simplified protected plants framework which ensures threatening processes are effectively managed in a manner that:

- maintains or improves the current conservation status of all protected plant species in Queensland
- facilitates the sustainable take, use and trade of protected plants
- is efficient and does not impose a significant regulatory or administrative burden on business, government or the community.

Achievement of policy objectives

The Bill forms the first stage of amendments that are required to facilitate the implementation of a new legislative framework for protected plants. The Bill will amend primary legislation, including the NCA and the *Vegetation Management Act 1999* (VMA), in order to lay the foundations for subsequent changes to relevant subordinate legislation. The changes to primary legislation will commence by proclamation, to allow these amendments to commence simultaneously with amendments to subordinate legislation. Collectively, these amendments will give effect to the new protected plants framework, which will achieve the stated policy objectives.

The NCA will be amended to:

- Ensure the effective operation of the protected plants framework in the absence of the Conservation Plan, as the Conservation Plan will be repealed. Relevant provisions are to be transferred to the Wildlife Management Regulation.
- Clarify ambiguous provisions and remove provisions that are better placed in the subordinate legislation (for example, exemptions are currently spread across a number of legislative instruments and are proposed to be consolidated within the Wildlife Management Regulation).
- Remove exemptions that will no longer be relevant under the new framework (i.e. because a broader range of exemptions will apply under the new framework, and these will be contained within the Wildlife Management Regulation).
- Stipulate when permits and licences can be issued for particular purposes and provide clarification on the types of conditions and requirements that can be imposed on certain activities.
- Clarify when offsets can be required.
- Enable the chief executive to make assessment guidelines, against which any application for clearing, harvesting or growing of protected plants can be assessed.
    - This will provide for consistency in decision-making processes for permits and licences and clarify protected plant requirements for applicants and decision-makers.
- Enable the chief executive to require a person impacting on a protected plant to pay the relevant conservation value assigned to the plant in certain circumstances.
    - While payment of conservation value will not generally be required, the chief executive should have the ability to require a person to pay the conservation value applicable to particular protected plants in certain limited circumstances.

The VMA will be amended to clarify that harvesting sandalwood on freehold land is not classified as a native forest practice under that Act. This will reduce duplication by ensuring sandalwood harvesting on freehold land is only regulated under the NCA, rather than both the VMA and the NCA.

Alternative ways of achieving policy objectives

A Consultation Regulatory Impact Statement (RIS) was released for public comment in February 2013, outlining three options for the regulation of protected plants. These included two reform options, ('greentape reduction and regulatory simplification' and 'co-regulation' respectively), along with an option of retaining the current framework. The RIS compared the three regulatory options to a baseline position of no state regulation for protected plants, in order to identify the costs and benefits of each option to business, landholders, the general community and the environment.

Subsequently, based on the results of the cost-benefit analysis—and the relevant issues raised by members of the public in response to the RIS—the option of reducing 'greentape' and providing regulatory simplification was identified as the preferred regulatory option. This is because the option will significantly reduce business and government costs and improve compliance with the protected plants framework, primarily by adopting a risk based approach to regulation and removing unnecessary regulatory burden.

In comparison, the option of retaining the current framework would continue to impose a high regulatory and administrative burden on business, landholders and the government, while the co-regulation option would involve high establishment costs and received very little support

from business and the community for various reasons. The RIS also established that a non-regulatory approach to the management of protected plants would pose too high a risk to the environment and to businesses and industries that rely on the effective management of native plants.

The Bill forms the first stage of amendments that are required to facilitate the implementation of the preferred regulatory option.

Estimated cost for government implementation

The RIS estimated that government would incur annual costs of $381,000 as a result of the new legislative framework. The total yearly costs have been averaged over a ten year period to establish this annual figure, as higher costs will be incurred over the first few years, while lower costs will be incurred after the framework has been implemented.

In particular, implementation of the new framework is expected to cost the government approximately $757,000, which equates to $75,700 per annum of the total annual figure of $381,000 when averaged over a 10-year period. The averaged annual cost of the framework also comprises $280,000 of permit and licence assessment costs.

When compared to the costs incurred by government as a result of the current protected plants framework, it can be seen that the savings resulting from the Bill and subsequent subordinated legislation changes will be substantial. As the current framework costs government an estimated $705,000 per year, the new framework will provide savings of approximately $324,000 a year.

Consistency with fundamental legislative principles

This Bill has been drafted with regard to the fundamental legislative principles as defined in section 4 of the *Legislation Standards Act* 1992. The Bill is generally consistent with fundamental legislative principles. Three potential issues were identified and are addressed as outlined below.

Amendments to section 89 (Restriction on taking etc. particular protected plants)
Section 89 will be amended to remove exemptions from the restriction on taking protected plants. This raises the potential issue of whether the proposed amendment has sufficient regard to the institution of Parliament and authorises the amendment of an Act only by another Act. The amendment is a reasonable and appropriate way of handling this policy framework as the exemptions will be located in the regulations as part of the subordinate legislation process and subject to the parliamentary scrutiny as per the requirements for subordinate legislation in the *Statutory Instruments Act 1992*, sections 49 – 51. Further, the approach is consistent with how other exemptions are established and aligns with the structure of the legislative framework, therefore making it easier for the public to navigate.

Section 89 class offences will also be amended to remove reference to rare plants and to include offences in relation to special least concern plants. This raises a potential issue of regulation changing or potentially increasing a penalty that applies. Special least concern plants have been recognised by the State as plants that are commercially valuable or are known to have sensitive reproductive biology and are therefore at risk of becoming threatened should they not be protected. For this reason, special least concern plants are considered comparable to what was previously referred to as rare plants and offences are to incur equivalent penalties.

The amendment is consistent with other offences in relation to protected plants and is a relevant and appropriate way of ensuring effective enforcement of requirements pertaining to special least concern plants.

Protected Plants Assessment Guidelines (new section 174B)
The Bill introduces the ability, under new section 174B, for the chief executive to approve or make assessment guidelines about how applications for an authority are to be considered. This raises the potential issue of whether the proposed amendment has sufficient regard to the institution of Parliament and authorises the amendment of an Act only by another Act. The amendment is relevant and appropriate as departments are currently able to make guidelines without a legislative head of power and the contents of any assessment guideline will be constrained by the Act, and as such required to stay within the scope of the Act and regulations and not able to deal with things beyond these.

The provision is about providing for consistency and transparency in decision-making processes by clearly providing for the ability to set out how applications are to be considered and enabling public access to guidelines so that applicants may be aware of criteria and considerations at the application stage. It also forms part of the material necessary to facilitate integration with other assessment processes, where relevant, and ensure consistency in how applications are considered.

Amendments to section 95 (Payment of conservation value)
Amendments to section 95 raise the potential issue of whether the Bill has sufficient regard to the institution of Parliament and allows the delegation of legislative power only in appropriate cases and to appropriate persons. Amendments will enable the chief executive to decide that the conservation value is not payable and instead impose payment of a value on an authority, or no payment at all. The intention is that payment of a conservation value will not be required in most circumstances. However, the amendment retains the ability for the chief executive to decide that a monetary payment is appropriate. The proposed approach is consistent with the current process for dealing with conservation value and limits the discretion of the chief executive to 'impose' an amount no greater than the conservation value set for the plant. The amendment is relevant and appropriate as the Act itself gives discretionary power and the decision is being delegated to an appropriate person with appropriate constraints on the amount that can be required to be paid.

Consultation

Formal consultation on proposed policy directions and options for the regulation of protected plants has been undertaken both through the release of a public notice announcing the review of the protected plants framework in July 2011, and the release of a Consultation RIS in February 2013. Extensive informal consultation has also been undertaken with interested parties, including native plant harvesting, growing and trading businesses, interest groups, as well as businesses and industry bodies with an interest in clearing native vegetation.

Matters raised during preliminary consultation undertaken in 2011 and 2012 informed the development of three regulatory options for inclusion in the RIS. The RIS then provided a cost-benefit analysis of the regulatory options, and sought feedback from the public on each option.

All identified interested parties were notified of the RIS release, including all current permit and licence holders, businesses, industry bodies, interest groups, the local government body in Queensland and the Federal government. A public notice of the release of the RIS was also

published in the Queensland Government gazette, and a copy of the RIS was available for download from the Department of Environment and Heritage Protection website and the Queensland Government Get Involved website. Electronic and hard copies were provided to interested parties upon request. Additionally, public notification of the RIS release was also aided by the dissemination of information by interest groups and industry bodies to over 4,000 members and interested parties.

A total of 102 formal submissions were received in response to the RIS. Submissions were received from the following broad groups, which have been categorised according to area of interest and focus of submission:

- Individuals, groups and businesses with recreational, conservation and natural resource management interests.
  - Submissions included those from conservation groups, environmental consultants, university representatives, natural resource management groups, special interest groups representing propagators and native plant enthusiasts, recreational propagators and individuals. All of these submitters focused on conservation, natural resource management and small-scale use and appreciation of native plant diversity.
- Individuals, groups and businesses with an interest in commercial harvest, growing and/or trade.
  - Submissions included those from nursery, harvesting and native plant trading and export businesses, other businesses with an interest in harvesting, and commercial propagators and industry groups representing these businesses.
- The resources, infrastructure and development sectors.
  - Submissions included those from businesses and industry groups from the resources sector (mining, petroleum and gas, extractive industries), energy sector (electricity providers), other infrastructure providers (e.g. transport) and the urban development industry.
- Local Government.
  - Submissions were received from local/regional councils and a representative body.
- Agriculture and primary production.
  - Submissions were received from businesses and industry groups from the agricultural sector, timber plantation industry and commercial and recreational apiary industry; and
- Federal Government.
  - A submission was received from the Department of Sustainability, Environment, Water, Population and Communities.

Based on submissions received on the RIS, in combination with the results of the cost-benefit analysis of the regulatory options, a preferred regulatory option for protected plants was identified. The Bill forms the first stage of amendments that are required to facilitate the implementation of the preferred regulatory option.

Consistency with legislation of other jurisdictions

The Bill is specific to the management of protected plants in the State of Queensland, and is therefore not intended to be uniform with legislation of the Commonwealth or another state. However, the Bill will provide for the implementation of a new protected plants framework that is complementary to the Commonwealth's *Environment Protection and Biodiversity Conservation Act* which—among other things—provides a legal framework to protect and manage nationally and internationally important flora. The protected plants framework will provide a legal framework that primarily seeks to protect and manage plants that are, or are at risk of becoming endangered, vulnerable or near threatened at a State level.

Notes on provisions

Part 1 Preliminary

Short title

Clause 1 provides for the short title of the Act to be the *Nature Conservation (Protected Plants) and Other Legislation Amendment Bill 2013.*

Commencement

Clause 2 specifies that the Act is to commence on a day to be fixed by proclamation.

Part 2 Amendment of Nature Conservation Act 1992

Act amended

Clause 3 specifies that Part 2 amends the Nature Conservation Act 1992.

Amendment of s 67 (Compensation when protected area declared)

Clause 4 amends section 67 to ensure that relevant compensatory and existing use requirements, in relation to critical habitat or an area of major interest and the declaration of protected areas, remains consistent with current requirements and can continue to be applied.

Clause 4 also amends section 67 (8) (b) (iv) by removing the reference to compensation under section 126 to replace with reference to section 137 A. This amendment is necessary as section 126 will be relocated to part 8 and renumbered as section 137A as part of clause 14.

Amendment of s 84 (Property in protected plants)

Clause 5 amends section 84(2)(b) to ensure that, following repeal of the Conservation Plan and placing of the majority of provisions relevant to protected plants into the Wildlife Management Regulation, the policy intent for property in protected plants is carried over and continues to apply.

Insertion of new pt 5, div 4, sdiv 1 hdg

Clause 6 inserts a new heading for particular restrictions relating to protected animals, to be situated before section 88.

Relocation and renumbering of s 88B (Offence to keep or use native wildlife reasonably suspected to have been unlawfully taken)

Clause 7 relocates section 88B to after section 90 and renumbers the section as section 90A.

Insertion of new pt5, div 4, sdiv 2 hdg and s 88D

Clause 8 inserts a new heading for particular restrictions relating to protected plants, to be situated before section 89.

Clause 8 also inserts a new section 88D *Regulation may prescribe special least concern plants*. The purpose of this amendment is to ensure that a least concern plant may be prescribed as a special least concern plant, if the taking or use of the plant is at risk of not being ecologically sustainable.

Amendment of s 89 (Restriction on taking etc. particular protected plants)

Clause 9 amends section 89(1) of the NCA to remove sections 89(1)(a) to (g) and amends section 89(1)(h) to remove reference to the Conservation Plan. The purpose of these amendments is to remove exemptions that are either no longer required under the new framework, or that are better placed in the subordinate legislation, and to ensure the provision remains relevant and applicable in the absence of the Conservation Plan. The intent is to reflect the structure of the new, simplified protected plants framework, where the Conservation Plan is repealed and a broader range of exemptions for taking protected plants are located within the Wildlife Management Regulation.

While exemptions under section 89(1)(a) to (d) will be moved to the Wildlife Management Regulation as part of subsequent subordinate legislation amendments, exemptions under section 89(1)(e) to (g) are to be omitted as they are no longer relevant or applicable under the new framework. These exemptions are no longer considered relevant for the following reasons:

- In terms of sections 89(1)(e)—this provision does not have any effect because it was dependent on consequential amendments to the regional vegetation management codes and concurrence agency policies under the VMA, which never eventuated. As there is no longer any intention to amend these codes and policies to specifically allow for assessment of the taking of protected plants, this provision will be repealed.
- In terms of sections 89(1)(f)—a separate exemption for clearing under a land management agreement will not be required, because a much broader range of exemptions will apply to clearing protected plants under the new framework, and flora survey and clearing permit requirements will only be triggered in areas where clearing could pose a high risk to plant biodiversity.
- In terms of section 89(1)(g)—this provision will not be required, because the new framework will exempt all clearing of least concern plants, with the exception of least concern plants that form part of the immediate supporting habitat for an endangered, vulnerable or near threatened plant.

Clause 9 also amends section 89(5) to replace references to rare wildlife with references to special least concern plants in the definitions for ‘class 1 offence’, ‘class 2 offence’ and ‘class 3 offence’. References to the term ‘rare’ are to be removed because this conservation category has not been applicable to protected plants for some time, and is therefore no longer relevant to these definitions. References to special least concern plants are to be inserted, because it will be an offence to harvest these plants other than under a licence, permit, authority or exemption under a regulation under the NCA. Under the new framework, special least concern plants will include species that are not considered sufficiently rare or threatened to be classified at a higher conservation status, but are however considered to be at risk from unsustainable harvest pressures due, for example to high commercial demand or special biological or physical traits.

It also amends section 89(5) to remove definitions that are associated with exemptions under section 89(1)(e) to (g). These definitions will no longer be required, as the relevant exemptions are to be repealed.

Amendment of s 90 (Restriction on using particular protected plants)

Clause 10 amends section 90(1) to clarify that a licence, permit or other authority can be issued *or given*, and to provide consistency with the use of this phrase throughout the Act. Clause 10 also amends section 90(2) to replace references to rare wildlife with references to special least concern plants, for the reasons outlined in the above section. In summary, references to the term 'rare' are to be removed because this conservation category has not been applicable to protected plants for some time, and is therefore no longer relevant to these definitions. References to special least concern plants are to be inserted, because it will be an offence to use these plants other than under a licence, permit, authority or exemption under a regulation under the NCA.

Insertion of new pt 5, div 4, sbdiv3 hdg

Clause 11 inserts a new subdivision heading to classify sections 91-94 as other restrictions.

Amendment of s 95 (Payment of conservation value)

Clause 12 amends section 95 to establish that a person will generally be exempt from payment of the conservation value for the protected plant if they take it under an authority. However, payment of a sum of money, not more than what the conservation value for the particular protected plant would have been, may be required if so stated on the authority. In other words, while payment of a sum of money will not generally be required in exchange for taking protected plants, this provision allows that the chief executive may require payment for particular protected plants, in certain circumstances, and the timeframe in which payment must be made. This clause also provides the definition of an 'authority' for the purposes of section 95, defining the term to mean a licence, permit or other authority issued or given under a regulation or conservation plan.

Amendment of s 97 (Restriction on taking etc. of native wildlife in areas of major interest and critical habitats)

Sections 97(1) and (2) currently only refer to *'a conservation plan'*, rather than *'a regulation or conservation plan'*.

Clause 13 amends section 97(1) to ensure section 97 applies to native wildlife (other than protected wildlife) in an area that is identified under *'a regulation or conservation plan'* as, or including a critical habitat or an area of major interest.

Clause 13 amends section 97(2) to ensure the provision specifies that a person, other than an authorised person, must not take, use, keep or interfere with the wildlife, other than under *'a regulation or conservation plan'*, or a licence, permit or other authority issued or given under a regulation.

The purpose of these amendments is to ensure the policy intent of section 97 is continued, despite the Conservation Plan being repealed and the majority of protected plant provisions being moved to the Wildlife Management Regulation.

Amendment of s 126 (Compensation)

Clause 14 amends section 126 so that the compensation provisions under this section can apply to landholders in the specified circumstances, regardless of whether an area is designated as a critical habitat or an area of major interest under a conservation plan *or a regulation* such as the Wildlife Management Regulation.

Clause 14 also renumbers and relocates the section 126 as section 137A and relocates it from part 7 to part 8 of the NCA. This is because part 7 is only about management plans and conservation plans, not regulations generally, whereas Part 8 relates to administrative matters. To avoid confusion (given the new section will be relocated immediately before section 138—Compensation not payable), clause 14 also replaces the heading for section 126 with the new heading being 'Compensation if landholder's interest in land injuriously affected'. This heading more accurately reflects the content of this section and will avoid confusion between the respective purposes of section 126 and section 138.

Insertion of Part 7A Regulations identifying critical habitats or areas of major interest

Clause 15 inserts a new part (Part 7A) and new section 126A (*Local governments' decisions to be consistent with regulations*) into the NCA to make it clear that, in relation to land that has been identified under a regulation as, or including, a critical habitat or area of major interest, a local government must not issue or give any approval, consent, permit or other authority for a use of, or a development on, the land that is inconsistent with the regulation. This amendment is necessary as the requirements pertaining to the making of critical habitat and areas of major interest, and the decisions of local government with respect to these areas, are currently placed in the Conservation Plan, which is to be repealed. The amendment ensures that the current policy intent and requirements pertaining to critical habitat and areas of major interest are carried over to the new framework.

Amendment of s134 (Records to be maintained by registrar)

Clause 16 amends section 134 specifying the records to be maintained by registrar. This is achieved by amending reference to the conservation plan to include a *regulation* or conservation plan. This amendment is necessary to include the regulation so the policy intent of maintaining records will be carried over.

Amendment of s 138 (Compensation not payable)

To avoid confusion due to the creation of a new section pertaining to compensation at section 137A (new section 137A - *'Compensation if landholder's interest in land injuriously affected'*) immediately before section 138, clause 17 amends the heading for section 138 to be *'Compensation not payable if authority not renewed etc.'*

Amendment of s 173G (Effect of orders)

Clause 18 amends section 173G(2)(b) to specify that the planting and nurturing of, or the restoration and rehabilitation of, a protected plant or population of protected plants can be required by an enforcement order (or an interim enforcement order) for a relevant nominated offence. This amendment is necessary as the examples that are currently included under section

173G(2)(b) do not provide for the planting or rehabilitation of plant species themselves but for the habitat of protected plants which, in itself, may not be adequate for some plant species.

Insertion of new s 174B

Clause 19 inserts a new section, 174B (*Chief executive may make assessment guidelines*), after section 174A. This new section provides that the chief executive may by gazette notice, approve or make assessment guidelines about how applications for an authority are to be considered.

While departments are able to make guidelines without a legislative head of power, this provision is established to improve consistency and transparency in decision making processes by clearly providing for the ability to make guidelines for how applications are to be considered, and enabling public access to any guidelines so that applicants may be aware of criteria and considerations at the application stage. It also forms part of the basic material necessary to create opportunities for integration with other assessment processes, where relevant, and ensure consistency in how applications are considered.

Clause 19 also clarifies the definition of an 'authority' for the purposes of the new section 174B, defining the term to mean a licence, permit or other authority issued or given under a regulation or conservation plan, and stipulates that the chief executive will be required to publish each assessment guideline on the department's website.

Amendment of s 175 (Regulation-making power)

Clause 20 amends section 175(2) to insert new matters in relation to which a regulation under the NCA may be made. New section 175(2)(ia) will allow that a regulation may be made, among other things, with respect to the use or development of land, and activities, in an area identified under the regulation as, or including, a critical habitat or an area of major interest. This amendment is necessary because critical habitat and areas of major interest have previously been identified only under conservation plans, and the Conservation Plan for protected plants is being repealed, with the majority of protected plant provisions being transferred to the Wildlife Management Regulation. Therefore, where it is necessary or desirable to identify an area as a critical habitat or an area of major interest in the future due to its protected plant values, the area will be able to be identified as such in a regulation, including, for example, the Wildlife Management Regulation.

Amendments to section 175(2)(j) allows a regulation to be about giving effect to assessment guidelines made under new section 174B. This amendment enables any assessment guidelines made by the chief executive to have full effect and be enforceable, including requiring compliance with an assessment guideline.

Amendments to 175(2)(r) make it clear that a regulation may allow for exemption from compliance with provisions of an *assessment guideline* as well as a regulation or a conservation plan.

Amendment of sch (Dictionary)

Clause 21 inserts a definition for a new term, *'special least concern plant'*. Clause 21 defines this term to mean *'a least concern plant prescribed under section 88D'*. This amendment means a plant is prescribed under a regulation as a special least concern plant, if the taking or use of the plant is at risk of not being ecologically sustainable, including, for example, because of a high commercial demand for the plant or a part of the plant, or the biological traits of the plant. Under the new framework, special least concern plants will include species that are not considered sufficiently rare or threatened to be classified at a higher conservation status, but are however considered to be at risk from unsustainable harvest pressures due, for example to high commercial demand or special biological or physical traits.

Clause 21 also amends the definition of *natural resources* paragraph (b) for the definition of the term to include, an area identified under a *regulation or conservation plan* as or including a critical habitat or an area of major interest. The purpose of this amendment is to ensure the term remains applicable to protected plants in the intended circumstances, regardless of whether the use of the plants has been authorised under the Wildlife Management Regulation, as opposed to the conservation plan.

Part 3 Amendment of the Sustainable Planning Act 2009

Act amended

Clause 22 specifies that Part 3 amends the *Sustainable Planning Act 2009.*

Amendment of sch (Dictionary)

Clause 23 amends the *Sustainable Planning Act 2009* (SPA) to redefine a native forest practice as a forest practice other than: a forest practice in a plantation; or the harvesting, on freehold land, of sandalwood. The purpose of this amendment is to clarify that harvesting sandalwood on freehold land is not classified as a native forest practice under the SPA. This clause also defines *'sandalwood'* to mean a plant of the species *Santalum lanceolatum.*

This amendment is a consequence of the amendment to the *Vegetation Management Act 1999* (VMA), to ensure that definitions in the VMA and SPA are consistent. This amendment also ensures that sandalwood harvesting on freehold land does not become assessable development under the SPA.

Part 4 Amendment of Vegetation Management Act 1999

Act amended

Clause 24 specifies that Part 4 amends the *Vegetation Management Act 1999.*

Amendment of sch (Dictionary)

Clause 25 amends the *Vegetation Management Act 1999* (VMA) to redefine a native forest practice as a forest practice other than: a forest practice in a plantation; or the harvesting, on freehold land, of sandalwood. The purpose of this amendment is to clarify that harvesting

sandalwood on freehold land is not classified as a native forest practice under the VMA. This clause also defines *'sandalwood'* to mean a plant of the species *Santalum lanceolatum*.

This amendment is necessary as it will reduce duplication by ensuring sandalwood harvesting on freehold land is only regulated under the NCA, rather than both the VMA and the NCA.