

Vegetation Management and Other Legislation Amendment Bill 2018

Explanatory Notes

FOR

Amendments during consideration in detail to be moved by the Honourable Dr Anthony Lynham MP

Title of the Bill

The short title of the bill is the Vegetation Management and Other Legislation Amendment Bill 2018.

Objectives of the Amendments

The objectives of the amendments are to correct minor errors in drafting associated with the Bill.

Achievement of the Objectives

The policy objectives of the proposed amendments will be achieved by amendment of the Bill.

Alternative Ways of Achieving Policy Objectives

There are no alternative ways of achieving the policy objectives of these amendments.

Estimated Cost for Government Implementation

There are no administrative cost to government associated with implementing the proposed amendments.

Consistency with Fundamental Legislative Principles

These proposed amendments meet fundamental legislative principles.

Consultation

No consultation was carried out in relation to the proposed amendments.

NOTES ON PROVISIONS

Clause 1 amends clause 6 (Insertion of new 19S) to insert a new proposed subsection (3) to give the Minister discretion to enable previous notifications to remain in effect while ensuring that further clearing must otherwise comply with the new replaced accepted development vegetation clearing code.

The purpose of this proposed amendment is to reduce regulatory burden on notification holders in circumstances where an accepted development vegetation clearing code needs to be replaced, but it is not necessary to make previous notifications cease to have effect. In this case, the code can specify that all notifications or certain notifications made under the replaced code continue to have effect, so that landholders do not need to notify again should they wish to carry out the activity.

Clause 2 amends clause 37 (Insertion of new pt 6, div 13) to correct an error in section 143 (6) which incorrectly references the essential habitat map in section 140. This should instead reference section 141.

Clause 3 amends clause 38 (Amendment of schedule (Dictionary)) to correct an error where the last word in the definition of “managing thickened vegetation” incorrectly refers to “diversity”. This should instead reference “biodiversity”.

Clause 4 amends clause 47 (Amendment of sch 10 (Development assessment)) to add a number (1) to the Schedule 10 heading associated with the additional amendment contained in clause 5.

Clause 5 amends clause 47 (Amendment of sch 10 (Development assessment)) to correct an error where “land subject to an occupational licence under the Land Act 1994” was omitted from the list of tenures to which the provision applies. This wording has been inserted to be consistent with the new definition of high value regrowth vegetation contained in the Bill.