

Vegetation Management and Other Legislation Amendment Act 2018

Explanatory notes for SL 2018 No. 188

made under the

Vegetation Management and Other Legislation Amendment Act 2018

General Outline

Short title

Vegetation Management and Other Legislation Amendment Act 2018

Authorising law

Section 2 of the *Vegetation Management and Other Legislation Amendment Act 2018*.

Policy objectives and the reasons for them

The aim of the *Vegetation Management and Other Legislation Amendment Act 2018* is to implement the election commitments and reinstate a more sustainable vegetation management framework for Queensland.

The objective of the Proclamation is to commence section 35 of the *Vegetation Management and Other Legislation Amendment Act 2018*.

This section inserts a new part 4, division 5 into the *Vegetation Management Act 1999* to provide for enforceable undertakings.

An enforceable undertaking is a new compliance tool to expand the compliance options available under the *Vegetation Management Act 1999* and the *Planning Act 2016* to address unlawful clearing. It is a voluntary tool whereby a person can request the chief executive enter into a written agreement in relation to a contravention, or alleged contravention, by the person under the *Vegetation Management Act 1999* or *Planning Act 2016*.

Enforceable undertakings commit the alleged offender to deliver on agreed environmental outcomes, for example: revegetating an area connecting a strategic environmental corridor; contributing to environmental research; or implementing education strategies to improve a broader understanding of the vegetation management framework and better land management practices.

Achievement of policy objectives

The policy objectives of the relevant provision of the *Vegetation Management and Other Legislation Amendment Act 2018* will be achieved by fixing a commencement day of 16 November 2018.

Consistency with policy objectives of authorising law

The Proclamation is consistent with the objectives of the *Vegetation Management and Other Legislation Amendment Act 2018*.

Inconsistency with policy objectives of other legislation

The Proclamation is not inconsistent with any policy objectives of any other legislation.

Benefits and costs of implementation

Enforceable undertakings can be used as an alternative to prosecution or a remedial tool. They may be accepted before (and instead of) a prosecution. If proceedings have started when the chief executive accepts the enforceable undertaking, the chief executive will discontinue the proceedings. Enforceable undertakings will potentially reduce costs to both landholders and Government of achieving compliance with the *Vegetation Management Act 1999* and of remedying alleged breaches.

Costs for training staff and communicating the option of enforceable undertakings will be met out of existing resources.

Consistency with fundamental legislative principles

The Proclamation does not raise any issues regarding fundamental legislative principles.

Consultation

In accordance with the *Queensland Government Guide to Better Regulation*, the Office of Best Practice Regulation was not consulted in relation to the regulatory proposal. The Department of Natural Resources, Mines and Energy applied a self-assessable exclusion from undertaking further regulatory impact analysis (category (g) - Regulatory proposals that are of a machinery nature).

Consultation on the Vegetation Management and Other Legislation Amendment Bill 2018 was undertaken by the State Development, Natural Resources and Agricultural Industry Development Committee.