



Queensland

Economic Development (Vegetation Management) By-law 2023

Subordinate Legislation 2023 No. 108

made under the

Economic Development Act 2012
State Penalties Enforcement Act 1999

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Part 1 Preliminary

1 Short title

This by-law may be cited as the *Economic Development (Vegetation Management) By-law 2023*.

2 Main purpose of by-law and how it is to be achieved

- (1) The main purpose of this by-law is to identify vegetation within relevant priority development areas that is to be managed—
 - (a) to maintain biodiversity; or
 - (b) to preserve natural landforms; or
 - (c) to ensure its continued contribution to the character of the landscape; or
 - (d) to protect its historical, cultural heritage or amenity value to the public.
- (2) The main purpose is to be achieved by—
 - (a) declaring vegetation to be controlled vegetation; and
 - (b) regulating interference with controlled vegetation; and
 - (c) regulating activities in relation to other particular vegetation.

3 Application of by-law

This by-law applies to vegetation within a priority development area in the local government area of Brisbane (a *relevant priority development area*).

4 Non-application of particular local law

The local law called ‘Natural Assets Local Law 2003’, made by Brisbane City Council, does not apply to vegetation within a relevant priority development area.

5 Definitions

The dictionary in schedule 1 defines particular words used in this by-law.

Part 2 Managing interference with controlled vegetation

6 Declaration of controlled vegetation

- (1) MEDQ may, by notice given to the owner of land in a relevant priority development area, declare vegetation on the land to be *controlled vegetation*.
- (2) The notice may be about any of the following vegetation on the land—
 - (a) a particular tree or plant;
 - (b) a particular group of trees or plants;
 - (c) vegetation of a particular species in a part of the area;
 - (d) all, or some, of the vegetation in a part of the area.
- (3) If MEDQ makes a declaration under subsection (1), MEDQ must give the owner of the land an information notice for the decision to make the declaration.

7 Controlled vegetation to be included in register

MEDQ may include controlled vegetation in the register.

8 Unlawful interference with controlled vegetation

- (1) A person must not interfere with controlled vegetation unless the person has a reasonable excuse.
Maximum penalty—20 penalty units.
- (2) Subsection (1) does not apply to a person if—

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- (a) the person holds a controlled vegetation permit for the controlled vegetation; or
- (b) the person is permitted to interfere with the controlled vegetation under section 9.

9 Permitted interference with controlled vegetation

- (1) A person may interfere with controlled vegetation if—
 - (a) the person is an authorised person; or
 - (b) the person interferes with the controlled vegetation while acting in the performance of the person’s duties as—
 - (i) a public service employee; or
 - (ii) a contractor of a department; or
 - (iii) an employee or contractor of a local government; or
 - (iv) an employee or contractor of a public utility provider; or
 - (c) the interference is—
 - (i) pruning in accordance with AS 4373—2007 (Pruning of amenity trees); or
 - (ii) removing part of a tree or plant in response to an immediate and significant threat to a person or property.
- (2) In this section—

public utility provider means an entity, other than a local government, that provides any of the following—

 - (a) reticulated water, electricity or gas;
 - (b) sewerage or drainage services;
 - (c) telecommunication services.

Part 3 Controlled vegetation permits

Division 1 Making applications

10 Application for permit

- (1) A person may apply to MEDQ for a permit (a *controlled vegetation permit*) to interfere with controlled vegetation.
- (2) The application must be in the approved form.
- (3) Also, if the applicant is not the owner of the land to which the application relates, the application must include, or be accompanied by, the owner's consent to the application.

Division 2 Deciding applications

11 MEDQ must approve or refuse application

MEDQ must consider an application for a controlled vegetation permit and decide to grant, or refuse to grant, the application.

12 MEDQ may request further information

- (1) Before deciding to grant, or refuse to grant, an application for a controlled vegetation permit, MEDQ may, by written notice given to the applicant, ask for further information MEDQ reasonably needs to decide the application.
- (2) The notice must state—
 - (a) the information required; and
 - (b) the period, of at least 20 business days after the day the notice is given, within which the information is required to be given to MEDQ.
- (3) If the applicant does not comply with the notice, MEDQ may decide to refuse to grant the application.

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13 Deciding application for permit

- (1) In deciding an application for a controlled vegetation permit, MEDQ must have regard to the following—
 - (a) the main purpose of this by-law, including the potential impact of the proposed interference on the matters mentioned in section 2(1)(a) to (d) as those matters relate to the controlled vegetation the subject of the application;
 - (b) the potential environmental impacts of the proposed interference;
 - (c) the reasons for the proposed interference and whether there is any reasonably practicable alternative to the proposed interference.
- (2) If MEDQ decides to grant the application, and issue a permit without conditions, MEDQ must, within 10 business days after making the decision, give the applicant notice of the decision.

14 Conditions of permit

- (1) MEDQ may issue a controlled vegetation permit on the conditions MEDQ considers appropriate, including, for example, a condition—
 - (a) regulating how interference with the vegetation is to occur; or
Examples—
 - directing when the interference is to be carried out
 - requiring notice to be given to MEDQ before the interference is carried out
 - stating the methods and machinery that may be used
 - requiring erosion and sedimentation to be controlled
 - identifying measures that must be taken to ensure surrounding controlled vegetation is not damaged
 - (b) stating how vegetation to be removed under the permit is to be disposed of; or

- (c) stating measures to be taken to ensure the ongoing health of the vegetation; or
 - (d) requiring a copy of the permit to be given to a person involved in the interference; or
 - (e) requiring a notice, in the form approved by MEDQ, to be displayed on the land on which the interference with the vegetation is to be carried out; or
 - (f) requiring the holder of the permit to give MEDQ reasonable security, including, for example, a deposit of money, a guarantee or an insurance bond, to ensure compliance with the permit.
- (2) If MEDQ decides to issue the controlled vegetation permit on conditions, MEDQ must, within 10 business days after making the decision, give the applicant an information notice for the decision.

15 Notice of refusal to grant application for permit

If MEDQ decides to refuse to grant the application, MEDQ must, within 10 business days after the decision is made, give the applicant an information notice for the decision.

Division 3 Term of permit

16 Term of controlled vegetation permit

A controlled vegetation permit is for the term stated in the permit.

Division 4 Changes to conditions of permits

17 MEDQ may change conditions of permit

- (1) This section applies if MEDQ proposes to change a condition of a controlled vegetation permit.

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- (2) MEDQ must give the holder of the permit a notice stating—
 - (a) the proposed change; and
 - (b) that the holder may make written representations to MEDQ, within a stated period of at least 20 business days after the notice is given, about why the proposed change should not be made.
- (3) MEDQ may change the condition of the permit if, after considering any written representations made within the stated period, MEDQ still considers the change should be made.
- (4) If MEDQ decides to change the condition of the permit, MEDQ must give the holder of the permit an information notice for the decision.
- (5) The decision takes effect on the later of the following days—
 - (a) the day the information notice is given to the holder;
 - (b) the day stated in the information notice for that purpose.
- (6) If MEDQ decides, after considering any representations made under subsection (2)(b), not to change the condition of the permit, MEDQ must give the holder notice of the decision.

Division 5 Suspension or cancellation of controlled vegetation permit

18 Grounds for suspension or cancellation

Each of the following is a ground for suspending or cancelling a controlled vegetation permit—

- (a) the holder of the permit has contravened a condition of the permit;
- (b) the permit was obtained on the basis of information the holder of the permit knew was false or misleading in a material particular;

- (c) the holder of the permit, in relation to a contravention of a condition of the permit, has not complied with—
 - (i) an oral direction given under section 29; or
 - (ii) a compliance notice given under section 31.

19 Show cause notice

- (1) If MEDQ believes a ground exists to suspend or cancel a controlled vegetation permit, MEDQ must give the holder of the permit a written notice under this section (a *show cause notice*).
- (2) The show cause notice must state the following—
 - (a) the action MEDQ proposes taking under this division (the *proposed action*);
 - (b) the grounds for the proposed action;
 - (c) an outline of the facts and circumstances forming the basis for the grounds;
 - (d) if the proposed action is suspension of the permit—the proposed suspension period;
 - (e) that the holder may, within a stated period (the *show cause period*), make written representations to MEDQ to show why the proposed action should not be taken.
- (3) The show cause period must end at least 15 business days after the holder is given the show cause notice.

20 Representations about show cause notice

The holder of the controlled vegetation permit may make written representations about the show cause notice to MEDQ within the show cause period.

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21 Ending show cause process without further action

If, after considering any representations made during the show cause period, MEDQ no longer believes a ground exists to take the proposed action, MEDQ must—

- (a) take no further action about the show cause notice; and
- (b) give the holder of the controlled vegetation permit written notice that no further action is to be taken about the show cause notice.

22 Suspension or cancellation

(1) If, after considering any representations made during the show cause period, MEDQ still believes a ground exists to take the proposed action, MEDQ may—

- (a) if the proposed action was to suspend the controlled vegetation permit—suspend the permit for not longer than the proposed suspension period; or
- (b) if the proposed action was to cancel the permit—cancel the permit or suspend it for a period.

(2) If MEDQ decides to take action under subsection (1), MEDQ must give an information notice for the decision to the holder of the permit.

(3) The decision takes effect on the later of the following—

- (a) the day the information notice is given to the holder;
- (b) the day stated in the information notice for that purpose.

Division 6 Controlled vegetation permit offences and liability

23 Requirement to comply with conditions of permit

The holder of a controlled vegetation permit must comply with each condition of the permit unless the holder has a reasonable excuse.

Maximum penalty—20 penalty units.

24 Requirement to produce permit

A person carrying out work authorised under a controlled vegetation permit must produce the permit immediately upon demand by an authorised person unless the person has a reasonable excuse.

Maximum penalty—20 penalty units.

25 Permit holders jointly and severally liable

If more than 1 person is the holder of a controlled vegetation permit, each holder is jointly and severally—

- (a) responsible for complying with the conditions of the permit; and
- (b) liable to MEDQ for all debts payable under this by-law and unpaid by a holder of the permit.

Part 4 Vegetation other than controlled vegetation

26 Vegetation on roads

- (1) A person must not, without a reasonable excuse, carry out any of the following activities on a road in a relevant priority development area—
 - (a) interfere with vegetation;
 - (b) plant vegetation;
 - (c) engage in an activity preparatory to the planting of vegetation.

Maximum penalty—20 penalty units.

- (2) Subsection (1) does not prohibit a person carrying out an activity if—

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- (a) the person is an authorised person; or
- (b) the person is otherwise authorised by MEDQ to carry out the activity.

27 Hazardous and pest vegetation

- (1) This section applies if an authorised person—
 - (a) believes vegetation, or any part of the vegetation, on land in a relevant priority development area is hazardous (*hazardous vegetation*); or
 - Examples of hazardous vegetation—*
 - vegetation that increases the risk of fire
 - vegetation that harbours vermin or other pests
 - vegetation that triggers allergies or could otherwise cause injury to a person
 - vegetation that impedes sightlines for motorists
 - (b) finds pest vegetation on land in a relevant priority development area.
- (2) The authorised person may give the owner of the land a notice (a *management notice*) to take action in relation to the hazardous vegetation or the pest vegetation.
- (3) The management notice must state—
 - (a) the particular action the owner must take in relation to the hazardous vegetation or pest vegetation; and
 - Example—*
 - action to control the hazardous vegetation or pest vegetation
 - (b) the period, of at least 20 business days after the notice is given, within which the action must be taken; and
 - (c) that it is an offence for the owner to fail to comply with the notice unless the owner has a reasonable excuse.
- (4) If an authorised person decides to give the owner a management notice, the authorised person must give the owner an information notice for the decision.

(5) In this section—

pest vegetation means vegetation identified as pest vegetation in the register.

28 Failure to comply with management notice

A person given a management notice must comply with the notice unless the person has a reasonable excuse.

Maximum penalty—20 penalty units.

Part 5 Enforcement

Division 1 Oral directions

29 Authorised person may give oral direction

(1) This section applies if a person engages in conduct that an authorised person believes is a contravention of—

(a) a condition of the person's controlled vegetation permit;
or

(b) a provision of this by-law.

(2) An authorised person may give the person an oral direction requiring the person—

(a) to stop the conduct; or

(b) to take action to remedy the contravention.

(3) The oral direction must include—

(a) a statement that it is an offence to fail to comply with the direction unless the person has a reasonable excuse; and

(b) if the direction requires the person to take action to remedy the contravention—the period, of at least 20 business days after the direction is given, within which the action must be taken.

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- (4) As soon as practicable after giving the oral direction, the authorised person must—
 - (a) confirm the direction by notice given to the person; and
 - (b) give the person an information notice for the decision to give the oral direction.

30 Failure to comply with oral direction

A person given an oral direction must comply with the direction unless the person has a reasonable excuse.

Maximum penalty—20 penalty units.

Division 2 Compliance notices

31 Authorised person may give compliance notice

- (1) This section applies if an authorised person believes a person—
 - (a) is contravening, or has contravened, a condition of the person’s controlled vegetation permit; or
 - (b) is contravening a provision of this by-law; or
 - (c) has contravened a provision of this by-law in circumstances that make it likely the contravention will continue or be repeated.
- (2) The authorised person may give the person a notice (a *compliance notice*) requiring the person to remedy the contravention, including by refraining from doing an act.
- (3) If the authorised person decides to give the person a compliance notice, the authorised person must give the person an information notice for the decision.

32 Requirements for compliance notice

- (1) A compliance notice must state the following matters—

-
- (a) that the authorised person believes the person to whom the notice is given—
 - (i) is contravening, or has contravened, a condition of the person’s permit; or
 - (ii) is contravening a provision of this by-law; or
 - (iii) has contravened a provision of this by-law in circumstances that make it likely the contravention will continue or be repeated;
 - (b) if paragraph (a)(i) applies—
 - (i) the condition the authorised person believes is being, or has been, contravened; and
 - (ii) the nature of the contravention;
 - (c) if paragraph (a)(ii) or (iii) applies—
 - (i) the provision the authorised person believes is being, or has been, contravened; and
 - (ii) the nature of the contravention;
 - (d) that the person must remedy the contravention within a stated reasonable period;
 - (e) that it is an offence to fail to comply with the compliance notice unless the person has a reasonable excuse.
- (2) If the compliance notice requires the person to carry out work, it must also give details of the work required.
 - (3) If the compliance notice requires the person to refrain from doing an act, it must also state—
 - (a) the period for which the requirement applies; or
 - (b) that the requirement applies until further notice.

33 Failure to comply with compliance notice

A person given a compliance notice must comply with the notice unless the person has a reasonable excuse.

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Maximum penalty—20 penalty units.

34 Work to be carried out under compliance notice

- (1) A compliance notice may require the person to whom it is given to fix any damage resulting from interference with vegetation the subject of the notice, including, for example—
 - (a) to rehabilitate the vegetation that has been interfered with; or
 - (b) to plant particular vegetation to replace the vegetation that has been interfered with.
- (2) If the compliance notice requires the person to plant particular vegetation, the notice may require the person—
 - (a) to water, tend or otherwise nurture the vegetation; and
 - (b) to carry out further action if the vegetation fails to germinate or grow.

Division 3 Liability and MEDQ's power to carry out work

35 Joint and several liability

If more than 1 person is the owner of land and an owner of the land is required by an authorised person under this by-law to carry out a particular activity on the land, each owner is jointly and severally—

- (a) responsible for carrying out the activity; and
- (b) liable to MEDQ for all debts payable under this by-law and unpaid by an owner of the land.

36 MEDQ's power to carry out work

- (1) This section applies if—

-
- (a) a management notice, oral direction or compliance notice requires a person to carry out work; and
 - (b) the person fails to carry out the work within the period stated in the notice or direction.
- (2) MEDQ may—
- (a) carry out the work; and
 - (b) recover from the person as a debt—
 - (i) the amount reasonably incurred by MEDQ in carrying out the work; and
 - (ii) interest on the amount.

Part 6 Reviews and appeals

Division 1 Preliminary

37 Definitions for part

In this part—

affected person, in relation to a decision, means—

- (a) if the decision is an original decision—a person who is given, or is entitled to be given, an information notice for the decision; or
- (b) if the decision is an internal review decision—the person who applied for the internal review.

decision notice see section 38(1).

internal review, of an original decision, see section 39(1).

internal review decision means a decision made, or taken to have been made, under section 41 on an application for internal review of an original decision.

original decision means a decision for which an information notice must be given under this by-law.

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38 Decision notice

- (1) A notice given for an internal review decision (a *decision notice*) must state the following information—
 - (a) the decision;
 - (b) the reasons for the decision;
 - (c) that the person to whom the notice is given may appeal against the decision under this Act;
 - (d) how, and the period within which, the appeal may be started;
 - (e) how the person may apply for a stay of the decision under section 44.
- (2) If MEDQ does not give an affected person a decision notice for an internal review decision within the period required under section 41, the affected person may ask MEDQ for the decision notice.
- (3) A failure by MEDQ to give an affected person a decision notice for an internal review decision does not limit or otherwise affect the person's right to appeal to the court against the internal review decision.

Division 2 Internal review

39 Who may apply for internal review

- (1) An affected person for an original decision may apply to MEDQ for a review of the decision under this division (an *internal review*).
- (2) If the affected person has not been given an information notice for the original decision, the affected person may ask MEDQ for an information notice for the decision.
- (3) A failure by MEDQ to give the affected person an information notice for the original decision does not limit or otherwise affect the person's right to apply for an internal review of the decision.

40 Requirements for application

- (1) An application for internal review of an original decision must—
 - (a) be in the approved form; and
 - (b) if the affected person has been given an information notice for the decision—include enough information to enable MEDQ to decide the application; and
 - (c) be made to MEDQ within—
 - (i) if the affected person has been given an information notice for the decision—20 business days after the day the person is given the notice; or
 - (ii) if the affected person has not been given an information notice for the decision—20 business days after the day the person becomes aware of the decision.
- (2) MEDQ may, at any time, extend the period within which the application may be made.
- (3) Subject to section 42, the application does not affect the operation of the original decision or prevent the decision being implemented.

41 Internal review

- (1) MEDQ must, within 20 business days after receiving an application for internal review of an original decision—
 - (a) review the original decision; and
 - (b) decide—
 - (i) to confirm the original decision; or
 - (ii) to amend the original decision; or
 - (iii) to substitute another decision for the original decision; and

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- (c) give the affected person for the original decision a decision notice for MEDQ's decision under paragraph (b).
- (2) MEDQ and the affected person may, before the period stated in subsection (1) ends, agree to a longer period for MEDQ to comply with the subsection.
- (3) MEDQ may delegate the power to make a decision under subsection (1)(b) only to an appropriately qualified officer or employee of the department who—
 - (a) did not make the original decision; and
 - (b) holds a more senior office than the person who made the original decision.
- (4) If MEDQ does not give the affected person a decision notice for MEDQ's decision under subsection (1)(b) within the period required under subsection (1) or a longer period agreed under subsection (2), MEDQ is taken to confirm the original decision.

Division 3 Stays

42 Stay of operation of original decision

- (1) An affected person for an original decision may apply to the court for a stay of the operation of the decision.
- (2) The application may be made at any time within the period within which an application for internal review of the original decision may be made under division 2.
- (3) The court may stay the operation of the original decision to secure the effectiveness of the internal review and a later appeal to the court.
- (4) A stay by the court under this section—
 - (a) may be given on conditions the court considers appropriate; and
 - (b) operates for the period fixed by the court; and

- (c) may be amended or revoked by the court.
- (5) The period of a stay by the court under this section must not extend past the time when MEDQ makes an internal review decision about the original decision and any later period the court allows the affected person to enable the affected person to appeal against the internal review decision.

Division 4 Appeals

43 Appealing internal review decision

- (1) This section applies to a person who—
 - (a) has applied for an internal review of an original decision; and
 - (b) is dissatisfied with the internal review decision.
- (2) The person may appeal to the court against the internal review decision by filing a notice of appeal with the registrar of the court.
- (3) The notice of appeal must state fully the grounds of the appeal.
- (4) The person must file the notice of appeal within 20 business days after a decision notice for the internal review decision is given to the person or the person otherwise becomes aware of the decision.
- (5) However, the court may, on application and at any time, extend the time for filing the notice of appeal.
- (6) Subject to section 44, the appeal does not affect the operation of the internal review decision or prevent the decision being implemented.

44 Staying operation of internal review decision

- (1) A person mentioned in section 43(1) may apply to the court for a stay of the operation of the internal review decision.

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- (2) The court may, by order, stay the operation of the internal review decision to secure the effectiveness of the appeal.
- (3) The court may stay the operation of the internal review decision on conditions the court considers appropriate.
- (4) The stay operates for the period decided by the court.
- (5) However, the period of the stay must not extend past the time when the court decides the appeal.

45 Powers of court on appeal

- (1) When deciding an appeal against an internal review decision, the court—
 - (a) has the same powers as MEDQ in making the internal review decision; and
 - (b) is not bound by the rules of evidence; and
 - (c) must comply with natural justice.
- (2) An appeal is by way of rehearing.
- (3) The court may—
 - (a) confirm the internal review decision; or
 - (b) substitute another decision for the internal review decision; or
 - (c) set aside the internal review decision and return the matter to MEDQ with directions the court considers appropriate.

46 Effect of court's decision on appeal

- (1) If the court substitutes another decision for the internal review decision—
 - (a) the substituted decision is taken to be a decision of MEDQ; and
 - (b) MEDQ may give effect to the substituted decision as if—

- (i) the substituted decision were the original decision of MEDQ; and
 - (ii) no application for review or appeal of the original decision had been made.
- (2) If the court sets aside the internal review decision and returns the matter to MEDQ with directions, any decision made by MEDQ in accordance with the directions may not be reviewed or appealed against under this part.

Part 7 Repeal and transitional provisions

Division 1 Repeal

47 Repeal

The Economic Development (Vegetation Management) By-law 2013, SL No. 3 is repealed.

Division 2 Transitional provisions

48 Definitions for division

In this division—

former, for a provision of the repealed by-law, means the provision as in force from time to time before the commencement.

new, for a provision of this by-law, means the provision as in force from the commencement.

repealed by-law means the repealed *Economic Development (Vegetation Management) By-law 2013*.

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49 Existing permit taken to be controlled vegetation permit

- (1) This section applies to a permit to interfere with controlled vegetation (an *existing permit*), granted under former section 13 of the repealed by-law, that was in effect immediately before the commencement.
- (2) From the commencement, the existing permit—
 - (a) is taken to be a controlled vegetation permit; and
 - (b) is taken to be on the same conditions and for the same term, that applied immediately before the commencement, to the existing permit under the repealed by-law.

50 Existing application for permit

- (1) This section applies if—
 - (a) before the commencement, an application was made under the repealed by-law for a permit to interfere with controlled vegetation; and
 - (b) immediately before the commencement, the application had not been dealt with.
- (2) The person is taken to have made an application for a controlled vegetation permit under new section 10.
- (3) Anything done in relation to the application under the repealed by-law is taken to have been done in relation to the application under this by-law.
- (4) This by-law applies in relation to the application.

51 Existing controlled vegetation notice

- (1) This section applies if—
 - (a) a controlled vegetation notice was given under former section 7(1) of the repealed by-law; and
 - (b) the controlled vegetation notice was still in force immediately before the commencement.

- (2) The notice is taken to be a notice given under new section 6(1).
- (3) An information notice given under former section 7(5) of the repealed by-law is taken to be an information notice given under new section 6(3).

52 Existing management notice

- (1) This section applies if—
 - (a) a management notice was given under former section 26(2) of the repealed by-law; and
 - (b) the management notice was still in force immediately before the commencement.
- (2) The notice is taken to be a management notice given under new section 27(2).
- (3) An information notice given under former section 26(4) of the repealed by-law is taken to be an information notice given under new section 27(4).

53 Existing oral compliance direction

- (1) This section applies if—
 - (a) an oral compliance direction was given under former section 28(2) of the repealed by-law; and
 - (b) the oral compliance direction was still in force immediately before the commencement.
- (2) The direction is taken to be an oral direction given under new section 29(2).
- (3) An information notice given under former section 28(3)(b) of the repealed by-law is taken to be an information notice given under new section 29(4).

54 Existing compliance notice

- (1) This section applies if—

[s 55]

- (a) a compliance notice was given under former section 30(2) of the repealed by-law; and
 - (b) the compliance notice was still in force immediately before the commencement.
- (2) The notice is taken to be a compliance notice given under new section 31(2).
 - (3) An information notice given under former section 30(5) of the repealed by-law is taken to be an information notice given under new section 31(3).

55 Existing review

- (1) This section applies in relation to a review of a decision under part 5, division 1 of the repealed by-law started, but not decided, before the commencement.
- (2) MEDQ may continue to hear, and decide, the review under the repealed by-law as if this by-law had not been made.

56 Existing appeal

- (1) This section applies in relation to an appeal against a review decision under part 5, division 2 of the repealed by-law started, but not decided, before the commencement.
- (2) The court may continue to hear, and decide, the appeal under the repealed by-law as if this by-law had not been made.

57 References to repealed by-law

In a document, a reference to the repealed by-law may, if the context permits, be taken to be a reference to this by-law.

Part 8 **Amendment of State Penalties Enforcement Regulation 2014**

58 **Regulation amended**

This part amends the *State Penalties Enforcement Regulation 2014*.

59 **Amendment of sch 1 (Infringement notice offences and fines for nominated laws)**

Schedule 1, entry for Economic Development (Vegetation Management) By-law 2013—

omit, insert—

Economic Development (Vegetation Management) By-law 2023

Column 1 Infringement notice offence	Column 2 Infringement notice fine (penalty units)
s 8(1)	2
s 23	2
s 24	2
s 26(1)	2
s 28	2
s 30	2
s 33	2

Authorised person for service of infringement notices—an authorised employee or agent of the Minister for Economic Development Queensland under the *Economic Development Act 2012*

Schedule 1 Dictionary

section 5

affected person, in relation to a decision, for part 6, see section 37.

applicant means a person who makes an application for a controlled vegetation permit.

authorised person means an individual who has, under section 30 of the Act, been issued with an identity card that is still in force.

compliance notice see section 31(2).

controlled vegetation see section 6(1).

controlled vegetation permit see section 10(1).

court, for part 6, means the Magistrates Court.

decision notice, for part 6, see section 38(1).

information notice, for an original decision, means a written notice stating the following information—

- (a) the decision;
- (b) the reasons for the decision;

Note—

See the *Acts Interpretation Act 1954*, section 27B for matters that must be included with the reasons.

- (c) that the person to whom the notice is given may ask for a review of the decision under this by-law;
- (d) how, and the period within which, the review may be started;
- (e) how the person may apply for a stay of the operation of the decision under section 42.

interfere, with vegetation—

-
- (a) means to carry out an activity that damages or leads to the disfigurement or mutilation of the vegetation, or interference with the growth of the vegetation, including, for example, any of the following in relation to the vegetation—
- (i) removing bark from a tree, other than by ringbarking the tree;
 - (ii) lopping or topping the vegetation;
 - (iii) adversely affecting the health of the vegetation by applying a substance that is harmful to the vegetation;
 - (iv) using heat to damage the vegetation, including by burning, scorching or singeing the vegetation;
 - (v) damaging a root zone by any means, including by excavating, filling, compacting or applying a harmful substance to the root zone;
- Examples of a harmful substance—*
cement, mortar, paint, oil
- (vi) cutting or tearing branches, roots or trunks;
 - (vii) fixing or inserting, whether permanently or temporarily, any object to or into any living tissue or surrounding bark of the vegetation;
 - (viii) introducing livestock into an area in which the vegetation is situated; but
- (b) does not include clearing vegetation that is operational work.

internal review, of an original decision, for part 6, see section 39(1).

internal review decision, for part 6, see section 37.

management notice see section 27(2).

oral direction means a direction given under section 29(2).

original decision see section 37.

proposed action see section 19(2)(a).

relevant priority development area see section 3.

root zone, of a tree or plant, means—

- (a) the roots of the tree or plant, including any buttress roots; or
- (b) the soil in or on which the roots are situated—
 - (i) of an area measured by extending horizontally in all directions from the base of the trunk of the tree or plant to the points that are vertically below the ends of its outermost branches; and
 - (ii) to a depth of 1m below the surface of the soil.

show cause notice see section 19(1).

show cause period see section 19(2)(e).

vegetation—

- (a) means a tree or plant, whether living or dead; and
- (b) includes—
 - (i) the regrowth of a tree or plant; and
 - (ii) the root zone of a tree or plant.

ENDNOTES

- 1 Made by the Minister for Economic Development Queensland on 11 August 2023.
- 2 Approved by the Governor in Council on 24 August 2023.
- 3 Notified on the Queensland legislation website on 25 August 2023.
- 4 The administering agency is the Department of State Development, Infrastructure, Local Government and Planning.

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