

Vegetation Management Amendment Regulation (No. 2) 2013

Explanatory notes for SL2013 No. 256

made under the

Vegetation Management Act 1999

General Outline

Short title

Vegetation Management Amendment Regulation (No. 2) 2013.

Authorising law

Section 72 of the *Vegetation Management Act 1999*

Policy objectives and the reasons for them

The primary legislation for the *Vegetation Management Regulation 2012* (VMR) – the *Vegetation Management Act 1999* (VMA) – was established to regulate the clearing of native vegetation in Queensland. By regulating the clearing of native vegetation, the VMA allows for sustainable land use and also contributes to the conservation of ecosystems, maintenance of ecological processes, prevention of biodiversity loss and prevention of land degradation processes such as soil erosion and salinity.

The VMR supports the implementation of the VMA by declaring classification of regional ecosystems, giving effect to relevant statutory codes, prescribing applicable fees and provisions relating to providing information with applications under the framework.

On 23 May 2013 the *Vegetation Management Framework Amendment Act 2013* (VMFAA) was assented which moves to implement key reforms to the vegetation management framework. The reforms include the introduction of self-assessable vegetation clearing codes and amendments to the vegetation management mapping framework to improve efficiency and interpretation. This efficiency relates to removing the requirement for maps to be given effect in a regulation.

The periodic update of regional ecosystems and corresponding conservation classes occurred as a result of improved regional ecosystem mapping by the Queensland Herbarium, Department of Science, Information Technology, Innovations and the Arts.

Changes to the *Sustainable Planning Act 2009* (SPA) in November 2012, and *Sustainable Planning Regulation 2009* (SPR) in July 2013, which implemented the State Assessment and Referral Agency (SARA), have made a number of provisions within the VMR now obsolete.

The first objective of this amendment regulation is to give effect to new provisions as a result of the VMFAA, namely the statutory self-assessable codes. The second objective is to give effect to updated regional ecosystems and corresponding conservation classes, which are declared within the VMR. The third objective is to remove obsolete information from the VMR as a result of changes to vegetation management mapping requirements, and the implementation of the SARA.

Achievement of policy objectives

The overarching policy objectives were achieved through amendments to the primary legislation passed via the VMFAA, and the SPA and SPR. Amendment to the VMR is now required to give effect to the changes provided for in the primary legislation.

The VMR will be amended as follows:

- Enable self-assessable vegetation clearing codes to take effect as a result of the amendments to the vegetation management framework implemented under the VMFAA;
- Regional ecosystems and corresponding conservation classes will be updated based upon recommendations from the Queensland Herbarium; and
- To remove obsolete sections as result of the VMFAA and the SARA implementation.

Approval is sought for the *Vegetation Management Amendment Regulation (No. 2) 2013* which amends the VMR to provide for the approval of self-assessable vegetation clearing codes, updating of the schedules of regional ecosystems, and the removal of redundant provisions.

Consistency with policy objectives of authorising law

The amendment regulation is consistent with the main objectives of the VMFAA that is to regulate the clearing of native vegetation; and the SPA which is to achieve ecological sustainability.

Inconsistency with policy objectives of other legislation

The amendment regulation is consistent with the policy objectives of other legislation.

Benefits and costs of implementation

Whilst there are costs associated with these amendments, it is anticipated these will be absorbed within existing resources.

Consistency with fundamental legislative principles

The amendment is consistent with fundamental legislative principles.

Consultation

No consultation was undertaken on the amendment of the VMR specifically. However, consultation was undertaken on the amendments to the VMA included in the VMFAA. Industry representatives and government agencies were consulted about particular aspects of the proposed amendments. Industry strongly supports amendments that reduce the regulatory burden on landholders, business and the government whilst retaining the regulation of native vegetation in Queensland. The amendment of the VMR is necessary to give effect to those amendments in the VMFAA.

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