



Queensland

Vegetation Management Amendment Act 2008

Act No. 8 of 2008



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Vegetation Management Amendment Act 2008

Act No. 8 of 2008

**An Act to amend the *Vegetation Management Act 1999* and the
*Vegetation Management Regulation 2000***

[Assented to 6 March 2008]

[s 1]

The Parliament of Queensland enacts—

Part 1 Preliminary

1 Short title

This Act may be cited as the *Vegetation Management Amendment Act 2008*.

Part 2 Amendment of Vegetation Management Act 1999

2 Act amended in pt 2

This part amends the *Vegetation Management Act 1999*.

3 Insertion of new pt 2, div 7A

Part 2—

insert—

'Division 7A Classes of regional ecosystems

'22LA Endangered regional ecosystems

- ‘(1) A regulation may declare a stated regional ecosystem to be an endangered regional ecosystem.
- ‘(2) The Minister must not recommend to the Governor in Council the making of a regulation under subsection (1) unless the Minister is satisfied—

[s 3]

- (a) the area of remnant vegetation for the regional ecosystem is less than 10% of the pre-clearing extent of the regional ecosystem; or
 - (b) the area of remnant vegetation for the regional ecosystem is—
 - (i) 10% to 30% of the pre-clearing extent of the regional ecosystem; and
 - (ii) less than 10000ha.
- ‘(3) However, failure to comply with subsection (2) in relation to a regulation does not affect the regulation’s validity.

‘22LB Of concern regional ecosystems

- ‘(1) A regulation may declare a stated regional ecosystem to be an of concern regional ecosystem.
- ‘(2) The Minister must not recommend to the Governor in Council the making of a regulation under subsection (1) unless the Minister is satisfied—
 - (a) the area of remnant vegetation for the regional ecosystem is 10% to 30% of the pre-clearing extent of the regional ecosystem; or
 - (b) the area of remnant vegetation for the regional ecosystem is—
 - (i) more than 30% of the pre-clearing extent of the regional ecosystem; and
 - (ii) less than 10000ha.
- ‘(3) However, failure to comply with subsection (2) in relation to a regulation does not affect the regulation’s validity.

‘22LC Not of concern regional ecosystems

- ‘(1) A regulation may declare a stated regional ecosystem to be a not of concern regional ecosystem.

[s 4]

- ‘(2) The Minister must not recommend to the Governor in Council the making of a regulation under subsection (1) unless the Minister is satisfied the area of remnant vegetation for the regional ecosystem is—
 - (a) more than 30% of the pre-clearing extent of the regional ecosystem; and
 - (b) more than 10000ha.
- ‘(3) However, failure to comply with subsection (2) in relation to a regulation does not affect the regulation’s validity.’.

4 Amendment of pt 6, hdg (Transitional provisions)

Part 6, heading, after ‘Transitional’—

insert—

‘and declaratory’.

5 Insertion of new pt 6, div 5

Part 6—

insert—

‘Division 5 Declaratory and transitional provisions for Vegetation Management Amendment Act 2008

‘85 Declaration about types of regional ecosystems

- ‘(1) It is declared that—
 - (a) if, for any period before the commencement day, the regulation stated that a regional ecosystem was an endangered regional ecosystem for the definition *endangered regional ecosystem* in this Act, the regional ecosystem was an endangered regional ecosystem for the period; and
 - (b) if, for any period before the commencement day, the regulation stated that a regional ecosystem was a not of

concern regional ecosystem for the definition *not of concern regional ecosystem* in this Act, the regional ecosystem was a not of concern regional ecosystem for the period; and

- (c) if, for any period before the commencement day, the regulation stated that a regional ecosystem was an of concern regional ecosystem for the definition *of concern regional ecosystem* in this Act, the regional ecosystem was an of concern regional ecosystem for the period.
- ‘(2) Subsection (1) applies despite any provision of the Act in force before the commencement day including the definitions *endangered regional ecosystem*, *not of concern regional ecosystem* and *of concern regional ecosystem*.
- ‘(3) Subsection (1) applies for all purposes, including a civil or criminal proceeding decided before, or started before or after, the commencement day.
- ‘(4) In this section—
 - commencement day*** means the day this section commences.
 - regulation*** means the *Vegetation Management Regulation 2000*.

‘86 **Amendment of regulation**

‘The amendment of the *Vegetation Management Regulation 2000* by the *Vegetation Management Amendment Act 2008* does not affect the power of the Governor in Council to further amend the regulation or to repeal it.’.

6 **Amendment of schedule (Dictionary)**

- (1) Schedule, definitions *endangered regional ecosystem*, *not of concern regional ecosystem* and *of concern regional ecosystem*—
 - omit.*
- (2) Schedule—

[s 7]

insert—

'endangered regional ecosystem means a regional ecosystem declared to be an endangered regional ecosystem under section 22LA.

'not of concern regional ecosystem means a regional ecosystem declared to be a not of concern regional ecosystem under section 22LC.

'of concern regional ecosystem means a regional ecosystem declared to be an of concern regional ecosystem under section 22LB.'

- (3) Schedule, definition *pre-clearing extent*, 'for'—
omit, insert—
'of'.

Part 3 Amendment of Vegetation Management Regulation 2000

7 Regulation amended in pt 3

This part amends the *Vegetation Management Regulation 2000*.

8 Amendment of s 2 (Regional ecosystems)

Section 2(1) to (3)—

omit, insert—

- '(1) Each regional ecosystem in schedule 1 is declared to be an endangered regional ecosystem.
'(2) Each regional ecosystem in schedule 2 is declared to be an of concern regional ecosystem.
'(3) Each regional ecosystem in schedule 3 is declared to be a not of concern regional ecosystem.'

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