



Queensland

Natural Resources and Other Legislation Amendment (Postponement) Regulation 2011

Explanatory Notes for SL 2011 No. 244

made under the

Natural Resources and Other Legislation Amendment Act (No. 2) 2010

General outline

Short title

Natural Resources and Other Legislation Amendment (Postponement) Regulation 2011.

Authorising law

Section 15DA of the *Acts Interpretation Act 1954* and section 2 of the *Natural Resources and Other Legislation Amendment Act (No. 2) 2010*.

Policy objectives and the reasons for them

Currently, the State regulates the clearing of native vegetation for protected plants under both the *Vegetation Management Act 1999* (VMA) and the *Nature Conservation Act 1992* (NCA). The VMA and the NCA are not integrated, resulting in development applicants needing to seek approval under both Acts for the same vegetation clearing activity.

In December 2010, Parliament passed several streamlining reforms through the *Natural Resources and Other Legislation Amendment Act (No. 2) 2010* (NROLA(2)). One of the reforms is to insert an exemption into s.89 of the NCA, which enables a permit under the VMA to act as an authority to clear under the NCA, as long as the taking of protected plants has undergone an assessment under the regional vegetation management codes or concurrence agency policies.

The NROLA(2) was assented to on 1 December 2010, and without other action to proclaim it into force, under section 15DA of the *Acts Interpretation Act 1954*, provisions will come into force on 2 December 2011.

Currently the assessment of vegetation clearing impacts under the regional vegetation management codes does not include a full assessment of matters for protected plants. As a result amendments to the codes are required as part of the implementation of these new arrangements.

The Department of Environment and Resource Management is currently reviewing the regulatory framework for protected plants under the NCA. This may result in significant changes to the assessment process for protected plants and as a result significantly impact on the amendments required to the regional vegetation management codes. Therefore, it is considered appropriate to defer the commencement of the provisions relating to the exemption for development approvals granted under the VMA.

Achievement of policy objectives

The postponement of provisions relating to the exemption for holders of development approvals granted under the VMA from permit requirements under the NCA, will ensure they do not commence before the review of the protected plants framework is complete.

Consistency with policy objectives of authorising law

The postponement regulation is consistent with the main objects of the NROLA(2), which includes the streamlining of the clearing of native vegetation for protected plants, while maintaining the current level of assessment and conservation for protected plants.

Inconsistency with policy objectives of other legislation

The regulation is not inconsistent with the policy objectives of other legislation. It provides for the extended life of the provisions to ensure that amendments to the regional vegetation management codes to incorporate a full assessment of the clearing impacts on protected plants are consistent with the VMA and the NCA as well as being contemporary and in line with the outcomes of the review of the protected plants regulatory framework.

Benefits and costs of implementation

There will be no new or additional costs to Government due to the postponement of these provisions.

Consistency with fundamental legislative principles

The purpose of the regulation is to postpone the commencement of provisions by one year. The regulation has no adverse impact on the rights and liberties of individuals, or on the institution of Parliament.

Consultation

No consultation has been undertaken with the community or industry stakeholders in relation to this regulation. However, a consultation process for the review of the protected plants regulatory framework is underway. This regulation only postpones the commencement of provisions relating to the exemption for holders of development approvals granted under the VMA from permit requirements under the NCA. This will ensure that amendments to the regional vegetation management codes are in line with the outcomes of the review of the protected plants regulatory framework.

Consultation has occurred with Queensland Treasury on the requirement of a regulatory assessment statement. Queensland Treasury stated that the proposal does not impose significant adverse impacts on the community, business or government. As such, no Regulatory Assessment Statement is required.

ENDNOTES

- 1 Laid before the Legislative Assembly on . . .
- 2 The administering agency is the Department of Environment and Resource Management.

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