



Queensland

# Vegetation Management Regulation 2012

## Explanatory Notes for SL 2012 No. 128

made under the

*Vegetation Management Act 1999*

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## General outline

### Short title

*Vegetation Management Regulation 2012.*

### 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 2000*—the *Vegetation Management Act 1999* (VMA)—was established to protect native vegetation in Queensland. By regulating the clearing of native vegetation, the VMA contributes to conservation of ecosystems, maintenance of ecological processes, prevention of biodiversity loss, reduction of greenhouse gas emissions and prevention of land degradation processes such as soil erosion and salinity.

The *Vegetation Management Regulation 2000* supports the implementation of the VMA by declaring classification of regional ecosystems and giving effect to the statutory codes, policies and maps that underpin the vegetation management framework. These provisions give certainty to the Government in administering this important natural resource management

framework. The provisions the *Vegetation Management Regulation 2000* gives effect to, ensures that the framework continues to achieve the sustainable use of the vegetation resource and continues to achieve environmental gains through the protection and management of vegetation.

Section 54 of the *Statutory Instruments Act 1992* provides that subordinate legislation expires 10 years after its making. The *Vegetation Management Regulation 2000* was due to expire on 1 September 2011, but was granted an exemption from expiry until 31 August 2012 under section 56A (1)(a)(i) of the *Statutory Instruments Act 1992* on the grounds that replacement subordinate legislation was being drafted.

The first policy objective of the *Vegetation Management Regulation 2012* is to replace the *Vegetation Management Regulation 2000* to ensure continued operation of the vegetation management framework. The second objective is to remove outdated provisions and update the commercial timber species list.

## **Achievement of policy objectives**

The *Vegetation Management Regulation 2012* will replace the expiring *Vegetation Management Regulation 2000*. Since the commencement of the *Vegetation Management Regulation 2000*, the regulation has been reviewed and amended a number of times, the most recent in 2009 which brought about major changes including giving effect to new mapping products, codes and policies and a new fee structure. Due to the most recent review in 2009, the *Vegetation Management Regulation 2000* did not need a large scale review. Consequently, the *Vegetation Management Regulation 2012* simply replaces the existing *Vegetation Management Regulation 2000*, while taking the opportunity to remove redundant provisions and update existing provisions with the most up-to-date information to ensure the framework operates efficiently.

These updates include:

### *1. Commercial timber species list*

Reflecting scientific advice, two taxa previously defined separately have been combined. This necessitates an amendment to the definition of commercial timber species list to remove a redundant species name for Sandalwood: *Santalum leptocladum*. This amendment will have no effect on the operation of the vegetation management framework, or on the regulatory burden.

## *2. Deletion of clearing permit ballot section*

The deletion of information relating to ballots for clearing native vegetation is also required as these provisions were removed from the VMA in 2009. When the Government announced an end to broadscale clearing of remnant vegetation by 31 December 2006, it implemented a ballot system that allocated landholders that were successfully drawn out of a ballot rights to broadscale clear a percentage of remnant vegetation prior to 31 December 2006. As the related provisions have been removed from the VMA, and the ballot was conducted in 2004, the provisions are redundant.

## **Consistency with policy objectives of authorising law**

The *Vegetation Management Regulation 2012* supports the implementation of the vegetation management framework by declaring classification of regional ecosystems and giving effect to the statutory codes, policies and maps that underpin the vegetation management framework, which is established to achieve the purposes of the VMA. This regulation ensures that the framework continues to achieve natural resource and environmental gains through managing native vegetation clearing.

## **Inconsistency with policy objectives of other legislation**

The regulation is consistent with policy objectives of other legislation.

## **Alternative ways of achieving policy objectives**

The regulation under the VMA has worked effectively since 2000, and during that time it has been amended a number of times.

In 2009, the VMA was amended to require all statutory codes, policies and maps to be given effect under a regulation. The *Vegetation Management Regulation 2012* ensures that the statutory instruments used to administer the vegetation management framework are contemporary and have a clear date of when those versions of the instruments took effect.

The alternative option of not having a regulation under the VMA would result in the inability of implementing a transparent and consistent vegetation management framework, as there would be no vegetation maps, codes or policies that are in effect. As a result the community would not know how they were regulated under the framework, leading to confusion.

In addition, the main vehicles for administering the vegetation management framework and achieving the purposes of the VMA would be disabled.

### **Benefits and costs of implementation**

There are no additional resource or implementation implications beyond current budget allocations, as the *Vegetation Management Regulation 2012* continues the existing implementation of the vegetation management framework.

### **Consistency with fundamental legislative principles**

The regulation is consistent with the fundamental legislative principles. It complies with relevant requirements of section 4(5) of the *Legislative Standards Act 1992*.

### **Consultation**

Queensland Treasury was consulted in drafting of the *Vegetation Management Regulation 2012*, and provided an exemption for the Regulatory Assessment Statement process on the grounds that no additional regulation would be imposed on the community.

Further consultation was not undertaken as significant policy amendments are not progressed by this regulation.

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#### ENDNOTES

- 1 Laid before the Legislative Assembly on . . .
- 2 The administering agency is the Department of Natural Resources and Mines.