



Queensland

# Vegetation Management Amendment Regulation (No. 1) 2012

## Explanatory Notes for SL 2012 No. 220

made under the

*Vegetation Management Act 1999*

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## General outline

### Short title

*Vegetation Management Amendment Regulation (No. 1) 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 2012*—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 2012* 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 environmental regulatory framework. Specifically, the *Vegetation Management Regulation 2012* approves and gives effect to the regional vegetation management codes (codes). The codes define requirements that native vegetation clearing applications made under the vegetation management framework must comply with.

Recently the Department of Natural Resources and Mines (DNRM) identified uncertainty with the definition of watercourses in the regional vegetation management codes. The definition of watercourses in the code refers to the Vegetation Management Watercourse Map. The map is used by DNRM to identify assessable watercourses on land subject to a clearing application and to assess the impacts of clearing on the watercourses. There was uncertainty about the availability and format of the map being used. This amendment to the code provides certainty about what map to use to identify watercourses, where it is available and the format of the map. The amendment to the definition of watercourse is identified in the codes as a permitted amendment under section 15 of the VMA.

The policy objective is to remove any ambiguity about referencing the Vegetation Management Watercourse Map by clearly defining these maps and its availability in the codes and approving updated versions of the codes under the regulation.

### **Achievement of policy objectives**

The amendment will provide a clearer, more certain definition of watercourses in the regional vegetation management codes which are used to assess clearing applications. The amended *Vegetation Management Regulation 2012* will give effect to the updated regional vegetation management codes to ensure the effective implementation of the vegetation management framework.

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

The *Vegetation Management Regulation 2012* supports the implementation of the vegetation management framework by giving effect to the statutory codes, policies and maps that underpin the vegetation management framework. This regulation amendment ensures that the framework clearly defines areas that are assessable.

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

The regulation is consistent with policy objectives of other legislation.

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

There are no additional resource or implementation implications beyond current budget allocations to implement 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 and Trade was consulted about the Regulatory Assessment Statement requirements, in accordance with Part 5 of the *Statutory Instruments Act 1992*. Queensland Treasury and Trade advice confirms that an exclusion from a regulatory impact statement be applied on the basis that the proposed amendment is of a machinery nature. The proposed amendment to the regulation is a technical nature that does not change the intent or interpretation of the legislation.

The amendment is a permitted amendment under section 15 of the VMA. Permitted amendments can be made without consultation due to the minor nature of the amendment.

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#### ENDNOTES

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