

Vegetation Management (Clearing Codes and Regional Ecosystems) Amendment Regulation 2019

Explanatory notes for SL 2019 No. 106

made under the *Vegetation Management Act 1999*

General Outline

Short title

Vegetation Management (Clearing Codes and Regional Ecosystems) Amendment Regulation 2019.

Authorising law

Sections 19O, 22LA, 22LB, 22LC and 72 of the *Vegetation Management Act 1999*

Policy objectives and the reasons for them

The *Vegetation Management Act 1999*, was established to regulate the clearing of native vegetation in Queensland.

The objective of the *Vegetation Management (Clearing Codes and Regional Ecosystems) Amendment Regulation 2019* (the amendment regulation) is to approve the updated accepted development vegetation clearing codes (ADVCCs) and give effect to updated regional ecosystems and corresponding regional ecosystem conservation classes which are declared within the *Vegetation Management Regulation 2012* (the VMR).

The VMR supports the implementation of the *Vegetation Management Act 1999* by (amongst other things) giving effect to ADVCCs and declaring the classification of regional ecosystems.

The ADVCCs and list of declared regional ecosystems and conservation classes in the VMR has not been updated since 2018.

As part of the vegetation management reforms that were enacted in May 2018, the Government committed to reviewing the ADVCCs to reflect the latest scientific knowledge and ensure authorised clearing was “low ecological risk clearing” only.

The Queensland Herbarium maps the regional ecosystems that occur in Queensland. This mapping process results in regular reviews to regional ecosystem descriptions and status and in new versions of the Queensland Herbarium's regional ecosystem mapping. In December 2018, the Queensland Herbarium released version 11 of its regional ecosystem mapping and this map, along with the updated list of regional ecosystems and conservation classes, ensures that the vegetation mapping being used under the vegetation management framework represents the best available science.

The VMR requires amendment to:

1. Approve the updated ADVCCs to reflect the latest scientific knowledge and ensure authorised clearing was "low ecological risk clearing" only.
2. Declare an update to the regional ecosystems and conservation classes to align with the best available science to improve the vegetation management mapping.

Achievement of policy objectives

Section 3 of the VMR will be amended to remove nine ADVCCs and approve the following eight ADVCCs:

- Managing weeds;
- Managing encroachment;
- Necessary environmental clearing;
- Clearing for infrastructure;
- Clearing for an extractive industry;
- Clearing to improve agricultural efficiency;
- Managing fodder harvesting; and
- Managing regulated regrowth vegetation

Note: The current "Managing category C regrowth vegetation" and "Managing Category R regrowth vegetation" ADVCCs are being replaced by a single "Managing regulated regrowth vegetation" ADVCC which is why nine ADVCCs are being replaced by eight.

Section 3 of the VMR will also be amended to correct an error in the naming of the "*Managing a native forest practice*" ADVCC.

Schedules 1 to 5 of the VMR will be amended to provide for:

- Eight regional ecosystems that are changing to a higher conservation class schedule (e.g. from least concern to of concern);
- Four regional ecosystems that are changing to a lower conservation class schedule (e.g. from of concern to least concern);
- One grassland regional ecosystem changing from schedule 4 to 5 based on evidence of encroachment;
- Twelve grassland regional ecosystems being amended to their correct schedules due to a classification error when the regulation was last amended;

- Twenty-three regional ecosystems being removed from the schedule; and
- Fifty-three updates to regional ecosystem descriptions.

These amendments to the VMR are a legislative requirement of the *Vegetation Management Act 1999* when updating ADVCCs and regional ecosystem classes to provide a level of regulatory rigour and transparency. As such, this is the most reasonable and appropriate way to achieve the policy objectives to ensure these mechanisms are based on the most up-to-date scientific knowledge and understanding.

Consistency with policy objectives of authorising law

The amendment regulation is consistent with the objectives of the *Vegetation Management Act 1999*, to regulate the clearing of vegetation in a way that prevents the loss of biodiversity.

The update to ADVCCs, regional ecosystems and corresponding conservation classes will ensure the regulation of vegetation clearing is based on best available science and prevents the loss of biodiversity.

Inconsistency with policy objectives of other legislation

The amendment regulation is not inconsistent with the policy objectives of other legislation.

Alternative ways of achieving policy objectives

There are no alternatives to meet the desired policy outcomes.

Benefits and costs of implementation

There are no additional costs associated with implementation of this amendment.

The benefits of the amendments are:

- Each ADVCC reflects the best available science and only authorises 'low ecological risk clearing'. This has been achieved by each ADVCC being scientifically reviewed by the Queensland Herbarium and then peer-reviewed by the Commonwealth Scientific and Industrial Research Organisation (CSIRO).
- The updated vegetation management maps have incorporated the latest scientific information to ensure the vegetation framework is consistent with best available science.

Consistency with fundamental legislative principles

The amendments are consistent with the fundamental legislative principles.

Consultation

The amendments will have potential impacts to stakeholders due to the:

- changes to certain ADVCC codes; and
- changes to regional ecosystem statuses in certain areas of the state associated with updated regional ecosystem mapping.

The potential impacts to stakeholders and their concerns has been managed by the Department of Natural Resources, Mines and Energy (the department) through:

- the extensive consultation process undertaken on the ADVCCs as describe below; and
- an email alert to vegetation mapping users who have previously downloaded maps to communicate that there may be changes to vegetation mapping on their property.

Extensive consultation was undertaken as part of the review of the ADVCCs including the Queensland Herbarium, and the CSIRO.

Key stakeholder consultation was undertaken with World Wildlife Fund, the Wilderness Society, the Environmental Defender's Office, AgForce, Queensland Farmers Federation and the Natural Resource Management Regions Queensland. Public consultation was also undertaken via the Get Involved website.

The department considered submissions made by stakeholders and made changes to the ADVCC to improve clarity and operational efficiency, where this was consistent with scientific advice from the Queensland Herbarium and the CSIRO.

Following release of the approved ADVCCs, the department will publicly release a consultation report which summarises all the comments and corresponding government responses as part of the consultation process. The CSIRO scientific reports will also be publicly released to provide transparency and background to the final release of the ADVCCs.

Amendments to the regional ecosystem and conservation classes is a scientific update to ensure the best available science is being used for the mapping associated with the vegetation management framework.

The list of regional ecosystems associated with the version 11 mapping was developed from a number of Bioregional Technical Review workshops held by the Queensland Herbarium and comprised of Government and non-Government experts during 2018. The experts categorised the regional ecosystems according to the criteria for endangered, of concern and least concern regional ecosystems specified in the Act.

Version 11 mapping was publicly released by the Queensland Herbarium in December 2018. The proposed changes to regional ecosystems and classes was publicly released through the Queensland Herbarium's Regional Ecosystem Description Database in April 2019.

The Office of Best Practice Regulation within the Queensland Productivity Commission was consulted regarding whether further regulatory impact assessment is required under the *Queensland Government Guide to Better Regulation*.

The department applied a self-assessable exclusion from undertaking further regulatory impact analysis (category (g) – Regulatory proposals that are of a machinery nature). This has been confirmed by the Office of Best Practice Regulation.

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