

# Proclamation No. 3 – Land and Other Legislation Amendment Act 2023

Explanatory notes for SL 2023 No. 164

made under the

*Land and Other Legislation Amendment Act 2023*

## General Outline

### Short title

Proclamation No. 3 – *Land and Other Legislation Amendment Act 2023*.

### Authorising law

Section 2(e) of the *Land and Other Legislation Amendment Act 2023*.

### Policy objectives and the reasons for them

The objective of the proclamation is to commence sections 94, 101-104, 106 and 107 of the *Land and Other Legislation Amendment Act 2023* (Amendment Act).

Once commenced, these sections will provide for a new certified database (Vegetation Management Regional Ecosystem Description Database (VM REDD)) to identify:

- regulated regional ecosystems and their classification; and
- regional ecosystems with a woody grassland or grassland structure category;

under the vegetation management framework (rather than these being prescribed by way of a regulation).

The VM REDD will reflect the relevant regional ecosystem numbers, descriptions and classes in the Queensland Herbarium Regional Ecosystem Description Database.

This VM REDD is certified by the chief executive and must be tabled in the Legislative Assembly within 14 sitting days to take effect. The VM REDD takes effect on the day it is tabled, or if stated, a later date. Section 50 of the *Statutory Instruments Act 1992* applies to this certified database as if it was subordinate legislation, and accordingly disallowance procedures apply.

Transitional arrangements are also in place to ensure reference to the Queensland Herbarium Regional Ecosystem Description Database in particular Vegetation Management instruments will be taken to instead refer to the new certified database, VM REDD.

## **Achievement of policy objectives**

The policy objective is achieved by fixing 22 November 2023 for the commencement of sections 94, 101-104, 106 and 107 of the Amendment Act.

The regulatory impact of the proclamation is considered to be excluded from further assessment as it is a regulatory proposal that is of a machinery nature.

The potential impact of the commencement of the remaining vegetation management provisions were addressed in the consideration of the Land and Other Legislation Amendment Bill 2022 by introducing provisions to maintain parliamentary oversight of the database. Accordingly the commencement of these provisions simultaneously address potential impacts. An Impact Analysis Statement has been prepared and determines that the proposal does not require further impact analysis under *The Queensland Government Better Regulation Policy* (September 2023) as it is unlikely to have adverse impacts because the changes to the Vegetation Management framework effectively streamline related scientific and administrative process.

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

The Proclamation is consistent with the policy objectives of the authorising law.

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

No inconsistency with the policy objectives of other legislation has been identified.

## **Benefits and costs of implementation**

Commencement of the Amendment Act in stages provided the appropriate lead time to support implementation. It enabled the commencement of VM REDD provisions to align with:

- the preparation of the first VM REDD to be tabled;
- the first VM REDD to incorporate the results of the annual scientific mapping update; and
- the remake of the expiring *Vegetation Management Regulation 2012* in order the remade regulation can include the consequential regulation amendments as a result of the Amendment Act ie. to repeal schedules of the regulation no longer required.

This in turn avoided multiple regulatory processes involving rapid changes – identified as a concern by submitters through the parliamentary committee consultation process.

The amendments that will be commenced by the Proclamation can be met through existing budgets.

## **Consistency with fundamental legislative principles**

The Proclamation is consistent with fundamental legislative principles.

## **Consultation**

Consultation was undertaken in relation to the authorising law. This is outlined in detail within the explanatory notes of the Amendment Act.

No further consultation has been undertaken in relation to the Proclamation, however relevant stakeholders have been informed of the commencement of these sections.