

Vegetation Management Regulation 2023

Human Rights Certificate

Prepared in accordance with Part 3 of the *Human Rights Act 2019*

In accordance with section 41 of the *Human Rights Act 2019*, I, Scott Stewart, Minister for Resources provide this human rights certificate with respect to the *Vegetation Management Regulation 2023* made under the *Vegetation Management Act 1999*.

In my opinion, the *Vegetation Management Regulation 2023*, as tabled in the Legislative Assembly, is compatible with the human rights protected by the *Human Rights Act 2019*. I base my opinion on the reasons outlined in this statement.

Overview of the Subordinate Legislation

The vegetation management framework consists of the *Vegetation Management Act 1999* (VMA), the *Planning Act 2016*, and associated regulations, policies and codes. The vegetation management framework commenced in September 2000 and was established to protect native vegetation in Queensland. The vegetation management framework regulates the clearing of native woody vegetation in a way that: prevents the loss of biodiversity; maintains ecological processes; reduce greenhouse gas emissions; and allows for sustainable land use.

It applies to all land tenures other than National Parks, State Forests and Forest Entitlement Areas and regulates the clearing of native, woody vegetation (other than mangroves and non-regulated grasslands). The framework allows the clearing of remnant vegetation and regulated regrowth vegetation by way of:

- exemptions (mostly small scale clearing or clearing regulated under other frameworks);
- accepted development vegetation clearing codes (ADVCC) or area management plans (small scale, low ecological risk clearing based on best available science);
- development approvals for assessable development (higher risk clearing for particular purposes).

The vegetation management framework determines whether clearing is allowable according to the condition of the vegetation (e.g. whether it is in remnant condition, high value regrowth or other regrowth); the conservation status of the regional ecosystem present in the area; and the presence of other attributes such as essential habitat for threatened species, watercourses and wetlands. It therefore depends on regularly updated statutory and supporting maps made under the VMA including the Regulated vegetation management map and Property Maps of Assessable Vegetation (PMAV) which show the vegetation condition, and Vegetation management supporting map which show the regional ecosystem and other attributes (wetlands, watercourses, and essential habitat).

The proposed *Vegetation Management Regulation 2023* will replace the expiring *Vegetation Management Regulation 2012* and provide operational effect to the following under the VMA:

- give legal effect to the ADVCCs
- prescribe species for a legacy declaration provision under the VMA for the application of development approvals and exemptions for *Forestry Act 1959* (protecting state-owned commercial species of significant commercial interest to the state and simultaneously allowing landholders to otherwise manage their land without the need to obtain a permit under the *Forestry Act 1959*)
- prescribe fees for PMAV applications, and the preparing of a Restoration Plan by the chief executive where requested by landowner in connection with a vegetation clearing offence
- ensure accurate connection for prescribed regional ecosystems to the Queensland Environmental Offsets framework.

Human Rights Issues

Human rights relevant to the subordinate legislation (Part 2, Division 2 and 3 *Human Rights Act 2019*)

No human rights have been identified as being engaged by the making of the subordinate legislation.

Conclusion

I consider that the *Vegetation Management Regulation 2023* is compatible with the *Human Rights Act 2019* because it does not limit human rights.

SCOTT STEWART MP
MINISTER FOR RESOURCES

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