

Clean Economy Jobs, Resources and Transport Committee

Report No. 3, 57th Parliament

Subordinate legislation tabled between 15 December 2023 and 18 March 2024

1 Aim of this report

This report summarises the committee's findings following its examination of the subordinate legislation (SL) within its portfolio areas tabled between 15 December 2023 and 18 March 2024. It reports on any issues identified by the committee relating to the policy to be given effect by the legislation, fundamental legislative principles and lawfulness. It also reports on the compliance of the explanatory notes with the *Legislative Standards Act 1992*.¹

The report identifies any issues identified by the committee in its consideration of the human rights certificates tabled with the subordinate legislation.²

2 Subordinate legislation examined

No.	Subordinate legislation	Date tabled	Disallowance date*
164	Proclamation - Land and Other Legislation Amendment Act 2023	28 November 2023	18 April 2024
165	Vegetation Management Regulation 2023	28 November 2023	18 April 2024

* Disallowance dates are based on proposed sitting dates as advised by the Leader of the House. These dates are subject to change.

3 Committee consideration of the subordinate legislation

No significant issues regarding policy, consistency with fundamental legislative principles or the lawfulness of the subordinate legislation were identified. We consider that the explanatory notes tabled with the subordinate legislation comply with the requirements of section 24 of the *Legislative Standards Act 1992*.

The committee considers that SL 164 and SL 165 raise no human rights issues. As well, the human rights certificates tabled with the subordinate legislation provide a sufficient level of information to facilitate understanding of the subordinate legislation in relation to its compatibility with human rights.³

¹ *Legislative Standards Act 1992*, Part 4.

² *Human Rights Act 2019*, s 41.

³ *Human Rights Act 2019*, s 41.

4 Proclamation - Land and Other Legislation Amendment Act 2023

The Proclamation made under the *Land and Other Legislation Amendment Act 2023* (SL No. 164) fixed 22 November 2023 as the commencement date for the provisions of the Land and Other Legislation Amendment Act 2023 that were not yet in force.

The provisions of the Act not yet in force comprised amendments to the *Vegetation Management Act 1999* that provide for a new certified database, the Vegetation Management Regional Ecosystem Description Database.⁴

5 Vegetation Management Regulation 2023

The Vegetation Management Regulation 2023 (SL No. 165) repeals and replaces the Vegetation Management Regulation 2012. It also makes minor consequential amendments to the Environmental Offsets Regulation 2014.

The explanatory notes state that SL No. 165 ‘simply replaces’ the previous regulation, ‘while taking the opportunity to remove redundant provisions and update some existing provisions with the most current information and in line with contemporary legislative practice, to ensure the framework operates efficiently.’⁵

The updates comprise:

- minor changes to Accepted Development Vegetation Clearing Codes
- the repeal of schedules 1-5, which relate to the prescription of Regional Ecosystems, as a consequential amendment resulting from the *Land and Other Legislation Amendment Act 2023*
- the repeal of information requirements for Property Map of Assessable Vegetation (PMAV) applications, which are now unnecessary
- the removal of redundant terms from the schedule 8 Dictionary.⁶

6 Recommendation

The committee recommends that the House notes this report.



Kim Richards MP

Chair

April 2024

⁴ *Land and Other Legislation Amendment Act 2023*, ss 94, 101-104, 106 and 107.

⁵ SL No. 165, explanatory notes, p 2.

⁶ SL No. 165, explanatory notes, pp 2-3.

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	Mr Trevor Watts MP, Member for Toowoomba North
	Ms Jess Pugh MP, Member for Mount Ommaney (substitute Member from 24 February 2024 to 18 March 2024)