



# **Recreation Areas Management and Another Act Amendment Bill 2014**

**Report No. 60**  
**Health and Community Services**  
**Committee**  
November 2014



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## Health and Community Services Committee

Chair	Mr Trevor Ruthenberg MP, Member for Kallangur
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Technical Scrutiny Secretariat	Ms Renée Easten, Research Director Mr Michael Gorringer, Principal Research Officer Ms Kellie Moule, Principal Research Officer (part-time from 4 November) Ms Tamara Vitale, Executive Assistant
Contact details	Health and Community Services Committee Parliament House George Street Brisbane Qld 4000
Telephone	+61 7 3406 7688
Fax	+61 7 3406 7070
Email	<a href="mailto:hcsc@parliament.qld.gov.au">hcsc@parliament.qld.gov.au</a>
Web	<a href="http://www.parliament.qld.gov.au/hcsc">www.parliament.qld.gov.au/hcsc</a>

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## Abbreviations and glossary

**Note:** *terms below in italics are defined terms in legislation*

the Bill	Recreation Areas Management and Another Act Amendment Bill 2014
CAP	<i>commercial activity permit</i>
<i>chief executive</i>	Director-General of the Department of National Parks, Recreation, Sport and Racing
the committee	Health and Community Services Committee
the department	Department of National Parks, Recreation, Sport and Racing
Forestry Act	<i>Forestry Act 1959</i>
GAP	<i>group activity permit</i>
GBRWhA	Great Barrier Reef World Heritage Area
the Minister	Hon. Steve Dickson MP, Minister for National Parks, Recreation, Sport and Racing
NC Act	<i>Nature Conservation Act 1992</i>
OEP	<i>organised event permit</i>
RAM Act	<i>Recreation Areas Management Act 2006</i>

## Chair's foreword

On behalf of the Health and Community Services Committee of the 54th Parliament of Queensland, I present this report on the Recreation Areas Management and Another Act Amendment Bill 2014 (the Bill).

The Bill was introduced into the Legislative Assembly by the Minister for National Parks, Recreation, Sport and Racing on 14 October 2014. The committee was required to report to the Legislative Assembly by 20 November 2014.

The Bill amends the *Recreation Areas Management Act 2006* to create a single permit (a *joint permission permit*) for commercial activities operating across recreation areas and State and/or Commonwealth marine parks, including the Great Barrier Reef World Heritage Area.

The Bill amends the *Recreation Areas Management Act 2006* and the *Forestry Act 1959* to provide an alternative mechanism to regulate higher impact non-commercial community, sports and recreation events in recreation areas. Under the proposals, low impact activities will no longer require a *group activity permit* while non-commercial activities which have a higher impact on an area, and are more likely to restrict public access and use of the area, will require an *organised event permit*.

In examining the Bill, the committee's task was to consider the policy to be given effect by the Bill, and whether the Bill has sufficient regard to the rights and liberties of individuals and to the institution of Parliament.

On behalf of the committee, I thank those who made written submissions on this Bill. Thanks also to officials from the Department of National Parks, Recreation, Sport and Racing who briefed the committee, the committee's staff and the Technical Scrutiny Secretariat.

I commend the report to the House.



Trevor Ruthenberg MP  
**Chair**

## **Recommendation**

### **Recommendation 1**

**2**

The committee recommends that the Recreation Areas Management and Another Act Amendment Bill 2014 be passed.



## 1 Introduction and overview of the Bill

### 1.1 Role of the committee

The Health and Community Services Committee (the committee) was established by resolution of the Legislative Assembly on 18 May 2012, and consists of government and non-government members.

Section 93 of the *Parliament of Queensland Act 2001* provides that a portfolio committee is responsible for considering:

- the policy to be given effect by the Bill
- the application of the fundamental legislative principles to the Bill.

### 1.2 Committee process

The Recreation Areas Management and Another Act Amendment Bill 2014 (the Bill) was introduced into the Legislative Assembly on 14 October 2014 by the Hon. Steve Dickson MP, Minister for National Parks, Recreation, Sport and Racing (the Minister). The Bill was referred to the committee for examination. The committee was required to report to the Legislative Assembly by 20 November 2014.

Officers from the Department of National Parks, Recreation, Sport and Racing (the department) briefed the committee on the Bill on Wednesday 29 October 2014 (see Appendix B).

The committee invited submissions on its website and by notice to subscribers to updates on the work of the committee. It also directly invited submissions from 261 stakeholder organisations.

The committee received and accepted submissions from the Great Barrier Reef Marine Park Authority and the Tamborine Mountain Progress Association Inc. (see Appendix A).

The transcript of the briefing provided by the department on 29 October 2014, and the submissions received and accepted by the committee are published on the committee's webpage at [www.parliament.qld.gov.au/hcsc](http://www.parliament.qld.gov.au/hcsc).

### 1.3 Policy objectives and summary of amendments

The Bill amends the *Recreation Areas Management Act 2006* (RAM Act) to provide for the granting of a single instrument (a *joint permission permit*) to authorise commercial activities across recreation areas and State and/or Commonwealth marine parks, including the Great Barrier Reef World Heritage Area.

The Explanatory Notes state the amendments are consistent with permit arrangements under the *Marine Parks Act 2004* and *Great Barrier Reef Marine Park Act 1975* (Cwlth) and will streamline the permit system for tourism and recreation in areas managed by the Queensland Parks and Wildlife Service.<sup>1</sup>

The Bill also replaces the *group activity permit* (GAP) classification in the RAM Act with an *organised event permit* (OEP) classification to regulate higher impact non-commercial community, sports and recreation events in recreation areas.

The Bill makes similar amendments to the *Forestry Act 1959* (Forestry Act) and makes it an offence to conduct an unauthorised *organised event* in a State forest or timber reserve.

The Explanatory Notes state the removal of the GAP from the RAM Act will reduce the regulatory burden for low impact activities while the inclusion of the OEP will ensure the continued regulation

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1 Explanatory Notes, Recreation Areas Management and Another Act Amendment Bill 2014 (Explanatory Notes), p.1, <https://www.legislation.qld.gov.au/Bills/54PDF/2014/RecAreasMgmtAB14E.pdf>

of non-commercial events which have a higher impact on an area and are more likely to restrict access to or use of the area by others.<sup>2</sup>

#### **1.4 Should the Bill be passed?**

Standing Order 132(1) requires the committee to recommend whether the Bill should be passed. The committee considered the Bill, information provided by the department and the information and views expressed in the two submissions received and accepted.

After considering the policy issues discussed in the following chapters of this report, and considering whether the Bill has sufficient regard to the fundamental legislative principles, the committee decided to recommend that the Bill be passed.

##### **Recommendation 1**

The committee recommends that the Recreation Areas Management and Another Act Amendment Bill 2014 be passed.

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<sup>2</sup> Explanatory Notes, p.3

## 2 Group activities and organised events

### 2.1 Overview of amendments

The Bill removes the *group activity permit* (GAP) from the RAM Act and inserts a definition of *organised event* and a new type of permit – the *organised event permit* (OEP). The Bill inserts a similar definition of *organised event* in the Forestry Act and makes it an offence to conduct an unauthorised *organised event* in a State forest or timber reserve.

### 2.2 Current regulation of group activities in managed areas

The regulation of group activities in Queensland's protected areas, recreation areas, State forests and timber reserves is provided for under the *Nature Conservation Act 1992* (NC Act), the RAM Act and the Forestry Act.

Permits are used to manage a range of commercial activities and non-commercial organised group activities including weddings, concerts, vehicle rallies, sporting events, public meetings, religious activities, defence exercises, charity events and club based cycling, horse riding, bushwalking and bird watching activities.<sup>3</sup>

The RAM Act provides for various types of permits in a recreation area, including GAPs.<sup>4</sup> The Forestry Act provides for other types of permits in a State forest and timber reserve, including general permits. While there is no GAP under the Forestry Act, the Explanatory Notes state the Forestry Act uses general permits for a range of purposes, including the authorisation of group activities.<sup>5</sup> The Bill proposes to increase consistency by removing the GAP from the RAM Act and including an OEP in both the RAM Act and the Forestry Act.

### 2.3 Rationale for replacing the *group activity permit* with an *organised event permit*

The Explanatory Notes state the current definition of *group activity* allows a wide interpretation when considering whether a permit is required, resulting in "... the permitting of a significant number of low impact activities and inconsistencies in the way that these permits were administered across QPWS [Queensland Parks and Wildlife Service] managed areas".<sup>6</sup>

The Explanatory Notes state that Queensland Parks and Wildlife Service has implemented operational policy and administrative arrangements which focus on only requiring permits for higher impact activities.<sup>7</sup> The Minister for National Parks, Recreation, Sport and Racing (the Minister) described these actions in his introductory speech on the Bill:

*... the implementation of policy to provide more clarification to applicants around the circumstances when a permit is and is not required; and introducing an on-line notification process to allow organisers to provide details of upcoming events and to allow the Queensland Parks and Wildlife Service to determine whether a permit is required. These actions have resulted in the reduction of the number of permits granted from 442 during the 2011-12 financial year to 67 permits during the 2013-14 financial year.*

The Minister stated that the Bill supports these actions by removing the GAP and replacing it with an alternative mechanism to manage *organised events* and that the change in terminology from *group*

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3 Explanatory Notes, p.2

4 *Recreation Areas Management Act 2006*, s.34

5 Explanatory Notes, p.3

6 Explanatory Notes, p.2

7 Explanatory Notes, p.3

*activity to organised event* “... better reflects the nature of the higher impact non-commercial events that will continue to be regulated”.<sup>8</sup>

The Explanatory Notes state that it is proposed that subordinate legislation made under the NC Act be similarly amended, to ensure consistency.<sup>9</sup>

## 2.4 Organised events

### 2.4.1 Overview of amendments

Clause 7 of the Bill amends section 34 of the RAM Act by omitting the GAP and inserting a new type of permit – the OEP.

Clauses 34 and 4 define *organised event* for the purpose of the RAM Act and Forestry Act respectively.

Clause 4 provides that it is an offence, under the Forestry Act, to conduct an unauthorised *organised event* that is a non-commercial activity in a State forest or timber reserve. The Explanatory Notes state there will be a separate offence, under a yet to commence provision of the Forestry Act, that would apply to *organised events* that are conducted for gain.<sup>10</sup>

### 2.4.2 Definition of organised event

Clause 34 of the Bill provides for an *organised event* under the RAM ACT to be defined as a non-commercial activity involving the organised use of a part of a recreation area that is likely to have a detrimental impact on the part, or affect the use of the area by other persons. An *organised event* does not include an activity conducted by a relevant Aboriginal or Torres Strait Islander entity under Aboriginal tradition or Island custom or an activity authorised under a recreation area agreement.

For the Forestry Act, clause 4 of the Bill defines an *organised event* as a non-commercial activity involving the organised use of a part of a State forest or timber reserve that is likely to expose a person involved in the *organised event* to an unreasonable risk to the person’s safety from another activity being conducted in the area (for example, timber harvesting) or have a detrimental impact on the area, or affect the use of the area by other persons.

Both definitions specify the following six factors to be considered when determining whether the proposed event is likely to have a detrimental impact on the area, or affect the use of the area by other persons:

- the location
- the number of people, vehicles or animals involved, or likely to be in the area
- the type and timing of the event or activity
- any likely disturbance to the area
- the extent to which public access to the area may be restricted.

The Explanatory Notes state that further guidance will be provided in policy documents.<sup>11</sup>

Both definitions of *organised event* include examples of activities that may be an *organised event*, namely a concert, competitive sporting event, training exercises conducted by the Australian Defence Force, and a vehicle rally.

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8 Hon. Steve Dickson MP, Minister for National Parks, Recreation, Sport and Racing, ‘Introductory Speech, Recreation Areas Management and Another Act Amendment Bill 2014’, *Hansard*, 14 October 2014, p.3,319, <http://www.parliament.qld.gov.au/documents/tableOffice/BillMaterial/141014/Recreation.pdf>

9 Explanatory Notes, p.3

10 Explanatory Notes, p.3

11 Explanatory Notes, p.5

### Committee comment

The committee understands that determining whether an *organised event* is likely to have a detrimental impact on an area, or affect the use of the area by other persons, is a key consideration in the decision to grant an OEP.

The committee notes a number of factors are specified in the Bill to assist the chief executive to determine whether a detrimental impact is likely. The committee considers that guidance on each of these factors is necessary for applicants to make considered and comprehensive OEP applications.

## 2.5 Transitional provisions

Clause 5 of the Bill inserts transitional provisions into the RAM Act to provide that:

- a GAP which is in force immediately before the commencement continues in force and the unamended Act continues to apply as if this Bill had not been enacted
- an application for a GAP made, but not decided, before the commencement is taken to be an application for an OEP
- a reference in an Act or document to a GAP may, if the context permits, be taken to be a reference to an *organised event* or an OEP.

Clause 33 of the Bill inserts similar transitional provisions into the Forestry Act to provide that:

- a permit to conduct group activities which is in force immediately before the commencement continues in force and the unamended Act continues to apply as if this Bill had not been enacted
- a permit to conduct group activities made, but not decided, before the commencement is taken to be an application for an OEP
- a reference in an Act or document to a group activity may, if the context permits, be taken to be a reference to *organised event* or an OEP.

## 2.6 Consequential amendments

Numerous clauses of the Bill amend the RAM Act to omit references to the GAP and insert references to the new OEP.<sup>12</sup>

## 2.7 Submissions

The Tamborine Mountain Progress Association does not support the removal of the GAP classification. The Association stated that higher impact non-commercial events are incompatible with what visitors value and expect in a national park, and the GAP, or an alternative mechanism, should be retained to “... limit impact on sensitive ecological systems such as National Parks”.<sup>13</sup>

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<sup>12</sup> Cls.8(1), 9, 10, 11, 12, 13, 19, 20, 21, 25, 26, 27, 30, 31

<sup>13</sup> Tamborine Mountain Progress Association Inc., Submission 2, pp.1-2

### 3 Commercial activity and joint permission permits

#### 3.1 Overview of amendments

The Bill amends the RAM Act to enable a single instrument to be granted that authorises commercial activities across recreation areas and marine parks - a *joint permission permit*. The Bill inserts a definition of *joint permission* and provides a process to grant and administer *joint permission permits*.

#### 3.2 Current regulation of commercial activities in recreation areas and marine parks

Commercial tourism activities in the Great Barrier Reef World Heritage Area (GBRWHA) require a marine park permission from both the Commonwealth Government, under the *Great Barrier Reef Marine Park Act 1975* (Cwlth), and the Queensland Government under the *Marine Parks Act 2004*.

The Explanatory Notes state that while the Marine Parks Regulation 2006 allows these separate marine park permissions to be combined into one combined instrument (a joint marine park permission), it is not possible to combine a *commercial activity permit* (CAP) issued under the RAM Act with a marine park permission. The Explanatory Notes state this “... results in separate administrative transactions and uncertainty for tourism operators and duplicate administrative systems for the Great Barrier Reef Marine Park Authority and Queensland Parks and Wildlife Service”, as roughly 150 vessel-based commercial tourism operations within the GBRWHA also include activities on national park islands.<sup>14</sup>

In February 2014, the Great Barrier Reef Strategy Group<sup>15</sup> approved the development of a single joint Great Barrier Reef tourism permit. This would require amendments to both the Nature Conservation (Administration) Regulation 2006 and the RAM Act to:

- allow CAPs for protected areas and recreation areas to be combined into one instrument with a marine park permission (a *joint permission*)
- ensure that the term of a CAP is the same as the related marine park permission/s
- allow for the transfer of a CAP with the marine park permission/s if a business is sold to another operator.

The Nature Conservation (Administration) Regulation 2006 was amended in September 2014 to provide for a *joint permission* with CAPs in protected areas. The Explanatory Notes state the Bill will complete the reforms by amending the RAM Act to provide for a *joint permission* with CAPs in recreation areas.<sup>16</sup>

#### 3.3 Joint permission permits

##### 3.3.1 Overview of amendments

During his introductory speech, the Minister stated the Bill will “provide consistency across the suite of legislation that applies to areas managed by the Queensland Parks and Wildlife Service” by allowing CAPs for recreation areas to be combined in a single document with a State and/or Commonwealth marine park permission.<sup>17</sup>

The Minister referred to a number of complementary amendments to prevent “disjointed management”, including removing maximum permit terms, allowing permits to be transferred if a business is sold and aligning permit application timeframes. He stated:

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14 Explanatory Notes, p.1

15 The Great Barrier Reef Strategy Group comprised representatives from the Great Barrier Reef Marine Park Authority, the Department of the Premier and Cabinet, and the Queensland Parks and Wildlife Service

16 Explanatory Notes, p.1

17 Hon. Steve Dickson MP, Introductory Speech, Recreation Areas Management and Another Act Amendment Bill 2014, p.3,319

*Applicants will benefit from being able to lodge a single application form, pay a single application fee, and have a single point of contact for their application. They will be able to receive a single permit document with consistent access provisions across tenures and common terms and conditions.*<sup>18</sup>

### 3.3.2 Definition of joint permission

Clause 34 of the Bill amends the RAM Act to define *joint permission* as an instrument that includes more than one of the following:

- (a) a commercial activity permit
- (b) a permission granted under the Marine Parks Act 2004
- (c) a permission granted under the Great Barrier Reef Marine Park Act 1975 (Cwlth).

Clause 34 defines *joint permission permit* as “a commercial activity permit forming part of a joint permission”.

### 3.3.3 Transferring joint permission permits

Clause 17 of the Bill inserts a new division 5A into the RAM Act to provide for the transfer of *joint permission permits*.

Transfer applications must be in the approved form, signed by both the holder and proposed transferee, given to the chief executive at least 28 days before the day on which the transfer is intended to take effect and be accompanied by the prescribed fee. In deciding whether to grant the transfer, the chief executive must consider:

- whether the proposed transferee is a suitable person, has adequate insurance cover and has paid any outstanding fees under the RAM Act
- all matters relevant to ensuring the orderly and proper management of the recreation area to which the permit applies.

The Explanatory Notes state that when considering a transfer the chief executive is not required to consider all matters that must be considered for the grant of a new permit “... as these matters have previously been considered in the grant of the original permit with conditions”.<sup>19</sup>

The chief executive may ask for further information, by notice, from either the permit holder or the proposed transferee, and is required to make a decision within 28 days of receiving the application or further information. An information notice about the decision must be provided to the permit holder and proposed transferee where an application is refused.

Where an application is approved, the chief executive must cancel the existing permit and give the proposed transferee a new *joint permission permit*. While the new permit is subject to the same conditions as the cancelled permit, a new or different condition may be included if:

- the proposed transferee consents
- it indemnifies the State against liability, loss or damage caused by activities conducted under the permit, or
- it provides for compensation or reimbursement of any loss or expense to the State in relation to activities conducted under the permit.

The Explanatory Notes state these amendments reflect similar provisions in the Marine Parks Regulation 2006 and Nature Conservation (Administration) Regulation 2006 and are intended to “... provide an expedited administrative process for an existing *joint permission permit* to be

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18 Hon. Steve Dickson MP, Introductory Speech, Recreation Areas Management and Another Act Amendment Bill 2014, p.3,319

19 Explanatory Notes, p.12

transferred to a new permittee, under the same terms and conditions and with the same expiry date”.<sup>20</sup>

Section 68 of the RAM Act provides that a permit or written approval of the chief executive is not transferable. Clause 24 omits section 68 and inserts a new section 68 which provides that a *joint permission permit* is transferable.

#### *3.3.4 Requests for further information about joint permission permit applications*

Section 56 of the RAM Act provides that the chief executive may request further information about a permit application within 20 business days of receiving the application. Clause 18 amends section 56 to provide that the 20 business day timeframe for requesting further information about a CAP that is to form part of a *joint permission* does not apply. The Explanatory Notes state this is to “align the timeframe ... with marine park permits and joint marine park authority permits”.<sup>21</sup>

#### *3.3.5 Amendment, cancellation and suspension of joint permission permits*

Sections 63 and 65 of the RAM Act allow the chief executive to amend, cancel or suspend a permit in certain circumstances. Clause 22 of the Bill amends sections 63 and 65 to allow the chief executive to consider matters relating to other permissions that form part of the *joint permission* when deciding whether to amend, cancel or suspend a *joint permission permit*. This includes whether a related permission has or is about to be:

- amended to an extent that it is no longer consistent
- replaced with another permission that is not consistent with the permit
- suspended or cancelled.

#### *3.3.6 Review of joint permission permit decisions*

Section 208 of the RAM Act requires the chief executive to make an internal review decision within 28 days of receiving a review application. Clause 28 amends section 208 to allow the chief executive to extend the period for a *joint permission permit* if a decision about a related permission is being reviewed and the outcome of that review may affect the chief executive’s decision.

Clause 29 inserts a new section 211 into the RAM Act to allow the Queensland Civil and Administrative Tribunal to extend the timeframe for applying for an external review of a *joint permission permit* decision if:

- a decision about a related permission is being reviewed, or has been reviewed and is the subject of an appeal, and
- the outcome of the review or appeal may affect the applicant’s decision to pursue, or the chief executive’s decision to defend, an application for external review.

### **3.4 Commercial activity permits**

Sections 49 to 55A of the RAM Act provide a process for CAPs, including application requirements and timeframes, matters to consider in making a decision, public notification provisions, and authorisation under other Acts.

#### *3.4.1 Timeframe for making a decision on a commercial activity permit that forms part of a joint permission*

Section 52(4) of the RAM Act requires the chief executive to make a decision within 40 business days of receiving a CAP application or, where further information has been requested, within 40 business days of receiving the requested information. Clause 14 of the Bill inserts a new section 52(4A) to provide that the 40 day timeframe for making a decision on an application for a CAP that forms part of a *joint permission* does not apply. Instead, the chief executive must make the decision within a

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20 Explanatory Notes, p.12

21 Explanatory Notes, p.12



reasonable period. The Explanatory Notes state this is "... in order to align with the similar marine parks and Nature Conservation provisions for joint permissions".<sup>22</sup>

#### 3.4.2 *Matters to consider in making a commercial activity permit application decision*

Section 50 of the RAM Act provides that the chief executive may grant a CAP application if satisfied that the applicant is a suitable person to hold the permit and that there is adequate insurance where the proposed activities require insurance. In deciding whether the applicant is a suitable person, the chief executive may inquire about the applicant and any *associated person*<sup>23</sup> and may have regard to "any matter relevant to the applicant's ability to carry on the commercial activities for which the permit is sought in a competent and ethical way".<sup>24</sup>

Section 53 of the RAM Act requires the chief executive to "have regard to each of the following" when making a decision about a CAP application:

- the purpose of the Act
- the management intent for the recreation area, and the area's current draft or approved management plan
- conservation of the area's cultural and natural resources
- the amenity of the area and adjacent areas
- the size, extent and location of the proposed use in relation to other uses of the area or adjacent areas
- the likely cumulative effect of the proposed use and other uses on the area
- public health and safety
- any relevant Australian or international code, instrument, protocol or standard or any relevant intergovernmental agreement
- whether there are any grounds for refusing the application
- anything else the chief executive considers appropriate to achieve the purpose of this Act.<sup>25</sup>

During the public briefing, the department advised the committee that CAP applications will be assessed "exactly as they are now" and that the matters that the chief executive must have regard to under the RAM Act when making a decision about a CAP application remain unchanged.<sup>26</sup> This advice was confirmed in a letter from the department, dated 6 November 2014.<sup>27</sup>

#### 3.4.3 *Omission of maximum permit term for commercial activity permits that form part of a joint permission*

Clause 8(2) of the Bill amends section 35 of the RAM Act to omit the three year maximum term for a CAP when it forms part of a *joint permission*. The Explanatory Notes state this will "... prevent disjointed management of the CAP component of the joint permission" as there is no maximum term for marine park permissions.<sup>28</sup>

The committee notes a number of factors are specified in clauses 34 and 4 of the Bill to assist the chief executive to determine whether a detrimental impact is likely. The committee considers

22 Explanatory Notes, p.11

23 Subsection 50(4) of the *Recreation Areas Management Act 2006* defines an *associated person* as an executive officer of the applicant's corporation or, if the applicant is not a corporation, any person who is in charge of, directs staff at, or has substantial control over and/or influence in the applicant's business

24 *Recreation Areas Management Act 2006*, s.50

25 *Recreation Areas Management Act 2006*, ss.53(1) and 53(2)

26 Mr Jesse Low, Queensland Parks and Wildlife Service, Department of National Parks, Recreation, Sport and Racing, *Public Briefing Transcript*, 29 October 2014, p.5

27 Mr John Glaister, Director-General, Department of National Parks, Recreation, Sport and Racing, *Correspondence*, 6 November 2014, p.1, <http://www.parliament.qld.gov.au/documents/committees/HCS/2014/RAMAAAB14/cor-06Nov2014-ram.pdf>

28 Explanatory Notes, p.11

guidance on each of these factors is necessary for applicants to make a considered and comprehensive *joint permission permit* application.

*3.4.4 New application for an existing commercial activity permit which forms part of a joint permission*

Section 54 of the RAM Act provides that where a permit holder applies for a new CAP which is intended to commence immediately after an existing CAP expires, the existing CAP continues to be in force for up to three months, until a decision is made or the application is withdrawn. Clause 15 of the Bill amends section 54 to provide that if the permit holder makes an application for a new CAP which is part of a *joint permission permit*, the existing CAP does not automatically expire three months after its expiration date. The Explanatory Notes state this amendment "... is being made in order to complement the existing marine parks joint permitting provisions for continuing permits".<sup>29</sup>

*3.4.5 Single permit document for commercial activity permits*

Section 55A of the RAM Act provides that a CAP granted under the RAM Act may be combined with either or both of a CAP granted under the NC Act, or a permit to conduct a commercial activity in a State forest, granted under the Forestry Act. Clause 16 of the Bill inserts a new section 55A(2) which allows the chief executive to use a document that has been used to grant a marine park permission to also grant a CAP under the RAM Act.

### **3.5 Submissions**

The Great Barrier Reef Marine Park Authority supported the amendments which provide for a single permit for commercial activities operating across recreation areas within the GBRWHA. The Authority stated the amendments will, when combined with recent amendments to the NC Act, support the growing tourism industry by streamlining current regulatory requirements.

The Authority also supported the amendments which provide for longer term permits and the ability to transfer permits as they give tourism operators "... greater functionality, certainty and transparency".<sup>30</sup>

The Tamborine Mountain Progress Association stated that reducing red tape by granting a single permit for commercial activities operating across recreation areas and State and/or Commonwealth marine parks "will allow for commercial development in an easier way".<sup>31</sup>

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29 Explanatory Notes, p.11

30 Great Barrier Reef Marine Park Authority, Submission 1, p.1

31 Tamborine Mountain Progress Association Inc., Submission 2, p.1

## 4 Fundamental legislative principles

Section 4 of the *Legislative Standards Act 1992* states that ‘fundamental legislative principles’ are the ‘principles relating to legislation that underlie a parliamentary democracy based on the rule of law’. The principles include that legislation has sufficient regard to:

- the rights and liberties of individuals
- the institution of Parliament.

The committee considered the application of fundamental legislative principles to the Bill.

### 4.1 Conducting an *organised event* under the Forestry Act

Section 73(1) of the Forestry Act provides that a person must not conduct an activity involving a group of people in a State forest or timber reserve that may restrict access to, or affect the enjoyment of, the area by the general public, having regard to the location of the area and the number of members of the general public that are likely to be in the area when the activity is conducted. Failure to comply carries a maximum penalty of 50 penalty units.

Clause 4 amends section 73(1) to provide that a person must not conduct an *organised event* in a State forest or timber reserve that is likely to expose a person to unreasonable risk or have a detrimental impact on the area, or affect the use of the area by other persons, having regard to:

- the location
- the number of people, vehicles or animals involved, or likely to be in the area
- the type and timing of the event or activity
- any likely disturbance to the area
- the extent to which public access to the area may be restricted.

The committee considered whether clause 4 infringes on the rights and liberties of current and future permittees, by expanding the criteria which must be considered when determining whether an *organised event* may have a detrimental impact on the area.

The committee noted that the maximum penalty for failing to comply remains the same, and that the Explanatory Notes state further guidance will be provided in policy documents.

The committee noted that the Bill includes transitional provisions to provide that:

- a permit to conduct group activities in force immediately before the commencement continues in force and the unamended Act continues to apply as if this Bill had not been enacted
- an application for a permit to conduct group activities made, but not decided, before the commencement of this section is taken to be an application for a permit to conduct an *organised event*.

The committee considered, on balance, that the expansion of the criteria has sufficient regard to the rights and liberties of current and future permittees.

### 4.2 Explanatory notes

Part 4 of the *Legislative Standards Act 1992* requires that an Explanatory Note be circulated when a Bill is introduced into the Legislative Assembly. Explanatory Notes were tabled with the introduction of the Bill.

Section 23 of the *Legislative Standards Act 1992* outlines the information an Explanatory Note should contain. The Explanatory Notes generally conform to the requirements of section 23, providing sufficient information and commentary to facilitate understanding of the Bill’s aims and origins.

## Appendices

### Appendix A – List of submissions

Sub #	Submitter
001	Great Barrier Reef Marine Park Authority
002	Tamborine Mountain Progress Association Inc.

### Appendix B – Witnesses at public briefing

Public briefing – Wednesday 29 October 2014, Brisbane
<p>Queensland Parks and Wildlife Service, Department of National Parks, Recreation, Sport and Racing</p> <ul style="list-style-type: none"> <li>• Mr Ben Klaassen, Deputy Director-General</li> <li>• Dr Fiona Woodger, Acting Manager, Legislative and Regulatory Reform, Strategy and Policy Services</li> <li>• Mr David Trstenjak, Principal Policy Officer, Legislative and Regulatory Reform, Strategy and Policy Services</li> <li>• Mr Jesse Low, Team Leader, Northern Marine Assessment, Assessments and Approvals</li> </ul>