

Our Ref: CTS 26874/14



Office of the  
Director-General

Department of  
**National Parks, Recreation,  
Sport and Racing**

6 November 2014

Mr Trevor Ruthenberg MP  
Chair  
Health and Community Services Committee  
Parliament House  
George Street  
BRISBANE QLD 4000

Dear Mr Ruthenberg

Thank you for the opportunity for the Department of National Parks, Recreation, Sport and Racing (the department) to present at the recent public briefing on the Recreation Areas Management Act and Another Act Amendment Bill 2014 (the Bill).

At this briefing, a question from Mrs Jo-Ann Miller MP, Member for Bundamba and Shadow Minister for Health, Natural Resources and Mines was taken on notice with a response required from the department by 5 November 2014.

The question was as follows:

How will applications for joint permission permits be assessed? What will the chief executive of the department have regard to when considering an application for a joint permission permit?

The department's response is provided below:

The matters which the chief executive must have regard to when considering an application for a joint permission permit (meaning a commercial activity permit forming part of a joint permission) are set out in sections 52 and 53 of the *Recreation Areas Management Act 2006* (the Act) (refer to Attachment 1).

Under the proposed amendments to the Act, the matters which the chief executive must have regard to remain unchanged.

Should the Committee have any further enquiries, please contact Mr David Trstenjak, Principal Policy Officer, Legislative and Regulatory Reform, Queensland Parks and Wildlife Service on telephone (07) [REDACTED] or via email [REDACTED].

Yours sincerely

[REDACTED]  
John Glaister  
Director-General

Encl

Level 7  
111 George Street Brisbane  
PO Box 15187 City East  
Queensland 4002 Australia  
Telephone + 61 7 3338 9301  
Facsimile + 61 7 3338 9335  
Website [www.nprsr.qld.gov.au](http://www.nprsr.qld.gov.au)  
ABN 11 322 391 452

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- (b) invites interested persons to make written submissions to the chief executive, in relation to the application—
    - (i) at an address stated in the public notice; and
    - (ii) within a stated period of not less than 20 business days.
  - (4) Before deciding whether or not to grant the permit, the chief executive must consider any written submissions received by the chief executive in response to the public notice.

**52 Deciding application for commercial activity permit**

- (1) The chief executive must consider the application and decide—
  - (a) to grant the application, with or without conditions decided by the chief executive, including, for example—
    - (i) limiting the activities that may be carried out under the permit; or
    - (ii) allowing activities that may be carried out under the permit to be monitored; or
  - (b) to grant the application for a shorter period than applied for; or
  - (c) to refuse the application.
- (2) Subsection (3) applies if the application is for a new commercial activity permit to commence immediately after an existing commercial activity permit expires.
- (3) Without limiting subsection (1), when deciding the application, the chief executive may refuse to grant the application if the chief executive reasonably believes—
  - (a) the existing permit was obtained on the basis of incorrect or misleading information; or
  - (b) the holder of the existing permit has contravened a condition of the permit.
- (4) The chief executive must make the decision—

[s 53]

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- (a) if the chief executive asks for further information about the application under section 56—within 40 business days after receiving the information requested; or
  - (b) otherwise within 40 business days after receiving the application.
- (5) If the chief executive decides to grant the application the chief executive must, as soon as practicable after making the decision, issue a permit to the applicant.
- (6) If the chief executive decides to grant the application with conditions, or to refuse the application, the chief executive must as soon as practicable after making the decision give the applicant an information notice about the decision.

**53 Additional matters to be considered under s 52**

- (1) In deciding an application under section 52, the chief executive must have regard to each of the following—
- (a) the purpose of this Act;
  - (b) the management intent for the recreation area, and the area's current draft or approved management plan;
  - (c) conservation of the area's cultural and natural resources;
  - (d) the amenity of the area and adjacent areas;
  - (e) the size, extent and location of the proposed use in relation to other uses of the area or adjacent areas;
  - (f) the likely cumulative effect of the proposed use and other uses on the area;
  - (g) public health and safety;
  - (h) any relevant Australian or international code, instrument, protocol or standard or any relevant intergovernmental agreement;
  - (i) the requirements mentioned in section 50;
  - (j) whether there are any grounds for refusing the application.