HEALTH AND COMMUNITY SERVICES COMMITTEE

Members present:

Mr TJ Ruthenberg MP (Chair)
Mrs JR Miller MP (Deputy Chair)
Ms RM Bates MP
Dr AR Douglas MP
Mr JM Krause MP
Mr DE Shuttleworth MP

Staff present:

Mr K Holden (Acting Research Director)
Ms R Stacey (Principal Research Officer)

PUBLIC BRIEFING—RECREATION AREAS MANAGEMENT AND ANOTHER ACT AMENDMENT BILL

TRANSCRIPT OF PROCEEDINGS

WEDNESDAY, 29 OCTOBER 2014

Brisbane

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Committee met at 10.00 am

KLAASSEN, Mr Ben, Deputy Director-General, Queensland Parks and Wildlife Service

LOW, Mr Jesse, Team Leader, Northern Marine Assessment, Assessments and Approvals, Queensland Parks and Wildlife Service

TRSTENJAK, Mr David, Principal Policy Officer, Legislative and Regulatory Reform, Queensland Parks and Wildlife Service

WOODGER, Dr Fiona, Acting Manager, Legislative and Regulatory Reform, Queensland Parks and Wildlife Service

CHAIR: Good morning and welcome. I declare open the Health and Community Services Committee's public briefing on the Recreation Areas Management and Another Act Amendment Bill. Our purpose today is to receive a briefing on the bill from the officials from the Department of National Parks, Recreation, Sport and Racing. My name is Trevor Ruthenberg. I am the chair of the committee. With us today are Mrs Jo-Ann Miller MP, deputy chair and member for Bundamba; Ms Ros Bates MP, member for Mudgeeraba; Dr Alex Douglas MP, member for Gaven; Mr Jon Krause MP, member for Beaudesert; and Mr Dale Shuttleworth MP, member for Ferny Grove. Mr John Hathaway MP, member for Townsville, cannot be with us today; he is an apology.

I welcome the officials from the Department of National Parks, Recreation, Sport and Racing with us today: Mr Ben Klaassen, Deputy Director-General, Queensland Parks and Wildlife Service; Dr Fiona Woodger, Legislative and Regulatory Reform at the QPWS; Mr David Trstenjak, Principal Policy Officer, Legislative and Regulatory Reform at the QPWS; and Mr Jesse Low, Team Leader, Northern Marine Assessment, Assessments and Approvals at the QPWS.

Mobile phones should be turned off or switched to silent, please. I remind those present that these proceedings are similar to parliament and are subject to the Legislative Assembly's standing rules and orders. Hansard is making a transcript of the proceedings. The committee intends to publish the transcript of today's proceedings unless there is good reason not to. Our proceedings today are also being broadcast live on the parliamentary website.

The bill was introduced by the Minister for National Parks, Recreation, Sport and Racing and was referred to the committee on 14 October 2014. The committee is required to report to the parliament by 20 November 2014. Submissions have been invited on the bill, closing this Friday, 31 October. Subject to submissions, the committee may hold a public hearing on the bill. I invite Mr Klaassen to start the briefing. Our intent would be to close the briefing at about 10.30. So if you could keep your briefing to about 20 minutes that would be much appreciated.

Mr Klaassen: Thank you to the chair and to the committee for the opportunity to brief you today and thank you to my colleagues for coming along to support the briefing as well. The amendments contained in this bill support the Queensland government's commitment to cut red tape and streamline the permit system for tourism and recreational enjoyment of the Queensland Parks and Wildlife Service managed areas.

The amendments relate to two initiatives. The first initiative involves streamlining permit administration for commercial activities across marine parks and recreation areas. I will refer to this as the streamlining initiative. The second initiative involves cutting red tape for non-commercial and low-impact activities on recreation areas, State forests and timber reserves. I will refer to this as the red-tape-reduction initiative. I will speak first about the streamlining initiative.

The bill will amend the *Recreation Areas Management Act 2006* to allow a commercial activity permit for activities in a recreation area to be combined in a single document with a permission granted for related activities carried out in an adjacent marine park. For example, there are numerous vessel based tours that involve snorkelling or diving in a marine park and visiting an

island national park that has a recreation area declared over it. Under existing legislation, commercial activity permits are required for what are generally considered land based activities on national parks and recreation areas. Marine parks permissions are required for what are generally considered water based activities in marine parks.

In the Great Barrier Reef World Heritage Area the Commonwealth and Queensland governments have been successfully administering a joint permits system across the respective marine park jurisdictions for over 30 years. This has been so successful that many operators do not realise that they are operating within two separate marine parks and that their permit is, in fact, two separate permits granted by two different governments and signed by two different delegates. This has been possible through complementary legislative provisions for the administration of permits in Commonwealth and Queensland marine parks regulations. Administrative arrangements between the state and Commonwealth governments provide a seamless process to an applicant, allowing them to lodge a single application with the Great Barrier Reef Marine Park Authority and have a single point of contact throughout the assessment process.

Roughly one-quarter of the 600 or so vessel based commercial tourism businesses within the Great Barrier Reef World Heritage Area also offer activities on some of the 400 national park islands, including the Green Island Recreation Area. These operators require additional commercial activity permits under Queensland's nature conservation and recreation areas management legislation which are administered solely by the Queensland government.

With the support of the tourism industry and the current imperative to streamline administration, the Commonwealth and Queensland governments have been working together over the past 12 months to extend the joint permitting arrangements to include national park islands and the Green Island Recreation Area effectively to create a single Great Barrier Reef commercial tourism permission. It was identified that amendments were required to both the Nature Conservation (Administration) Regulation 2006 and the *Recreation Areas Management Act 2006* to achieve this.

The amendments will reflect the provisions that were already in operation under the Marine Parks Regulation 2006 and could be achieved in two stages. The first stage of amendments was delivered through the Nature Conservation and Other Legislation Amendment Regulation (No. 2) 2014, which commenced on 26 September 2014. Amendments contained in this regulation defined a special category of commercial activity permit for national parks that can be combined in a single document with a joint marine parks permission—not just within the Great Barrier Reef World Heritage Area but across all Queensland marine parks and adjacent national park islands. Unlike the marine parks and nature conservation legislation, where the provisions for administering permits are contained in the regulations, the recreation areas legislation deals with these provisions in the Act itself.

This bill contains the second stage of amendments and effectively mirrors the recently enacted regulation amendments. These stage 2 amendments define a special category of commercial activity permit for recreation areas that can be combined with a marine parks permit, not just within the Great Barrier Reef World Heritage Area but across all Queensland marine parks and adjacent recreation areas.

With these amendments and subsequent consequential amendments to the Recreation Areas Management Regulation 2007, a single administrative process leading to a single permit document for commercial operators' land and water based activities will be a reality. Take-up of this arrangement will be entirely voluntary. An applicant or permittee may opt to continue separate commercial activity permits exactly as they have always done. There may be reasons an operator may want to retain separate permits. For example, they may want to test the market and only apply for a commercial activity permit for one year. Alternatively, they may choose to break up an existing business and sell only part of the business, which would require them to keep their permits separate. Combining permits into a single permit can only occur as a result of an application, which, in practice, would generally be triggered by the imminent expiry of an existing commercial activity permit.

The new single permit will be implemented initially only in the Great Barrier Reef World Heritage Area through the existing administrative arrangements for joint permits used by the Great Barrier Reef Marine Park Authority. Implementation in other areas will follow thereafter. On receipt of an application relating to the Great Barrier Reef World Heritage Area, the application will be recorded by the Great Barrier Reef Marine Park Authority and then referred to the department under current joint permitting arrangements. The decision will be made by the department about whether

the commercial activity forms part of the integrated tourism business but also operates in the adjacent marine park's waters. As with current arrangements, the applicant will have a single point of contact, will receive a single permit document with a common expiry date and will access single processes to vary, amend, transfer and renew the permit.

For a commercial activity permit that forms part of a joint permit, there are two important changes. Firstly, the maximum term of three years for a commercial activity permit does not apply and, secondly, the commercial activity permit can be transferred as part of the joint permit. Instead of the currently legislated three-year maximum term, the joint commercial activity permit will be the same term as other permits that form part of the joint permission. In the case of the Great Barrier Reef World Heritage Area, this means up to 15 years for accredited operators, potentially saving the business up to four applications and associated fees over the life of the permit. Currently commercial activity permits cannot be transferred; a surrender and reissue process is required.

The transfer provisions in this bill will mirror existing provisions in marine parks and nature conservation regulations to allow the transfer of commercial activity permits that are to form part of a joint permission. This will provide a streamlined and transparent process that provides clarity and certainty. Other than these two key changes, the legislative provisions that apply to administering permits remain substantively unchanged - namely, the requirements for applications, assessments, decisions and appeals. There will be no change to requirements under commercial activity permits relating to lodgement of returns or paying use fees. The existing criteria for assessment have been retained.

The bill does, however, amend some time frames to mirror those in the marine parks and nature conservation regulations. For example, the 40 business days statutory time frame for deciding on a commercial activity permit application where that permit is to form part of a joint permission will not apply. This is because there is no current statutory time frame specified in the marine park permissions and a coordinated time frame is essential to streamline the administration of multiple permit types. The bill provides that the applications be decided in a reasonable period. In practice, the very successful and longstanding administrative arrangements for joint permits in the Great Barrier Reef World Heritage Area will continue to apply. Under current business procedures, the majority of applications relate to routine activities. A significant number of joint marine park permits are decided within 10 business days. This is not anticipated to change under a combined permissions framework.

Implementation in the Great Barrier Reef World Heritage Area will be supported by administrative arrangements and systems currently being reviewed and developed in collaboration between the department and the Great Barrier Reef Marine Park Authority. A single instrument will better support coordination of the department and the Great Barrier Reef Marine Park Authority around compliance activities. It will also be simpler and cheaper and provide more certainty for operators. Following passage of the bill, amendments to the Recreation Areas Management Regulation will be made to support the commencement of the new provisions. This includes setting the annual fee for each year beyond the current three-year maximum and setting a transfer application fee.

In relation to the second initiative, the red-tape-reduction initiative, the bill will amend the *Recreation Areas Management Act 2006* and the *Forestry Act 1959* to reduce unnecessary regulation of low-impact, non-commercial group activities that occur on recreation areas, State forests and timber reserves. Under existing legislation, all non-commercial group activities on these lands are regulated under a single group activity permit classification. There is no differentiation based on the level of impact or risk.

This single permit classification captures numerous types of non-commercial group activities that occur on Queensland Parks and Wildlife Service managed areas. For example, small, low-impact activities include weddings and small groups of people coming together to a park to undertake activities such as cycling, bushwalking and birdwatching. Other types of commercial activities that may have high impacts are also captured, for example large organised events such as vehicle rallies, competitive sporting events, concerts and Australian Defence Force training exercises. These activities may restrict access or affect the enjoyment of an area by the general public and have detrimental impacts if not managed appropriately.

Using a risk based approach, actions taken by the Queensland Parks and Wildlife Service over the past 18 months have focused efforts on issuing permits only for the higher impact activities. These actions include a policy that provides more clarification around when a permit is and is not required and an online notification form that allows organisers to provide details of upcoming events for a determination about whether a permit is required. These actions have led to

a progressive reduction in the number of permits granted, from 442 during the 2011-12 financial year to 67 during the 2013-14 financial year. No detrimental impacts have resulted from this approach.

Amendments in the bill are designed to support these actions to reduce permit requirements for low-impact group activities while providing for the continued regulation of the high-impact events. Activities conducted for gain are completely unaffected by this bill. They will continue to be regulated under the commercial activity permit classification. The amendments in the bill will reduce permit requirements for low-impact group activities by replacing the group activity classification with an alternative classification that focuses on organised events. In simple terms, the various references to group activities in the Recreation Areas Management Act and the Forestry Act will be replaced with references to organised events. This new terminology better reflects the nature of the high-impact non-commercial events that will continue to be regulated.

Under the Recreation Areas Management Act there is a specific permit called a group activity permit. This is being replaced with an organised event permit. Under the Forestry Act there is a general permit that is used for a range of purposes including the authorisation of group activities. This approach is not changing, and the existing provisions are simply being updated to reflect the change in terminology from `group activity' to `organised event'. This approach will have no impact on existing permit holders and will only require minimal changes to legislation, administrative arrangement systems, policies and procedures. The fees and time frames for processing the application will be the same as currently apply for the group activity classification, that is, $29.90 and 40 business days respectively.

Importantly, the provisions provide a number of criteria to assist in determining whether a permit for an organised event is required or not. A publicly available policy document will provide further guidance on these matters which will include the following range of site-specific and other factors: the location, including the sensitivity of the site; the number of people, vehicles or animals to be involved, including whether the numbers are appropriate based on the infrastructure and facilities provided at the site; the type of event, including whether it is consistent with activities already occurring at the site; the timing, including the duration and whether the event is proposed to be carried out during peak periods such as school holidays or long weekends; whether the event will involve disturbance to the site including through the provision, construction or installation of services, structures or other infrastructure; and the extent to which the event may restrict access to the general public.

Based on an assessment of these highly variable factors, a permit may not be required for an event in a location that has sufficient infrastructure such as parking, toilets and day-use areas that are large enough to accommodate the proposed event without affecting the enjoyment of other users. However, a permit may be required if the organised event is proposed for a sensitive location that has limited infrastructure and could therefore impact on other users, for example by restricting access. An online notification form will also be available to event organisers to seek a determination from the department about whether a permit is required or not.

The meaning of 'organised event' under the Forestry Act will differ slightly from the Recreation Areas Management Act. This is necessary because activities such as timber harvesting and quarrying are undertaken on State forests and timber reserves. These activities may present a safety risk to participants of organised events. The meaning of ‘organised event’ in the Forestry Act will therefore allow a permit to be required in these circumstances so that the event can be located and managed in a way that would minimise safety risks to participants.

The state has delegated responsibility for administering permits for group activities to HQPlantations for activities carried out entirely in state plantation forests. The amendments to the Forestry Act will not remove HQPlantations's autonomy to require permits for activities it currently regulates. It will continue to have the same flexibility as the state to adopt policies about the activities and events it will regulate. Following passage of the bill, amendments to the recreation areas management, forestry and nature conservation regulations will be made for consistency and to support the commencement of the new provisions. This includes updating the references to group activities with references to organised events in the fee schedules of the regulations.

In conclusion, these initiatives are part of an ongoing reform program aimed at permit streamlining, cutting red tape and improving access to national parks and other public lands. We are happy to take any questions the committee may have.

CHAIR: Thank you, Mr Klaassen. I will open it up to committee members if they have any comments or questions.

Mrs MILLER: What process will operators need to follow to obtain a joint permit to operate in the recreation areas and marine parks?

Mr Klaassen: There is an application process that exists at the moment, and it will be pretty similar to that. There will be an application form that they can lodge. As we said, it is a voluntary choice. They first decide whether they want to keep their existing two-permit system. If they decide they want to go to a combined permit, they will submit their combined application. It will come in through the same assessment channel and, depending on the location, it will be assessed by either the Great Barrier Reef Marine Park Authority and ourselves, or ourselves if it is just in our area, and then they will go through that normal process.

Mrs MILLER: Will people be confused because there are different types of permits?

Mr Klaassen: I do not think they will be confused. There will be an education and communication process that we will work through with them. It is proposed that we will start this off with a trial in the Great Barrier Reef World Heritage Area, targeting the operators that have those joint permissions at the moment and explaining to them what it is about and the benefits that will accrue: they do not have to fill in two forms and they do not have to have dual permits. It is completely their option. There will be a process that ensures they understand what we are trying to achieve.

Mrs MILLER: Given that you have been talking about red-tape reduction, does it not seem amazing that you have two forms or one form? Are you going to try and get it down to one form?

Mr Klaassen: We will see how things go. We did not want to impose it on operators. It is a matter of the operator being given the choice. As I indicated, there are some circumstances where an operator may actually require two permits for the way they operate their business and they may have separate business needs. They may decide that they want separate permits because they want to sell one aspect of a business at another time, so therefore having a combined permit makes that a bit harder for them. They need to weigh up those decisions around that, so we are providing flexibility that will suit the operator and give them the chance to make a decision based on what is best for their business.

Mrs MILLER: How will the applications be assessed?

Mr Klaassen: Mr Lowe might be best placed to answer that.

Mr Low: Exactly as they are now.

Mrs MILLER: That tells me nothing.

Mr Low: The regulations in the case of marine parks, nature conservation or the Recreation Areas Management Act specify the matters that the chief executive must have regard to and may have regard to in making a decision, and those remain unchanged.

Mrs MILLER: Could you tell me more? I want to know what specifically you will have regard to.

Mr Low: I do not have those in front of me.

Mrs MILLER: Can you take that on notice and get back to us, please?

Mr Klaassen: We will take that on notice and get back to you if that is okay, Mr Chair?

CHAIR: Yes.

Mrs MILLER: Your education and communication strategy: can you just advise us what that means practically and how much it might cost?

Mr Klaassen: It will not cost much because we know the operators that are out there, so through Jesse and others we will talk to them, explain the process, put material on the website and send them letters explaining what it is about and then give them contact people to talk to. That is pretty much what we are doing.

CHAIR: I would like to recognise a delegation from Pakistan whose members are from committees of both the national and provincial parliaments. Welcome, gentlemen.

Mr SHUTTLEWORTH: If an operator decides to combine the two permits that they currently have for the marine park and the land reserve into the one approval and then as a business operator they subsequently subcontract a component of their experience to another operator, if there was a breach on one component now it is quite clear that that permit could be addressed quite cleanly. If they combine those and there is a breach on one component of that, could they still operate the activity at sea without affecting their business model?

Mr Klaassen: I will defer to Jesse in a second, but my understanding would be that one permit would govern the operation so they would have to be compliant with the conditions of the whole permit. Would that be correct?

Mr Low: The single permit is in fact an instrument and that instrument contains discrete permissions under discrete pieces of legislation, so within the one bit of paper there are divisible permits. A breach would have to be a breach under a particular act, so if it was on a national park and it was a breach of the Nature Conservation Act or regulations it would be the commercial activity permit technically that would be breached.

Mr SHUTTLEWORTH: If an operator was subcontracting one component out to a different operator but they had the one permit covering the whole lot, that could, in essence, put their operation at risk if the subcontractor breached a part? I am trying to think from a commercial standpoint whether there would be significant advantages to someone combining two permits into one.

Mr Low: There are certainly significant advantages. We have an existing joint permit system that we have been running for 30 years and there are instances where, particularly for nonpayment of fees, one part of that joint permission is suspended or cancelled and not the other so that the other permission remains intact, if that makes sense.

CHAIR: To clarify that, within a single permit you may have five or six acts referred to. If there is a breach of a particular act, that particular activity would need to be rectified and you would have an eye on that, as opposed to needing to worry about the remainder of the activity that is covered by that one permit.

Mr Low: That is generally correct. In the case of a serious infringement there are existing abilities in other legislation to consider that if it poses serious harm, for instance.

CHAIR: Does the department maintain significant flexibility over the control of operations within those national parks and marine parks?

Mr Low: I think the easiest way to answer that is to say that a breach of one permit is not necessarily a breach of the other permits.

CHAIR: Are there any further questions at this time? Thank you, team. We appreciate your time. Since we have no further questions, I will declare the hearing closed.

Committee adjourned at 10.26 am