



*Recreation Areas Management Act 2006*

# **Recreation Areas Management Regulation 2007**

**Reprinted as in force on 1 July 2008**

**Reprint No. 1A**

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This regulation is reprinted as at 1 July 2008. The reprint shows the law as amended by all amendments that commenced on or before that day (Reprints Act 1992 s 5(c)).

The reprint includes a reference to the law by which each amendment was made—see list of legislation and list of annotations in endnotes. Also see list of legislation for any uncommenced amendments.

This page is specific to this reprint. See previous reprint for information about earlier changes made under the Reprints Act 1992. A table of reprints is included in the endnotes.

**Also see endnotes for information about—**

- **when provisions commenced**
- **editorial changes made in earlier reprint.**

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Queensland

# Recreation Areas Management Regulation 2007

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# Recreation Areas Management Regulation 2007

[as amended by all amendments that commenced on or before 1 July 2008]

## Part 1 Preliminary

### 1 Short title

This regulation may be cited as the *Recreation Areas Management Regulation 2007*.

### 2 Commencement

This regulation commences on 27 August 2007.

### 3 Definitions

The dictionary in schedule 4 defines particular words used in this regulation.

## Part 2 Recreation areas

### 4 Continuing recreation areas

- (1) Each continuing recreation area is described in schedule 2.
- (2) A copy of a plan mentioned in schedule 2 may be inspected, free of charge, during business hours at the department's head office.

*Editor's note—*

At the commencement of this section, the department's head office was at 160 Ann Street, Brisbane.

- (3) In this section—

*continuing recreation area* means an area of land—

- (a) set apart and declared to be a recreation area under the repealed Act; and
- (b) continued in existence as a recreation area under section 235 of the Act.

## **Part 3                      Camping tags**

### **5                      Chief executive must issue a camping tag**

- (1) This section applies if a person is granted a camping permit other than in the way mentioned in section 37(2), (3) or (4) of the Act.
- (2) The chief executive must give the person a camping tag for use under the permit when the permit is granted.

### **6                      Details to be written on a camping tag**

A person who has been granted a camping permit must ensure the following details are written on a camping tag being used under the permit—

- (a) the person's name;
- (b) the number identifying the permit.

Maximum penalty—2 penalty units.

### **7                      Display of a camping tag**

- (1) A person camping under a camping permit must, immediately after the person makes camp, display in the prescribed way, the camping tag for the permit.

Maximum penalty—2 penalty units.

- (2) The person must also take reasonable steps to ensure the camping tag remains displayed at the place where the person is camping while the person is camping under the permit.

Maximum penalty—2 penalty units.



(3) In this section—

*prescribed way*, for displaying a camping tag for a camping permit, means to display the tag by attaching it, in a conspicuous position, to—

- (a) a tent, caravan or another structure being used for camping under the permit; or
- (b) if no tent, caravan or structure is being used for camping under the permit—a vehicle, vessel or equipment being used for camping under the permit.

## **8 Tampering with a camping tag**

(1) A person must not, unless the person has a reasonable excuse, tamper with a camping tag displayed on a tent, caravan, structure, vehicle, vessel or other equipment being used for camping.

Maximum penalty—20 penalty units.

(2) In this section—

*tamper with*, a camping tag, means—

- (a) to remove, damage or destroy the tag; or
- (b) change anything written on the tag.

# **Part 4 Using vehicles, vessels and recreational craft in recreation areas**

## **Division 1 General**

### **9 Exemptions for use of motor vehicles—Act, s 109**

(1) For section 109(2)(b) of the Act, Green Island Recreation Area is prescribed.

(2) For section 109(2)(c) of the Act, a government vehicle is prescribed.

(3) In this section—

***government vehicle*** means a motor vehicle—

- (a) whose registered operator is a local government or a department or instrumentality of the State or the Commonwealth; and
- (b) that is used for official purposes.

***registered operator***, of a motor vehicle, means the person in whose name the vehicle is registered under the *Transport Operations (Road Use Management) Act 1995* or a law of the Commonwealth that corresponds to that Act.

## **10      Unauthorized use of motorised vessel**

A person must not use or operate a motorised vessel on a freshwater lake or watercourse in a recreation area unless the use or operation is—

- (a) authorised by the chief executive’s written approval; or
- (b) in accordance with a regulatory notice.

Maximum penalty—20 penalty units.

## **Division 2                   Requirements for using vehicles, vessels and recreational craft**

### **11      Traffic control for vehicles, vessels and recreational craft**

(1) The chief executive may erect a sign or place a marking, at a place in a recreation area, regulating the use of a vehicle, vessel or recreational craft, or a type of vehicle, vessel or recreational craft, in the place, including, for example—

- (a) by imposing a speed limit; or
- (b) by marking a pedestrian crossing; or
- (c) stating a part of a place where the use, or a particular use, of the vehicle, vessel or recreational craft, or type of

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vehicle, vessel or recreational craft, is prohibited or restricted; or

- (d) stating a part of a place where—
- (i) only authorised persons may use a vehicle, vessel or recreational craft; or
  - (ii) only an authorised vehicle, vessel or recreational craft may be used.

- (2) An official traffic sign erected in a recreation area under the *Transport Operations (Road Use Management) Act 1995* is taken to be a sign erected under subsection (1).
- (3) A person in control of a vehicle, vessel or recreational craft in the recreation area must comply with the sign or marking.

Maximum penalty—20 penalty units.

- (4) For subsection (3), if the sign is an official traffic sign, a person complies with the subsection only if the person complies with the indication given by the sign.
- (5) An authorised person using a vehicle in a place where, because of a sign erected under subsection (1), only authorised persons may use vehicles, must comply with the person's authorisation.

Maximum penalty—20 penalty units.

- (6) A person in control of an authorised vehicle in a place where, because of a sign erected under subsection (1), only authorised vehicles may be used, must comply with the authorisation for the use of the vehicle.

Maximum penalty—20 penalty units.

- (7) In this section—

***authorised*** means authorised in writing by the chief executive.

***indication*** see the *Transport Operations (Road Use Management) Act 1995*, schedule 4.

***official traffic sign*** see the *Transport Operations (Road Use Management) Act 1995*, schedule 4.

**12 Licensing requirement for vehicles**

A person must not, in a recreation area, drive or ride a vehicle for which the person is required, under an Act, to hold a licence to drive or ride the vehicle unless the person holds the licence.

Maximum penalty—20 penalty units.

**13 Registration requirement for vehicles**

- (1) A person must not, in a recreation area, drive or ride a vehicle that is required, under an Act, to be registered for use on a road if it is not registered under the relevant law for the vehicle.

Maximum penalty—20 penalty units.

- (2) In this section—

*relevant law*, for a vehicle that is required, under an Act (the *Registration Act*), to be registered for use on a road, means—

- (a) the Registration Act; or  
(b) a law of another State that corresponds to the Registration Act.

**14 Safe use of vehicles—compliance with Transport legislation**

- (1) A person driving or riding a motor vehicle that is moving, or is stationary but not parked, in a recreation area must comply with the Queensland Road Rules, sections 264, 266, 270(1) and 271(4) and (5).

Maximum penalty—20 penalty units.

- (2) A passenger in or on a motor vehicle that is moving, or is stationary but not parked, in a recreation area must comply with the Queensland Road Rules, sections 265 and 270(2).

Maximum penalty—20 penalty units.

- (3) A person in a recreation area must not drive, ride or travel in a vehicle in a way that would constitute an offence against—

- (a) the *Transport Operations (Road Use Management) Act 1995*, section 83 or 84; or
- (b) the Queensland Road Rules, section 268.

Maximum penalty—20 penalty units.

- (4) A person can not be charged with an offence against subsections (1) to (3) if the person has been charged with an offence against the relevant provision of the Queensland Road Rules or *Transport Operations (Road Use Management) Act 1995* mentioned in the subsection.

## **15 Safe use of vehicles—other requirements**

- (1) A person in a recreation area must not ride or travel in or on something being towed by a moving motor vehicle.

Maximum penalty—20 penalty units.

- (2) A person in a recreation area must not carry a passenger, or travel as a passenger, on a quad or trike other than on a seat designed to carry a passenger.

Maximum penalty—20 penalty units.

- (3) A person in a recreation area must not ride a bicycle without wearing a helmet.

Maximum penalty—20 penalty units.

- (4) A person in a recreation area must not ride a quad or trike without wearing a helmet.

Maximum penalty—20 penalty units.

## **16 Other requirements about using vehicle, vessel or recreational craft**

- (1) A person must not, in a recreation area—
  - (a) drive or ride a vehicle, vessel or recreational craft at a speed or in a way that causes or may cause damage to the area; or
  - (b) use a vehicle, vessel or recreational craft in a way that disrupts or may disrupt someone else's enjoyment of the area; or

- (c) park or stand a vehicle, or moor a vessel, in a way that may cause damage to, or disturb, the area; or
- (d) drive, ride or attempt to drive or ride a vehicle, other than—
  - (i) on a road; or
  - (ii) on a part of a coastal beach that is not vegetated; or
  - (iii) along a route or on a surface that a regulatory notice states is a route or surface along or on which a vehicle of that type may be driven or ridden.

Maximum penalty—20 penalty units.

- (2) Subsection (1)(d) does not apply to an act done under a permit or other authority granted under the Act.
- (3) Also, subsection (1)(d)(i) or (ii) does not allow a person to drive, ride, or attempt to drive or ride, a vehicle on a road or coastal beach if driving or riding the vehicle on the road or beach is prohibited by a regulatory notice or a sign under section 11(1).
- (4) In this section—

*road* includes—

  - (a) an area formed, constructed or established as a car park; and
  - (b) a track formed, constructed or established for the use of vehicles.

## **Division 3                      Vehicle tags**

### **17            Chief executive must issue vehicle tags**

- (1) This section applies if—
  - (a) a person is granted a vehicle access permit under section 42(1) of the Act for using a vehicle in a recreation area; or
  - (b) a person is taken to have been granted a vehicle access permit under section 42(2) or (3) of the Act for using a vehicle in a recreation area.

- (2) The chief executive must issue a tag or label (a **vehicle tag**) for use under the permit by, either—
  - (a) giving the vehicle tag to the person; or
  - (b) making the vehicle tag available in an accessible and conspicuous position in or near the recreation area.
- (3) The vehicle tag must include a space for—
  - (a) the registration number for the vehicle being used under the permit; and
  - (b) the number identifying the permit.
- (4) If the chief executive issues a vehicle tag under subsection (2)(b), the chief executive must ensure the person who applied for the permit is given notice of the locations where vehicle tags are available for the area.
- (5) Without limiting subsection (4), the chief executive must—
  - (a) publish on the department's web site the locations where vehicle tags are available for the recreation area; and
  - (b) for a vehicle access permit taken to have been granted under section 42(2) of the Act—ensure the notice given under that section includes the locations where vehicle tags are available for the recreation area; and
  - (c) for a vehicle access permit taken to have been granted under section 42(3) of the Act—ensure the person to whom the permit is granted is advised of the locations where vehicle tags are available for the recreation area.

## **18 Details to be shown on a vehicle tag**

A person who has been granted a vehicle access permit for a vehicle must ensure the following details are written on the vehicle tag for the permit—

- (a) the registration number of the vehicle;
- (b) the number identifying the permit.

Maximum penalty—2 penalty units.

**19 Display of a vehicle tag**

- (1) This section applies if a vehicle is in a recreation area under a vehicle access permit.
- (2) A person in control of the vehicle must display the vehicle tag for the permit by attaching the tag to—
  - (a) the lower left side of the vehicle's windscreen; or
  - (b) if the vehicle does not have a windscreen—another prominent position on the vehicle.

Maximum penalty—2 penalty units.

- (3) The person must also take reasonable steps to ensure the vehicle tag remains displayed on the vehicle while the vehicle is being used under the permit in the recreation area.

Maximum penalty—2 penalty units.

- (4) This section applies subject to section 21.

**20 Invalid vehicle tag not to be displayed on vehicle**

- (1) A person in control of a vehicle in a recreation area must not display on the vehicle an invalid vehicle tag for the vehicle.

Maximum penalty—2 penalty units.

- (2) In this section—

*invalid vehicle tag*, for a vehicle in a recreation area, means a tag or label, issued by the chief executive for attaching to a vehicle, that is not a vehicle tag for a vehicle access permit authorising use of the vehicle in the area.

**21 Vehicle tag not to be displayed if permit expired, cancelled, surrendered or suspended**

A person in control of a vehicle that has been taken into a recreation area under a vehicle access permit must ensure that the vehicle tag for the permit is not displayed on the vehicle if—

- (a) the permit has expired; or
- (b) the permit has been cancelled or surrendered; or



(c) the permit is suspended.

Maximum penalty—2 penalty units.

## **22 Vehicle tag to be returned if permit cancelled or surrendered**

(1) This section applies if—

- (a) a vehicle access permit is cancelled or surrendered; and
- (b) the chief executive gives the holder of the permit a written notice requiring the return of the vehicle tag for the permit.

(2) The holder must, unless the holder has a reasonable excuse, return the vehicle tag to the chief executive within 10 business days after the day the notice is given.

Maximum penalty—20 penalty units.

## **23 Tampering with a vehicle tag**

(1) A person must not, unless the person has a reasonable excuse, tamper with a vehicle tag displayed on a vehicle in a recreation area.

Maximum penalty—20 penalty units.

(2) In this section—

*tamper with*, a vehicle tag, means—

- (a) to remove, damage or destroy the tag; or
- (b) change anything written on the tag.

*vehicle tag* means a tag or label issued by the chief executive under section 17(2).



- (iv) if the plant is in or on a vehicle, vessel or aircraft, the plant is securely stored in or on the vehicle, vessel or aircraft;
  - (v) if the plant is not in or on a vehicle, vessel or aircraft, the person takes all reasonable steps to ensure no part of the plant is spread or released into the recreation area.
- (3) Without limiting subsection (2)(b) or (c)(iv), a plant is securely stored in or on a vehicle, vessel or aircraft if it is kept in or on the vehicle, vessel or aircraft in a way that ensures that no part of the plant is spread or released into the recreation area, including, for example, by keeping the plant—
- (a) in a cabin of the vehicle, vessel or aircraft; or
  - (b) covered at all times.

## **26 Plants in a recreation area not to be removed etc. for a fire**

- (1) A person must not remove, damage or use a plant in a recreation area for making a fire.
- Maximum penalty—20 penalty units.
- (2) Subsection (1) does not apply if—
- (a) the chief executive has provided the plant in the recreation area for making a fire; or
  - (b) the plant has been taken into the recreation area for making a fire in accordance with the chief executive's written approval or a permit or regulatory notice.
- (3) In this section—
- plant* includes—
- (a) timber or a dead plant; and
  - (b) a part of a plant.
- remove* includes gather and dig up.



**29 Non-combustible material not to be deposited in a fire**

A person must not deposit non-combustible material in a fire in a recreation area.

*Example of non-combustible material—*

can, bottle, brick, piece of steel

Maximum penalty—20 penalty units.

**30 Glass not to be broken in a recreation area**

A person must not break glass in a recreation area.

Maximum penalty—20 penalty units.

**31 Disposing of animal waste in particular areas—Act, s 125**

- (1) This section prescribes, for section 125(2)(c) of the Act, the way for disposing of animal waste of a fish or crab taken in, or in a place adjacent to, a recreation area.
- (2) The animal waste may be disposed of in the recreation area by burying the waste below high water mark and at least 50cm below the surface of the land.
- (3) However, this section only applies to the following recreation areas—
  - (a) Fraser Island Recreation Area;
  - (b) Inskip Peninsula Recreation Area;
  - (c) Moreton Island Recreation Area.

**Part 7 Other conduct in recreation areas****32 Unlawfully soliciting donations or information**

- (1) A person must not solicit donations or information in a recreation area without the written approval of the chief executive.

Maximum penalty—20 penalty units.

- (2) A person who has the chief executive's written approval to solicit donations or information in a recreation area must not solicit donations or information in a way that causes a disturbance to other persons in the area.

Maximum penalty—20 penalty units.

### **33 Person not to display etc. notice etc.**

- (1) A person must not, in a recreation area, display, distribute, drop, scatter, throw down or leave a notice, handbill, or other printed or written matter, without the written approval of the chief executive.

Maximum penalty—20 penalty units.

- (2) Subsection (1) does not apply in relation to—
  - (a) erecting, placing or displaying an official traffic sign in a recreation area under the *Transport Operations (Road Use Management) Act 1995*; or
  - (b) displaying printed or written matter authorised to be displayed in the recreation area under a law of the State or the Commonwealth.

### **34 Use of generators, compressors or motors—Act, s 128**

- (1) This section prescribes the circumstances in which a person may use a generator, compressor or other similar motor in a recreation area for section 128(d) of the Act.
- (2) A person may use a generator, compressor or other similar motor in a recreation area if—
  - (a) the generator, compressor or motor is on a vessel; and
  - (b) the vessel is below low water mark or afloat between high water mark and low water mark; and
  - (c) the generator, compressor or motor is not connected, including, for example, by an air hose or electrical lead, to a device on land.

**35 Possession of weapons, explosives or traps—Act, s 130**

- (1) This section prescribes the circumstances in which a person may possess a relevant device in a recreation area for section 130(2)(b) of the Act.
- (2) A person may possess a relevant device in a recreation area if, while the device is in the area, it is securely stored in a dismantled state in or on a vehicle or vessel.
- (3) Without limiting subsection (2), a relevant device is securely stored in or on a vehicle or vessel if it is kept in a place in or on the vehicle or vessel where it is not easily accessible and is out of sight.
- (4) In this section—

*relevant device* means a bow, catapult, weapon, explosive device, net, snare or trap.

**Part 8 Records and information****Division 1 Requirements for keeping records****36 Purpose of div 1**

This division prescribes, for section 219(a) of the Act, the way records must be kept about activities authorised and conducted under a commercial activity permit or a relevant group activity permit.

**37 Keeping records about activities under commercial activity permits**

- (1) A record about an activity authorised and conducted under a commercial activity permit must be kept—
  - (a) in—
    - (i) a record book supplied by the chief executive; or

- (ii) an electronic record system approved by the chief executive; and
  - (b) in a secure way at the following place—
    - (i) if the chief executive has given the holder of the permit a written notice stating the place where the record is to be kept—the stated place;
    - (ii) otherwise—the holder’s place of business; and
  - (c) for 2 years after the activity ends.
- (2) A record book mentioned in subsection (1)(a)(i) is the property of the State.

**38 Keeping records about activities under relevant group activity permits**

A record about an activity authorised and conducted under a relevant group activity permit must be kept—

- (a) in a written document or an electronic record system approved by the chief executive; and
- (b) in a secure way at the following place—
  - (i) if the chief executive has given the holder of the permit a written notice stating the place where the record is to be kept—the stated place;
  - (ii) otherwise—at the holder’s residential address or place of business; and
- (c) for 2 years after the activity ends.

**39 When prescribed information must be included in a record**

- (1) Prescribed information for a record about an activity authorised and conducted under a commercial activity permit or a relevant group activity permit must be included in the record before the end of each day on which the activity is conducted.
- (2) In this section—



*prescribed information*, for a record about an activity authorised and conducted under a commercial activity permit or relevant group activity permit, means the information prescribed under division 2 as information that must be included in the record.

#### **40 Further requirement for keeping electronic records**

If a record is kept in an approved electronic record system under section 37 or 38 and the system is not working on the day particular information must be included in the record—

- (a) the information must be recorded in a document in a form approved by the chief executive; and
- (b) the document is taken to be a part of the system.

### **Division 2 Information to be included in records**

#### **41 Purpose of div 2**

This division prescribes, for section 219(b) of the Act, the information that must be included in records about activities authorised and conducted under a commercial activity permit or a relevant group activity permit.

#### **42 Prescribed information for records about activities under commercial activity permits**

The following information must be included in a record about an activity authorised and conducted under a commercial activity permit, for each day the activity is conducted—

- (a) a description of the activity;
- (b) the sites visited or used for conducting the activity;
- (c) if the permit was issued for the purpose of filming or photography—the number of persons who took part in the activity;

- (d) if the permit was issued for a purpose other than filming or photography—the number of clients who took part in the activity;
- (e) if camping is conducted under the permit—the number of persons camping under the permit.

#### **43 Prescribed information for records about activities under relevant group activity permits**

The following information must be included in a record about an activity authorised and conducted under a relevant group activity permit, for each day the activity is conducted—

- (a) a description of the activity;
- (b) the date the activity is conducted;
- (c) the sites visited or used for conducting the activity;
- (d) if the permit states the activity is a people-based activity—the number of persons who took part in the activity;
- (e) if the permit states the activity is a vehicle-based activity—the number of vehicles used for the activity;
- (f) if camping is conducted under the permit—the number of persons camping under the permit.

### **Division 3 Requirements for giving information to chief executive**

#### **44 Purpose of div 3**

This division prescribes for section 219(c) of the Act—

- (a) the way in which and the times at which information about activities authorised and conducted under a commercial activity permit or a relevant group activity permit must be given to the chief executive; and
- (b) the fees relating to the activities that must accompany the information.

**45 Giving information for commercial activity or relevant group activity permits**

- (1) This section applies for giving—
  - (a) information that—
    - (i) is required under section 42 or 43 to be included in a record about an activity authorised and conducted under a commercial activity permit or relevant group activity permit; and
    - (ii) relates to an activity authorised and conducted under the permit during a prescribed period for the permit; and
  - (b) information about another activity authorised under a commercial activity permit or relevant group activity permit for a prescribed period for the permit.
- (2) The information must be given to the chief executive—
  - (a) in the approved form; and
  - (b) for each prescribed period for the permit; and
  - (c) if the information is for a commercial activity permit—within 20 business days after each prescribed period for the permit; and
  - (d) if the information is for a relevant group activity permit—within 10 business days after each prescribed period for the permit.
- (3) In this section—

***prescribed period***, for a commercial activity permit or relevant group activity permit, means—

  - (a) if the chief executive has given the holder of the permit a written notice stating each prescribed period for the permit—each stated period; or
  - (b) otherwise—
    - (i) each period of 3 months starting after the permit is granted; and
    - (ii) if the permit ends within a 3 month period mentioned in subparagraph (i)—the period starting

on the day the 3 month period started and ending on the day the permit ends.

**46 Fees to accompany information for commercial activity or relevant group activity permit**

- (1) This section applies for giving information required under section 42 or 43 to be included in a record about an activity authorised and conducted under a commercial activity permit or relevant group activity permit.
- (2) The information must be accompanied by any additional daily fee and any camping fee payable for the permit.

**Division 4 Other matters**

**47 Information must be complete, accurate and legible**

- (1) This section applies to a person who is required under the Act to—
  - (a) include information in a record about an activity authorised and conducted under a commercial activity permit or relevant group activity permit; or
  - (b) give information about an activity authorised and conducted under a commercial activity permit or relevant group activity permit to the chief executive.
- (2) The person must ensure the information is—
  - (a) complete and accurate; and
  - (b) legible; and
  - (c) recorded in ink, unless the information is in electronic form.

Maximum penalty—20 penalty units.

## Part 9 Fees payable under the Act

### Division 1 Fees payable

#### 48 Fees generally

- (1) The fees payable under the Act are stated in schedule 3.
- (2) To remove any doubt, it is declared that a fee payable under the Act is a debt due to the State.
- (3) A proceeding may be instituted against a person for the recovery of a fee, or part of a fee, payable under the Act whether or not—
  - (a) a prosecution has been instituted against the person for an offence in relation to the nonpayment; or
  - (b) the person has been convicted of an offence in relation to the nonpayment.

#### 49 Reduced application fee for group activity permits and commercial activity permits and agreements if equivalent fee paid under another Act

- (1) This section applies to an application for a group activity permit, commercial activity permit or commercial activity agreement (a *RAM application*) if—
  - (a) the group activity or commercial activity for which the permit or agreement is sought is to be conducted in—
    - (i) a recreation area; and
    - (ii) 1 or more of the following—
      - (A) a forest reserve that was, immediately before its dedication as a forest reserve, a State forest under the *Forestry Act 1959*;
      - (B) a protected area under the *Nature Conservation Act 1992*;
      - (C) a State forest under the *Forestry Act 1959*; and

- (b) the applicant has also made an application for an authority (however called) for conducting the activity in the forest reserve, protected area or State forest (a *related application*); and
- (c) the applicant has paid an application fee (however called) for the related application; and
- (d) the chief executive is satisfied the RAM application and related application can be considered together.

*Example—*

A person applies for a commercial activity permit for conducting a commercial tour that is to be conducted in the Fraser Island Recreation Area and the Cooloola section of the Great Sandy National Park.

The day before the application was made, the person applied, under the *Nature Conservation Act 1992*, for a commercial activity permit for conducting the tour in the Cooloola section of the Great Sandy National Park and the chief executive has not started considering that application under that Act.

- (2) The chief executive may waive all or part of the application fee payable under schedule 3 for the RAM application.
- (3) However, if the application fee payable for the RAM application is higher than the application fee paid for the related application, the chief executive can only waive an amount equivalent to the application fee paid for the related application.

## **50 Reduced permit fee for commercial activity permits if equivalent fee paid under another Act**

- (1) This section applies if—
  - (a) the chief executive waives all or part of the application fee payable for an application for a commercial activity permit under section 49; and
  - (b) the holder of the permit has paid a permit fee (however called) for the authority mentioned in section 49(1)(b) (the *equivalent authority*).
- (2) The chief executive must also waive—
  - (a) if the permit fee paid for the equivalent authority is the same or higher than the permit fee stated in schedule 3

for the commercial activity permit—the permit fee for the commercial activity permit; or

- (b) if the permit fee paid for the equivalent authority is lower than the permit fee stated in schedule 3 for the commercial activity permit—the amount of the permit fee, for the commercial activity permit, equivalent to the permit fee paid for the equivalent authority.

**51 Reduced additional daily fee for group or commercial activity permit if equivalent fee paid under another Act**

- (1) This section applies if—
  - (a) the holder of a group activity permit or a commercial activity permit, other than for filming or photography, conducts a group activity or commercial activity under the permit in—
    - (i) the recreation area to which the permit applies; and
    - (ii) 1 or more of the following—
      - (A) a forest reserve that was, immediately before its dedication as a forest reserve, a State forest under the *Forestry Act 1959*;
      - (B) a protected area under the *Nature Conservation Act 1992*;
      - (C) a State forest under the *Forestry Act 1959*; and
  - (b) the activity is conducted for the same clients in the recreation area and the forest reserve, protected area or State forest under an equivalent permit (however called); and
  - (c) the holder has paid a daily fee (however called) for conducting the activity under the equivalent permit.
- (2) The additional daily fee payable under the Act for conducting the activity under the group activity permit or commercial activity permit is the amount worked out by deducting the amount of the daily fee paid for conducting the activity under the equivalent permit from the additional daily fee stated in

schedule 3 for the group activity permit or commercial activity permit.

- (3) To remove any doubt, it is declared that a deduction under subsection (2) may result in the additional daily fee payable under the Act being zero.

*Example for subsection (3)—*

The holder of a commercial activity permit conducts a commercial tour lasting 3 hours for 10 clients in Bribie Island Recreation Area and Glasshouse Mountains National Park. The holder has paid the applicable daily fee of \$26 (\$2.60 for each client) under the *Nature Conservation Act 1992* for conducting the tour in the national park under a commercial activity permit under that Act.

The \$26 that has been paid is deducted from the applicable additional daily fee of \$26 that would otherwise be payable under the Act for conducting the commercial tour in the recreation area under the commercial activity permit. The additional daily fee payable under the Act is therefore zero.

- (4) In this section—

*daily fee* does not include a fee payable for camping overnight.

## **Division 2                      Exemptions granted without application**

### **52            Exemption for camping permit granted to particular persons**

No fee is payable for a camping permit granted to a person who is in a recreation area to prepare a management plan under the *Aboriginal Land Act 1991*, or the *Torres Strait Islander Land Act 1991*, for a national park adjacent to the recreation area.



## **Division 3 Exemptions granted on application**

### **Subdivision 1 Grounds for granting exemptions**

#### **53 Exemption for particular activities directed at conservation**

The chief executive may grant an exemption from the payment of a fee relating to a permit for a recreation area if the chief executive is satisfied—

- (a) the activities to be conducted under the permit will make a significant contribution to—
  - (i) the conservation of nature generally; or
  - (ii) the conservation or presentation of the cultural or natural resources of the recreation area to which the permit applies, or another recreation area, or a protected area or marine park; or
  - (iii) the management of the recreation area to which the permit applies, or another recreation area, or a protected area or marine park; and
- (b) any commercial or recreational aspect of the activities is not the primary purpose for conducting the activities.

#### **54 Exemption for vehicle access permits granted to particular persons**

- (1) The chief executive may grant a person an exemption from the payment of a fee for a vehicle access permit for a recreation area if the chief executive is satisfied—
  - (a) the person reasonably requires the permit to access—
    - (i) the person's principal place of residence; or
    - (ii) land in which the person has a registered interest, other than land subject to a time share scheme; or
    - (iii) the principal place of residence of a close relative of the person; or

- (b) the person reasonably requires the permit to access the recreation area for carrying out the person's employment, trade, business or profession.
- (2) In this section—
- carrying out***, employment, or a trade, business or profession does not include soliciting for employment, trade or business.
- close relative***, of a person, means the person's—
- (a) spouse; or
  - (b) parent or grandparent; or
  - (c) brother or sister; or
  - (d) child or grandchild.
- time share scheme*** see the *Land Title Act 1994*, schedule 2.

## Subdivision 2      **Application process**

### 55      **Application for exemption of fee**

- (1) A person may make an application (a ***fee exemption application***) to the chief executive for an exemption from the payment of a fee for a permit under a ground mentioned in subdivision 1.
- (2) The fee exemption application must—
  - (a) be in the approved form; and
  - (b) include details to support why the exemption should be granted under the ground; and
  - (c) be made before or when the application for the permit is made.
- (3) The applicant must provide any other relevant information reasonably required by the chief executive to decide the fee exemption application.

### 56      **Deciding fee exemption application**

The chief executive must consider each fee exemption application and either—

- (a) grant the exemption, with or without conditions; or
- (b) refuse the application.

### **57 Grant of exemption under fee exemption application**

If the chief executive decides to grant the exemption to which a fee exemption application relates, the chief executive must give the applicant a written notice stating—

- (a) the permit to which it applies; and
- (b) if the chief executive has imposed any conditions on the exemption—
  - (i) the conditions; and
  - (ii) the reasons for the conditions.

*Example of a condition that may be imposed—*

An exemption from payment of a fee for a permit is granted on the condition that the activities conducted under the permit are conducted for a stated purpose that is consistent with the purpose of this Act, the *Marine Parks Act 2004* or the *Nature Conservation Act 1992*.

### **58 Refusal of exemption under fee exemption application**

If the chief executive decides to refuse a fee exemption application, the chief executive must give the applicant a written notice stating—

- (a) the decision; and
- (b) the reasons for the decision.

### **59 Effect of grant of exemption under fee exemption application**

- (1) This section applies if the chief executive has granted an exemption to which a fee exemption application relates.
- (2) The applicant is not required to pay the fee to which the exemption relates.
- (3) However, if the chief executive has imposed conditions on the exemption, subsection (2) applies only if the applicant complies with the conditions.

## Division 4                      Refund of fees

### 60            Refund of fees

- (1) This section applies if a permit has been—
  - (a) amended to an extent that the fee paid for the permit is higher than the fee that would be payable for the permit in its amended form; or
  - (b) amended or suspended under section 64 of the Act; or
  - (c) cancelled or suspended under section 65(1)(a) of the Act; or
  - (d) surrendered under section 66 of the Act.
- (2) The chief executive may refund all or part of a fee paid for the permit if the chief executive considers the refund is appropriate having regard to—
  - (a) the nature of the amendment, suspension, cancellation or surrender; and
  - (b) any other relevant matter.
- (3) The chief executive may refund the fee in the way the chief executive considers appropriate.

*Examples of ways chief executive may refund fee—*

- by giving the person a cheque for the amount refunded
  - by deducting the amount refunded from another fee the person is required to pay under the Act
- (4) If a person applies to the chief executive for a refund under this section, the chief executive may deduct the refund processing fee from the amount refunded.
  - (5) In this section—

***refund processing fee***, for an application for a refund, means the fee—

- (a) decided by the chief executive, being not more than the reasonable cost of—
  - (i) considering the application; and

- (ii) refunding the fee or part fee to the applicant; and
- (b) published on the department's web site.

## **Part 10**                      **Transitional regulation for particular approvals and authorities**

### **61**      **Declaration that this part is a transitional regulation—Act, s 250**

This part is a transitional regulation.

*Note—*

Under section 250(4) of the Act, this part expires on 27 August 2008.

### **62**      **Existing vehicle access permits**

- (1) This section applies in relation to an existing vehicle access permit.
- (2) Sections 17 and 18 do not apply in relation to the existing vehicle access permit.
- (3) For sections 19 to 23, the following is taken to be a vehicle tag for the existing vehicle access permit—
  - (a) if, before the commencement, the chief executive issued a label for use under the permit—the label;
  - (b) otherwise—the permit or a copy of the permit.
- (4) In this section—

*existing vehicle access permit* means a service permit granted or issued under the repealed Act that is, under section 239(1) of the Act, taken to be a vehicle access permit under the Act.

**63 Use of motor vehicles under existing vehicle access approvals**

- (1) This section applies if a person has an existing vehicle access approval for using a motor vehicle in a recreation area.
- (2) Despite section 109 of the Act, the person may, under the approval, take the vehicle into, or ride or drive the vehicle in, the recreation area.
- (3) In this section—  
*existing vehicle access approval*, for using a motor vehicle in a recreation area, means a written approval—
  - (a) that was issued or granted under the repealed Act; and
  - (b) under which—
    - (i) a person was able to enter or traverse the recreation area in the vehicle; or
    - (ii) a person was exempted from a requirement under the repealed Act to have a permit or written approval for entering or traversing the recreation area in the vehicle; and
  - (c) that is taken, under section 239(2) of the Act, to be an approval given under the Act.

**64 Particular vehicle exemption authorities continue as vehicle access permits**

- (1) This section applies to a certificate of exemption, exemption authority, exemption label, or an authority, however called (each of which is a *vehicle exemption authority*)—
  - (a) issued or granted under the repealed Act, or taken, under repealed section 68 of that Act, to have been issued or granted under that Act; and
  - (b) under which a person is exempted from a requirement under the repealed Act to have a permit or written approval for entering or traversing a recreation area in a motor vehicle (an *exempted vehicle*); and
  - (c) in force immediately before the commencement of this section.

*Recreation Areas Management Regulation 2007*

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- (2) However, this section does not apply to an existing vehicle access approval as defined under section 63(3).
- (3) A vehicle exemption authority is taken to be a vehicle access permit granted under the Act—
  - (a) for each exempted vehicle; and
  - (b) for the unexpired term of the authority.
- (4) Subject to subsections (5) and (6), the Act applies to a vehicle exemption authority, and a vehicle in a recreation area under the vehicle exemption authority, as if the vehicle exemption authority were a vehicle access permit.
- (5) Section 60 of the Act and sections 17, 18 and 22 do not apply in relation to a vehicle exemption authority.
- (6) Sections 19 and 21 do not apply in relation to a vehicle in a recreation area under a vehicle exemption authority.

**Schedule 2      Continuing recreation areas**

section 4

<b>Name</b>	<b>Description</b>
Bribie Island Recreation Area	the land shown on plan RAMA 5
Fraser Island Recreation Area	the land shown on plan RAMA 4, other than— (a) the land shown on inset L to the plan; and (b) the land described as lots 5 to 9 on CP825863 situated in the County of Fraser, containing an area of about 8.598ha
Green Island Recreation Area	the land shown on plan RAMA 2
Inskip Peninsula Recreation Area	the land shown on inset L to plan RAMA 4
Moreton Island Recreation Area	the land shown on plan RAMA 1



## Schedule 3 Fees

section 48(1)

	\$	
1	Camping permit—	
	(a) for each night that the camp the subject of the permit is attended—	
	(i) for each person 5 years or older taking part in an educational tour or camp of a type approved by the chief executive . . . . .	2.70
	(ii) for each other person 5 years or older . . . . .	4.85
	(b) for each night that the camp the subject of the permit is unattended . . . . .	4.85
	(c) maximum for a family for each night . . . . .	19.40
2	Camping fee for each night camped in a self-registration camping area under a camping permit taken to have been granted under section 37(4) of the Act—	
	(a) for each person 5 years or older camping under the permit . . . . .	4.85
	(b) maximum for a family . . . . .	19.40
3	Vehicle access permit for Bribie Island Recreation Area—	
	(a) for a term of 1 week or less . . . . .	35.50
	(b) for a term of more than 1 week . . . . .	110.80
4	Vehicle access permit for a recreation area, other than Bribie Island Recreation Area—	
	(a) for a term of 1 month or less . . . . .	37.10
	(b) for a term of more than 1 month . . . . .	185.80
5	Group activity permit—	
	(a) application fee . . . . .	24.65
	(b) additional daily fee if special access is allowed, special supervision is needed, or an area is reserved for use, for the activity conducted under the permit—for each day on which the activity is conducted under the permit—	

## Schedule 3 (continued)

		\$
	(i) if the activity is a vehicle-based activity—for each vehicle used for the activity . . . . .	3.75
	(ii) if the activity is a people-based activity—for each person taking part in the activity. . . . .	1.85
	(c) camping fee for each night camped under the permit—	
	(i) for each person 5 years or older taking part in the activity conducted under the permit—	
	(A) if the activity is an educational tour or camp of a type approved by the chief executive . . . . .	2.70
	(B) otherwise . . . . .	4.85
	(ii) maximum for a family. . . . .	19.40
6	Commercial activity permit for filming or photography—no structures involved—	
	(a) only 1 or 2 people involved in the filming or photography—	
	(i) application fee . . . . .	nil
	(ii) permit fee—for each day for which activities are conducted under the permit. . . . .	26.10
	(b) only 3 to 5 people involved in the filming or photography—	
	(i) application fee . . . . .	130.30
	(ii) permit fee—for each day for which activities are conducted under the permit. . . . .	64.40
	(c) 6 or more people involved in the filming or photography—	
	(i) application fee . . . . .	259.40
	(ii) permit fee—for each day for which activities are conducted under the permit. . . . .	130.30
	(d) camping fee for each person 5 years or older camping under the permit—for each night camped	4.85
7	Commercial activity permit for filming or photography—structure involved—	
	(a) only 1 to 5 people involved in the filming or photography—	

## Schedule 3 (continued)

	\$
(i) application fee . . . . .	130.30
(ii) permit fee—for each day for which activities are conducted under the permit . . . . .	130.30
(b) only 6 to 25 people involved in the filming or photography—	
(i) application fee . . . . .	647.00
(ii) permit fee—for each day for which activities are conducted under the permit . . . . .	647.00
(c) only 26 to 50 people involved in the filming or photography—	
(i) application fee . . . . .	1 297.00
(ii) permit fee—for each day for which activities are conducted under the permit . . . . .	1 297.00
(d) 51 or more people involved in the filming or photography—	
(i) application fee . . . . .	2 601.00
(ii) permit fee—for each day for which activities are conducted under the permit . . . . .	2 601.00
(e) camping fee for each person 5 years or older camping under the permit—for each night camped	4.85
8 Commercial activity permit other than for filming or photography—	
(a) application fee—	
(i) if the permit is the same or substantially the same as a commercial activity permit held by the applicant within the previous 3 months . . .	123.50
(ii) otherwise . . . . .	247.00
(b) permit fee—	
(i) for a term of 3 months or less . . . . .	49.60
(ii) for a term of more than 3 months but not more than 1 year . . . . .	197.30
(iii) for a term of more than 1 year but not more than 2 years . . . . .	396.10
(iv) for a term of more than 2 years . . . . .	562.00

## Schedule 3 (continued)

	\$
(c) additional daily fee for each client 5 years or older, of the holder of the permit, taking part in the activity conducted under the permit, if the activity is not an educational tour or a camp of a type approved by the chief executive—	
(i) for an activity in Green Island Recreation Area	2.20
(ii) for an activity in Bribie Island Recreation Area or Moreton Island Recreation Area—	
(A) lasting less than 3 hours . . . . .	1.50
(B) lasting 3 hours or more . . . . .	2.75
(iii) for an activity in another recreation area—	
(A) lasting less than 3 hours . . . . .	3.00
(B) lasting 3 hours or more . . . . .	6.10
(d) camping fee for each client of the holder of the permit, 5 years or older, camping under the permit—for each night camped. . . . .	4.85
9 Amendment of a camping, vehicle access or commercial activity permit requested by the permit holder under section 62 of the Act, other than a change of the permit holder's name or address, the vehicle stated in the permit, or if the holder is a corporation, the name or address of the person responsible for conducting the activity under the permit—	
(a) for an amendment of a camping permit taken to be granted under section 37(2) or (3) of the Act for an e-permit camping area, unless an exemption or waiver has been granted for the full permit fee for the permit—	
(i) for every third amendment . . . . .	10.70
(ii) for every other amendment . . . . .	nil
(b) for an amendment of another camping permit . . . .	nil
(c) for an amendment of a vehicle access permit or commercial activity permit unless an exemption or waiver has been granted for the full permit fee for the permit—for each amendment . . . . .	13.00

## Schedule 3 (continued)

	\$
10 Replacement of a damaged, destroyed, lost or stolen permit .....	6.10
11 Commercial activity agreement—	
(a) for submission of an expression of interest.....	247.00
(b) for an application.....	247.00
(c) for entering into the agreement in another way....	nil

## Schedule 4 Dictionary

### section 3

***client*** means—

- (a) in relation to an activity authorised under a commercial activity permit—a person taking part in the activity, other than a person employed, contracted or otherwise engaged to conduct the activity by the permit holder; or
- (b) in relation to an activity authorised under a group activity permit—a person taking part in the activity.

***high water mark*** means the ordinary high water mark at spring tides.

***litter*** includes broken glass.

***litter bin*** means a receptacle for litter provided by the chief executive.

***low water mark*** means the ordinary low water mark at spring tides.

***marine park*** see the *Marine Parks Act 2004*, schedule.

***national park*** means an area dedicated under the *Nature Conservation Act 1992* as a national park.

***people-based activity*** means a group activity other than a vehicle-based activity.

***protected area*** see the *Nature Conservation Act 1992*, schedule.

***relevant group activity permit*** means a group activity permit under which—

- (a) camping is authorised; or
- (b) special access is allowed, special supervision is needed, or an area is reserved for use, for an activity conducted under the permit.

***special access***, in relation to an activity to be conducted under a group activity permit, means access to a recreation area or a part of a recreation area, for conducting the activity, that is

**Schedule 4 (continued)**

prohibited or restricted under the Act without the written authorisation or approval of the chief executive.

***special supervision***, in relation to an activity to be conducted under a group activity permit, means supervision of the activity that the chief executive reasonably considers is needed for conducting the activity, including, for example, for ensuring public safety or environmental protection.

*Example of when special supervision may be needed—*

The chief executive may consider that supervision by an authorised officer of a motor vehicle rally conducted under a group activity permit is needed for ensuring public safety.

***vehicle-based activity*** means a group activity for which the chief executive reasonably considers that a significant component of the activity involves using a vehicle.

*Example of an activity that may be a vehicle-based activity—*

a motor vehicle rally

***vehicle tag***, for a vehicle access permit, means a tag or label issued under section 17(2) for use under the permit.

## Endnotes

### 1 Index to endnotes

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### 2 Date to which amendments incorporated

This is the reprint date mentioned in the Reprints Act 1992, section 5(c). Accordingly, this reprint includes all amendments that commenced operation on or before 1 July 2008. Future amendments of the Recreation Areas Management Regulation 2007 may be made in accordance with this reprint under the Reprints Act 1992, section 49.

### 3 Key

#### Key to abbreviations in list of legislation and annotations

Key	Explanation	Key	Explanation
AIA	= Acts Interpretation Act 1954	(prev)	= previously
amd	= amended	proc	= proclamation
amdt	= amendment	prov	= provision
ch	= chapter	pt	= part
def	= definition	pubd	= published
div	= division	R[X]	= Reprint No. [X]
exp	= expires/expired	RA	= Reprints Act 1992
gaz	= gazette	reloc	= relocated
hdg	= heading	renum	= renumbered
ins	= inserted	rep	= repealed
lap	= lapsed	(retro)	= retrospectively
notfd	= notified	rv	= revised edition
num	= numbered	s	= section
o in c	= order in council	sch	= schedule
om	= omitted	sdiv	= subdivision
orig	= original	SIA	= Statutory Instruments Act 1992
p	= page	SIR	= Statutory Instruments Regulation 2002
para	= paragraph	SL	= subordinate legislation
prec	= preceding	sub	= substituted
pres	= present	unnum	= unnumbered
prev	= previous		



## 4 Table of reprints

Reprints are issued for both future and past effective dates. For the most up-to-date table of reprints, see the reprint with the latest effective date.

If a reprint number includes a letter of the alphabet, the reprint was released in unauthorised, electronic form only.

Reprint No.	Amendments included	Effective	Notes
1	none	27 August 2007	
1A	2008 SL No. 207	1 July 2008	

## 5 List of legislation

### **Recreation Areas Management Regulation 2007 SL No. 201**

made by the Governor in Council on 16 August 2007

notfd gaz 17 August 2007 pp 2023–5

ss 1–2 commenced on date of notification

remaining provisions commenced 27 August 2007 (see s 2)

exp 1 September 2017 (see SIA s 54)

Note—(1) The expiry date may have changed since this reprint was published. See the latest reprint of the SIR for any change.

(2) A regulatory impact statement and explanatory note were prepared.

amending legislation—

### **Environmental Protection Legislation Amendment Regulation (No. 2) 2008 SL No. 207 pts 1, 11**

notfd gaz 27 June 2008 pp 1268–78

ss 1–2 commenced on date of notification

remaining provisions commenced 1 July 2008 (see s 2)

## 6 List of annotations

### **PART 10—TRANSITIONAL REGULATION FOR PARTICULAR APPROVALS AND AUTHORITIES**

pt 10 (ss 61–64) exp 27 August 2008 (see s 61)

### **PART 11—AMENDMENT OF STATE PENALTIES ENFORCEMENT REGULATION 2000**

pt 11 (ss 65–66) om R1 (see RA ss 7(1)(k) and 40)

### **PART 12—CONSEQUENTIAL AND OTHER AMENDMENTS**

pt 12 (s 67) om R1 (see RA ss 7(1)(k) and 40)

**SCHEDULE 1—CONSEQUENTIAL AND OTHER AMENDMENTS**

om R1 (see RA s 40)

**SCHEDULE 3—FEES**

sub 2008 SL No. 207 s 25