



Queensland

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

**Act No. 63 of 2014**





Queensland

# Recreation Areas Management and Another Act Amendment Act 2014

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Queensland

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

**Act No. 63 of 2014**

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**An Act to amend the Forestry Act 1959 and the Recreation Areas  
Management Act 2006 for particular purposes**

**[Assented to 5 December 2014]**

[s 1]

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**The Parliament of Queensland enacts—**

## **Part 1 Preliminary**

### **1 Short title**

This Act may be cited as the *Recreation Areas Management and Another Act Amendment Act 2014*.

### **2 Commencement**

This Act commences on a day to be fixed by proclamation.

## **Part 2 Amendment of the Forestry Act 1959**

### **3 Act amended**

This part amends the *Forestry Act 1959*.

### **4 Amendment of s 73C (Group activities)**

(1) Section 73C, heading—

*omit, insert—*

#### **73C Organised events**

(2) Section 73C(1)—

*omit, insert—*

(1) A person must not conduct an activity (an *organised event*) that is a non-commercial activity involving the organised use of a part of a



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State forest or timber reserve (the *area*) that is likely to—

- (a) expose a person involved in the organised event to an unreasonable risk to the person's safety from another activity conducted in the area; or

*Example of an activity likely to expose a person to unreasonable risk—*

timber harvesting

- (b) have a detrimental impact on the area, or affect the use of the area by other persons, having regard to the following—

- (i) the location of the area;
- (ii) the number of people, vehicles or animals involved in the organised event or likely to be in the area when the organised event is conducted;
- (iii) the type of organised event;
- (iv) the timing of the organised event;
- (v) any likely disturbance to the area as a result of conducting the organised event;
- (vi) the extent to which the conducting of the organised event may restrict access to the area by the general public.

Maximum penalty—50 penalty units.

*Examples of an activity that may be an organised event—*

concert, competitive sporting event, training exercises conducted by the Australian Defence Force, vehicle rally

- (3) Section 73C(2), note, 'group activities'—

*omit, insert—*

organised events

[s 5]

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(4) Section 73C—

*insert—*

(3) In this section—

***non-commercial activity*** means an activity other than a commercial activity under section 73B(1).

## 5 Insertion of new pt 10, div 5

Part 10—

*insert—*

### **Division 5            Transitional provisions for Recreation Areas Management and Another Act Amendment Act 2014**

#### **140 Permits for group activities granted before the commencement**

(1) A permit for the conduct of a group activity in a State forest or timber reserve that is in force immediately before the commencement continues in force and the unamended Act continues to apply for the conduct of the activity as if the amendment Act, part 2 had not been enacted.

(2) In this section—

***amendment Act*** means the *Recreation Areas Management and Another Act Amendment Act 2014*.

***unamended Act*** means the Act as in force immediately before the commencement of the amendment Act, part 2.

### **141 Applications for permits for group activities made before commencement**

An application for a permit to conduct a group activity made but not decided before the commencement is taken to be an application for a permit to conduct an organised event.

### **142 References to group activity or group activity permit**

- (1) A reference in an Act or document to a group activity may, if the context permits, be taken to be a reference to an organised event.
- (2) A reference in an Act or document to a group activity permit may, if the context permits, be taken to be a reference to a permit for an organised event.

## **Part 3 Amendment of the Recreation Areas Management Act 2006**

### **6 Act amended**

This part amends the *Recreation Areas Management Act 2006*.

### **7 Amendment of s 34 (Types of permits)**

Section 34(1)(c)—

*omit, insert—*

- (c) organised event permit;

[s 8]

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**8 Amendment of s 35 (Terms of permits)**

(1) Section 35(2)(c), ‘a group activity’—

*omit, insert—*

an organised event

(2) Section 35(2)(d)—

*omit, insert—*

(d) for a commercial activity permit—

(i) if the commercial activity permit forms part of a joint permission—the term stated on the joint permission; or

(ii) otherwise—3 years.

**9 Amendment of pt 4, div 4, hdg (Group activity permits)**

Part 4, division 4, heading, ‘Group activity’—

*omit, insert—*

**Organised event**

**10 Amendment of s 45 (How to obtain a group activity permit)**

Section 45, ‘a group activity’—

*omit, insert—*

an organised event

**11 Amendment of s 46 (Requirements for grant of application for group activity permit)**

(1) Section 46, heading, ‘group activity’—

*omit, insert—*

organised event

- (2) Section 46(1), ‘a group activity’—  
*omit, insert*—  
an organised event

**12 Amendment of s 47 (When a group activity permit granted)**

- (1) Section 47, heading, ‘a group activity’—  
*omit, insert*—  
**an organised event**
- (2) Section 47, ‘A group activity’—  
*omit, insert*—  
An organised event

**13 Amendment of s 48 (Group activity permit taken to be authorisation under other Acts)**

- (1) Section 48, heading, ‘Group activity’—  
*omit, insert*—  
**Organised event**
- (2) Section 48, ‘A group activity’—  
*omit, insert*—  
An organised event

**14 Amendment of s 52 (Deciding application for commercial activity permit)**

- (1) Section 52—  
*insert*—
- (4A) However, if the application is for a commercial activity permit that is to form part of a joint permission—

[s 15]

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(a) subsection (4) does not apply for deciding the application; and

(b) the chief executive must decide the application within a reasonable period.

(2) Section 52(4A) to (6)—

*renumber* as section 52(5) to (7).

**15 Amendment of s 54 (Existing commercial activity permit taken to be in force while new application is considered)**

Section 54(2)(d), ‘the existing’—

*omit, insert*—

if the existing permit is a permit other than a joint permission permit—the existing

**16 Amendment of s 55A (Form of commercial activity permit)**

Section 55A—

*insert*—

(2) Also, the chief executive may use a document that has been used for the grant of a marine park permission for the grant of a commercial activity permit.

**17 Insertion of new pt 4, div 5A**

Part 4—

*insert*—

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## **Division 5A      Transfer of particular commercial activity permits**

### **55F Application of div 5A**

This division applies to a joint permission permit, including a joint permission permit continued in force under section 54.

### **55G Joint permission permit transferable**

The joint permission permit is transferable.

### **55H Application to transfer joint permit**

- (1) The holder of the joint permission permit and a proposed transferee may apply to the chief executive to transfer the permit.
- (2) The application must be—
  - (a) in the approved form; and
  - (b) signed by the holder and the proposed transferee; and
  - (c) given to the chief executive at least 28 days before the day on which the transfer is intended to take effect; and
  - (d) accompanied by the prescribed fee for the transfer.

### **55I Deciding transfer application**

- (1) In deciding the application, the chief executive must have regard to the following—
  - (a) whether the proposed transferee is a suitable person to hold the joint permission permit;

[s 17]

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- (b) whether there is adequate insurance cover for the activities proposed to be conducted under the permit;
  - (c) whether the holder of the permit, or the proposed transferee, owes any fee or other amount payable under the Act;
  - (d) all matters relevant to ensuring the orderly and proper management of the recreation area to which the permit applies.
- (2) However, subsection (1)(b) does not apply if the chief executive considers insurance cover is not required having regard to the nature of the activities.
- (3) For deciding whether the proposed transferee is a suitable person to hold the joint permission permit, section 50(3) and (4) applies as if—
- (a) a reference to the applicant were a reference to the proposed transferee; and
  - (b) a reference to the commercial activity permit were a reference to the joint permission permit.

### **55J Chief executive's power to require further information**

- (1) Before deciding the application, the chief executive may, by notice, ask the holder of the joint permission permit or the proposed transferee to give the chief executive any further information the chief executive reasonably requires to decide the application.
- (2) The holder and proposed transferee are taken to have withdrawn the application if the request is not complied with within 60 days after the person to whom the notice is given receives the notice.



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### **55K Approval or non-approval of transfer**

- (1) The chief executive must decide the application within 28 days after the chief executive—
  - (a) receives the application; or
  - (b) if the chief executive has asked for further information under section 55J—receives the information.
- (2) The chief executive may approve the transfer of the joint permission permit only if the chief executive is satisfied—
  - (a) the proposed transferee is a suitable person to hold the joint permission permit; and
  - (b) the holder of the permit, or the proposed transferee, does not owe any fee or other amount payable under the Act.
- (3) If the chief executive refuses to approve the transfer, the chief executive must give the holder of the permit and the proposed transferee an information notice about the decision.

### **55L Steps after approval of transfer**

- (1) This section applies if the chief executive decides to approve the transfer of the joint permission permit.
- (2) The chief executive must cancel the permit and give the proposed transferee a new joint permission permit (the *new permit*) authorising the same activities as the cancelled permit immediately before it was cancelled under this section.
- (3) The new permit—
  - (a) starts on the later of the following days (the *transfer day*)—
    - (i) the day the application is decided;

[s 18]

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- (ii) the day stated in the application for the approval of the transfer as the day on which the transfer is to take effect; and
  - (b) ends on the day the cancelled permit would have ended if it were not cancelled under this section.
- (4) The new permit is subject to the same conditions as the cancelled permit immediately before it was cancelled under this section.
- (5) Despite subsection (4), the chief executive may impose a new or different condition on the new permit if—
  - (a) the proposed transferee consents to the new or different condition; or
  - (b) it is a condition that provides for an indemnity for the State against any liability for loss or damage that is suffered by any person and is caused, whether directly or indirectly, by the activities conducted under the permit; or
  - (c) it is a condition that provides for the compensation or reimbursement of any loss or expense incurred by the State in relation to activities conducted under the permit.
- (6) The holder of the permit cancelled under subsection (2) must return it to the chief executive before the end of the day after the transfer day.

**18 Amendment of s 56 (Chief executive's power to require further information about permit application)**

Section 56—

*insert—*

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(4A) Subsection (4)(a) does not apply if the application is for a commercial activity permit that is to form part of a joint permission.

**19 Amendment of s 59 (Steps to be taken after permit application decided (other than commercial activity permit))**

Section 59(1)(a) and (2)(a), ‘a group activity’—

*omit, insert—*

an organised event

**20 Amendment of s 61 (Minor amendments)**

Section 61(2)(b), ‘a group activity’—

*omit, insert—*

an organised event

**21 Amendment of s 62 (Amendments by application)**

Section 62(2)(b), (3)(b) and (6)(b), ‘a group activity’—

*omit, insert—*

an organised event

**22 Amendment of s 63 (Other amendments (other than immediately))**

(1) Section 63(1)(a)(iv)—

*omit, insert—*

(iv) for a joint permission permit—a related permission for the permit has been, or is about to be—

(A) amended to an extent that is no longer consistent with the permit;  
or

[s 23]

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- (B) replaced with another permission that is not consistent with the permit; or
  - (C) suspended or cancelled; or
  - (v) the amendment is necessary having regard to the purpose of this Act; or
- (2) Section 63(3), (5)(b) and (8)(b), ‘a group activity’—  
*omit, insert—*  
an organised event

**23 Amendment of s 65 (Cancelling a permit or suspending a permit (other than immediately))**

- (1) Section 65(1)(b)—  
*insert—*
- (iv) for a joint permission permit—a related permission for the permit has been, or is about to be—
    - (A) amended to an extent that is no longer consistent with the permit; or
    - (B) replaced with another permission that is not consistent with the permit; or
    - (C) suspended or cancelled; or
- (2) Section 65(3), (5)(b) and (7)(b), ‘a group activity’—  
*omit, insert—*  
an organised event

**24 Replacement of s 68 (Permits and approvals not transferable)**

Section 68—

*omit, insert—*

**68 Permits generally not transferable**

A permit, other than a joint permission permit, is not transferable.

**25 Amendment of s 108 (Unlawful camping)**

Section 108(1), ‘group activity’—

*omit, insert—*

organised event

**26 Amendment of s 110 (Unlawful conduct of group activity)**

(1) Section 110, heading, ‘group activity’—

*omit, insert—*

**organised event**

(2) Section 110, from ‘a group activity’ to ‘commercial activity agreement’—

*omit, insert—*

an organised event in a recreation area unless the person conducts the organised event under an organised event permit

**27 Amendment of s 137 (Permit or corresponding authority must be available for inspection)**

Section 137(1), ‘a group activity’—

*omit, insert—*

an organised event

**28 Amendment of s 208 (Internal review decision)**

Section 208—

*insert—*

[s 29]

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- (1A) The chief executive may, by notice to the applicant, extend the period for making the internal review decision if—
- (a) the reviewable decision relates to a joint permission permit; and
  - (b) a decision about a related permission for the permit is being reviewed under a marine park Act; and
  - (c) the chief executive reasonably considers the outcome of the review of the decision about the related permission is reasonably likely to affect the chief executive’s internal review decision.

## **29 Insertion of new s 211**

Part 9, division 4—

*insert—*

### **211 Extending time for application**

QCAT may extend the time for applying for an external review of a decision to which section 210 applies if—

- (a) the internal review decision relates to a joint permission permit; and
- (b) a decision about a related permission for the permit—
  - (i) is being reviewed under a marine park Act; or
  - (ii) has been reviewed and is the subject of an appeal under a marine park Act; and
- (c) QCAT reasonably considers the outcome of the review or appeal under the marine park Act is reasonably likely to affect the applicant’s decision about whether or not to pursue, or the chief executive’s decision

about whether or not to defend, an application for external review under this division.

**30 Amendment of s 219 (Records and other information to be kept)**

Section 219, ‘group activity’—

*omit, insert*—

organised event

**31 Amendment of s 221 (Notice of damage to, or loss or destruction of, record)**

Section 221, ‘group activity’—

*omit, insert*—

organised event

**32 Insertion of new pt 11, div 1, hdg**

Part 11, before section 233—

*insert*—

**Division 1**

**Transitional provisions for  
Act No. 20 of 2006**

**33 Insertion of new pt 11, div 2**

Part 11—

*insert*—

## **Division 2      Transitional provisions for Recreation Areas Management and Another Act Amendment Act 2014**

### **249A Group activity permits granted before the commencement**

- (1) A group activity permit for the conduct of an activity in an area that is in force immediately before the commencement continues in force and the unamended Act continues to apply for the conduct of the activity as if the amendment Act, part 3 had not been enacted.
- (2) To remove any doubt, it is declared that a group activity permit continued in force under subsection (1) is, for the *Nature Conservation Act 1992* and the *Forestry Act 1959*, taken to be an authorisation permitting the activity in the area under those Acts.
- (3) In this section—

*amendment Act* means the *Recreation Areas Management and Another Act Amendment Act 2014*.

*unamended Act* means the Act as in force immediately before the commencement of the amendment Act, part 3.

### **249B Applications for group activity permits made before commencement**

An application for a group activity permit made but not decided before the commencement is taken to be an application for an organised event permit.



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**249C References to group activity or group activity permit**

- (1) A reference in an Act or document to a group activity may, if the context permits, be taken to be a reference to an organised event.
- (2) A reference in an Act or document to a group activity permit may, if the context permits, be taken to be a reference to an organised event permit.

**34 Amendment of schedule (Dictionary)**

- (1) Schedule, definition *group activity*—  
*omit.*
- (2) Schedule—  
*insert—*

***joint permission*** means an instrument that includes more than 1 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).

***joint permission permit*** means a commercial activity permit forming part of a joint permission.

***marine park Act*** means either of the following—

- (a) the *Marine Parks Act 2004*;
- (b) the *Great Barrier Reef Marine Park Act 1975* (Cwlth).

***marine park permission*** means a permission granted under a marine park Act.

[s 34]

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***organised event***—

- 1 An *organised event* is 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, having regard to the following—
- (a) the location of the part;
  - (b) the number of people, vehicles or animals involved in the activity or likely to be in the part when the activity is conducted;
  - (c) the type of activity;
  - (d) the timing of the activity;
  - (e) any likely disturbance to the part as a result of conducting the activity;
  - (f) the extent to which the conducting of the activity may restrict access to the part by the general public.

*Examples of an activity that may be an organised event*—

concert, competitive sporting event, training exercises conducted by the Australian Defence Force, vehicle rally

- 2 An *organised event* does not include an activity—
- (a) conducted in a recreation area by a relevant Aboriginal or Torres Strait Islander entity for the area, under Aboriginal tradition or Island custom; or
  - (b) authorised under a recreation area agreement.

***organised event permit*** means an organised event permit issued under part 4, division 4.

- (3) Schedule, definition *insurance cover*, ‘group activity’—  
*omit, insert*—  
organised event
- (4) Schedule, definition *relevant details*, ‘a group activity’—  
*omit, insert*—  
an organised event

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