



Queensland

Nature Conservation and Other Legislation Amendment Regulation (No. 2) 2013

Subordinate Legislation 2013 No. 237

made under the

Forestry Act 1959

Nature Conservation Act 1992

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Part 1 Preliminary

1 Short title

This regulation may be cited as the *Nature Conservation and Other Legislation Amendment Regulation (No. 2) 2013*.

2 Commencement

This regulation commences on 24 November 2013.

Part 2 Amendment of Forestry Regulation 1998

3 Regulation amended

This part amends the *Forestry Regulation 1998*.

4 Amendment of sch 6 (Fees)

(1) Schedule 6, items 2 and 3—
omit, insert—

- 2 Commercial activity permit for filming or photography—no structures involved—
- (a) only 3 to 5 people involved in the filming or photography—
- | | |
|---|--------|
| (i) application fee. | 153.30 |
| (ii) extension of permit fee | 153.30 |
| (iii) permit fee—for each day for which activities are carried out under the permit | 75.80 |
- (b) 6 or more people involved in the filming or photography—
- | | |
|------------------------------|--------|
| (i) application fee. | 305.50 |
|------------------------------|--------|

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	(ii) extension of permit fee	305.50
	(iii) permit fee—for each day for which activities are carried out under the permit	153.30
3	Commercial activity permit for filming or photography—structure involved—	
	(a) only 1 to 5 people involved in the filming or photography—	
	(i) application fee.	153.30
	(ii) extension of permit fee	153.30
	(iii) permit fee—for each day for which activities are carried out under the permit	153.30
	(b) only 6 to 25 people involved in the filming or photography—	
	(i) application fee.	760.00
	(ii) extension of permit fee	760.00
	(iii) permit fee—for each day for which activities are carried out under the permit	760.00
	(c) only 26 to 50 people involved in the filming or photography—	
	(i) application fee.	1 526.00
	(ii) extension of permit fee	1 526.00
	(iii) permit fee—for each day for which activities are carried out under the permit	1 526.00
	(d) 51 or more people involved in the filming or photography—	
	(i) application fee.	3 063.00
	(ii) extension of permit fee	3 063.00
	(iii) permit fee—for each day for which activities are carried out under the permit	3 063.00

(2) Schedule 6, item 4(b) to (d)—
renumber as schedule 6, item 4(c) to (e).

Subdivision 2A Renewing particular commercial activity permits

33A Definition for sdiv 2A

In this subdivision—

new permit, for a permit holder who has made a renewal request for an existing permit, means a commercial activity permit that would be granted to the permit holder if the existing permit is renewed under this subdivision.

33B Permit holder may ask for permit renewal

- (1) A person (a *permit holder*) who holds a commercial activity permit (an *existing permit*) may ask the chief executive to renew the existing permit (a *renewal request*).
- (2) A renewal request must—
 - (a) be in the approved form; and
 - (b) be made before the existing permit expires; and
 - (c) be accompanied by the renewal fee and the permit fee payable under part 8 for the permit.

33C Existing permit continues in force until renewal request is decided

- (1) This section applies if a permit holder makes a renewal request for an existing permit.
- (2) The existing permit continues in force from the day it would otherwise have expired until the earliest of the following happens—

- (a) the renewal request is decided;
 - (b) the renewal request is withdrawn;
 - (c) the existing permit has continued in force for 3 months after the day it would otherwise have expired.
- (3) If the chief executive renews the existing permit, the commercial activity permit granted to the permit holder under section 33F(1) is taken to have commenced immediately after the existing permit would otherwise have expired.
- (4) Subsection (2) does not stop the existing permit from being suspended or cancelled under this regulation.

33D When chief executive may renew permit

- (1) This section applies if the chief executive receives a renewal request for an existing permit.
- (2) The chief executive may renew the permit if the chief executive—
 - (a) is satisfied the activities the permit holder intends to carry out under a new permit are substantially the same as the activities that may be carried out under the existing permit; and
 - (b) is satisfied nothing in section 30, 31 or 31A or the Protected Areas Management Regulation, section 50 prevents the chief executive from granting a new permit to the permit holder; and
 - (c) for a permit other than for filming or photography—is satisfied the permit holder has—
 - (i) given the chief executive each return of operations required to be given for the

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permit under the Protected Areas Management Regulation, section 65(1); and

(ii) for each fee payable under the Protected Areas Management Regulation, section 65(4) for the permit—

(A) paid the fee within the period of payment for the fee; or

(B) otherwise entered into an arrangement with the chief executive for payment of the fee and complied with the arrangement; and

(d) is not aware of any information that is likely to change the chief executive's consideration of a matter mentioned in section 25 for the existing permit.

33E When activities under a new permit are substantially the same as under an existing permit

(1) The activities (the *relevant activities*) that may be, or are intended to be, carried out under a new permit are *substantially the same* as the activities that may be carried out under the existing permit if—

(a) all of the relevant activities may be carried out under the existing permit; and

(b) the relevant activities relate only to a location where activities may be carried out under the existing permit; and

(c) the scale of the relevant activities is not greater than the scale of the activities that

may be carried out under the existing permit.

(2) In this section—

scale, of activities, includes the number of people, vehicles, structures or animals for which the activities may be carried out.

33F Steps to be taken if chief executive renews permit

- (1) If the chief executive renews an existing permit under section 33D, the chief executive must, as soon as practicable, grant the permit holder a new commercial activity permit.
- (2) The permit must be granted—
 - (a) for carrying out activities that are substantially the same as the activities that may be carried out under the existing permit; and
 - (b) on the same conditions as the existing permit, unless subsection (3) applies; and
 - (c) for a term that starts on the day after the day the existing permit expires.
- (3) The permit may be granted with conditions that are different to the conditions of the existing permit only if the conditions are different because of an amendment that may be made to a commercial activity permit under section 46, 47, 48 or 50.

33G Step to be taken if chief executive refuses to renew permit

If the chief executive refuses to renew an existing permit under section 33D, the chief executive must give the permit holder a notice stating—

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- (a) the reasons for the refusal; and
- (b) that the refusal does not prevent the permit holder from applying for a new commercial activity permit under section 23.

33H Information notice not required

The chief executive is not required to give the permit holder an information notice about the renewal of, or refusal to renew, an existing permit under this subdivision.

9 Insertion of new pt 12, div 3

After section 174—

insert—

Division 3	Transitional provision for Nature Conservation and Other Legislation Amendment Regulation (No. 2) 2013
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175 Renewal of particular commercial activity permits

Part 2, division 3, subdivision 2A does not apply to a commercial activity permit that expires before 1 April 2014.

10 Amendment of sch 3 (Fees)

- (1) Schedule 3, part 1, division 2, items 8 and 9—

omit, insert—

- | | | |
|---|---|----------|
| 8 | Commercial activity permit for filming or photography—no structures involved— | |
| | (a) only 3 to 5 people involved in the filming or photography— | |
| | (i) application fee | 153.30 |
| | (ii) renewal fee | 153.30 |
| | (iii) permit fee—for each day for which activities are carried out under the permit | 75.80 |
| | (b) 6 or more people involved in the filming or photography— | |
| | (i) application fee | 305.50 |
| | (ii) renewal fee | 305.50 |
| | (iii) permit fee—for each day for which activities are carried out under the permit | 153.30 |
| 9 | Commercial activity permit for filming or photography—structure involved— | |
| | (a) only 1 to 5 people involved in the filming or photography— | |
| | (i) application fee | 153.30 |
| | (ii) renewal fee | 153.30 |
| | (iii) permit fee—for each day for which activities are carried out under the permit | 153.30 |
| | (b) only 6 to 25 people involved in the filming or photography— | |
| | (i) application fee | 760.00 |
| | (ii) renewal fee | 760.00 |
| | (iii) permit fee—for each day for which activities are carried out under the permit | 760.00 |
| | (c) only 26 to 50 people involved in the filming or photography— | |
| | (i) application fee | 1 526.00 |
| | (ii) renewal fee | 526.00 |
| | (iii) permit fee—for each day for which activities are carried out under the permit | 1 526.00 |

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- (d) 51 or more people involved in the filming or photography—
 - (i) application fee 3 063.00
 - (ii) renewal fee 3 063.00
 - (iii) permit fee—for each day for which activities are carried out under the permit 3 063.00
- (2) Schedule 3, part 1, division 2, item 10(b) to (d)—
renumber as schedule 3, part 1, division 3, item 10(c) to (e).
- (3) Schedule 3, part 1, division 2, item 10—
insert—
 - (b) renewal fee 145.40

11 Amendment of sch 7 (Dictionary)

Schedule 7—

insert—

existing permit, for part 2, division 3, subdivision 2A, see section 33B(1).

new permit, for part 2, division 3, subdivision 2A, see section 33A.

permit holder, for part 2, division 3, subdivision 2A, see section 33B(1).

renewal request, for part 2, division 3, subdivision 2A, see section 33B(1).

substantially the same, for part 2, division 3, subdivision 2A, see section 33E(1).

ENDNOTES

- 1 Made by the Governor in Council on 21 November 2013.
- 2 Notified on the Queensland legislation website on 22 November 2013.
- 3 The administering agency is the Department of National Parks, Recreation, Sport and Racing.

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