Recreation Areas Management and Another Act Amendment Bill 2014

Explanatory Notes

Short title

The short title of the Bill is the Recreation Areas Management and Another Act Amendment Bill 2014.

Policy objectives and the reasons for them

The objectives of the Bill are to:

- provide for the granting of a single instrument that authorises commercial activities operating across recreation areas and State and/or Commonwealth Marine Parks, including in the Great Barrier Reef World Heritage Area (GBRWHA);
- provide for an alternative mechanism to regulate access to recreation areas, State forests and timber reserves for the subset of higher impact non-commercial community, sports and recreation events that are currently regulated under the group activity permit (GAP) classification; and
- remove the GAP classification.

These three initiatives support Queensland Government commitments to cut red tape and streamline the permit system for tourism and recreation in Queensland Parks and Wildlife Service (QPWS) managed areas.

Single instrument for activities operating across recreation areas and marine parks

The Queensland and Commonwealth Governments regulate commercial tourism activities that operate in their respective State and Commonwealth marine park jurisdictions. Within the GBRWHA, commercial tourism activities require a marine park permission from both jurisdictions under their respective legislation. Currently, the *Marine Parks Regulation 2006* (MP Regulation) allows these separate State and Commonwealth marine park permissions to be combined into one single combined instrument (a joint marine park permission).

Roughly one quarter of the 600 vessel-based commercial tourism operations within the GBRWHA include activities on national park islands, including approximately 20 businesses in the Green Island Recreation Area. In addition to their marine park permissions, most of these operators also hold a separate commercial activity permit (CAP) from the Queensland Government. Currently, a CAP for a recreation area cannot be combined into one instrument with a marine park permission.

The inability to combine a CAPs for a recreation area and a marine park permission results in separate administrative transactions and uncertainty for tourism operators and duplicate administrative systems for the Great Barrier Reef Marine Park Authority (GBRMPA) and QPWS. The inability to consider all aspects in one process may also result in disjointed governance of the GBRWHA.

In June 2013, the Great Barrier Reef (GBR) Strategy Group, consisting of senior executives of the GBRMPA, the Department of the Premier and Cabinet and QPWS, endorsed for the agencies to work together to scope the consolidation of permitting to create a single joint GBR tourism permit. In February 2014, the GBR Strategy Group approved the development of the administrative details (application form, permit document, policies and procedures) and supported the preparation of a submission to identify the legislative amendments required to give effect to the proposal.

The key changes identified through this process involved amendments to the *Nature Conservation (Administration) Regulation 2006* (NC Administration Regulation) and the *Recreation Areas Management Act 2006* (RAM Act) that would allow CAPs for both protected areas and recreation areas to be combined into one instrument with a marine park permission (a joint permission). This included a number of complementary amendments, including amendments that will allow the term of a CAP to be the same as the related marine park permission and also allow the transfer of a CAP with the marine park permission/s if a business is sold to another operator. These amendments are consistent with similar provisions in the MP Regulation.

In September 2014, the relevant amendments were made to the NC Administration Regulation to allow the initiative to be implemented for CAPs granted for protected areas. The amendments contained in this Bill will complete the reforms by amending the RAM Act to allow the initiative to be implemented for CAPs granted for recreation areas.

Replacing group activity permits with permits for organised events

The regulation of group activities is currently provided for under the *Nature Conservation Act 1992* (NC Act), the RAM Act and the *Forestry Act 1959* (Forestry Act). Permits have historically been used to manage a wide range of non-commercial organised group activities in relation to protected areas, recreation areas and State forests (QPWS managed areas). Some examples include weddings, concerts, vehicle rallies, sporting events, public meetings, religious activities, defence exercises, charity events and club based cycling, horse riding, bushwalking and bird watching activities.

The current definition of 'group activity' allows a wide interpretation to be applied when considering whether a permit is or is not required. This led to the permitting of a significant number of low impact activities and inconsistencies in the way that these permits were administered across QPWS managed areas. To address this issue, QPWS has taken action to focus efforts on only requiring permits for higher impact activities by:

- implementing an operational policy to provide more clarification around the circumstances when a permit is and is not required; and
- introducing an on-line notification process to allow organisers to provide details of upcoming events and to allow QPWS to determine whether a permit is required.

The small number of group activities that continue to be regulated (only 67 permits were issued across QPWS managed areas during the 2013-2014 financial year compared to 442 in the 2011-2012 financial year) include non-commercial events that are of higher impact due to such things as the size, location or type of activity. The continued regulation of these events, such as vehicle rallies, competitive sporting events, and defence force training exercises, is required due to their potential risks and impacts on the site and potential to restrict access or affect the use and enjoyment of an area by the general public and other users.

To reflect the administrative actions already taken to reduce the regulatory burden for low impact activities, the GAP classification will be removed from the NC Act, RAM Act and Forestry Act. Amendments in this Bill will remove the GAP classification and provide alternative mechanisms to manage 'organised events' under the RAM Act and Forestry Act. Under the RAM Act, there is a specific permit called a 'group activity permit'. This will be replaced with an 'organised event permit' (OEP) and all related provisions will be updated to reflect the new terminology. Under the Forestry Act, there is a general permit that is used for a range of purposes, including the authorisation of group activities. It is an offence under the Forestry Act to conduct a group activity without a permit. This offence will be updated to reflect the change in term from group activity to organised event. This terminology better reflects the nature of the higher impact non-commercial community, sports and recreation events that are a sub-set of activities regulated under the GAP classification.

Although the amendments are intended to provide, as far as practicable, consistency across the NC Act, RAM Act and Forestry Act, the provisions around organised events will differ slightly under the Forestry Act. This is intended to reflect the additional risks that activities such as timber harvesting may pose to organised events proposed to be carried out in the area.

The amendments contained in this Bill will allow the initiative to be implemented in areas managed under the RAM Act and Forestry Act. To maintain consistency across the NC Act, RAM Act and Forestry Act, it is proposed that subordinate legislation under the NC Act will be amended separately, on commencement of the proposed amendments to the RAM Act and Forestry Act.

Achievement of policy objectives

To achieve its objectives, the Bill will make a number of amendments to the RAM Act and the Forestry Act that will result in cutting red tape and streamlining legislative and regulatory processes. The amendments fall into the following two categories:

- providing a single instrument for commercial activities operating across recreation areas and marine parks; and
- replacing the GAP classification with permits for organised events.

Single instrument for activities operating across recreation areas and marine parks

The RAM Act will be amended to reflect similar provisions in the MP Regulation and the NC Administration Regulation that provide the option for permissions for marine parks and CAPs for protected areas to be combined into a single instrument.

The amendments will provide consistency across the related legislation by also allowing, if a business operator applies to do so, CAPs for commercial operators in recreation areas to be

combined into a single document with any related State and/or Commonwealth marine park permission (a joint permission).

The amendments will apply when a commercial activity in a recreation area is also carried out across a marine park in the GBRWHA, and/or a State Marine Park outside the GBRWHA. For example, where a vessel based day tour involves snorkelling in a marine park and going ashore on the Green Island Recreation Area.

To allow the coordinated management of the separate approvals that will form part of the joint permission, the Bill will provide for the following:

- remove the three year maximum term for a CAP when it forms part of a joint permission so that it can have the same term as the marine park permission (i.e. up to a maximum term of 15 years). Terms for marine parks permissions are set in policy, not legislation. Currently, joint GBRWHA marine parks permissions have a one year term initially for new operators, followed by a six year term and a maximum term of 15 years for accredited operators;
- include provisions to allow the transfer of a CAP that forms part of a joint permission. CAPs are not currently transferrable and the purchaser of an existing business must apply for a new CAP, whereas Commonwealth and Queensland marine parks permissions are transferrable. Allowing CAPs to be transferred will allow all permits forming part of the joint permission to be transferred if the business is sold;
- if deciding whether to amend, suspend or cancel the CAP component of a joint permission, allows the chief executive to consider whether one of the other permissions has been or is about to be: amended to an extent that it is no longer consistent; or replaced with another permission that is no longer consistent; or suspended or cancelled; and
- for a CAP that forms part of a joint permission, align the statutory timeframes associated with applications, decisions and reviews to those that apply to marine park permissions.

The amendments will contribute towards red tape reduction and streamline the regulatory processes. Although the option of having a joint permission is at the discretion of the applicant, there are benefits in doing so as applicants for joint permissions (new and continuing) will be able to:

- lodge a single application form (to either the State or the Commonwealth Governments);
- pay a single application fee (existing separate fees will be bundled together);
- have a single point of contact during assessment;
- receive a single permit document with consistent access provisions across tenures and common terms and conditions; and
- engage single processes to vary, amend, continue and transfer their permissions.

The amendments will be supported by administrative arrangements with the GBRMPA, and will not add any additional costs or impose additional imposts on stakeholders.

This initiative is proposed to commence on a date to be fixed by proclamation to allow supporting amendments to subordinate legislation to be made following the passage of the proposed Bill.

Replacing group activity permits with permits for organised events

The Bill will amend both the RAM Act and the Forestry Act to reduce unnecessary regulation around small-scale, low impact non-commercial activities on QPWS managed areas, while continuing to regulate higher risk activities that are likely to have a detrimental impact on the area, or affect the use of an area by other persons.

Amendments will remove the GAP classification and provide an alternative mechanism to manage 'organised events' under the RAM Act and the Forestry Act. This new terminology better reflects the nature of the higher impact non-commercial community, sports and recreation events, such as vehicle rallies, competitive sporting events, and defence force training exercises, that are currently a subset of activities captured under the GAP classification.

The amendments involve replacing the references to 'group activities' in the Forestry Act (following commencement of the related provisions in clause 35 of the *Forestry and Another Act Amendment Act 2014*) and the references to 'group activity' and 'group activity permit' in the RAM Act with references to 'organised event' and 'organised event permit'. A definition of 'organised event' will also be provided in the RAM Act.

Rather than having a specific 'group activity permit' like the RAM Act does, the Forestry Act uses a general permit for a range of purposes, including the authorisation of group activities. There is an offence under the Forestry Act for conducting a group activity without a permit. This offence will be updated to reflect the change in terminology from group activity to organised event.

A number of criteria are being added to the RAM Act and Forestry Act to assist in determining whether an activity is an organised event that requires a permit under the respective legislation. Further guidance around each of the criteria will be provided in policy documents. Key features of the changes are that they will:

- clarify that a permit for an organised event only applies to non-commercial activities (commercial activities will continue to be regulated through CAPs and Commercial Activity Agreements);
- allow, in State forest and timber reserve areas under the Forestry Act, a permit to be required in circumstances where a person involved in an organised event is likely to be exposed to unreasonable risks from another activity conducted in the area. This is a key distinction between the Forestry Act and the RAM Act amendments which recognises that the nature of activities undertaken on forestry areas (e.g. timber harvesting or quarrying) are quite different and pose different risks to those in recreation areas;
- allow a permit to be required for an organised event that is likely to have a detrimental impact on the area; or affect the use of the area by other persons, having regard to factors such as the location; the number of people, vehicles or animals; the type of the event; the timing of the event; any likely disturbance to the site; and the extent to which access may be restricted to the general public;
- allow the extent of potential impacts and effects on other users to be considered on a case by case basis and for policy documents to provide further guidance around these highly variable factors when considering whether a permit is or is not required; and

- remove low risk activities from the current examples provided in the definition of 'group activity'.

Under the Forestry Act, the State has delegated responsibility for administering permits for group activities to HQPlantations Pty Ltd (HQPlantations) for activities carried out entirely in State plantation forests. HQPlantations issued approximately 38 permits for group activities during the 2012-2013 financial year and applies its own policy in determining when a permit is required. It currently issues permits for low impact activities that QPWS does not regulate, such as weddings, public meetings and bushwalking groups. In recognition of the different activities and risks associated with plantation forestry areas, the amendments to the Forestry Act will not remove the autonomy of HQPlantations to require permits for activities it currently regulates.

The proposal to replace the GAP classification with permits for organised events will have no impact on existing permit holders and will only require minimal changes to legislation, administrative arrangements, systems, policies and procedures. This initiative is proposed to commence on a date to be fixed by proclamation to allow supporting amendments to subordinate legislation to be made following the passage of the proposed Bill.

Alternative ways of achieving policy objectives

As the Bill primarily addresses the regulatory burden and provisions already contained in primary legislation, the policy objectives cannot be achieved without changes to legislation.

Although the initiative to replace the GAP classification with permits for organised events has largely been implemented through administrative actions, the amendments will provide ongoing certainty and continuity around these actions in legislation.

Estimated cost for government implementation

Costs associated with implementation of the proposed amendments will be met from within existing departmental allocations.

There are approximately 20 businesses in the Green Island Recreation Area that will benefit from the proposal to facilitate a single instrument authorising commercial activities operating across marine and terrestrial areas in the GBRWHA. The application fee for a CAP, currently $150.40 every three years, will only become payable every six or 15 years and therefore result in a slight reduction in revenue due to the longer permit terms. The ability to transfer permits may also result in a slight reduction of revenue as the fee for a transfer will be $150.40 instead of the $301.00 fee that applies to an application for a new CAP. Collectively, the revenue loss is estimated to be less than $450 per year for commercial activities in the Green Island Recreation Area. The estimated costs for other recreation areas is estimated to be less than that for the Green Island Recreation Area due to the lower number of operators that would be eligible for a single instrument in those areas.

It is estimated that the reduced administration costs for QPWS will be commensurate with the reduction in revenue.

The proposal to replace the GAP classification with permits for organised events will have no revenue impacts or further administrative savings for QPWS as the initiative has already been implemented through administrative arrangements.

Consistency with fundamental legislative principles

The Bill is consistent with the fundamental legislative principles outlined in section 4 of the *Legislative Standards Act 1992* and is considered to have sufficient regard to the rights and liberties of individuals and the institution of Parliament.

The amendments of the RAM Act in relation to CAPs only apply to CAPs that are included in a single document with a marine park permission under the Queensland or Commonwealth marine parks Acts (a joint CAP). The amendments will not affect other CAPs. While some of the proposed amendments may affect the rights of joint CAP holders, the effects are generally beneficial for joint CAP holders, enabling them to align the processes, terms and management of their joint CAP with related marine park permissions.

The Office of the Queensland Parliamentary Counsel (OQPC) has not raised any issues of concern regarding the proposed amendments.

Consultation

The Office of Best Practice Regulation has assessed the reforms included in this Bill and advised that these proposals are not likely to result in significant adverse impacts and that no further analysis under the Treasurer's guidelines was required.

Single instrument for activities operating across recreation areas and marine parks

The initiative to develop a single joint GBR tourism permit is supported by the GBR Strategy Group and has been developed in close cooperation with the GBRMPA.

For many years the tourism industry has been calling for further streamlining of permissions within the GBRWHA. Officers from QPWS met with the chief executive of the Queensland Tourism Industry Council and the executive officer of the Association of Marine Park Tourism Operators to consult on the proposed reforms.

As a joint manager of certain QPWS lands, QPWS has informed the relevant joint management parties of the proposed changes. Officers from QPWS and the Department of Aboriginal and Torres Strait Islander and Multicultural Affairs (DATSIMA) met with staff from the Balkanu Cape York Development Corporation (Balkanu) in July 2014 to consult on this proposal. QPWS also wrote to the indigenous joint managers of North Stradbroke Island (Minjerribah) to inform them of this proposal in September 2014.

Replacing group activity permits with permits for organised events

As the State has delegated responsibility for administering permits to HQPlantations for activities carried out entirely in State plantation forests, HQPlantations was consulted on the proposed reforms to the Forestry Act.

The Commonwealth Department of Defence was also consulted as the number of permits issued for its training exercises comprised the largest number of permits granted by QPWS over the last year.

QPWS informed the indigenous joint managers of North Stradbroke Island (Minjerribah) of the proposal in September 2014. On the basis that the proposed amendments will not impact on any existing native title notification processes, the need to consult more broadly with native title representative bodies was not considered necessary.

General community consultation on the development of this proposal was not considered necessary as the amendments will simply reflect the administrative arrangements already introduced by QPWS to reduce the regulatory burden for low impact group activities on QPWS managed lands.

No significant issues were raised by any stakeholders consulted.

Consistency with legislation of other jurisdictions

This Bill is consistent with legislation of other jurisdictions.

While amendments to Commonwealth legislation are not required, the GBRMPA supports the amendments to Queensland Government legislation that facilitate the granting of a single instrument for commercial activities in the GBRWHA. These amendments are consistent with provisions of the MP Regulation that already allows for a single instrument to be granted for commercial activities undertaken across State and Commonwealth marine parks.

Notes on provisions

Part 1 Preliminary

Clause 1 provides the short title and states that, when enacted, the Bill will be cited as the *Recreation Areas Management and Another Act Amendment Act 2014*.

Clause 2 provides that the Act commences on a day to be fixed by proclamation.

Part 2 Amendment of the Forestry Act 1959

Clause 3 provides that this part amends the *Forestry Act 1959*.

Clause 4 amends the offence in section 73C of the Forestry Act (following commencement of the related provisions in clause 35 of the *Forestry and Another Act Amendment Act 2014*) relating to group activities. The amendment amends the offence for conducting group activities unless it is authorised under an authority (such as an agreement, contract, permit, licence or lease). The offence is being updated so that it applies to an organised event. The maximum penalty will remain 50 penalty units. A number of criteria are built into the provisions to provide that an organised event is a non-commercial activity involving the organised use of a part of a State forest or timber reserve 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 being 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.

   Examples of activities that may be an organised event—
   concert, vehicle rally, competitive sporting event, training exercises conducted by the Australian Defence Force

The intent is that the organised events referred to in this provision are only non-commercial activities. There will be a separate offence for conducting a commercial activity without the relevant approval under section 73B (an uncommenced provision being inserted by clause 35 of the *Forestry and Another Act Amendment Act 2014*) that would apply to organised event type activities that are conducted for gain.

Under the Forestry Act, the State has delegated responsibility for administering permits for group activities to HQPlantations Pty Ltd (HQPlantations) for activities carried out entirely in State plantation forests and applies its own policy in determining when a permit is required.

The amendments to the Forestry Act will not remove the autonomy of HQPlantations to require permits for activities it currently regulates through the GAP classification.

In recognition of the different activities and risks associated with plantation forestry areas, the amendments to the Forestry Act will allow, in State forest and timber reserve areas, a permit to be required in circumstances where a person involved in an organised event is likely to be exposed to unreasonable risks from other activities (e.g. timber harvesting or quarrying) occurring in the area.

The provisions provide that a permit is required for an organised event that is likely to have a detrimental impact on the area; or affect the use of the area by other persons, having regard to factors such as the location; the number of people, vehicles or animals; the type of the event; the timing of the event; any likely disturbance to the site; and the extent to which access may be restricted to the general public. Policy documents will provide further guidance around these highly variable factors to assist in determining whether a permit is or is not required.

Clause 5 inserts a new division into part 10 to provide transitional provisions for the *Recreation Areas Management and Another Act Amendment Act 2014*.

A new section 140 is being inserted to provide that a permit to conduct group activities in force immediately before the commencement continues in force and the unamended Act continues to apply as if the amendment Act had not been enacted.

A new section 141 is being inserted to provide that an application for a permit to conduct group activities made, but not decided, before the commencement of this section is taken to be an application for a permit to conduct an organised event.

A new section 142 is being inserted to provide that a reference in an Act or document to a 'group activity' or a 'group activity permit' may, if the context permits, be taken to be a reference to an organised event or a permit for an organised event.

Part 3 Amendment of the Recreation Areas Management Act 2006

Clause 6 provides that this part amends the *Recreation Areas Management Act 2006* (RAM Act).

Clause 7 amends section 34 of the RAM Act. This section lists the different permit types that may be issued under the Act. It is being amended to remove group activity permits (GAPs) and insert a new permit type for organised events – an organised event permit (OEP). A definition of organised event is being inserted in the dictionary to support other reforms being made through this Bill.

Clause 8 amends section 35 of the RAM Act for two purposes. This section specifies the maximum term for different permit types.

Firstly, section 35(2)(c) of the RAM Act is being amended to reflect the removal of the GAP classification and insertion of the new OEP classification. The term of an OEP is one year, which is the same term that applied to a GAP.

Secondly, section 35(2)(d) of the RAM Act is being amended to remove the maximum term of a commercial activity permit when it forms part of a joint permission so that it can have the same term as the marine park permission (i.e. up to a maximum term of 15 years). A definition of joint permission is being inserted in the dictionary to support other reforms being made through this Bill. Marine park permissions do not have a maximum term, so to prevent disjointed management of the CAP component of the joint permission, it will be granted for the same term as the marine park permission. The maximum term of three years continues to apply to all other CAPs that don't form part of a joint permission.

Clause 9 amends the heading in Part 4, division 4 of the RAM Act to reflect the removal of the GAP classification and insertion of the new OEP classification.

Clause 10 amends section 45 of the RAM Act. This section outlines how to obtain a group activity permit. It is only being amended to reflect the removal of the GAP classification and insertion of the new OEP classification.

Clause 11 amends section 46 of the RAM Act. This section outlines the requirements for granting an application and is only being amended to reflect the removal of the GAP classification and insertion of the new OEP classification.

Clause 12 amends section 47 of the RAM Act. This section outlines when a permit is granted and is only being amended to reflect the removal of the GAP classification and insertion of the new OEP classification.

Clause 13 amends section 48 of the RAM Act. This section removes the requirement for operators to hold separate GAPs under the Forestry Act and the NC Act. It provides that a GAP granted for a recreation area under the RAM Act is taken to be an authorisation for a GAP if it is also required for an underlying State forest or protected area. The section is only being amended to reflect the removal of the GAP classification and insertion of the new OEP classification.

Clause 14 amends section 52 of the RAM Act. This section outlines the requirements for deciding an application for a CAP. The section is being amended to remove the statutory timeframe for making a decision on an application for a CAP that forms part of a joint permission in order to align with the similar marine parks and Nature Conservation provisions for joint permissions.

Clause 15 amends section 54 of the RAM Act. This section provides that, upon expiry of an existing CAP at the end of its term, a CAP can temporarily continue in force if a new application is made for a permit. The section is being amended to provide that if the holder of an existing joint permission permit makes an application for a new permit, the existing permit does not expire automatically after three months after its otherwise expiration date. The amendment provides that the joint permission permit can continue in force until the chief executive either grants a new permit, refuses the application or the applicant withdraws the application. This change is being made in order to complement the existing marine parks joint permitting provisions for continuing permits.

Clause 16 amends section 55A of the RAM Act. This section outlines the form a CAP may take. The section is being amended to allow the chief executive to use a single document for the grant of a CAP and a marine park permission.

Clause 17 inserts a new division 5A that provides for the transfer of particular CAPs (joint permission permits). New sections 55F to 55L provide for the transfer of joint permission permits and reflects similar provisions in the MP Regulation and the provisions recently amended in the NC Administration Regulation.

The intent of these provisions is to provide an expedited administrative process for an existing joint permission permit to be transferred to a new permittee, under the same terms and conditions and with the same expiry date. The provisions set a statutory timeframe of 28 days and ensure that the chief executive has regard to:

- ensuring that the holder is a suitable person, has adequate insurance cover and has paid all outstanding fees; and
- all matters relevant to ensuring the orderly and proper management of the recreation area to which the permit applies.

The provisions do not require the chief executive to consider all matters that must be considered for the grant of a new permit on the basis that these matters have previously been considered in the grant of the original permit with conditions.

Clause 18 amends section 56 of the RAM Act to align the timeframe for requesting further information about a joint permission permit application with marine park permits and joint marine park authority permits.

Clause 19 amends section 59 of the RAM Act. This section outlines the steps to be taken after the permit application has been decided (other than commercial activity permit). The section is only being amended to reflect the removal of the GAP classification and insertion of the new OEP classification.

Clause 20 amends section 61 of the RAM Act. This section allows the chief executive to make minor amendments to a permit in certain circumstances. The section is only being amended to reflect the removal of the GAP classification and insertion of the new OEP classification.

Clause 21 amends section 62 of the RAM Act. This section allows the holder of a permit to apply to the chief executive for an amendment of the permit. The section is only being amended to reflect the removal of the GAP classification and insertion of the new OEP classification.

Clause 22 amends section 63 of the RAM Act for two purposes. This section allows the chief executive to amend a permit in certain circumstances.

Firstly, section 63(1)(a) is being amended to allow the chief executive to consider, in addition to the existing matters, other matters relating to the other permissions that form part of the joint permission when deciding whether to amend a joint permission permit. This includes whether a related permission has been or is about to be amended to an extent that it is no longer consistent, or replaced with another permission that is no consistent with the permit, or suspended or cancelled.

Secondly, sections 63(3), 63(5)(b) and 63(8)(b) of the RAM Act are only being amended to reflect the removal of the GAP classification and insertion of the new OEP classification.

Clause 23 amends section 65 of the RAM Act for two purposes. This section allows the chief executive to cancel or suspend a permit in certain circumstances.

Firstly, section 65(1)(b) of the RAM Act is being amended to allow the chief executive to consider, in addition to the existing matters, other matters relating to the other permissions that form part of the joint permission when deciding whether to suspend or cancel a joint permission permit. This includes whether a related permission has been or is about to be amended to an extent that it is no longer consistent, or replaced with another permission that is no consistent with the permit, or suspended or cancelled.

Secondly, sections 65(3), 65(5)(b) and 65(7)(b) of the RAM Act are only being amended to reflect the removal of the GAP classification and insertion of the new OEP classification.

Clause 24 amends section 68 of the RAM Act to provide that joint permission permits are transferrable.

Clause 25 amends section 108 of the RAM Act. This section provides that a person must not camp in a recreation area unless authorised by a camping permit, group activity permit, commercial activity permit or commercial activity agreement. The section is only being amended to reflect the removal of the GAP classification and insertion of the new OEP classification.

Clause 26 amends section 110 of the RAM Act. This section currently provides that a person must not conduct a group activity in a recreation area unless the person conducts the activity under a GAP, CAP or commercial activity agreement. The section is being amended to reflect the removal of the GAP classification and insertion of the new OEP classification.

Clause 27 amends section 137 of the RAM Act. This section provides that certain permits must be available for inspection and is only being amended to reflect the removal of the GAP classification and insertion of the new OEP classification.

Clause 28 amends section 208 of the RAM Act. This section is being amended to allow the chief executive to extend the period for making an internal review decision of a joint permission permit if a decision about a related permission is being reviewed and the outcome of that review is reasonably likely to affect the chief executive's internal review decision.

Clause 29 inserts a new section 211 into the RAM Act. This section is being inserted to allow the Queensland Civil and Administrative Tribunal (QCAT) to extend the time for applying for external review of a joint permission permit decision if a decision about a related permission under a marine park Act is being reviewed or has been reviewed and is the subject of an appeal, and the outcome of the review or appeal 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.

Clause 30 amends section 219 of the RAM Act. This section provides for the keeping of records and other information in relation to activities carried out under a GAP. The section is only being amended to reflect the removal of the GAP classification and insertion of the new OEP classification.

Clause 31 amends section 221 of the RAM Act. This section provides that GAP holders must notify the chief executive if the holder becomes aware of any damage to, or loss or

destruction of, records required to be kept under section 219. The section is only being amended to reflect the removal of the GAP classification and insertion of the new OEP classification.

Clause 32 inserts a new division 1 heading into part 11 of the RAM Act to restructure the transitional provisions. The new division 1 will contain the existing transitional provisions contained in sections 233-249 which relate to a previous Act (No.20 of 2006).

Clause 33 inserts division 2 into part 11 of the RAM Act. This division contains the new transitional provisions for the *Recreation Areas Management and Another Act Amendment Act 2014*.

A new section 249A is being inserted to provide that a GAP in force immediately before the commencement continues in force and the unamended Act continues to apply as if the amendment Act had not been enacted.

A new section 249B is being inserted to provide that an application for a GAP made, but not decided, before the commencement of this section is taken to be an application for an OEP.

A new section 249C is being inserted to provide that a reference in an Act or document to a group activity or a GAP may, if the context permits, be taken to be a reference to organised event or an OEP.

Clause 34 amends the schedule (Dictionary) of the RAM Act for 2 purposes.

Firstly, amendments will omit the definition of group activity and insert a definition of organised event. Other definitions that include references to a group activity are being updated to reflect the removal of the GAP classification and insertion of the new OEP classification.

The key definition is the definition of organised event:
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 being 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, vehicle rally, competitive sporting event, training exercises conducted by the Australian Defence Force

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.

Secondly, amendments will insert new definitions to support the granting of a joint permission. Definitions are provided for the following terms: *joint permission; joint permission permit; marine park Act; marine park permission.*