



Queensland

Recreation Areas Management Regulation 2007

Explanatory Notes for SL 2007 No. 201

made under the

Forestry Act 1959

Marine Parks Act 2004

Nature Conservation Act 1992

Police Powers and Responsibilities Act 2000

Recreation Areas Management Act 2006

State Penalties Enforcement Act 1999

General outline

Short title

The short title of the subordinate legislation is the *Recreation Areas Management Regulation 2007*.

Policy objectives of the legislation and reasons for the policy objectives

The *Recreation Areas Management Act 2006* (“the Act”) and the *Recreation Areas Management Regulation 2007* (“the Regulation”) will replace the recreation areas legislation presently in force (“the present legislation”). The present legislation consists of the

Recreation Areas Management Act 1988 (“the present Act”), the *Recreation Areas Management Regulation 1989* (“the present Regulation”) and the *Recreation Areas Management By-law 1991* (“the By-law”).

The objectives of making the Regulation include—

- supporting the transition, from the present legislation to the Act and Regulation, of recreation management in the five current recreation areas (at Bribie Island, Fraser Island, Green Island, Inskip Peninsula and Moreton Island);
- providing for effective management of recreation areas under the Act, including by prescribing matters such the fees payable under the Act;
- providing for the use of penalty infringement notices for recreation area offences; and
- maintaining consistency with related legislation such as the *Nature Conservation (Administration) Regulation 2006* and *Nature Conservation (Protected Areas Management) Regulation 2006*, particularly with regard to fees, permits, offences and penalties.

The way in which policy objectives are to be achieved by the legislation

The Act and Regulation were developed following a full review of the present legislation involving public and stakeholder consultation. They generally carry forward the effect of recreation area provisions that have been in place for more than 15 years. However, these provisions have been updated and redrafted to comply with contemporary legislative standards, including the fundamental legislative principles set out in the *Legislative Standards Act 1992*.

The Regulation deals with a range of recreation area management matters, including—

- the use of vehicles, vessels, aircraft and recreational craft in order to provide for safe use and to minimise environmental impacts;
- the display of camping permit tags and vehicle permit tags in order to facilitate permit checking;
- the keeping of records and provision of information on commercial activities to facilitate checks on permit compliance

and fees payable, as well as facilitate monitoring of the use of sites and facilities for planning and management purposes;

- exemptions from requiring approvals for plants, animals, generators and weapons in specific circumstances and under specified conditions;
- the disposal of litter and waste and the display of notices in order to protect the environment and provide for visitor safety and amenity;
- approvals to solicit donations or information, in order to maintain visitor amenity and protect visitors from disturbance; and
- fees, fee reductions, fee exemptions and fee refunds, in order to provide for the necessary payment and reimbursement of permit fees.

The Regulation also amends the *State Penalties Enforcement Regulation 2000* in order to provide for the operation of penalty infringement notices for recreation area offences under the Act and the regulations under the Act.

In order to provide for uninterrupted recreation management in the five current recreation areas, the Act and Regulation need to replace the present legislation before 31 August 2007, the scheduled date for expiry of the present Regulation and By-law under the automatic expiry provisions of the *Statutory Instruments Act 1992*.

The Regulation will commence on Monday, 27 August 2007, with the Act to be commenced by proclamation on the same day. Commencement of section 251 of the Act will repeal the present Act including its subordinate legislation. Transitional provisions in the Act will ensure a smooth transfer, and the provisions of the Regulation have been framed to maintain general consistency with existing management arrangements.

Why this way of achieving the policy objectives is reasonable and appropriate

The way in which the Regulation seeks to achieve the policy objectives has two main aspects. The first of these is the management of visitor activities and visitor conduct in recreation areas and the other is the collection of permit fees.

The Regulation applies restrictions and prohibitions to certain actions or behaviour in order to protect the environment and to provide for public safety and the rights of other visitors. However, these restrictions are similar to, and no more demanding than, those that apply in most public places, for example, prohibitions on littering, and restrictions relating to the driving and parking of vehicles. Penalties apply for non-compliance.

Fees are payable for camping, conducting commercial activities such as tours, and conducting organised group activities that might interfere with public use of the area. Fees are also payable for vehicle access permits for motor vehicles in the Bribie Island, Fraser Island and Moreton Island Recreation Areas, although fee exemptions will apply for residents and their close relatives, and for land holders and workers needing access through a recreation area to a relevant property or workplace.

The fees are a continuation of existing recreation area fees, with the inclusion of a new fee for an application or submission of interest for a commercial activity agreement. However, this new fee is only payable as an alternative to the existing (and identical) application fee for a commercial activity permit and does not impose any additional cost. Minor new permit amendment fees are also included. The fees in the Regulation are also consistent with those that apply to equivalent permits for national parks.

The Act continues the existing requirement for all revenue from recreation area fees to be kept in a separate fund and to be expended only for the purpose of the Act. This means that all revenue derived from users of recreation areas is expended for recreation-related purposes, including the provision of recreational facilities and services.

The minor restrictions on visitor conduct and the fee requirements in the Regulation are heavily outweighed by a demonstrated benefit to recreation area users in that they facilitate sustainable environmental management and the provision of recreational facilities and services, and enhance public safety and enjoyment.

How the legislation is consistent with the policy objectives of the authorising law

The Regulation is consistent with the main purpose in section 4(1) of the Act, the establishment, maintenance and use of recreation areas,

and “to provide, coordinate, integrate and improve recreational planning, recreational facilities and recreational management for recreation areas”.

It is also consistent with section 4(2) of the Act, which specifies how the purpose of the Act is to be achieved, including providing for the payment of fees and charges for the use of recreation areas and recreational facilities and services, and enforcing compliance with the Act.

The Regulation operates subject to section 14 of the Act, which protects the rights of area landholders of land within a recreation area. This provision of the Act allows a landholder to legitimately undertake actions which might otherwise appear to be prohibited under the Regulation. For example, a landholder could display a notice without the chief executive's written approval, provided that the landholder displays the notice on the landholder's own land.

Consideration of alternatives to the proposed legislation

Potential alternatives to the creation of the Regulation were considered, including—

Option 1—Leaving the present Act in place and allowing the present Regulation and By-law to expire without replacement.

Option 2—Repealing the recreation areas legislation and declaring coordinated conservation areas (CCAs) under the *Nature Conservation Act 1992* (NCA) to deliver coordinated recreation planning and management over areas with a mix of land tenures.

These alternatives to the proposed regulations were rejected because they would have serious, undesirable environmental, economic and social consequences.

For example, under option 1, existing recreation areas would expire. This would mean that, in these areas—

- Recreation across the various tenures would cease to be managed under a single consistent management regime, and would instead be managed by different authorities under different laws. This would create legal and administrative difficulties for coordinated planning and management, and would impose jurisdictional restrictions on the collection and use of funds to provide recreational facilities and services.

- Visitors would be subject to differing rules and multiple permits across different jurisdictions, with consequent inconvenience and confusion, and a greater chance of inadvertent breaches of the law.
- Environmental impacts would increase as a result of reduced management coordination and a fragmented regulatory and enforcement regime.
- Safety issues would arise from lower levels of coordination and revenue, particularly with regard to adequate safety enforcement, safety audits and facility maintenance.

Option 2 is equally unsatisfactory because of the following effects—

- Existing recreation areas would need to be replaced by CCAs. Negotiating this outcome and putting it in place would be an involved and costly process for little if any gain, and it could prove to be unachievable. For example, landholder agreements would need to be renegotiated and this may not succeed. If recreation areas ceased to exist without CCA replacement, the relevant lands would become subject to the problems listed for option 1 above.
- Under the NCA, the primary role of CCAs is conservation protection, and CCA declaration would not be appropriate for areas of low conservation value, even though some such areas may require coordinated recreation management. This could limit opportunities to achieve coordinated recreation management arrangements. Amending the NCA to allow CCAs to give greater recognition to recreation could resolve this problem, but in turn might weaken the requirement for CCAs to deliver strong conservation outcomes.
- The CCA focus on conservation-related land management could deter landholders from agreeing to include land in a CCA, compared with including land in a recreation area. Again, this could limit future opportunities to achieve coordinated recreation management arrangements.
- Revenue from CCA permit fees need not be distinguished from other revenue and can be used for a range of purposes, unlike recreation areas revenue which must be kept in a separate fund and used only for recreation-related purposes. Therefore, replacement of recreation areas by CCAs could potentially result

in reduced spending on recreational facilities and services in those areas.

The benefits and costs of implementing the legislation

A cost-benefit assessment of legislative proposals and alternative options was carried out in 2002, as presented in the Regulatory Impact Statement (RIS) accompanying these explanatory notes. However, many of the matters proposed by the RIS to be in regulations were subsequently incorporated in the Act, resulting in a reduced set of provisions being incorporated in the Regulation.

Consideration has been given as to whether the outcomes of the cost-benefit assessment are still applicable to this reduced set of provisions. The assessment in the RIS is still considered appropriate because the impact on government, business and the community has not been significantly altered by the changed apportionment of provisions between the Act and its regulations. The Act and regulations work together as a package, and their combined operation was assessed in considering the costs and benefits of the legislation.

Furthermore, the cost benefit assessment is still applicable because the primary impact of the legislation stems from the levying of permit fees, and the proposed fees have not significantly changed from the 2002 RIS proposals. The fees under the Regulation reflect those proposed in the RIS, with adjustment for CPI increases in the intervening time. CPI adjustment was foreshadowed by the following statement in the RIS—

“From time to time scheduled fees in legislation are adjusted in accordance with the Consumer price Index (CPI) to take account of inflation. It is likely that, before the proposed Regulation is finalised, a CPI adjustment will be applied to the proposed fees”.

Consistency of the legislation with fundamental legislative principles

The Regulation is consistent with the fundamental legislative principles in the *Legislative Standards Act 1992*. Only minor restrictions apply to individual actions, and these are necessary for environmental protection and for the protection of public safety and the rights of other visitors.

Consultation

Consultation initially occurred through the release in January 2002 of a public discussion paper, which put forward proposals for a revised Act and regulations. The discussion paper included the RIS which accompanies these explanatory notes. The discussion paper's release was advertised in *The Courier Mail* and regional and local newspapers. Copies of the discussion paper were available on request and it was displayed on the Environmental Protection Agency's (EPA) website. Copies were sent by direct mail to key stakeholders. The 65 submissions received from Government agencies, commercial interests, community groups and individuals were taken into account in developing both the Act and proposals for the new regulations.

As previously indicated, the provisions in the Regulation are considerably briefer than envisaged in the RIS, because many of the matters were incorporated in the Act. A fresh consultation document seeking public comment on these reduced proposals was released in March 2007. The consultation document's release was advertised in *The Courier Mail* and regional and local newspapers. Copies were available on request and it was displayed on the EPA website. Copies were sent by direct mail to key stakeholders, including commercial tour operators and people who made submissions on the 2002 discussion paper. Comments in the 24 submissions received from Government agencies, commercial interests, community groups and individuals were considered in drafting the new regulations.

Submissions were supportive of the proposals, with minor issues raised about vehicle access to beachfront campsites and vehicle access permit fee exemptions. In response, clarification has been made to the provisions to accommodate vehicle access to campsites. The proposals for regulations relating to fee exemptions for vehicle access permits were retained unchanged.

Additional consultation with Queensland Government Departments occurred in preparing the Regulation. This ensured consistency between provisions in the Regulation and other legislation, for example in regard to the management of vehicle use.

Notes on Provisions

Part 1 Preliminary

Sections 1 to 3 give the short title to the Regulation, provide that the Regulation commences on 27 August 2007, and indicate that particular words in the Regulation are defined in schedule 4.

Part 2 Recreation areas

Section 4 provides that pre-existing recreation areas that are continued in existence under section 235 of the Act are described in schedule 2, and that a copy of a plan mentioned in the schedule may be inspected at the departments head office.

Part 3 Camping tags

Part 3 includes provisions to facilitate on-site checking of camping permit compliance.

Section 5 provides that a camping tag must be issued with a camping permit. This section does not apply to camping permits for an e-permit camping area or self registration camping area because the Act requires tags to be made available at these areas.

Sections 6 to 8 specify that the camping permit number and holder's name must be shown on a camping tag, require the tag be displayed while camping, and prohibit tampering with a displayed tag. Penalties apply for non-compliance.

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

Division 1 General

Section 9(1) prescribes Green Island Recreation Area for section 109(2)(b) of the Act, so that vehicle access permits are not required for motor vehicles in this area.

Sections 9(2) and (3) prescribe a government vehicle for section 109(2)(c) of the Act, so that a government vehicle being used for official purposes does not require a vehicle access permit.

Section 10 prohibits use of a motorised vessel on a freshwater lake or watercourse in a recreation area, unless the use is authorised in writing or is in accordance with a regulatory notice.

Division 2 Requirements for using vehicles, vessels and recreational craft

Division 2 of Part 4 sets out requirements for using vehicles, vessels and recreational craft to ensure only safe (registered) vehicles are taken into recreation areas and to provide that vehicles, vessels and recreational craft in recreation areas are used in a safe, orderly and environmentally responsible way.

Sections 11 to 13 provide for offences and penalties in relation to the following—

- failing to comply with a sign or marking regulating the use of vehicles, vessels and recreational craft;
- driving or riding a vehicle without holding a relevant licence; and
- driving or riding a vehicle that required to be registered for use on a road if the vehicle is not registered.

Section 14 is intended to allow recreation area authorised officers to enforce vehicle safety measures, particularly in remote areas in the absence of police or transport officers. Section 14 provides for

offences and penalties for failing to comply with particular requirements of the *Transport Operations (Road Use Management) Act 1995* and the Queensland Road Rules [the *Transport Operations (Road Use Management—Road Rules) Regulation 1999*], in relation to—

- wearing seatbelts;
- wearing motorbike helmets;
- carrying motorbike passengers;
- travelling in or on parts of vehicles not designed for passengers;
- careless driving of a motor vehicle;
- dangerous driving of a vehicle other than a motor vehicle.

However, under section 14(4), a person cannot be charged with an offence under section 14 if the person has been charged for the offence under the Queensland Road Rules or the *Transport Operations (Road Use Management) Act 1995*.

Sections 15 and 16 provide for other offences and penalties in relation vehicles, vessels and recreational craft in order to provide for visitor safety and amenity and protect the environment from undue impacts. The offences and penalties relate to—

- riding or travelling on something being towed behind a motor vehicle;
- carrying passengers on motorised quads or motorised trikes;
- wearing helmets while riding bicycles, or motorised quads or trikes;
- using a vehicle, vessel or recreational craft in a way that damages or may damage the area, or that disrupts or may disrupt someone's enjoyment of the area; and
- driving or riding a vehicle in a recreation area other than on a road (including a carpark and an established track), an unvegetated coastal beach, or a route or surface specified for vehicle use under a regulatory notice.

Division 3 Vehicle tags

Division 3 of Part 4 includes provisions to facilitate on-site checking of vehicle access permit compliance.

Sections 17 to 23 provide that the chief executive must issue a vehicle tag for use under a vehicle access permit, specify that the permit holder must ensure the permit number and vehicle registration number are shown on the tag, require the tag be displayed while the vehicle is in the recreation area under a vehicle access permit, prohibit display of an invalid tag, prohibit display of a tag if the permit has expired or is cancelled, surrendered or suspended, require the return of the tag on request if the permit is cancelled or surrendered and prohibit tampering with a displayed tag. Penalties apply for non-compliance.

Part 5 Animals and plants in recreation areas

Section 24 prescribes, for section 121(2)(d) of the Act, that a domestic animal may be taken into a recreation area on a vessel if the animal is confined to a vessel that remains below low water mark or afloat between the high and low water mark. This means that a written approval is not required for the animal in these circumstances, for example, a pet dog on a travelling yacht visiting a recreation area. The exemption does not apply if a boat is aground above low water mark, or afloat above tidal waters, e.g. on a freshwater stream.

Section 25 prescribes, for section 123(1)(b)(iv) of the Act, circumstances in which a plant may be taken into a recreation area. This means that a person does not need a written approval if—

- the plant is food for an animal lawfully in the recreation area; or
- the plant stays securely in or on a vehicle, vessel or aircraft; or
- the plant is being taken to other land by the most direct and reasonable route, with the approval of the land's owner or occupier, and the plant stays securely in or on a vehicle, vessel or aircraft, or all reasonable steps are taken to ensure that no part of the plant is spread or released into the recreation area.

Section 26 provides that it is an offence to remove, damage or use a plant (including dead timber) in a recreation area for making a fire, unless the chief executive has provided it for use as firewood, or unless taking the plant into the area is authorised by written approval, a permit or a regulatory notice.

Part 6 Depositing waste in recreation areas and related matters

Sections 27 to 30 provide for offences and penalties in relation to—

- depositing litter brought into a recreation area from outside the area;
- depositing litter other than in a provided bin or as required by a regulatory notice;
- depositing non-combustible material in a fire; and
- breaking glass in a recreation area.

Section 31 prescribes, for section 125(2)(c) of the Act relating to offensive or harmful substances, that animal waste of a fish or crab taken in, or in a place adjacent to, the Fraser Island, Inskip Peninsula or Moreton Island recreation areas can be disposed of by burial below high water mark and at least 50cm deep.

Section 31 recognises that people frequently undertake extended fishing trips in these areas and that burial of fish waste on the beach is preferable to keeping it in a person's camp, depositing it in a litter bin, or throwing it into the sea where it is likely to wash ashore. A burial depth of 50 cm is required to minimise chance of immediate exposure by tidal erosion, or, particularly in the case of Fraser Island, being dug up by dingoes.

Part 7 Other conduct in recreation areas

Sections 32 to 35 are intended to provide for visitor safety and amenity.

Sections 32 and 33 create offences and penalties for soliciting donations or information without written approval and displaying or distributing notices, handbills or similar materials without written approval.

Section 34 prescribes, for section 128(d) of the Act, that a person can use a generator, compressor or similar motor on a vessel in a recreation area (such as a travelling yacht) provided the vessel remains below low water mark or afloat between the high and low water mark and the generator, compressor or motor is not connected to anything on land, e.g. by a power lead or air hose. This means that a written approval is not required if the vessel complies with these requirements.

Section 35 prescribes, for section 130(2)(b) of the Act, that a person may possess a device such as a weapon, explosive device or trap in a recreation area, provided that it is securely stored in a dismantled state in or on a vehicle or vessel. This means that the person who complies does not need a written approval, and allows for cases such as a person on an extended tour travelling with a weapon in the vehicle.

Part 8 Records and information

Part 8 sets out requirements for holders of commercial activity permits or a relevant group activity permit to keep specified records about the activities under the permit. A relevant group activity permit is defined in schedule 4 as a group activity permit that authorises camping or an activity involving special access, special supervision or an area reserved for use. These record keeping provisions will assist in facilitating checks on permit compliance, including in regard to the payment of fees under the permit.

Division 1 Requirements for keeping records

Section 36 indicates that Division 1 of Part 8 prescribes, for section 219(a) of the Act, the way that records must be kept about activities authorised and conducted under a commercial activity permit or a relevant group activity permit.

Section 37 provides that records for commercial activities must be kept in the record book supplied, or an approved electronic form, at the holder's business address or other specified place, for 2 years after the end of the activity.

Section 38 provides that records for a relevant group activity must be kept in a written document or an approved electronic form, at the holder's residential or business address or other specified place, for 2 years after the end of the activity.

Section 39 requires information about an activity conducted under a commercial activity permit or a relevant group activity permit to be entered into the record by the end of each day of the activity.

Section 40 requires information to be recorded in another approved form of document if an approved electronic record system is not working.

Division 2 Information to be included in records

Section 41 indicates that Division 2 of Part 8 prescribes, for section 219(b) of the Act, the information to be included in records about activities under a commercial activity permit or a relevant group activity permit.

Sections 42 and 43 provide that information is required about when and where the activities were conducted, the number or clients or participants, the number of vehicles (for a vehicle-based relevant group activity such as a car rally), and the number of persons camping.

Division 3 Requirements for giving information to chief executive

Section 44 indicates that Division 3 of Part 8 prescribes, for section 219(c) of the Act, the way in which and times at which information about activities under a commercial activity permit or a relevant group activity permit must be provided to the chief executive, as well as which fees must accompany the information.

Section 45 provides that information about activities under the permit must be given in the approved form for each “prescribed period” within 20 business days for a commercial activity permit and within 10 business days for a relevant group activity permit. The “prescribed period” is the period stated in a notice given to the permit holder, or otherwise, each period of 3 months.

Section 46 provides that the information required to be given must be accompanied by additional daily fees and camping fees payable under the permit (The fees are stated in schedule 3.)

Division 4 Other matters

Section 47 states that information that must be included in a record or given to the chief executive must be complete, accurate, legible and, unless the information is in electronic form, recorded in ink.

Part 9 Fees payable under the Act

Division 1 Fees payable

Section 48 provides that the fees payable under the Act are stated in schedule 3 and that a fee payable is a debt due to the State of Queensland. This section also provides that a proceeding may be instituted against a person for the recovery of all or part of a fee that is payable under the Act, regardless of any prosecution action or conviction in relation to non-payment.

Section 49 allows the application fee for a commercial activity permit, group activity permit or commercial activity agreement to be waived if the commercial activity or group activity extends over a recreation area and a forest reserve, protected area (e.g. national park) or state forest. The fee may be waived in full or in part, provided that an application has been lodged and an application fee already paid for the conduct of the activity in the forest reserve, protected area or state forest, and both applications can be considered together.

Section 50 allows the permit fee for a commercial activity permit also to be waived if the application fee is waived under section 49. Section 50 does not apply to a group activity permit or commercial activity agreement because they are not subject to a permit fee.

Section 51 allows a reduced daily fee to apply for commercial activity permits and group activity permits if daily fees have been paid for the same clients under an equivalent permit for a forest reserve, protected area or state forest. Camping fees for each area must still be paid.

Sections 49 to 51 provide that the relevant fee may only be waived or reduced to the extent of the fee paid for the forest reserve, protected area or state forest. For example, if the recreation area fee payable is higher than the fee paid for the other area, then the difference must be paid.

Division 2 Exemptions granted without application

Section 52 provides that a person who is in a recreation area to prepare a management plan for a national park under the *Aboriginal Land Act 1991* or the *Torres Strait Islander Land Act 1991* is not required to pay a camping permit fee.

This section is consistent with section 146 of the *Nature Conservation (Administration) Regulation 2006* that applies the same fee exemption to national park camping fees.

Division 3 Exemptions granted on application

Section 53 provides that a person may be exempted from the requirement to pay fees relating to a permit for a recreation area if the activities under the permit will significantly contribute to conservation generally, or to conservation, presentation or management of a recreation area, protected area or marine park, and provided that the primary purpose of the activities is not commercial or recreational. This section will, for example, allow fees to be waived for volunteers helping with management activities.

Section 54 provides that the chief executive may grant an exemption from the payment of a fee for a vehicle access permit. Residents and their close relatives, landholders, and workers whose access to the

relevant home or work is through a recreation area can qualify for a fee exemption and therefore obtain a vehicle access permit free of charge.

Sections 55 to 59 establish the fee exemption application process. These sections specify—

- how to make application;
- that the chief executive must decide to grant or refuse the exemption, and that conditions can apply to the exemption;
- that the applicant must be notified of the decision, and must be notified of the reasons if the application is refused, or is granted subject to conditions; and
- that if the application is granted, the applicant is not required to pay the relevant permit fee, provided the applicant complies with any conditions.

Division 4 Refund of fees

Section 60 allows for all or part of a permit fee to be refunded if—

- the permit has been amended so that a lesser permit fee would have applied to the permit in its amended form;
- the permit is amended or suspended under section 64 of the Act, or cancelled or surrendered under section 65(1)(a) of the Act—these sections allow such action to be taken for safety or conservation reasons; or
- the permit is surrendered under section 66 of the Act.

The refund may be granted if the chief executive considers it appropriate in the circumstances, and may be granted in the way considered appropriate, e.g. by a cheque for the refunded amount, or a deduction from other due fees. Also, the chief executive may deduct a refund processing fee from any refund. This fee must be published on the department's website and be not more than the reasonable cost of considering the refund application and refunding the fee or part fee.

Part 10 Transitional regulation for particular approvals and authorities

Sections 61 to 64 are transitional provisions as provided for under section 250 of the Act. These sections provide transitional arrangements for pre-existing vehicle permits, approvals and authorities that will continue in force after the present legislation is repealed.

In accordance with a limit set by the Act, the transitional provisions expire after 12 months. This is sufficient time to allow all pre-existing vehicle permits, approvals and authorities to continue until they expire, given that none of these pre-existing authorisations have a term extending beyond 12 months.

Section 62 relates to pre-existing vehicle permits that are continued in force. Sections 17 and 18 do not apply to the permit, which means that a new vehicle tag need not be used. For sections 19 to 23, the permit or associated label is taken to be a vehicle tag for the purposes of display on the vehicle. This serves to continue the requirement under the present legislation to display the permit on the vehicle.

Section 63 ensures that a person may use a vehicle in a recreation area under a continuing written approval, without the person being subject to the offence under section 109 of the Act of using a vehicle in a recreation area without a permit.

Section 64 applies to any form of authority under the present Act, other than a permit or written approval, which exempts a person from needing a permit for a vehicle. It provides that any such authority in force immediately before the commencement of the section will be taken to be a vehicle access permit under the Act, and that the requirements of section 60 of the Act and sections 17 to 19 and 21 to 22 of the Regulation do not apply. This has the effect of allowing these authorities to remain valid until they expire and exempts the holders from requirements relating to the display of vehicle tags.

Part 11 Amendment of State Penalties Enforcement Regulation 2000

Sections 65 and 66 provide for amendment of the *State Penalties Enforcement Regulation 2000* in order to allow infringement notice provisions under the *State Penalties Enforcement Act 1999* to apply to offences under the *Recreation Areas Management Act 2006* and the *Recreation Areas Management Regulation 2007*. The amendment also provides that such infringement notices can be served by an authorised officer appointed under the *Recreation Areas Management Act 2006*.

Part 12 Consequential and other amendments

Section 65 and schedule 1 make minor consequential amendments to the *Forestry Regulation 1998*, *Marine Parks Regulation 2006* and *Nature Conservation (Administration) Regulation 2006* to update cross references in these regulations—changing the reference from the *Recreation Areas Management Act 1988* to the *Recreation Areas Management Act 2006*.

The *Nature Conservation (Administration) Regulation 2006* is also amended to change a reference from the term “commercial tour operator permit” (as used under the present Act) to “commercial activity permit” (as used under the Act).

The *Police Powers and Responsibilities Regulation 2000* is amended to remove an obsolete reference to the present Act.

Schedule 2 Continuing recreation areas

Schedule 2 lists the five recreation areas that are continued in force from the present Act by virtue of the section 235 of the Act.

Schedule 3 Fees

Schedule 3 lists the fees payable under the Act in relation to permits and commercial activity agreements.

Schedule 4 Dictionary

Schedule 4 defines particular terms used in the Regulation.

ENDNOTES

- 1 Laid before the Legislative Assembly on . . .
- 2 The administering agency is the Environmental Protection Agency.