



Queensland

National Parks, Recreation, Sport and Racing Legislation Amendment Regulation (No. 2) 2012

Explanatory Notes for SL 2012 No. 124

made under the

Forestry Act 1959

Marine Parks Act 2004

Nature Conservation Act 1992

Recreation Areas Management Act 2006

General outline

Short title

National Parks, Recreation, Sport and Racing Legislation Amendment Regulation (No. 2) 2012.

Authorising law

Schedule 2 of the *Forestry Act 1959*, section 175 of the *Nature Conservation Act 1992*, section 150 of the *Marine Parks Act 2004* and section 232 of the *Recreation Areas Management Act 2006*.

Policy objectives and the reasons for them

The objective is to make amendments to legislation for the management of areas administered by the Queensland Parks and Wildlife Service (QPWS) to:

- improve processes for fee payment by introducing invoicing for fees payable under commercial activity permits for protected areas under the *Nature Conservation Act 1992* and recreation areas under the *Recreation Areas Management Act 2006*,
- avoid duplication by allowing for separate commercial activity agreements under the *Marine Parks Act 2004*, the *Nature Conservation Act 1992* and the *Recreation Areas Management Act 2006* to be able to be combined into one agreement, and
- correct a camping fee error in the *Forestry Regulation 1998* and the *Nature Conservation (Administration) Regulation 2006*.

Achievement of policy objectives

The holder of a commercial activity permit under the *Nature Conservation Act 1992* or *Recreation Areas Management Act 2006* must periodically lodge a ‘return of operations’ to report the total number of clients and the number of clients who camped, and to pay the applicable fees with the return. The amendments will change this payment process so that instead of sending payment with the return, the permit holder will be invoiced for the fees after lodging the return. The permit holder must pay within a period stated in the invoice, which must be at least seven days after the invoice is received.

Currently when a single commercial activity (such as a tour) occurs over more than one type of area managed by QPWS under different pieces of legislation – protected area, recreation area or marine park – a separate commercial activity agreement must be entered into under each relevant piece of legislation. The amendments will provide that in such cases, a single aggregated commercial activity agreement can be used.

The amendments will also correct a family rate camping fee error in the *Forestry Regulation 1998* and *Nature Conservation (Administration) Regulation 2006* brought about by standard Consumer Price Index increases and associated rounding policies.

Consistency with policy objectives of authorising law

The amendment regulation is consistent with the policy objectives of the authorising Acts, as it allows for consistent and more efficient administration of activities undertaken in QPWS managed areas.

Inconsistency with policy objectives of other legislation

The regulation is consistent with the policy objectives of other legislation.

Benefits and costs of implementation

The amendments to provide for invoicing of holders of commercial activity permits will benefit both the commercial tourism industry and the department. The current process where the permit holder must calculate and forward the fees owed can lead to errors in calculations and fees paid. The introduction of an invoicing system will address these issues and simplify paperwork for permit holders.

The amendment to allow a single Commercial Activity Agreement to be issued for an activity which takes place across areas managed by QPWS under different pieces of legislation will reduce duplicate processes for both tourism operators and the department.

Correcting the family rate camping fee will rectify an error brought about by standard Consumer Price Index increases and associated rounding policies. Use of a formula to set the fee will ensure that this error will not recur.

There are no implementation costs associated with these amendments.

Consistency with fundamental legislative principles

The amendments are of a technical nature and do not breach any fundamental legislative principles.

Consultation

The amendment to provide for invoicing of commercial activity permit holders will align permitting with standard government process while further development of the new online permitting system “CAPs online” occurs. Over the past five years, QPWS has undertaken ongoing consultation with commercial tour operators regarding the development of “CAPs online”. The proposed amendment to Commercial Activity Permits invoicing is required prior to the implementation of the online permitting system.

Although no formal consultation has occurred regarding the aggregated multiple Commercial Activity Agreements, commercial operators and permitting staff have regularly identified this as a regulatory burden which needs to be addressed.

ENDNOTES

- 1 Laid before the Legislative Assembly on . . .
- 2 The administering agency is the Department of National Parks, Recreation, Sport and Racing.

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