

# Operational policy

## Visitor Management

### Commercial tourism and recreation activities in QPWS managed areas

*Operational policies provide a framework for consistent application and interpretation of legislation and for the management of non-legislative matters by the Department of Environment and Science. Operational policies are not intended to be applied inflexibly in all circumstances. Individual circumstances may require a modified application of policy.*

#### Policy issue

This operational policy details the key issues associated with conducting commercial tourism and recreation activities in Queensland Parks and Wildlife Service (QPWS) managed areas (see definition). For the purpose of this policy, 'QPWS managed area' does not include marine parks under the *Marine Parks Act 2004*. The types of commercial activity covered by this policy are specified on page four. Note: For commercial activities requiring permission in marine parks, proponents should refer to the relevant Marine Park Zoning Plan or contact QPWS for further information – see contact details under 'Enquiries'.

#### Purpose

The purpose of this policy is to provide:

- policy guidance for QPWS staff and the proponents of commercial tourism and recreation related activities in QPWS managed areas; and
- a framework, including definitions and examples, to assist QPWS staff and proponents in determining what is, and what is not, a commercial activity.

#### Background

Management of commercial activities in QPWS managed areas requires consistent application of legislation, regulations and policies and addressing any potential impacts on environmental and cultural heritage values, visitor amenity and safety and ensuring compliance with permit conditions.

#### Definitions

<b>Term</b>	<b>Definition</b>
<b>chief executive</b>	includes a person who has been delegated the powers of the chief executive under a statutory instrument
<b>commercial activity</b>	as defined in schedule 8 of the Nature Conservation (Protected Areas Management) Regulation 2017, s73B of the <i>Forestry Act 1959</i> , and the schedule 'Dictionary' of the <i>Recreation Areas Management Act 2006</i> –  1. A "commercial activity" is an activity conducted for gain.  Examples of activities conducted for gain —

	<ul style="list-style-type: none"> <li>• the hire or sale of goods or services</li> <li>• commercial photography</li> <li>• a guided tour, safari, scenic flight, cruise or excursion</li> <li>• advertising or promoting the use of a protected area (national park) / State forest / recreation area as part of a tour, safari, scenic flight, cruise or excursion</li> <li>• advertising or promoting the use of a protected area (national park) / State forest / recreation area as a feature associated with a resort or tourist facility on land adjoining the protected area / State forest / recreation area.</li> </ul> <p>2. A commercial activity does not include —</p> <ul style="list-style-type: none"> <li>a) an exempt activity; or</li> <li>b) an exempt media activity; or</li> <li>c) filming or photography that – <ul style="list-style-type: none"> <li>i. involves no more than 10 persons; and</li> <li>ii. does not involve the erection, construction or use of a prescribed structure</li> </ul> </li> </ul> <p>*Activities such as resource extraction are not captured under this definition of commercial activity.</p>
<b>exempt activity</b>	means an activity for which the chief executive is reasonably satisfied the use of the QPWS managed area is incidental to, and not integral to, the conducting of the activity (exempt activities are further defined below)
<b>insurance cover</b>	for activities to be conducted under a permit, means a policy of insurance that insures the applicant for the permit against a claim for damage, injury or loss to a person, and damage to property, arising from the activities to be conducted under the permit.
<b>QPWS managed area</b>	for the purposes of this operational policy, includes the following areas: <ul style="list-style-type: none"> <li>• protected areas (State land) under the <i>Nature Conservation Act 1992</i>;</li> <li>• State forests and other lands managed under the <i>Forestry Act 1959</i>;</li> <li>• recreation areas under the <i>Recreation Areas Management Act 2006</i>;</li> </ul>
<b>information notice'</b>	for a decision, means a notice stating the following— <ul style="list-style-type: none"> <li>a) the decision;</li> <li>b) reasons for the decision;</li> </ul>

	<ul style="list-style-type: none"> <li>c) all rights of internal review under this regulation;</li> <li>d) the period in which any internal review under this regulation must be started;</li> <li>e) how rights of internal review under this regulation are to be exercised;</li> <li>f) if applicable, that a person may apply, as provided under the QCAT Act, to QCAT for a stay of a decision the subject of an internal review.</li> </ul>
<b><i>reviewable decision'</i></b>	means a decision of the chief executive for which an information notice must be given.

## Policy

### Requirement for permission

Commercial activities may only be conducted on QPWS managed areas under an authority (a permit or agreement) issued by the chief executive. QPWS will determine the most appropriate type of authority i.e. commercial activity permit (CAP) or commercial activity agreement (CAA) to be issued dependent upon factors including the:

- nature of the proposed activity,
- location of the proposed activity, and
- number of people involved in the proposed activity.

A permit or agreement to conduct a commercial activity in a QPWS managed area will only be granted following an assessment of the likely impacts associated with the activity, and only when impacts are considered to be within acceptable limits. Applicants will also be considered as to their suitability to hold the authority for which they have applied. In deciding whether a person is a suitable person to hold a relevant authority, the chief executive may have regard to any matter relevant to the person's ability to carry out activities under the authority in a competent and ethical way.

### What is a commercial activity?

A commercial activity is an activity conducted for gain. An activity is conducted for gain if it has a commercial purpose or intent to derive a benefit or profit or is capable of deriving a return or profit for the proponent. The constitution of an organisation or the entity conducting the activity is not relevant to determining whether the activity is commercial. For example, not-for-profit, community and educational organisations, clubs and associations conduct commercial activities from time to time in order to raise funds. Such activities require a commercial activity permit or agreement.

In addition to the examples of activities conducted for gain as specified in the definition of 'commercial activity', the following criteria will be used to determine whether or not a proposed activity requires a commercial activity authority:

- is the activity being conducted within a QPWS managed area?
- is a primary purpose of the activity aimed at raising funds or making a profit?
- is the activity a one-off event, or an ongoing / regular activity?

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- is the activity, tour, training course or transport service provided free of charge but in conjunction with other commercial products or services? (see example Appendix A – Complementary Park Tours)
- is a service being provided (e.g. tour guide / leader) and are they being compensated or paid a fee?
- is an entry or participation fee being collected over and above that necessary to meet the costs associated with conducting the activity?

When determining if an activity meets the criteria of being a commercial activity, all aspects of the activity must be examined and a clear position formed that the activity is being conducted primarily for profit or gain.

### Types of commercial activity

The types of activity for which QPWS may require a proponent to obtain a commercial activity permit or commercial activity agreement include but are not limited to:

- vehicle based guided tours
- barge operations
- events
- filming and photography activities
- canoeing / rafting / kayaking
- fund raising and charitable events
- hang-gliding / paragliding
- scenic flights
- vending
- scuba diving
- motorised activities

### Exempt activity

A commercial activity does not include -

- a) an exempt activity

Examples of exempt activities include —

- a scheduled commercial flight over a protected area that is not part of a tour or scenic flight over the area
- a scheduled bus service through a protected area that is not part of a tour or safari in the area
- conducting an activity in a protected area if the activity involves a trade and is conducted for the chief executive, the holder of a permit, licence or other authority for the area, or a party to a lease or agreement for the area
- providing a mechanical or vehicle towing service for a visitor in a protected area

In circumstances where a public transport service with regular routes and timetables is provided through a QPWS managed area or where individual fares are paid by a passenger for transport only, a commercial activity authority is not required.

Where an educational group uses the services of a 'transport service' provider, e.g. a scheduled bus service, with a publicly available timetable, which is not a part of a tour or safari, then, under the definition of an *exempt*

*activity*, the transport service provider does not require an authority (see example Appendix A – Charter vehicle / vessel hire).

### **Commercial activity permits**

The chief executive may grant a commercial activity permit to conduct a commercial activity in a protected area, recreation area or State forest / forest reserve for up to a maximum term of three years. Where a proposed commercial activity incorporates a protected area, recreation area and state forest / forest reserve, a single permit may be issued.

CAPs are generally issued for routine commercial tour and filming and photography activities.

In granting a commercial activity permit, the chief executive may combine the permit into one document with the following:

- a) a commercial activity permit granted under the Nature Conservation (Protected Areas Management) Regulation 2017
- b) a commercial activity permit granted under the *Recreation Areas Management Act 2006*;
- c) a commercial activity permit granted under the *Forestry Act 1959*

### **Commercial activity permits not transferable**

Commercial activity permits are not transferable. Holders should contact QPWS for advice prior to negotiating the proposed sale of a business where a CAP is integral to the operation of the business.

### **Commercial activity agreements**

The chief executive may, for the State, enter into a commercial activity agreement with a person authorising the person to conduct a commercial activity in a protected area, recreation area or state forest or forest reserve and a marine park.

The chief executive may enter into the agreement in any one or more of the following ways:

- a) using an application process;
- b) using an expression of interest process;
- c) with the holder of a commercial activity permit for the activity for the area.

A single commercial activity agreement may be entered into by a person with the State under the:

- Nature Conservation (Protected Areas Management) Regulation 2017
- *Recreation Areas Management Act 2006*
- *Forestry Act 1959*, and
- Marine Parks Regulation 2017

Commercial activity agreements are used by QPWS as an alternative means of authorising a commercial activity. They are more flexible than a CAP and generally issued for:

- terms of up to 15 years (ecotourism accreditation required for 15 year agreements);
- premium (high demand) sites;
- activities involving exclusive use;
- activities that for various reasons are more complex and cannot be administered under a CAP (e.g. barge operations, vending, large scale filming and photography, hang-gliding / para-gliding);

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- activities which are clearly commercial but are more suited to being authorised under an agreement (e.g. 'one-off' type events – concerts, fund raising events, large scale competitive events, scuba-diving, large scale filming and photography, activities where entry fees are charged).

The overall objective of commercial activity agreements is to provide business certainty and flexibility for clients and for QPWS to achieve sound conservation outcomes on protected areas, recreation areas and State forests/forest reserves as well as receive administrative and financial benefits that could not be obtained through a standard permit arrangement.

### Transfer of authorisation under an agreement

The operator of a commercial activity agreement may transfer the authorisation under the agreement to another person i.e. the buyer. The seller and the buyer must apply to the chief executive to -

- a) approve the transfer; and
- b) if approved by the chief executive, give effect to the transfer.

The chief executive may approve the transfer if satisfied that the buyer is a suitable person to be a party to the commercial activity agreement. Where the chief executive refuses the application to transfer the agreement to a buyer, the chief executive must give the seller and buyer an information notice about the decision. Accordingly, decisions of this nature are reviewable decisions (see definition).

## Procedures

### Pre-lodgement

Prior to formal lodgement of an application to conduct a commercial activity, proponents are strongly advised to first contact QPWS staff to discuss and develop their proposal. These pre-lodgement discussions may assist the application process by resolving any potential issues up front that may otherwise hold up the application and assessment process following formal lodgement. Early consultation with QPWS staff can assist with accommodating the proponent's needs by discussing options e.g. sites, capacity, and frequency of the activity, and this can significantly speed up processing times. Accordingly, proponents are advised to complete and submit the on-line request for a pre-lodgement meeting at: [www.business.qld.gov.au](http://www.business.qld.gov.au) Search for: 'Pre-lodgement enquiry form' prior to submitting their application.

### Application process

An applicant for a commercial activity authority must complete the relevant online application form at: [www.business.qld.gov.au](http://www.business.qld.gov.au) Search for: 'Applying for a commercial activity permit', and pay applicable fees i.e. application fee and permit fee, to QPWS. A single application form for activities combining a State forest, protected area and recreation area is acceptable. Consequently, a single application fee and permit fee will apply.

Where QPWS considers that a commercial activity agreement is a more suitable instrument for administering a proposed commercial activity, QPWS may forward the Agreement application form to the applicant together with a list of applicable fees.

### Fees

For a complete list of prescribed fees, please refer to the *Information Sheet – Fees to conduct activities on QPWS managed areas* available at: [www.des.qld.gov.au](http://www.des.qld.gov.au)

**Application fee**

A prescribed application fee is payable for a commercial activity permit and a commercial activity agreement. A single application fee will apply to activities using multiple tenures; protected areas, State forests and recreation areas. The application fee is not refundable.

**Annual fee**

A prescribed annual permit fee is payable for a commercial activity permit and, generally, an equivalent annual fee (plus GST) will be payable under an agreement. A single annual fee applies to activities utilising multiple tenures.

**Daily site fees - Permits**

Daily site fees (prescribed in the regulations) apply to commercial activity permits for certain activities. A single daily site fee applies to activities conducted across multiple tenures in the same day. In this case, the fee charged will be the highest of the QPWS managed areas visited.

The Recreation Areas Management Regulation 2017 provides daily fee concessions for commercial tour operators taking 'approved' educational groups on excursions, tours or camps in recreation areas. Further information on this matter is available in the operational policy - Fee concessions for educational group excursions, tours and camps on QPWS managed areas.

**Use fees - Commercial activity agreements**

For commercial activity agreements, the basis for 'Use fees' will generally be consistent with the fees prescribed (in the Regulations) for commercial activity permits, at least for activities where fees are prescribed. Unlike permits, all fees levied under agreements include GST.

Under agreements alternative fee structures and payments may be applicable depending on the type and location of the activities being conducted.

Where the organisation's constitution is 'not-for-profit' e.g. community and church groups, some educational institutions, clubs and associations, the basis for use fees under a commercial activity agreement will generally be equivalent to the corresponding regulated fee under a commercial activity permit and the principle of 'cost recovery' will be applied.

**Refunds**

In the event that an application is refused, permit or agreement fees paid other than the application fee will be refunded by QPWS.

**Fee exemptions**

A person may apply to the chief executive for exemption from the payment of a fee for a protected area authority, recreation area permit and permits mentioned in items 1 – 4 of schedule 6 of the Forestry Regulation 2015. Accordingly, these provisions apply to applications for commercial activity permits issued under the relevant legislation. Applications must be written and address the criteria as outlined under the following legislative provisions:

- s159AU Nature Conservation (Protected Areas Management) Regulation 2017
- s57 Recreation Areas Management Regulation 2017
- s36 Forestry Regulation 2015.

Applications for fee exemptions may be granted where, in the opinion of the chief executive, the relevant criteria have been satisfied. These criteria only apply to the permits previously referred to; however, the same principals

will be applied when considering exemptions from the payment of fees applicable under a commercial activity agreement.

### Legal entity details

Authorities issued by QPWS can only be issued in the name of a 'legal entity' which includes a person and an unincorporated body. Accordingly, it is important when submitting applications for commercial activity permits and agreements for applicants to exercise care when completing 'Registered legal entity details' and 'Applicant's signature' to identify the relevant 'executive officers' for each type of legal entity. These officers are:

- for a person / an individual / a sole trader - the executive officer is 'that person'
- for a partnership - the executive officers are 'all the partners' or, if there are too many, one partner with full documented approval and authority of all the other partners (in accordance with the Partnership Act 1891)
- for a Corporation (a Company) - the executive officers are the directors, the secretary, the sole director, a director/secretary or an attorney or other agent with documented authority
- for a Trustee Company - the executive officers are the company directors, the company secretary, the sole director, a director/secretary or an attorney or other agent with documented authority
- for a Trust - the executive officer(s) is/are 'the trustee(s)'
- for an Incorporated Association - the executive officers are the president, the secretary and the treasurer.

### Applicant suitability

In deciding whether a person is a suitable person to hold a commercial activity permit or agreement, the chief executive may have regard to any matter relevant to the person's ability to carry out activities under the authority in a competent and ethical way.

The responses to questions (see below) concerning 'Applicant suitability' included in application forms for commercial activity permits and agreements will be considered by the chief executive when assessing the suitability of an applicant to hold the relevant authority. These questions include:

In the last three years, have you or an associated person:

- held or been a party to any of the following permits or authorities which has been suspended or cancelled:
  - a commercial activity agreement or similar agreement in Queensland or another state or country
  - a protected area authority (including a commercial activity permit)
  - a wildlife authority
  - a similar or relevant authority in another state or country
- accumulated 10 or more demerit points under any of the following:
  - *Nature Conservation Act 1992*
  - *Recreation Areas Management Act 2006*
- been convicted of an offence against any of the following:
  - *Nature Conservation Act 1992*
  - *Recreation Areas Management Act 2006*



- *Forestry Act 1959*
- *Marine Parks Act 2004*
- *Animal Care and Protection Act 2001*
- an offence relating to wildlife under another act
- an offence in another state or country

### **Application timeframes**

Applications for commercial activity permits and agreements can take up to 40 business days for a decision as provided for in relevant legislation. Should further information be required from the applicant, an additional 20 business days processing time may apply. Applications lodged with less than 40 business days before the proposed activity may not be processed in time for the proposed activity to proceed.

### **Assessment process**

An application for a commercial activity permit or agreement to conduct commercial activities in a QPWS managed area will only be granted following a formal assessment of the likely issues and impacts associated with the activity, and only when the assessment indicates that the impacts will be within acceptable limits.

In considering applications for commercial activity permits and agreements, the chief executive must have regard to the following criteria as provided for in relevant legislation:

Protected areas

- s51, s52 & s71AJ Nature Conservation (Protected Areas Management) Regulation 2017

Recreation areas

- s53 *Recreation Areas Management Act 2006*

State Forests & Forest Reserves

- s33 & s56 *Forestry Act 1959*

### **Term**

The term for a commercial activity permit can vary from a minimum period up to three months to a maximum term of three years. Commercial activity agreements may be entered into for a longer term, up to a maximum of 15 years, however, this term will be at the discretion of the chief executive.

### **Activities involving multiple tenures**

In circumstances where a proposed commercial activity incorporates multiple tenures i.e. a protected area, recreation area and State forest / forest reserve (including a state plantation forest area), a single permit or agreement may be issued. Applications for activities conducted wholly within a state plantation forest area will be administered by Hancock's Queensland Plantations Pty Ltd (HQP). Where an activity extends across both QPWS and HQP managed areas, QPWS will have responsibility for issuing the relevant authority.

### **Deciding applications**

Following completion of the assessment process, the chief executive will decide to grant or refuse the application. If granted, the chief executive will forward the permit to the applicant together with an Information Notice about the decision. In circumstances where an application is refused, the chief executive will forward the applicant an Information Notice (see 'Definitions') stating the reasons for refusal of the application.

## Returns of operation

The holder of a commercial activity permit and / or a commercial activity agreement issued under the Nature Conservation (Protected Areas Management) Regulation 2017, *Forestry Act 1959* or the *Recreation Areas Management Act 2006* is required to submit Returns of Operations (details of activities conducted under the authority) and pay fees for activities authorised under their particular authority. The principal holder or operator is required to submit a return of operations within 20 business days of the end of each prescribed period for the authority. The prescribed period for the submission of returns of operation for a commercial activity permit will be specified in the Information notice forwarded with the permit when issued. The prescribed period for the submission of returns of operation for a commercial activity agreement will be specified in the schedules of the agreement.

The format for a return of operations form will vary dependent upon the type of authorised activity. Commercial activity permit holders will complete and submit returns of operation online at: [www.business.qld.gov.au](http://www.business.qld.gov.au) Search for... 'Forms and fees for commercial activity permits' - Submit a return of operations.

In the case of commercial activity agreements, the format for a return of operations form will be included as a schedule in the agreement. The agreement will also specify the timeframe for submission of returns, the fees payable under the agreement and the method of payment. Returns will be submitted and forwarded to QPWS in accordance with conditions as stated in the agreement.

## Invoicing

On receipt of a return of operations, QPWS will provide the holder / operator with an invoice for any fees due and payable under the authority. The invoice will state a payment period after the holder / operator receives the invoice within which the fees must be paid to the chief executive. The fees specified in the invoice must be paid by the due date. Failure to pay fees may result in the suspension or cancellation of a permit or agreement.

When submitting returns of operation online, an invoice will automatically be created. This invoice can be paid immediately (preferred) or **within 7 days**. Once an invoice has been created, payment may be submitted by using either *BPay* or Credit Card payment options.

(Refer to *Operational Policy – Administering outstanding returns and fees for commercial activity permits and agreements*).

## Public Liability Insurance

A commercial activity permit or agreement cannot be granted or entered into unless the holder / operator has taken out and maintains the following insurances for the term of the authority:

- insurance under the *Workers' Compensation and Rehabilitation Act 2003* or its equivalent with the consent of the chief executive to cover workers, eligible persons, self-employed contractors, directors, trustees and partners; and
- a standard public liability insurance policy of \$20 million arising from any one event in respect of the death of, or injury to persons, or loss or damage to property; and
- any other insurance as reasonably required by the Chief Executive.

(Refer to *Operational policy: Insurance and indemnity requirements for QPWS authorities*)

## Internal and external review provisions

The Nature Conservation (Protected Areas Management) Regulation 2017 and the *Recreation Areas Management Act 2006* provide for internal and external review should an applicant be dissatisfied with the

decision of the chief executive in relation to their application or with any condition imposed on their permit granted.

If dissatisfied, a person may apply, within 20 business days, for internal review of the decision. The Department must review the decision within 28 days of receiving the application.

Applicants dissatisfied with the review decision may file an application in the registry of the Queensland Civil and Administrative Tribunal pursuant to the *Queensland Civil and Administrative Tribunal Act 2009* within 28 days of receiving the review notice.

Decisions in relation to applications for commercial activity permits and agreements for a State forest are subject to appeal under the *Judicial Review Act 1991*. Under this Act, a person who is aggrieved by:

- a decision to which the Act applies;
- the conduct of a person who has engaged, is engaging or proposes to engage in conduct for the purpose of making a decision to which the Act applies; or
- failure to make a decision to which the Act applies;

may apply to the court for a statutory order of review in relation to the decision, conduct, or failure to make a decision.

### **Application for continuing relevant authority or commercial activity agreement**

The holder of an existing CAP may apply for a new permit to commence immediately upon the expiry of an existing permit. An application for a new permit must be received together with the relevant application and permit fee prior to the expiry of an existing permit. Whilst the application for the new permit is being processed, the existing permit will remain in force until:

- the new permit is issued;
- the application is refused;
- the applicant withdraws the application; or
- the existing permit has continued for three months after the date on which it was to have expired.

Where an application for a new permit is received after the expiry date of an existing permit, commercial activities cannot be conducted until such time as an application for a new permit has been assessed and a permit issued. However, a reduced application fee will be applicable for a period of 3 months after the expiration of the previous permit.

The operator of a commercial activity agreement may apply for a new authority to commence upon the expiry of an existing authority. An application form (available from Northern Tourism and Recreation Permits, Northern Marine Administration or Southern Tourism and Recreation Permits teams) and application fee should be submitted to QPWS no later than 40 business days prior to the expiry date of the current authority to allow sufficient time to process the application.

### **Unlawfully conducting a commercial activity**

The following offence provisions apply to conducting a commercial activity in QPWS managed areas without a relevant permit or agreement:

#### **Nature Conservation (Protected Areas Management) Regulation 2017**

s105. A person must not, in a protected area, or a part of a protected area, conduct a commercial activity unless the person is authorised to conduct the activity under -

- a) a commercial activity permit; or
- b) a commercial activity agreement.

**Recreation Areas Management Act 2006**

s111. A person must not conduct a commercial activity in a recreation area unless –  
the person is authorised to conduct the activity under –

- a) a commercial activity permit; or
- b) a commercial activity agreement.

**Forestry Act 1959**

s73B(1) A person must not conduct an activity for gain (a **commercial activity**) in a State forest or timber reserve.

In all circumstances, a person does not commit an offence unless all three elements are satisfied i.e.

- the activity is a commercial activity (as defined); and
- the person conducts the activity in a protected area / recreation area / state forest; and
- the person does not have a commercial activity permit or agreement to conduct the activity in the relevant area.

**Reference material**

*Information sheet - Fees to conduct activities in QPWS managed areas*

*Operational policy - Insurance and indemnity requirements for QPWS authorities*

*Operational policy - Fee concessions for educational group excursions, tours and camps on QPWS managed areas*

*Operational Policy - Fee exemptions for vehicle access permits on QPWS managed recreation areas*

*Operational policy - Administering outstanding returns of operation / fees for commercial activity permits and agreements*

**Human Rights Act 2019 compatibility**

The department is committed to respecting, protecting and promoting human rights. Under the [Human Rights Act 2019](#), the department has an obligation to act and make decisions in a way that is compatible with human rights and, when making a decision, to give proper consideration to human rights. When acting or making a decision under this policy, officers must comply with that obligation (refer to [Comply with Human Rights Act](#)).

**Disclaimer**

While this document has been prepared with care, it contains general information and does not profess to offer legal, professional or commercial advice. The Queensland Government accepts no liability for any external decisions or actions taken on the basis of this document. Persons external to the Department of Environment and Science should satisfy themselves independently and by consulting their own professional advisors before embarking on any proposed course of action.

**Approved By**

Ben Klaassen
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Signature

22 July 2013
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Date

Deputy Director-General  
Queensland Parks and Wildlife Service

**Enquiries:**  
Assessments and Approvals  
Email: [parkaccess@des.qld.gov.au](mailto:parkaccess@des.qld.gov.au)

## Appendix A

### Examples of various activities and when a permit or other authority is / is not required

#### COMMUNITY BUSHWALKS

Dave is an experienced bushwalker and an active participant within the local community. Each year, he takes a youth group on a three day bushwalk through nearby national parks. Dave charges each member of the group a fee to defray the costs of food, transport and equipment hire. He does not charge a fee for guiding the group on the bushwalk.

As Dave is not conducting a guided tour for gain or profit, he does not require a commercial activity permit.

#### CHARTER VEHICLE / VESSEL HIRE

Where a charter company provides access to a part of a QPWS managed area and no tour is provided, a commercial activity permit is not required. However, where a charter operator provides a tour or a tour is specified in the charter operator's promotional / advertising material, authorisation from QPWS is required.

The local Senior Citizens Care group has planned a visit to Springbrook National Park as a day trip for its members. The organising committee has engaged the services of a local bus company 'Ace Bus Services' to transport the group to the national park for a day's outdoor activities and lunch. A fee has been paid by the organising committee on behalf of each of the members to Ace Bus Services to cover the costs of the transportation only.

Ace transports the members to the national park and the bus driver and vehicle remain on the park whilst the members enjoy the day's outing. No other service is provided by Ace. As Ace is acting as a means of transfer only; they do not conduct a 'guided' tour, they do not advertise excursions to a particular national park, they can be hired for transportation to any location, so they are not conducting a commercial activity and do not require authorisation from QPWS.

#### EQUIPMENT HIRE COMPANIES

Where a representative of an equipment hire company receives payment for the provision of a service on QPWS managed areas (e.g. accompanying the hirer of the equipment as an instructor, transporting the equipment to and/or setting up the equipment, such as camping equipment, on a QPWS managed area), they are conducting a commercial activity and as such require an appropriate commercial activity authority.

Quality Camping Services (QCS) conduct a business operation providing camping and associated equipment for hire within designated parts of the QPWS estate. As part of the service provided by QCS, camping equipment including tents, cooking facilities, bedding etc. can be set up at a camp site on a QPWS managed area for an additional fee. This service is offered in their promotional material. As QCS are providing a service i.e. the hire of goods or provision of services within a QPWS managed area, relevant authorisation to conduct a commercial activity is required.

#### PERSONAL TRAINER

Steve is a personal fitness trainer conducting his own business called 'Stay-fit'. Steve regularly takes his individual clients and groups of clients into Burleigh Heads National Park for fitness training sessions and is paid an hourly fee by each of his clients for these sessions. Steve is conducting a commercial activity in a protected area and as such, will require authorisation to conduct these activities in a national park. Likewise, a person who provides / facilitates, nature based educational programs for educational groups while they are on QPWS managed areas (e.g. on a contract for services basis, rather than being employed by the school) is conducting a commercial activity.

**SHOREBIRD PROTECTION SOCIETY**

The Fraser Coast Shorebirds Protection Society is a volunteer group that conducts regular monitoring and research activities of shorebird colonies for the benefit of its members and the general public. The activities are conducted by experienced naturalists and assist in providing valuable research information to interested organisations including QPWS. The activities are advertised in a local birdwatchers magazine and participants are charged a fee which covers advertising, food and transport costs and equipment purchases.

The Society does not seek to make a profit or receive any financial gain from the participant fees levied and uses the money simply to cover the costs of conducting its activities. Accordingly, the society does not require a commercial activity permit, however, they are encouraged to notify QPWS of their proposed activities by way of the group activity notification email on the DES website.

If the Shorebird Protection Society conducted a similar activity, but charged a higher fee, with the intention of fundraising for its own purposes, then it is conducting a commercial activity.

**NOT FOR PROFIT ORGANISATION**

The Society for the Protection of Wildlife (SPW) is a locally based not-for-profit organisation committed to the protection of wildlife. The SPW organises occasional educational tours in national parks around south-east Queensland. This includes a guided walk led by an experienced bush guide with commentary provided by Frank Jones, a member of SPW. The activity is open to both members of SPW and the general public. A fee is charged for participants and Frank Jones receives payment for his services. The fees charged by SPW are greater than those required to defray the costs of staging the activity. As the SPW receives a financial gain over their operating costs, they will require a commercial activity permit.

**VOLUNTEER GROUPS**

Volunteer groups e.g. Friends of Parks QLD conducting activities in QPWS managed areas will not require a commercial activity authority unless the participants make a donation to the organisation that exceeds the direct costs of staging the activity, otherwise they do not require an authority.

The group should however notify QPWS of their proposed activity through the group activity notification email on the DES website.

**RECREATIONAL ORGANISATIONS**

Recreational organisations including clubs that provide a service for their members and charge a fee but do not receive a greater financial benefit other than costs to cover transport, food etc. will not require a commercial activity permit.

The group should however notify QPWS of their proposed activity through the group activity notification email on the DES website.

Not-for –profit organisations, including church groups, clubs, associations etc. who conduct fundraising activities on the QPWS estate, either to raise funds for themselves, or with the intention of raising a charitable donation, are, by definition conducting a commercial activity, and must hold a commercial activity authority.

**COMPLIMENTARY PARK TOURS**

Country Escapes is an eco-retreat situated on private property located adjacent to Lamington National Park. The retreat provides meals and accommodation for customers and as part of its promotional material, offers complimentary tours of Lamington National Park if customers stay more than 2 nights. This information is also included in promotional brochures prepared by the owners of the facility.

Although customers do not pay a separate fee for the park tour, the owners of Country Escapes are conducting a commercial activity as it is advertising or promoting the use of a protected area as a feature associated with a resort or tourist facility on land adjoining the area. Accordingly, Country Escapes requires a commercial activity permit as the activity is planned and advertised for the purpose of making a profit, occurs regularly and in a protected area.

### **CHARITABLE ORGANISATIONS**

Freedom from Hunger Organisation (FHO) is an established world-wide charitable organisation with a charter to raise money to support the disadvantaged, more particularly, providing food aid in countries experiencing famine. FHO have approached QPWS with a view to staging a fund raising activity in the form of a competitive event in the D'Aguiar National Park. The proposed activity encompasses individuals competing in teams of 4 traversing a course of 100 kilometres over a period of 48 hours. Entry fees of \$150 per entrant are charged to defray costs in staging the event, including paying a professional event organiser, and to raise funds (the profit) in accordance with FHO's charter. It is anticipated that there will be 1,000 entrants in the event. All profits go to the charity.

Whilst FHO is a charitable organisation, the primary purpose of the activity is to make a profit (fundraise) for the benefit of assisting disadvantaged persons throughout the world, e.g. using profit to do charitable works. Accordingly, given the nature and scope of the activity, FHO will require a commercial activity permit, or agreement. In general fees for commercial activities managed under an agreement will be based on the regulated fees applying to permits. Additional 'Ranger Supervision fees' may be levied where QPWS involvement and supervision is required.

### **EDUCATIONAL GROUPS**

Refer *Operational Policy – Fee concessions for educational excursions, tours and camps on QPWS managed areas*.