

Queensland



Recreation Areas Management Act 1988

RECREATION AREAS MANAGEMENT REGULATION 1989

**Reprinted as in force on 1 July 2003
(includes commenced amendments up to 2003 SL No. 137)**

Reprint No. 2A revised edition

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the Office of the Queensland Parliamentary Counsel
Warning—This reprint is not an authorised copy

Information about this reprint

This regulation is reprinted as at 1 July 2003. The reprint shows the law as amended by all amendments that commenced on or before that day (Reprints Act 1992 s 5(c)).

The reprint includes a reference to the law by which each amendment was made—see list of legislation and list of annotations in endnotes. Also see list of legislation for any uncommenced amendments.

This page is specific to this reprint. See previous reprints for information about earlier changes made under the Reprints Act 1992. A table of reprints is included in the endnotes.

Also see endnotes for information about—

- **when provisions commenced**
- **editorial changes made in earlier reprints.**

Dates shown on reprints

Reprints dated at last amendment All reprints produced on or after 1 July 2002, hard copy and electronic, are dated as at the last date of amendment. Previously reprints were dated as at the date of publication. If a hard copy reprint is dated earlier than an electronic version published before 1 July 2002, it means the legislation was not further amended and the reprint date is the commencement of the last amendment.

If the date of a hard copy reprint is the same as the date shown for an electronic version previously published, it merely means that the electronic version was published before the hard copy version. Also, any revised edition of the previously published electronic version will have the same date as that version.

Replacement reprint date If the date of a hard copy reprint is the same as the date shown on another hard copy reprint it means that one is the replacement of the other.

Revised edition indicates further material has affected existing material. For example—

- a correction
- a retrospective provision
- other relevant information.

Queensland



RECREATION AREAS MANAGEMENT REGULATION 1989

TABLE OF PROVISIONS

Section		Page
PART 1—PRELIMINARY		
1	Short title	3
3	Recreation areas	3
4	Prescribed Act	3
5	Weapons	3
6	Fees	3
PART 2—MEETINGS OF THE BOARD		
7	Meetings of the board	4
8	Duties of secretary	4
PART 3—PERMITS		
9	Application of part	4
10	Attaching service permits	4
12	Passengers carried by commercial tour operator	5
13	Permit to camp	5
15	Persons camping as part of a tour authorised under a commercial tour operator permit	5
20	Fresh permit etc.	6
21	Record of persons carried etc.	6
22	Assignment or transfer of commercial tour operator permit	7
PART 4—PRESCRIBED INFRINGEMENTS AND PENALTIES		
23	Prescribed infringements	8

	SCHEDULE 1	9
	FEEES	
	SCHEDULE 2	11
	RECREATION AREAS	
	ENDNOTES	
1	Index to endnotes	12
2	Date to which amendments incorporated.	12
3	Key	12
4	Table of reprints	13
5	List of legislation	13
6	List of annotations	14

RECREATION AREAS MANAGEMENT REGULATION 1989

[as amended by all amendments that commenced on or before 1 July 2003]

PART 1—PRELIMINARY

1 Short title

This regulation may be cited as the *Recreation Areas Management Regulation 1989*.

3 Recreation areas

The land and water specified in schedule 2 is a recreation area with the name given to it in the schedule.

4 Prescribed Act

The *Fisheries Act 1994* is an Act to which section 6(1)(b)¹ of the Act applies.

5 Weapons

A weapon under the *Weapons Act 1990* is a weapon for section 5² of the Act, definition “weapon”.

6 Fees

The fees payable under the Act are stated in schedule 1.

1 Section 6 (Application of laws etc.) of the Act

2 Section 5 (Interpretation) of the Act

PART 2—MEETINGS OF THE BOARD

7 Meetings of the board

The board may meet as often as is necessary to discharge its functions under the Act.

8 Duties of secretary

The secretary shall record and keep the minutes of every meeting of the board, issue notices for each meeting of the board and attend to correspondence of the board.

PART 3—PERMITS

9 Application of part

(1) This part applies to a person if, under section 27³ of the Act, the board grants 1 of the following kinds of permits to the person—

- a camping permit
- a commercial tour operator permit
- a temporary commercial tour operator permit
- a service permit.

(2) However, only sections 12 to 15 apply to the Inskip Peninsula recreation area.

10 Attaching service permits

(1) This section applies to a service permit holder (the “**holder**”) when the holder’s vehicle (the “**vehicle**”) is in a recreation area under the permit.

3 Section 27 (Power of board to grant permits) of the Act

(2) The holder must attach the permit to the left side of the vehicle's windscreen or, if the vehicle does not have a windscreen, another prominent position on the vehicle.

Maximum penalty—20 penalty units.

(3) The holder must always ensure the permit is attached to the vehicle when it is in a recreation area under the permit.

Maximum penalty—20 penalty units.

(4) This section does not apply to an aircraft.

12 Passengers carried by commercial tour operator

A person who enters or traverses a recreation area as part of a tour operated by a commercial tour operator under a commercial tour operator permit or temporary commercial tour operator permit shall for the purposes of this regulation be deemed to have been issued with a service permit.

13 Permit to camp

(1) The holder of a permit to camp shall attach or affix the permit to the person's camping structure so as to be clearly and readily visible at all times to an authorised officer.

Maximum penalty—20 penalty units.

(2) A person who is the holder of a permit to camp may, except where an endorsement on the permit restricts camping to a particular site, camp—

- (a) on any part of a beach; or
- (b) in a developed camping area; or
- (c) in any part of a recreation area that is designated as a camping area.

15 Persons camping as part of a tour authorised under a commercial tour operator permit

A person who camps in a recreation area as part of a tour operated by a commercial tour operator under a commercial tour operator permit or temporary commercial tour operator permit shall for the purposes of this regulation be deemed to have been issued with a permit to camp.

20 Fresh permit etc.

Where a permit or an identifying windscreen label issued under this regulation is lost, mislaid or inadvertently destroyed the holder of the permit or the label may apply to the board in the specified manner accompanied by the fee set forth in schedule 1, for a fresh permit or label and the board, if it sees fit, may thereupon issue a fresh permit or fresh label.

21 Record of persons carried etc.

(1) The holder of a commercial tour operator permit shall, with respect to each tour authorised under the permit, keep or cause to be kept in the specified manner, a daily record of the number of persons conducted on the tour and the number of persons who will camp in a recreation area as part of the tour.

Maximum penalty—20 penalty units.

(2) The record shall be completed prior to the commencement of the tour and it shall be available at any time during the tour or at any reasonable time thereafter for inspection by an authorised officer.

Maximum penalty—20 penalty units.

(3) The holder of a commercial tour operator permit may apply to the board for approval of a manner for the keeping of the record required to be kept under subsection (1).

(4) The approval may be revoked or cancelled at any time by the board and notice of the revocation or cancellation shall be given in writing by the board to the holder of a commercial tour operator permit.

(5) Every holder of a commercial tour operator permit shall within 35 days of the end of the month during which a tour was conducted certify and lodge with the board the original of the record in the specified manner, of the number of persons conducted on the tour and the number of persons who camped in a recreation area as part of the tour, accompanied by the fees set forth in schedule 1.

Maximum penalty—20 penalty units.

(6) Notwithstanding subsection (5) where the commercial tour operator is the holder of a temporary commercial tour operator permit, the operator shall prior to the commencement of the tour complete in the specified manner a daily record of the number of persons to be conducted on the tour and the number of persons who will camp in a recreation area as part of the

Recreation Areas Management Regulation 1989

tour in accordance with the itinerary and the operator shall prior to the commencement of the tour forward the completed record to the board accompanied by the fees set forth in schedule 1.

Maximum penalty—20 penalty units.

(7) A commercial tour operator permit holder must not fail to lodge a record or return, unless the person has a reasonable excuse.

Maximum penalty—20 penalty units.

(8) A commercial tour operator permit holder must not state anything in a record or return the person knows is false or misleading in a material particular.

Maximum penalty—20 penalty units.

(9) It is enough for a complaint for an offence against subsection (8) to state that the record or return was false, misleading or incomplete to the operator's knowledge.

22 Assignment or transfer of commercial tour operator permit

(1) A commercial tour operator permit shall not be assigned or transferred in whole or in part, except with the consent in writing of the board.

(2) An application for the assignment or transfer of a commercial tour operator permit shall be made to the board in the specified manner accompanied by the fee set forth in schedule 1.

(3) An assignment or a transfer of a commercial tour operator permit shall have no force or effect whatsoever unless and until the assignment or transfer is first approved by the board.

PART 4—PRESCRIBED INFRINGEMENTS AND PENALTIES

23 Prescribed infringements

(1) An offence against section 10, 13 or 21 is a prescribed infringement for section 28⁴ of the Act, definition “prescribed infringement”.

(2) The penalty payable under an infringement notice for a prescribed infringement for each of the following provisions is set out opposite the provision—

- (a) for section 26 of the Act—\$60;
- (b) for sections 34(2) and (3)(b), 40(1)(g), (i) and (k) and 41(c) of the Act—\$50;
- (c) for section 34(3)(a) of the Act—\$100;
- (d) for sections 10(2) and (3) and 13(2) of this regulation—\$50;
- (e) for section 21(7) and (8) of this regulation—\$100.

4 Section 28 (Interpretation) of the Act

SCHEDULE 1

FEES

		section 6
		\$
1.	Service permit for 1 month—	
	(a) if purchased in a recreation area	42.50
	(b) if purchased elsewhere.	31.85
2.	Service permit for 1 year	159.20
3.	Commercial tour operator permit other than a temporary permit—	
	(a) application fee	212.50
	(b) application fee for renewal of permit.	106.00
	(c) permit fee—each 3 months or part of 3 months	42.50
4.	Temporary commercial tour operator permit—each tour .	106.00
5.	Fee payable by commercial tour operator for each person carried each day on a tour, other than an educational tour approved by the board, of—	
	(a) Green Island recreation area	1.90
	(b) Moreton Island recreation area for—	
	(i) an activity lasting 3 hours or less.	1.25
	(ii) an activity lasting more than 3 hours.	2.45
	(c) another recreation area for—	
	(i) an activity lasting 3 hours or less.	2.65
	(ii) an activity lasting more than 3 hours.	5.33
6.	Fee payable by commercial tour operator for each night for each person carried on a guided tour who camps in—	
	(a) Moreton Island recreation area	4.00
	(b) another recreation area.	4.00
7.	Camping permit other than if a commercial activity permit is required—	
	(a) for a person 5 years or older taking part in an approved educational tour or camp—each night	2.25

SCHEDULE 1 (continued)

	\$
(b) for anyone else 5 years or older—each night	4.00
(c) maximum for a family—each night.	16.00
8. Services, including interpretative services, by an authorised officer—each hour	72.40
9. Group activity permit—	
(a) application fee	21.20
(b) additional daily fee for special access, special supervision, or reserving an area for—	
(i) a vehicle-based activity—each vehicle	3.20
(ii) a people-based activity—each person	1.60
10. Replacement of a lost or destroyed permit or label	5.30
11. Commercial activity permit for filming or photography—no structures involved—	
(a) 1 or 2 people involved—each day	22.30
(b) 3 to 5 people involved—	
(i) application fee	111.70
(ii) daily site fee.	55.20
(c) 6 or more people involved—	
(i) application fee	223.30
(ii) daily site fee.	111.70
12. Commercial activity permit for filming or photography involving the use of a structure—	
(a) 1 to 5 people involved—	
(i) application fee	111.70
(ii) daily site fee.	111.70
(b) 6 to 25 people involved—	
(i) application fee	557.80
(ii) daily site fee.	557.80
(c) 26 to 50 people involved—	
(i) application fee	1 115.00
(ii) daily site fee.	1 115.00
(d) 51 or more people involved—	
(i) application fee	2 231.00
(ii) daily site fee.	2 231.00

SCHEDULE 2**RECREATION AREAS**

section 3

1. Fraser Island recreation area—the land and water shown on plan RAMA 4—
 - (a) other than the land and water shown on inset L;⁵ and
 - (b) other than the lands described as lots 5 to 9 on plan CP825863 situated in the County of Fraser, containing an area of about 8.598 ha.
2. Green Island recreation area—the land and water shown on plan RAMA 2.
3. Inskip Peninsula recreation area—the land and water shown on inset L to plan RAMA 4.
4. Moreton Island recreation area—the land and water shown on plan RAMA 1.

5 A copy of each plan may be inspected, free of charge, at the department's office at 160 Ann Street, Brisbane.

ENDNOTES

1 Index to endnotes

	Page
2 Date to which amendments incorporated	12
3 Key	12
4 Table of reprints	13
5 List of legislation	13
6 List of annotations	14

2 Date to which amendments incorporated

This is the reprint date mentioned in the Reprints Act 1992, section 5(c). Accordingly, this reprint includes all amendments that commenced operation on or before 1 July 2003. Future amendments of the Recreation Areas Management Regulation 1989 may be made in accordance with this reprint under the Reprints Act 1992, section 49.

3 Key

Key to abbreviations in list of legislation and annotations

Key	Explanation	Key	Explanation
AIA	= Acts Interpretation Act 1954	(prev)	= previously
amd	= amended	proc	= proclamation
amdt	= amendment	prov	= provision
ch	= chapter	pt	= part
def	= definition	pubd	= published
div	= division	R[X]	= Reprint No.[X]
exp	= expires/expired	RA	= Reprints Act 1992
gaz	= gazette	reloc	= relocated
hdg	= heading	renum	= renumbered
ins	= inserted	rep	= repealed
lap	= lapsed	(retro)	= retrospectively
notfd	= notified	s	= section
o in c	= order in council	rv	= revised edition
om	= omitted	sch	= schedule
orig	= original	sdiv	= subdivision
p	= page	SIA	= Statutory Instruments Act 1992
para	= paragraph	SIR	= Statutory Instruments Regulation 2002
prec	= preceding	SL	= subordinate legislation
pres	= present	sub	= substituted
prev	= previous	unnum	= unnumbered

4 Table of reprints

Reprints are issued for both future and past effective dates. For the most up-to-date table of reprints, see the reprint with the latest effective date.

If a reprint number includes a letter of the alphabet, the reprint was released in unauthorised, electronic form only.

TABLE OF REPRINTS

Reprint No.	Amendments included	Effective	Reprint date
1	to 1996 SL No. 338	25 November 1996	6 December 1996
1A	to 1997 SL No. 471	19 December 1997	17 February 1998
1B	to 2000 SL No. 129	1 July 2000	3 July 2000
1C	to 2001 SL No. 283	21 December 2001	4 January 2002
1D	to 2002 SL No. 143	14 June 2002	18 June 2002
2	to 2002 SL No. 143	14 June 2002	14 June 2002
			(Column discontinued)
			Notes
2A rv	to 2003 SL No. 137	1 July 2003	

5 List of legislation

Recreation Areas Management Regulation 1989

made by the Governor in Council on 22 June 1989

pubd gaz 24 June 1989 pp 1841–7

commenced 1 July 1989 (see s 2)

exp 31 August 2004 (see SIA s 56A(2) and SIR s 5 sch 3)

Note—The expiry date may have changed since this reprint was published. See the latest reprint of the SIR for any change.

amending legislation—

Recreation Areas Management Amendment Regulation (No. 1) 1994 SL No. 203

notfd gaz 17 June 1994 pp 951–2

commenced on date of notification

Recreation Areas Management Amendment Regulation (No. 2) 1994 SL No. 391

notfd gaz 4 November 1994 pp 1027–8

commenced on date of notification

Recreation Areas Management Amendment Regulation (No. 1) 1996 SL No. 310

notfd gaz 8 November 1996 pp 959–61

commenced on date of notification

Recreation Areas Management Amendment Regulation (No. 2) 1996 SL No. 338

notfd gaz 22 November 1996 pp 1155–7

ss 1–2 commenced on date of notification

remaining provisions commenced 25 November 1996 (see s 2)

Recreation Areas Management Amendment Regulation (No. 1) 1997 SL No. 471

notfd gaz 19 December 1997 pp 1770–77

commenced on date of notification

Environmental Legislation Amendment Regulation (No. 1) 2000 SL No. 129 pts 1, 3

notfd gaz 23 June 2000 pp 652–4

ss 1–2 commenced on date of notification

remaining provisions commenced 1 July 2000 (see s 2)

Environmental Legislation Amendment Regulation (No. 1) 2001 SL No. 283 s 1, pt 9

notfd gaz 21 December 2001 pp 1482–8

commenced on date of notification

Environmental Legislation Amendment Regulation (No. 1) 2002 SL No. 143 pts 1, 4

notfd gaz 14 June 2002 pp 697–700

commenced on date of notification

Environmental Legislation Amendment Regulation (No. 1) 2003 SL No. 137 pts 1, 6

notfd gaz 27 June 2003 pp 749–56

ss 1–2 commenced on date of notification

remaining provisions commenced 1 July 2003 (see s 2)

6 List of annotations

Commencement

s 2 om R1 (see RA s 37)

Recreation areas

s 3 prev om 1994 SL No. 203 s 3

pres ins 1996 SL No. 310 s 3

Prescribed Act

s 4 prev om 1994 SL No. 203 s 3

pres ins 1996 SL No. 310 s 3

Weapons

s 5 prev om 1994 SL No. 203 s 3

pres ins 1996 SL No. 310 s 3

Fees

s 6 sub 1996 SL No. 338 s 4

amd 2003 SL No. 137 s 15

Meetings of the board

s 7 amd 1996 SL No. 310 s 4

Application of part

s 9 sub 1996 SL No. 310 s 5

Attaching service permits

s 10 sub 1996 SL No. 310 s 5

Penalty

s 11 om 1996 SL No. 310 s 5

Permit to camp

s 13 amd 1996 SL No. 310 s 6

Penalty

s 14 om 1996 SL No. 310 s 7

Commercial Tour Operator Permit

s 16 om 1996 SL No. 310 s 8

Commercial Tour Operator to Hold Permit

s 17 om 1996 SL No. 310 s 8

Temporary Commercial Tour Operator Permit

s 18 om 1996 SL No. 310 s 8

Penalty

s 19 om 1996 SL No. 310 s 8

Fresh permit etc.

s 20 amd 1996 SL No. 310 s 9

Record of persons carried etc.

s 21 amd 1994 SL No. 391 s 3; 1996 SL No. 310 s 10

PART 4—PRESCRIBED INFRINGEMENTS AND PENALTIES

pt hdg sub 1996 SL No. 310 s 11

Prescribed infringements

s 23 sub 1996 SL No. 310 s 11

Prescribed Infringements and Penalties

s 24 om 1996 SL No. 310 s 11

PART V—MISCELLANEOUS

pt hdg om 1996 SL No. 310 s 11

General Offence Provision

s 25 om 1996 SL No. 310 s 11

General Penalty

s 26 om 1996 SL No. 310 s 11

SCHEDULE 1—FEES

amd 1994 SL No. 203 s 4; 1994 SL No. 391 s 4

sub 1996 SL No. 338 s 5; 2000 SL No. 129 s 7; 2001 SL No. 283 s 18

amd 2002 SL No. 143 s 8

sub 2003 SL No. 137 s 16

SCHEDULE 2—RECREATION AREAS

ins 1996 SL No. 310 s 12

amd 1997 SL No. 471 s 3