

# Operational policy

## Visitor Management

### Commercial vending activities on 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 policy details the key issues, policy statements and procedures associated with granting authorities for commercial vending activities on Queensland Parks and Wildlife Service (QPWS) managed areas.

#### Background

Queensland Parks and Wildlife Service and Partnerships (QPWS&P) administers applications from the proponents of commercial vending activities on QPWS managed areas. Commercial vending activities on QPWS managed areas generally involve mobile operations which include the sale of food, beverages and other items such as ice, bait, and firewood. These services are provided by operators as a convenience for park users and as an income-generating activity.

In many cases, vending can be undertaken outside QPWS managed areas whilst continuing to provide a service to park users. Some QPWS managed area car-parks and picnic areas for example, are located on land tenures managed by other authorities including local authorities, and as such, may be conducted off-park subject to approval being obtained from the particular relevant authority.

As a consequence of vending activities being conducted primarily for gain, the activities are classified as 'commercial' and as such require authorisation by the chief executive prior to the commencement of activities.

The following offence provisions apply to conducting a commercial activity in QPWS managed areas without a relevant CAP or CAA: section 105 of the NC PAM Reg; section 111 of the RAM Act; and section 73B (1) of the FA refer.

#### Definitions and abbreviations

Definitions and abbreviations of key terms used in this policy are as follows:

Term	Definition
'CAA'	abbreviation for commercial activity agreement
'CAP'	abbreviation for commercial activity permit
'FA'	abbreviation for <i>Forestry Act 1959</i>
'FR'	abbreviation for the <i>Forestry Regulation 2015</i>
'QPWS&P'	Abbreviation for Queensland Parks and Wildlife Service and Partnerships division
'QPWS managed area'	for the purposes of this operational policy, includes the following areas:

## Commercial vending activities in QPWS managed areas

	<ul style="list-style-type: none"> <li>protected areas (State land) dedicated under the <i>Nature Conservation Act 1992</i> (including national parks and conservation parks);</li> <li>forest reserves declared under the <i>Nature Conservation Act 1992</i>;</li> <li>State forests (other than areas of State plantation forest) managed under the <i>Forestry Act 1959</i>;</li> <li>recreation areas declared under the <i>Recreation Areas Management Act 2006</i>;</li> </ul>
<b>'NC PAM Reg'</b>	abbreviation for Nature Conservation (Protected Areas Management) Regulation 2017
<b>'RAM Act'</b>	abbreviation for <i>Recreation Areas Management Act 2006</i>
<b>'RAM Reg'</b>	abbreviation for Recreation Areas Management Regulation 2017

## Policy

### Approval

Owing to the type of activity involved, commercial vending activities in QPWS managed areas will only be authorised under a CAA entered into with the chief executive on behalf of the state. Applications for the grant of an authority authorising this particular type of activity will be assessed on a case-by-case basis in consideration of relevant assessment criteria and an assessment of the applicant's suitability to hold a CAA.

Approval for commercial vending operations will generally only be granted where the:

- provision of the service is consistent with the management principles and any management plan for the particular area;
- proposed service will not cause any adverse environmental or cultural impacts;
- proposed service enhances the overall visitor experience;
- proposed service is not in direct competition with services provided nearby, outside QPWS&P managed areas; and
- relevant legislative assessment criteria have been satisfied.

### Legislation

CAAs authorising vending operations on QPWS managed areas are issued under the provisions of s.71CO of the NC PAM Reg, s69 of the RAM Act and s56 of the FA.

### Fees

The regulatory application fee for a CAA applies to all applications associated with commercial vending activities. An annual agreement fee equivalent to the annual fee for CAPs will also apply. A CAA must also include the amount payable to the State under the agreement, or a way of working out the amount.

Given the nature of commercial vending operations, there is no additional fee structure provided for in legislation as in the case of tour based commercial operations which attract a per person fee based on the duration of the tour. Accordingly, the principle of an annual 'estate access fee' will be applied by the chief executive and included in the relevant schedule of the agreement under "Fees" payable.

The application of this fee will be applied in the interests of fairness and equity with the holders of commercial activity permits and agreements who are required to pay daily site fees in addition to application and permit fees.

#### **Method for calculating the 'estate access fee'**

For the purposes of this policy, the annual estate access fee to be applied to CAA holders conducting commercial vending activities in QPWS managed areas will be as follows:

- **Base fee x 365 (days)**

The base fee will be equivalent to the regulated fee for one person taking part in a commercial activity (other than for filming or photography) authorised under a CAP lasting less than three hours in any one day e.g. under NCA, RAM and FA, the applicable standard daily site fee for one person taking part in a commercial activity, of less than three hours duration, which for the purpose of this document is \$2.11 per person (2020-21).

For example, the annual estate access fee (for 2020-21) to be applied for that year will be: \$2.11 x 365 i.e. \$770.15.

Please refer to the document *Information Sheet - Fees to conduct commercial and recreational activities on QPWS managed areas* for the current financial year's daily access fee.

Operators will be invoiced annually (in advance) on the anniversary of their agreement and the fee applied for each year of the agreement will be equivalent to that stated in the schedules of relevant legislation for an activity lasting less than three hours.

Where QPWS&P perceives that a number of parties are interested in a limited commercial opportunity (e.g. a single vending operation at a particular location), QPWS&P may conduct an Expression of Interest (EOI) process in order to grant the authority.

**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

Signature

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Date

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