

Information sheet

Visitor Management

Administering outstanding returns and fees for commercial activity permits and agreements

This Information Sheet details the procedures that will be followed by QPWS officers when the holder of a commercial activity permit or operator of a commercial activity agreement fails to submit returns of operation or do not pay the required fees.

Introduction

Commercial activities may only be conducted on QPWS managed areas under an appropriate authority i.e. a commercial activity permit (CAP), commercial activity agreement (CAA) or marine parks permission (MPP) authorising the conduct of a tourism program under the Marine Parks Regulation 2017 issued by the chief executive of the Department of Environment and Science (DES).

Return of operations for a CAP / CAA

In most circumstances, the holders of CAPs and CAAs are required to submit a return of operations associated with the activities conducted under the authority. Returns are to be submitted within 20 business days of the end of the relevant prescribed period for the authority i.e. at the end of each calendar month or calendar quarter. Once received, an invoice for any additional daily fee payable for the CAP / CAA, for the period to which the return relates, must be provided to the authority holder. The invoice must state the due date for payment.

The authority holder must, by the due date, pay to the chief executive the fees payable under the Act for the period to which the return relates. Returns can be submitted via the following online link:

<https://forms.business.gov.au/aba/landing.htm?formCode=2017-18-ROO>

Variations to these requirements that allow the submission of returns in other format/s require the prior approval by the relevant Assessments and Approvals (A&A) delegate.

The chief executive may also commence action to suspend or cancel a CAP or CAA where a principal holder / operator:

- fails to submit a return of operations or pay the relevant fees, and
- has been notified of their failure to comply with a legislative provision or condition of the agreement, and
- still fails to submit outstanding returns and fees as required.

Submission of return of operations and payment of fees

Where the principal holder of a CAP or operator of a CAA is required to submit a return of operations and / or pay fees to the chief executive, QPWS A&A may apply the following policy and procedures:

Return of operations

1. Where the principal holder of a CAP or operator of a CAA fails to submit a return of operations as required, QPWS will forward a first and final reminder letter (via nominated preferred contact method i.e

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- email or post) to the principal holder / operator affording them a further 10 business days in which to submit the outstanding returns.
2. If the returns are not submitted by the end of the 10 business day extension period, QPWS may commence action (suspension action) to suspend the permit or agreement until the outstanding returns have been submitted.
 3. If QPWS commences the above-mentioned action, the holder of the authority will be given a notice stating the following:
 - the proposed action;
 - the ground for the proposed action;
 - an outline of the facts and circumstances forming the basis for the ground;
 - if the proposed action is to suspend the authority, the proposed suspension period;
 - an invitation to make written representations within at least 20 business days why the proposed action should not be taken.
 4. In the event the principal holder / operator fails to make satisfactory written representations within 20 business days, as to why their permit or agreement should not be suspended, QPWS may suspend the authority until such time as the outstanding returns are submitted.
 5. Where returns of operation remain outstanding after a suspension period of 30 business days, the chief executive may commence action to cancel the authority.
 6. If returns are not submitted by the due date on more than two separate occasions QPWS may commence action to cancel the authority.

Outstanding Invoices

1. Where an invoice remains unpaid beyond the initial due date for payment, that is seven ordinary days, a reminder letter will be forwarded by Queensland Shared Services (QSS) requesting payment within a further 14 ordinary days.
2. Where the invoice remains unpaid beyond 21 ordinary days, a second reminder letter will be forwarded by QSS requesting payment within a further 7 ordinary days.
3. If the invoice remains unpaid beyond 28 days of the initial due date for payment, QSS will refer the matter to QPWS where action may immediately commence (suspension action) to suspend the authority until such time as the outstanding invoice has been paid.
4. If QPWS commences the above-mentioned action, the holder of the authority will be given a notice stating the following:
 - the proposed action;
 - the ground for the proposed action;
 - an outline of the facts and circumstances forming the basis for the ground;
 - if the proposed action is to suspend the authority, the proposed suspension period;
 - an invitation to make written representations within at least 20 business days why the proposed action should not be taken.

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5. If the principal holder / operator fails to make satisfactory written representations within 20 business days as to why their permit or agreement should not be suspended, QPWS may suspend the authority until such time as the outstanding invoice has been paid.
6. Where an outstanding invoice has not been paid after a suspension period of 30 business days, QPWS may commence action to cancel the authority.
7. If an invoice has not been paid by the due date on more than two separate occasions, QPWS may commence action to cancel the authority.
8. QPWS may also commence action to recover any outstanding debt.

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

Geoff Clare

Signature

4/10/2018

Date

A/Deputy Director-General
Queensland Parks and Wildlife Service

Enquiries:
Assessments and Approvals
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APPENDIX A

Submission of Returns and Payment of fees for Commercial activity permits and Commercial activity agreements

RETURNS

Returns not submitted by Due Date
QPWS sends first and final reminder extending due date to submit returns by 10 business days

Returns not submitted after 10 business day extension
QPWS considers commencement of proposed action to suspend authority for failure to submit returns as required

Notice of Proposed Action
QPWS gives authority holder notice of proposed action outlining reasons to suspend authority. Authority holder invited to make written representations within 20 business days why authority should not be suspended

20 Business Days later
Authority holder fails to submit returns or make satisfactory representations - Permit / agreement may be suspended until returns are submitted

Returns not submitted 30 business days after permit / agreement suspended
Action commenced to cancel permit / agreement

Action taken on more than two occasions for failure to submit returns
QPWS considers action to cancel permit / agreement

INVOICES

Invoice unpaid after 7 days
QSS sends reminder letter requesting payment within 14 ordinary days

Invoice unpaid after 21 days
QSS forwards final reminder letter requesting payment within a further 7 ordinary days

Invoice unpaid after 28 days
QSS refers matter to QPWS. QPWS considers commencement of proposed action to suspend authority for failure to pay fees as required

Notice of Proposed Action
QPWS gives authority holder notice of proposed action outlining reasons to suspend authority. Authority holder invited to make written representations within 20 business days why authority should not be suspended

20 Business Days later
Authority holder fails to pay outstanding invoice/s and / or make satisfactory written representations - Permit / agreement may be suspended until outstanding invoices/s paid

Invoice/s not paid 30 business days after permit / agreement suspended
Action commenced to cancel permit / agreement

Action taken on more than two occasions for failure to pay invoice/s
QPWS considers action to cancel permit / agreement

Permit / Agreement cancelled for failure to pay invoice/s
QPWS Finance commences action to recover outstanding debt