

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) or a commercial activity agreement (CAA) issued by the chief executive of the Department of National Parks, Sport and Racing (NPSR).

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://www.business.qld.gov.au/industry/tourism/parks-recreation-forests/forms-fees/_nocache

Variations to these requirements that allow the submission of returns in other format/s require the prior approval of 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 will apply the following policy and procedures:

Return of operations

1. QPWS will forward a reminder email to the holder of a CAP / CAA at the commencement of each calendar month advising the due date for submission of returns of operation.

Administering outstanding returns and fees for commercial activity permits and agreements

2. An additional reminder in the form of a text message will also be forwarded one week prior to the due date for submission of quarterly returns only.
3. 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 final reminder letter via email (where possible) to the principal holder / operator affording them a further 10 business days in which to submit the outstanding returns.
4. If the returns are not submitted by the end of the 10 business day extension period, QPWS will commence action (suspension action) to suspend the permit or agreement until the outstanding returns have been submitted.
5. 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 will suspend the authority until such time as the outstanding returns are submitted.
6. Where returns of operation remain outstanding after a suspension period of 30 business days, the chief executive may commence action to cancel the authority.
7. 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 ie. seven ordinary days, a reminder letter will be forwarded by Queensland Shared Services (QSS) requesting payment within a further seven ordinary days.
2. Where the invoice remains unpaid beyond 14 ordinary days, a second reminder letter will be forwarded by QSS requesting payment within a further seven ordinary days.
3. If the invoice remains unpaid beyond 21 days of the initial due date for payment, QSS will refer the matter to QPWS where action will immediately commence (suspension action) to suspend the authority until such time as the outstanding invoice has been paid.
4. If the principal holder / operator fails to make satisfactory written representations within 20 business as to days why their permit or agreement should not be suspended, QPWS will suspend the authority until such time as the outstanding invoice has been paid.
5. Where an outstanding invoice has not been paid after a suspension period of 30 business days, QPWS will commence action to cancel the authority.
6. 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.
7. QPWS will 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 National Parks, Sport and Racing should satisfy themselves independently and by consulting their own professional advisors before embarking on any proposed course of action.

Administering outstanding returns and fees for commercial activity permits and agreements

Approved By

Ben Klaassen

Signature

04/06/2013

Date

Deputy Director-General
Queensland Parks and Wildlife Service

Enquiries:
Assessments and Approvals
Email: parkaccess@npsr.qld.gov.au

APPENDIX A

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

RETURNS

Commencement of Calendar Month
QPWS sends courtesy email reminding authority holder of due date for submission of returns

One week prior to due date for returns
QPWS sends reminder text message to authority holder to submit returns

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

Returns not submitted after 10 business day extension
QPWS invites authority holder to make written representations within 20 business days why permit / agreement should not be suspended until returns are submitted

20 Business Days later
Authority holder fails to submit returns or make satisfactory representations - Permit / agreement is 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 7 ordinary days

Invoice unpaid after 14 days
QSS forwards final reminder letter requesting payment within a further 7 ordinary days

Invoice unpaid after 21 days
QSS refers matter to QPWS. Authority holder invited to make written representations within 20 business days why permit / agreement should not be suspended until outstanding invoice/s are paid

20 Business Days later
Authority holder fails to pay outstanding invoice/s and / or make satisfactory written representations - Permit / agreement 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