

SECURITY CLASSIFICATION: UNCLASSIFIED
DOT POINT BRIEFING NOTE – MINISTER

Subject **Mr Stephen Bennett MP, Member for Burnett – Recreational Hovercraft in Marine Parks**

Points of relevance

- Mr Stephen Bennett MP, Member for Burnett is responding on behalf of the Queensland Sporting Hovercraft Club (QSHC), which has raised similar concerns directly to Queensland Parks and Wildlife Service (QPWS) and other members of the Queensland Parliament since 2014.
- The frequency with which QSHC has been contacting QPWS officers and raising these concerns has intensified since June 2018.
- In his correspondence of 25 June 2018, Mr Bennett states that light recreational hovercrafts are more environmentally friendly and a lower impact vessel compared to boats and jet skis.
- Further, that currently, recreational hovercraft have restrictive permit conditions that resembles those of a commercial hovercraft.
- However unlike other vessels, hovercraft can traverse over intertidal areas like sand and mudflats, which can be sensitive and productive areas (for example, sea grass, mangroves and shorebird sites).
- For this reason, it is a legal requirement to have a permit to operate a hovercraft in a marine park. No distinction is made between commercial and recreational hovercrafts in legislation.
- The Great Sandy Marine Park Zoning Plan is currently being reviewed and the release of a discussion paper for public comment is expected by the end of this year.
- Review of the zoning plan for Moreton Bay Marine Park is expected to begin later this year, with public consultation to occur next year.
- Mr Bennett also mentioned the recommendation from a Class Assessment that a Code of Practice (CoP) be developed for recreational hovercraft.
- Mr Bennett believes a CoP would remove the requirement of a permit and reduce 'costly' public liability insurance (PLI) and the administrative burden on QPWS.
- While the development of a CoP commenced in 2015, it was discontinued due to the intensive resourcing required for development, review, finalisation and gazettal of the CoP.
- However, the content of the draft CoP is largely reflected in the current permit conditions.
- Further, QPWS has made a number of concessions including reducing the PLI from \$20 million to \$10 million for several QSHC members.
- QPWS will also extend the existing one year permit to three years.
- Other methods of streamlining permit assessment processes are also being considered.
- While the Department of Environment and Science has agreed to review QSHC's complaints, QSHC refuses to accept that the department's position.

Prepared by: Kamilla Wyeth Position: A/Executive Director Bus Unit: Permissions Management Telephone: 07 3199 7594	Endorsed by: Ben Klaassen Position: Deputy Director-General Bus Area: QPWS Telephone: 3199 7538 Date: 9 July 2018	Recommended by: Jamie Merrick (or Senior Director on behalf of) Title: Director-General, DES Telephone: 3338 9304 Date Approved: CTPI 
---	---	---

Our Ref: CTS 19287/18

Mr Stephen Bennett MP
Member for Burnett
PO Box 8371
BARAGA QLD 4670

Dear Mr Bennett

Thank you for your letter of 25 June 2018 on behalf of Queensland Sporting Hovercraft Club (QSHC) regarding the existing permitting system operating in marine park areas.

I am advised that Department of Environment and Science (the department) officers are currently looking into these issues in conjunction with other matters raised by QSHC members.

The department works within the current legislation, which makes no distinction between commercial and recreational hovercrafts. The legislation places all hovercraft within the definition of 'managed vessels' thus requiring a permit. It should be noted that unlike other vessels, hovercrafts can traverse over intertidal areas like sand and mudflats, which can be sensitive and productive areas (for example, sea grass, mangroves and shorebird sites).

I am also advised that while the possibility of a code of practice was explored in 2015, it was superseded in favour of a permit with a reduced public liability insurance requirement from \$20 million to \$10 million for several QSHC members. The department will also extend permits to three years, instead of one year, which is currently the case.

In recognition of the increased use of recreational hovercraft, the department will continue to engage with QSHC to assist with managing its usage within an appropriate regulatory framework.

I hope this information is of assistance when replying to QSHC. Should you have any further enquiries, you can contact my office by email at environment@ministerial.qld.gov.au or on telephone (07) 3719 7140.

Yours sincerely

Leeanne Enoch MP
**Minister for Environment and the Great Barrier Reef,
Minister for Science and Minister for the Arts**



Minister for Environment and the Great Barrier Reef,
Minister for Science and Minister for the Arts

1 William Street Brisbane Qld 4000
GPO Box 2454 Brisbane
Queensland 4001 Australia
Telephone +61 7 3719 7140
Email environment@ministerial.qld.gov.au

Our Ref: CTS 19287/18

31 JUL 2018

Mr Stephen Bennett MP
Member for Burnett
PO Box 8371
BARAGA QLD 4670

Dear Mr Bennett

Stephen,

Thank you for your letter of 25 June 2018 on behalf of Queensland Sporting Hovercraft Club (QSHC) regarding the existing permitting system operating in marine park areas.

I am advised that Department of Environment and Science (the department) officers are currently looking into these issues in conjunction with other matters raised by QSHC members.

The department works within the current legislation, which makes no distinction between commercial and recreational hovercrafts. The legislation places all hovercraft within the definition of 'managed vessels' thus requiring a permit. It should be noted that unlike other vessels, hovercrafts can traverse over intertidal areas like sand and mudflats, which can be sensitive and productive areas (for example, sea grass, mangroves and shorebird sites).

I am also advised that while the possibility of a code of practice was explored in 2015, it was superseded in favour of a permit with a reduced public liability insurance requirement from \$20 million to \$10 million for several QSHC members. The department will also extend permits to three years, instead of one year, which is currently the case.

In recognition of the increased use of recreational hovercraft, the department will continue to engage with QSHC to assist with managing its usage within an appropriate regulatory framework.

I hope this information is of assistance when replying to QSHC. Should you have any further enquiries, you can contact my office by email at environment@ministerial.qld.gov.au or on telephone (07) 3719 7140.

Yours sincerely



Leeanne Enoch MP
Minister for Environment and the Great Barrier Reef,
Minister for Science and Minister for the Arts

Notes / actions arising from meeting on Thursday 27 April 2017

MEETING: Authorisation of usage of hovercraft on marine parks

TIME & DATE: 2:00pm Thursday 27 April 2017

LOCATION: Boardroom, level 13, 400 George St

INVITEES:	Name	Position
	James King (JK)	Recreational hovercraft user and permit holder
	Steve Stephens (SS1)	Recreational hovercraft user and Queensland Sporting Hovercraft Club publicity officer
	Karl Bowman (KB)	Recreational hovercraft user and permit holder
	Geoff Clare (Chair) (GC)	Senior Executive Director, Park Services NPSR
	Tracy O'Bryan (TO)	Executive Director, Permissions Management NPSR
	Lara Connell (LC)	A/Manager, Assessments and Approvals NPSR
	Sybil Smith (SS2)	Principal Policy Officer – Business Reform NPSR

NOTES

1. Introductions

- SS1 secures permission of attendees to record meeting with smartphone.
- GC secures permission of JK, SS1 and KB to discuss terms of individual permits openly in the meeting.

2. Permits to use hovercraft

- GC notes that certain sections of one of JK's permits were subject to internal review.
- LC refers to spreadsheet containing provisions of both of JK's permits, and the group agrees to review it line by line.
- JK asks how Code of Practice (CoP) is defined in relation to hovercraft (HC). GC and TO advise there is no CoP at present.
- Class assessment (CA) for HC applications is raised—GC and LC advise no nexus between CA and legislation. Explain that CA is an internal departmental tool used to assist analysis of common issues when a number of the same application types are expected/received by the department.
- JK asks why there is no difference between recreational and commercial HC users. Notes that recreational usage and commercial usage is differentiated in the CoP. Asks why CoP is being used in other assessments. LC advises the department is not obliged to use the same instrument all the time—the ultimate consideration is whether the department is compliant with the relevant legislation in its assessment of applications.
- KB advises they want to be able to launch HC anywhere, and confirms HC users want to ensure there is minimum impact on the public and wildlife.
- Section 8: comment that if HC is on a boat ramp, then it will be 'near people'. KB advises boat regulations require distance from people. Comment that this is already provided for. JK advises that the issue is about the difference between recreational and commercial users—GC corrects this comment and explains the department's geographical jurisdiction.
- Section 8: GC defaults to the less stringent condition. GC advises that the department is a 'landholder' when it comes to the areas over which it is custodian—e.g. the department can restrict speed if necessary for safety, and the same could be said here. **ACTION:** department to ascertain whether the condition in the left hand side column can be adopted—need to check that the difference between the two provisions is actually incorrect; the outcome may necessitate amendments to more permits than just JK's permit/s.

- Section 10: GC remarks that the two provisions are very different. LC says the legislation is very clear regarding shorebird feeding and roosting sites—refers group to the ‘Notes’ column in spreadsheet.
- TO points out that the assessments reports are subordinate to legislation. JK says that the regulations are ‘subordinate legislation’—TO agrees, and points out that the assessment reports are subordinate to the regulations.
- Section 10: SS1 wants to dispose of the condition in the left hand side column. **ACTION:** department to check the intent of the legislation to define what the department can do in this regard.
- Section 11: GC notes the requirement still applies—it is merely already contained in another instrument.
- Section 13: LC notes this is already provided for in the Information Notice. Group decides to retain despite its repetition.
- Section 14: LC notes this is already provided for in the Information Notice—and deemed not necessary.
- Section 15: GC advises happy to remove this.
- JK advises he wants the difference between recreational and commercial use of HC to be shown—says they cannot be ‘lumped into one category’. GC advises whether or not an operation is commercial is actually irrelevant in this case—it is only about the size of the craft. Notes the department must apply the legislation as it stands.
- JK says recreational use is random and irregular, which should be taken into account. JK wants to remove the ‘bias’ and differentiate between commercial and recreational use.

3. Insurance

- GC advises that the department has done some research as to whether insurance can be given in respect of an ‘umbrella’ permit held by an organisation on behalf of a group of users—as per discussion in previous meeting with SS1. The department ascertained that this method of insuring would involve a significant amount of work at law to determine. GC points that the important point is also for users to find out whether insurance companies would even cover activities for a smaller premium—i.e. is there a benefit of going down this road for the permit holders? GC notes that the amount of insurance is set by the worst case scenario, while the premium is set by the probability / likelihood of that worst case scenario eventuating. **ACTION:** JK/SS1/KB to ascertain whether insurance company would cover them for less.
- LC advises that the department needs evidence from the insurance broker to reduce the PLI coverage from \$20M to \$10M. TO advises the department needs a ‘paper trail’. **ACTION:** JK/SS1/KB to send request to the department to reduce coverage from \$20M to \$10M.
- SS1 notes that the department’s operational policy *Insurance and indemnity requirements for QPWS authorities* is discriminatory. SS1 observes the policy says department applies a ‘risk-based approach’ to establishing PLI. SS1 says there is no justification for even \$10M coverage because the activity is not that risky.
- GC confirms that the policy is the reality at this point in time.
- JK advises he is happy to accept \$10M for now.

4. NPSR’s approach to authorisation of recreational hovercraft

- GC advises that the longer term plan by JK/SS1/KB should be to make a submission when the marine park zoning plans are reviewed.
- GC notes that the department cannot make the HC policy work a priority, and that the department is not required to have a CoP. It could develop and adopt a CoP if it wished, but doing so is not on the department’s priority list of work. GC repeats that a CoP will not be on the work program at the moment, one reason being that there are still differences between the respective zoning plans. While the permit assessments may look the same, then zoning plans are different. GC confirms the department does not have the resources to resolve this particular matter.
- JK asks why the departmental representatives cannot list the differences between the zoning plans. LC advises him that the representatives present do not specifically work in that region and points out that JK can look up the zoning plans online.
- GC notes that he does not wish to advise that the HC work will be progressed by the department, because if he promises something, and then the department does not deliver, then both parties lose.