

Operational policy

Infrastructure and Equipment

Occupation Permits

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 subject (or issue)

Occupation permits (OPs) issued under the *Forestry Act 1959* (the *Forestry Act*) by the Queensland Parks and Wildlife Service and Partnerships (QPWS&P).

Background

There are over 400 areas managed under the *Forestry Act* in Queensland as State forests, timber reserves and forest reserves (forest areas). These lands are important public assets, containing critical forest products as well as significant environmental, landscape, recreation, community and cultural values.

The *Forestry Act* establishes a framework for regulating the use of forest areas.

Section 35 of the *Forestry Act* allows for the Chief Executive of the Department of Environment and Science (DES), or a delegate, to grant an OP for occupation of land within a forest area for the construction and operation of structures and infrastructure.

It is an offence under section 73F of the *Forestry Act* to build or keep a structure, or carry out works, on a forest area without holding an authority issued under either the *Forestry Act*, the *Land Act 1994*, the *Geothermal Energy Act 2010*, the *Greenhouse Gas Storage Act 2009*, or the *Mining Acts (Coal Mining Safety and Health Act 1999, the Mineral Resources Act 1989, the Petroleum Act 1923 or the Petroleum and Gas (Production and Safety) Act 2004)*.

OPs issued under the *Forestry Act* are not to be confused with permits to occupy granted under the *Land Act 1994* (Land Act), which cannot be validly granted over forest areas. Also note that this policy only applies to areas managed under the *Forestry Act*, and does not apply to similar structures or activities authorised on protected areas under the *Nature Conservation Act 1992* (NCA).

Policy statements

OPs are used to authorise activities that constitute some form of physical occupation and exclusion of an area for an extended period of time, generally by structures and infrastructure and associated clearing, that are not authorised by another mechanism under the *Forestry Act*, or under other legislation. Such activities commonly include, but are not limited to:

- water infrastructure, including pipelines, artificial waters (except those related to a grazing authority) and containers;
- communication facilities;
- educational and scientific facilities;

- public infrastructure; and
- recreational facilities.

OPs will only be granted for activities:

- that are not inconsistent with the cardinal principle of management for the underlying forest area, that being preservation of the area for timber production, forest products and watershed protection (or, in the case of forest reserves, demonstrates consistency with the management principles of forest reserves as defined under section 70F of the NCA);
- that avoid, to the greatest extent possible, impacts on forest products and natural, cultural and recreational values of the forest area;
- that limit, to the greatest extent possible, interference with other lawful uses of the land, such as graziers, other OP permittees, holders of native title rights and interests, and the harvesting of timber and other forest products;
- where there is a demonstrated need for the activity to occur on forest area, such as there being some benefit to the State and/or the general public from the activity, where there is no alternative location for the use outside of the forest area; and
- that allow for the complete rehabilitation of the OP area (refer to Rehabilitation section below).

OPs will not be issued for structures and associated works that:

1. can be authorised under another mechanism, such as:

- electricity networks or petroleum and gas pipelines that are constructed and operated under a Petroleum Pipeline Licence, which are instead granted easements under the *Electricity Act 1994* and *Petroleum and Gas (Production and Safety) Act 2004* (P&G Act) respectively. However OPs may be used for electricity and petroleum and gas pipelines as a temporary mechanism prior to finalising the easement (refer to OP Term section below), or where the infrastructure is located in a forest reserve (see OPs in forest reserves section below);
- mining activities and infrastructure, which are approved under various permits, licences and leases under the *Mineral Resources Act 1989*, P&G Act, *Geothermal Energy Act 2010* and *Greenhouse Gas Storage Act 2009*, for which the chief executive of DES is required to provide landholder consent rather than issue a permit;
- beekeeping, including any associated works such as site clearing and track maintenance, which is authorised under an apiary permit under the Forestry Act;
- stock grazing and the construction of any associated infrastructure, such as sheds, stockyards or artificial waters, which are instead authorised through a term lease or rolling term lease under the Land Act or a stock grazing permit under the Forestry Act.
- activities and structures of a temporary nature, such as tents, demountable buildings, stands or stages, which are generally associated with an organised event or commercial activity and will be authorised via the associated organised event permit or commercial activity permit or agreement; or

2. are dealt with by revocation, such as:

- new local government or State owned public roads; and
- the inundation footprint of a dam, weir or redirected watercourse (infrastructure causing inundation may be outside of the forest area); or

3. are undertaken by, or on behalf of, QPWS&P for management of the forest area, such as construction and maintenance of trails, firebreaks and visitor facilities.

OPs will also not be used to authorise short term activities or works that do not constitute physical occupation of an area, such as:

- use of existing roads or tracks within a forest area – normal recreational or thoroughfare use of a road does not require an OP, and any users specifically using the road to conduct commercial operations within the forest area or on nearby land without other dedicated and constructed access would instead require a commercial activity permit or agreement;
- the harvesting of timber and other forest products, including the extraction of quarry material – this is authorised under a sales permit under section 56 of the Forestry Act, and is administered by the Department of Agriculture and Fisheries (DAF); or
- uses that do not require fixed structures or clearing of an area, such as surveying, conducting fauna and flora sampling or geotechnical studies, or creating public safety exclusion zones, such as range danger areas around shooting ranges.

The Chief Executive will not grant OPs for activities that have significant impacts on key values of the forest area, such as:

- areas of high natural value, including threatened species habitat or vulnerable or endangered regional ecosystems;
- waterways and the greater watershed;
- areas of Indigenous or non-Indigenous cultural heritage;
- recreational interests, including designated campgrounds or areas of scenic amenity; and
- key forestry values.

Applications for OPs are assessed and issued as per the *Procedural Guide - Occupation Permits- determining permit term and permit area*. Depending on the circumstances, granting of an OP may be delegated to an appropriate QPWS&P officer (refer to Delegation section) or to a plantation licensee (refer to State plantation forest section).

Resource industry activities

As outlined above, OPs are not used for structures and works that are carried out under the authority of mining claims or mining leases. However, QPWS&P may use OPs to manage the presence of resource industry infrastructure that is installed and operated under the authority of other types of resource authorities, including authorities to prospect, petroleum leases, exploration permits for coal and minerals, and mineral development licences. In these cases, the resource authority, rather than the OP, is the authorising mechanism for these activities. The OP is issued solely to manage and condition the conduct of these activities within the boundaries of the State forest. As a result, except where specifically indicated, policy statements and considerations made within this document do not apply to OPs issued for resource industry activities.

Transfer of OPs

OPs may be transferred to other entities with the consent of the Chief Executive. Consent for transfers will not be withheld for an OP transfer unless the prospective new Permittee has a history of poor performance elsewhere. QPWS&P must also be satisfied that the new Permittee of the OP is an appropriate entity to manage the activity (i.e. an OP for a telecommunications facility must be held by an entity that is capable of managing the site as a telecommunications facility).

Where a site is to be transferred and re-purposed, QPWS&P may elect to amend or re-issue the permit in order to reflect the new management arrangements.

Termination of an OP

OPs can be terminated by expiry, surrender, or cancellation. In all cases of permit termination, the Permittee must remove all infrastructure and rehabilitate the site to a satisfactory state as determined by QPWS&P, within

three months following expiry. Additional time may be requested for removal of infrastructure and rehabilitation where this is expected to take longer than three months. This will be decided by QPWS&P on a case-by-case basis and should be requested prior to expiry of the OP. Reasons may include:

- there are substantial structure removal or rehabilitation requirements that are likely to require additional time;
- the Permittee can demonstrate that they are unable to undertake structure removal or rehabilitation requirements due to financial hardship or illness; or
- seasonal or weather conditions make it impossible or impractical to undertake structure removal or rehabilitation within three months.

Any equipment, infrastructure or structures not claimed by the Permittee within three months (or a longer period as agreed to by QPWS&P) will become the property of the State, and will be removed from the area unless it can be repurposed for management use by QPWS&P. If permit conditions allow, QPWS&P will seek reimbursement of costs for the removal of equipment, infrastructure or structures associated with a terminated OP, or for any additional rehabilitation work required on the former permit area. It is the preference of QPWS&P that, unless remaining infrastructure and structures are of management or ecological value, additional time be given to the Permittee for removal, rather than the State taking ownership of infrastructure and structures that are of no use to QPWS&P.

Where a terminated OP is the primary authority in a co-location arrangement, removal of infrastructure and rehabilitation may not be required if a co-user wishes to take on primary user status over the site. Arrangements for the transfer of ownership of infrastructure is entirely the responsibility of the primary and co-user.

Expiry

Once a permit reaches its expiry date, the decision must be made by the Permittee to either allow the OP to expire, or apply to renew the OP. QPWS&P will not allow automatic renewal of OPs, and each renewal application will be subject to assessment to ensure that continuation of the activity is appropriate.

Under no circumstances will QPWS&P allow an OP to expire without first notifying the Permittee of the upcoming expiry and enquiring whether they wish to apply for renewal.

As a general rule, QPWS&P will not object to the renewal of the OP unless there are sufficient grounds to do so, such as:

- poor Permittee performance or management of the permit area, and an unwillingness or inability to improve the situation, despite requests from QPWS&P to do so;
- the Permittee being unable to demonstrate active, ongoing use of the permit area;
- the use being incompatible with QPWS&P management or uses of the area that predate the OP; or
- the OP expires within 12 months of a proposed transfer of the permit area to a protected area under the NCA, and the use is inconsistent with the new tenure of the area.

Surrender

The permittee may, at any time, apply to surrender their OP, giving QPWS&P a minimum of three months' notice, in writing, of their intention to surrender. All surrenders must be approved by QPWS&P. QPWS&P will not object to any surrender of an OP providing that the permittee has completed rehabilitation of the permit area to a satisfactory standard as determined by QPWS&P.

Where surrender is accepted by QPWS&P, the permittee is entitled to a pro-rata refund of the remaining rental period for the surrendered OP, except where:

- less than three months' notice has been given prior to surrender, in which case the equivalent of three months rent is retained by QPWS&P;
- an OP is surrendered within 12 months of the commencement of the permit, in which case QPWS&P may elect to retain the entire first years rental; or
- the Permittee has not removed all infrastructure and/or rehabilitated the permit area to a satisfactory level, in which case permit fees may be retained to pay for the removal of infrastructure or rehabilitation works by QPWS&P.

Where possible, QPWS&P will encourage Permittees to surrender their permits so as to coincide with their next annual rental payment, so as to avoid the need to refund fees or to seek outstanding fees for the next annual rental period.

Cancellation

QPWS&P may seek to cancel a permit in response to poor Permittee performance, multiple breaches of permit conditions or failure to pay rental fees, and an unwillingness or inability to demonstrate any improvements despite requests from QPWS&P to do so. To initiate cancellation, QPWS&P must demonstrate that it has done everything in its power to allow the Permittee to rectify the situation. On cancellation of a permit, the Permittee must ensure that the permit area has been fully rehabilitated to a satisfactory standard, as determined by QPWS&P. If rehabilitation is not completed by the Permittee, QPWS&P may undertake required rehabilitation work and, if permit conditions allow, seek reimbursement of rehabilitation costs from the Permittee.

OPs are also automatically cancelled on transfer of a forest area to a protected area under the NCA. Prior to transfer to protected area, QPWS&P will notify the Permittee of the upcoming transfer and whether the activity is compatible with the new tenure. Following transfer, activities authorised under OPs may be allowed to continue temporarily through 'previous use authorities' under section 36 of the NCA. If the use is for a service facility the use may be allowed to continue permanently on the area under a section 35A 'existing service facility' authority.

Rehabilitation

Areas subject to OPs must be completely rehabilitated on cessation of the permitted activity. Rehabilitation must be undertaken in line with QPWS&P' rehabilitation standards, and must achieve, or allows the eventual achievement of, the following objectives:

- restoration of the cardinal management principle of State forests over the permit area, principally the production of timber and forest products and protection of the watershed;
- return of the area to as near to the original landscape condition as possible, including floral assemblages, hydrology, ecological functionality, scenic amenity; and
- maintenance of the restored state of the area in perpetuity, without any additional maintenance of the area being required (beyond normal QPWS&P land management).

Where an activity occurs on an already degraded area, rehabilitation must restore the area to a stable, natural condition, rather than simply returning it to its condition immediately prior to the commencement of the activity.

Rehabilitation requirements are to be outlined in the Environmental Management Plan (EMP) for the OP, at the commencement of the OP, and must include the following:

- a description of the state of the block prior to the commencement of the activity;
- a description of how the original condition of the block will be altered by the activity;
- specific rehabilitation measures that will be undertaken throughout the life of the OP; and
- details of structures that will be removed by the Permittee on cessation of the OP.

OPs over forest reserves

QPWS&P will issue OPs for new activities on a forest reserve only if the permitted use is consistent with the management principles of the proposed future tenure of the area. The OP must also be ecologically sustainable, and must not jeopardise the values of the area that warrant protected area dedication.

QPWS&P will not permit activities that are inconsistent with the future tenure of the area unless the activity is able to be completely removed from the forest reserve, and the OP area can be fully rehabilitated, prior to the scheduled dedication of the protected area.

Easements cannot be granted over protected areas under the NCA. Consequently, it is not appropriate to grant easements on forest reserves which are scheduled to transfer to protected area. Therefore, on these forest reserves, any infrastructure that would otherwise be granted easements (linear electricity infrastructure and petroleum and gas pipelines) will be authorised under OPs rather than easements.

OP term

OPs will generally be granted terms as per the following:

- **Up to 10 years** for private and/or commercial infrastructure and activities, such as water pipelines, dwellings and event venues; and
- **Up to 20 years** for permanent infrastructure that serves a public good, such as public telecommunications facilities.

QPWS&P will generally seek the longest possible term for OPs in order to allow a greater degree of certainty to Permittees, to allow the Permittee to properly manage the permit area (for example, to conduct ongoing rehabilitation) to minimise QPWS&P administrative costs. However, shorter terms may be considered where:

- an activity is of a temporary nature and has a defined end date;
- the use is located on a forest reserve and is not considered to be consistent with the management principles of the proposed future tenure of the area, in which case the maximum term of a new or renewed OP will not be granted beyond the date when the area is scheduled to be transferred (if known), or 31 December 2025 if not known (being the expiry date for forest reserve tenure);
- the OP is being issued as a temporary measure while awaiting finalisation of a revocation or alternative authorisation mechanism (e.g. a powerline granted under section 116A of the *Electricity Act 1994*), in which case the OP may be granted for a term of one year, with provision to renew on an annual basis until the alternative authorisation mechanism is finalised;
- the use is inconsistent with future tenure or management aims of the occupied land (for example, conversion of the State forest to a protected area), in which case the OP will be authorised until the commencement of that change;
- a shorter term has been requested by the applicant, and QPWS&P is satisfied that the shorter term will not result in rehabilitation not being adequately undertaken; or
- QPWS&P desires a shorter term due to poor past performance by a Permittee.

OP area

QPWS&P will generally not authorise OPs over areas greater than 10 hectares so as to limit disturbances to the underlying forest area. QPWS&P may allow OPs greater than 10 hectares where:

- the activity serves a critical public need (for example, a water pipeline); or
- there is no alternative mechanism (such as an easement) to authorise a larger-scale activity; or
- to allow the amalgamation of multiple OPs over a forest area that are held by a single entity (for example, when OPs are issued for petroleum and gas field development activities - OPs of an area greater than 10 hectares must be approved by the relevant Regional Director or higher. Refer to the 'Delegations' section below for more information.

Fees

Minimum rental fees apply to all OPs, except for communication facilities for community based organisations. Different fees exist for different purposes, and are listed on the DES website. Fees are set by the Chief Executive of DES, and are indexed annually consistent with the Government Price Index.

During the assessment process for new OPs, QPWS&P will assess the type of activity and determine which fees are appropriate (refer to the *Procedural Guide – Occupation Permits- determining permit term and permit area* for more information).

QPWS&P will not waive annual permit fees for the entire term of an OP. However, QPWS&P may allow an annual OP rental fee to be waived in a one-off instance, in response to exceptional circumstances such as:

- to alleviate immediate financial hardship;
- where access and/or use of a site is impeded by natural disaster, QPWS&P management or the actions of another user of the area; or
- where the Permittee has ceased use of the site and is finalising rehabilitation prior to surrender of the OP.

Any waiving of fees must be approved by the appropriate QPWS&P financial delegate (refer to the 'Delegations' section below). Refer to the *Procedural Guide – Occupation Permits- determining permit term and permit area*, for further information about waiving OP fees.

In addition to annual rental fees, OPs are also subject to local government rates under the *Local Government Act 2009*. QPWS&P will supply local government agencies with details of all OPs that exist within their local government area for rates purposes.

Delegations

Legislative delegations

The power to grant an OP over a forest area is currently delegated to Category 1, 2, 3, and 4 officers of QPWS&P. Minimum recommended delegations are as follows:

On State forest and timber reserves:

- For all activities issued for a term of up to and including 10 years – **Category 4 (Senior Ranger or equivalent)**.
- Public infrastructure issued for a term of 11-20 years – **Category 3 (Principal Ranger or equivalent)**.
- For all activities, regardless of term, that occupy an area greater than 10 hectares – **Category 2 (Regional Director or equivalent)**.

If QPWS&P is of the view that an activity is particularly contentious, high profile, or likely to generate additional risk for the department, a higher delegation may be sought, up to **Category 2 (Executive Director)** or **Category 1 – Deputy Director-General**). Delegation of approval beyond Regional Director will be considered on a case by case basis, and QPWS&P officers must provide detailed reasons justifying the higher level delegation.

On forest reserves, the delegation must be consistent with the delegation required under the scheduled future tenure of the area.

Where a forest reserve is scheduled to transfer to State forest, then **the State forest OP delegations** above apply.

Where the area is scheduled to transfer to protected area:

- **If the use is expected to cease on or prior to the tenure transfer** (including all rehabilitation and removal of structures) - **Category 4 (Senior Ranger or equivalent)**.

- Otherwise, **the OP must be approved by the delegate for the equivalent authority under the NCA.** Where the use must be authorised under section 34, 35, 35A or 36 of the NCA, no delegation exists, and so the OP must be approved by the Chief Executive of DES.

Refer to the current Chief Executive Forestry Act delegations for more information.

Financial delegations

Financial delegations apply where QPWS&P elects to waive OP fees, which is considered forgone revenue. Financial delegations are dependent on the size of the annual permit fee that is waived:

- For waived permit fees of less than \$1,000 – **Level 4 delegation (Principal Ranger or equivalent).**
- For waived permit fees greater than \$1,000, up to \$10,000 – **Level 2 delegation (Executive Director).**
- For waived permit fees greater than \$10,000, up to \$50,000 – **Level 1 delegation (Deputy Director-General).**
- Waiving of permit fees greater than \$50,000 are not delegated, and must be **approved by the Chief Executive of DES.**

Refer to the current DES QPWS&P Financial Delegations for more information.

Co-location and overlapping interests

QPWS&P will allow the co-location of multiple, compatible users over a single area. A co-location situation comprises a single primary user, generally the original site user, and multiple secondary users. All secondary users must hold an OP, issued by QPWS&P, and have permission from the primary user to occupy the site. OP fees for secondary co-users will be charged at 50% of the normal annual OP fee.

In most cases, co-location occurs for communication facilities, but it may also be appropriate for other industries (for example, placing a pipeline along an existing, linear infrastructure corridor). In these cases, QPWS&P must be satisfied that the co-located infrastructure from a different entity is compatible, and that all parties involved in a co-location agree to the arrangement (Refer to *Operational Policy - Communication facilities on QPWS&P managed areas* for more information on co-location of communication facilities).

The primary user is generally responsible for maintenance of any authorised primary and ancillary infrastructure. Matters, such as sharing of capital and maintenance costs, energy usage and access to equipment within locked structures, are entirely the business of the co-locating entities, providing that they remain within the scope of the OP.

Co-location may also be permitted on QPWS&P owned structures where it is compatible with QPWS&P use of the site. Where this occurs, QPWS&P will negotiate with the co-user regarding payment of a portion of the capital and maintenance costs for the use of the site and any associated infrastructure (such as access tracks).

OPs that overlap with other interests that are not specifically stated to be co-located interests must not be treated as such. For example, an OP issued over part of a grazing authority is not considered to be a co-location, regardless of whether cattle can continue to graze within the OP area.

QPWS&P' preference is that OPs are not issued where there is an overlapping, incompatible interest, such as where an OP permanently denies access to the grazing authority holder. Where this is unavoidable, the OP area will be excised from the other authority, with the rental fees of the other authority adjusted to account for the reduced authority area.

Other Issues

Restriction of public access

OPs do not allow the permittee to restrict access to permit areas for general use, such as for recreational activities, beyond limiting access to physical structures that are the property of the Permittee. In some cases,

however, restriction of public access from the OP area or associated access tracks may be required to ensure public safety or to allow works on OP related structures and infrastructure. Where there is cause to do so, QPWS&P will restrict access to OP areas, either temporarily or permanently, by ensuring that notices prohibiting access under s34AA of the Forestry Act are installed. Notices must be consistent with QPWS&P design specifications, but are to be installed and maintained at the expense of the Permittee.

State plantation forests

HQP (HQP) has been delegated a range of powers of the Chief Executive of DES under section 96B of the Forestry Act, including the power to grant and renew OPs.

HQP is therefore responsible for administering OPs that are wholly over plantation licence areas. All OPs granted on State plantation forest must be consistent with plantation forestry. QPWS&P will direct all enquiries regarding OPs on plantation licence area to HQP.

Occasionally, HQP may refer an OP application to QPWS&P, on the grounds that the proposed use is inconsistent with plantation forestry. Where a use is deemed by HQP to be inconsistent with plantation forest, QPWS&P will refuse the application, as it is incompatible with the primary use of the area.

QPWS&P will administer all OPs that extends across both State forest and plantation licence area. Where this occurs, HQP will be consulted on whether the use is consistent with plantation forestry and what additional conditions are necessary.

Inspections

QPWS&P will conduct regular inspections of OP permit areas. As a minimum, the following will occur:

- An initial site visit during assessment of a permit application to record the pre-activity state of the area and to determine whether the site is suitable for the activity;
- If the OP is granted, an inspection will occur upon completion of all works associated with the activity;
- Regular inspections of the permit area will occur, as a minimum, every five (5) years throughout the life of the permit, in order to assess whether:
 - the Permittee is complying with the conditions of their permit;
 - the activity conducted under the OP is in line with their EMP; and
 - that the activity is not having an adverse impact on the surrounding forest area;
- An inspection will occur as part of the renewal process for an OP, to assess whether it is appropriate that the OP continue; and
- A final inspection process will be triggered on the termination (expiry, cancellation or surrender) of a permit, which will comprise a pre-termination check of the condition of the permit area (including the progress of rehabilitation of the site), as well as a post-termination inspection to ensure that the activity has ceased and all structures and improvements have been removed.

QPWS&P may also conduct additional inspections at any time during the life of the permit, where there are concerns regarding the conduct of the activity, as part of management of the area (for example, to identify fire risk around a structure prior to commencing a planned burn) or as an unannounced inspection as part of a regional auditing and compliance program. QPWS&P will notify the Permittee of their intention to inspect an OP area, giving at least 1 (one) week notice in writing. It is preferable that the Permittee be in attendance for inspections where possible.

Native Title

Native title rights and interests are assumed to exist over QPWS managed areas, regardless of the native title claim or determination status of the area. Queensland Parks and Wildlife Service and Partnerships (QPWS&P)

apply the Queensland Government's Native Title Work Procedures (NTWP) to the assessment of applications for authorities. The NTWP seek to ensure that State government dealings over land, water and natural resources may proceed validly with respect to native title rights and interests under the *Native Title Act 1993* (Cth).

First Nations Cultural Heritage

First Nations cultural heritage is protected on all land tenures in Queensland under the *Aboriginal Cultural Heritage Act 2003* and the *Torres Strait Islander Cultural Heritage Act 2003* (the Acts). Under the Acts, anyone who carries out a land-use activity must take all reasonable and practicable measures to ensure that the activity does not harm First Nations cultural heritage. The duty of care applies to any activity where First Nations cultural heritage is located, regardless of whether or not it has been identified or recorded in a database or register. Where First Nations peoples cultural heritage has been harmed on a State forest, timber reserve or forest reserve, offence provisions and penalties may apply under the Acts.

Specific recognition, protection and conservation measures may be required to protect First Nations cultural heritage from the impacts of a proposed activity on a State forest, timber reserve or forest reserve. The duty of care at the minimum requires a risk assessment to be carried out. Any risk of harm to First Nations cultural heritage depends on various factors including the nature of the proposed activity and its level of surface disturbance, and the nature of any past uses and previous disturbance in the area.

The cultural heritage duty of care can be met in various ways, for example under a Cultural Heritage Management Plan, a native title agreement or other agreement with the relevant First Nations party, and by complying with gazetted cultural heritage duty of care guidelines. The gazetted cultural heritage duty of care guidelines are available from the Department of Aboriginal and Torres Strait Islander Partnerships (DATSIP) website. Records of some but not all significant sites are kept in the Aboriginal and Torres Strait Islander Cultural Heritage Database and Register, which are each administered by DATSIP. Search request forms are available from the DATSIP website.

Also refer to the QPWS&P *Operational Policy – Management of Indigenous Cultural Heritage on QPWS&P estate* and the *Procedural Guide – Managing Indigenous Cultural Heritage* for guidance on this matter.

Definitions

Co-location means the placement of multiple entities on the one area. Generally this occurs as a host or permit area owned or managed by a primary user, which contains infrastructure owned by secondary users.

Forest products has the same definition as under the Forestry Act.

Forest reserves are areas dedicated under the NCA, generally as a holding tenure for areas of former State forest that will be transferred to national park tenure. Forest reserves are managed under the Forestry Act.

Protected areas are any of the following tenures declared under the NCA and managed by QPWS&P:

- national park (scientific);
- national park;
- national park (Cape York Peninsula Aboriginal Land);
- conservation park; and
- resources reserve.

Reference materials

Procedural Guide - Occupation permits - determining permit term and permit area

Operational Policy - Communication facilities on QPWS&P managed areas

Operational Policy – Management of Indigenous Cultural Heritage on QPWS&P estate

Procedural Guide – Managing Indigenous Cultural Heritage

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 information sheet, 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

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