

Operational policy

Visitor Management

Fee exemptions for vehicle access permits on QPWS managed recreation 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.

Purpose

This policy identifies who is eligible for a fee exemption for a vehicle access permit for a recreation area as provided by sections 58 and 59 of the Recreation Areas Management Regulation 2017 (the RAM Regulation).

- The policy intent of section 58 is that residents and their close relatives, landholders, and workers whose only reasonable access to the relevant home or work is through a recreation area can qualify for a fee exemption and therefore obtain a vehicle access permit free of charge.
- The policy intent of section 59 is that people whose principal place of residence is in Rainbow Beach can qualify for a fee exemption and therefore obtain a vehicle access permit free of charge for the Coolooloa Recreation Area only. The basis for this fee exemption is that Rainbow Beach is the only location where residents can obtain a reasonable time advantage by travelling to a major business centre (Tewantin and Noosaville) via the recreation area, compared to driving to either Gympie or Noosa via the sealed public road network.

Background

Vehicle access permits

A vehicle access permit is required to use a motor vehicle in all, or specified parts of the Bribie Island, Coolooloa, K'gari (Fraser Island), Minjerribah (North Stradbroke Island) and Moreton Island (Mulgumpin) recreation areas.

Vehicle access permits are not required for Inskip Peninsula or Green Island recreation areas.

Vehicle access permits are not required for the following exempt vehicles:

- emergency vehicles;
- Commonwealth, State and local government vehicles (when used for official purposes);
- Traditional owners are exempt from paying a fee for a vehicle access permit in the exercise of their native rights and interests;
- vehicles authorised under a commercial activity permit or agreement. (This can include private vehicles taking part in a commercial activity such as a tag-along tour, or a commercial four-wheel-drive training course, but only if the commercial activity permit or agreement covers participating private vehicles and the private vehicles are involved in the authorised commercial activity for the entire time they are in the recreation area.).

Fee exemptions for vehicle access permits on QPWS managed recreation areas

Fee exemptions for vehicle access permits

A fee is normally payable for a vehicle access permit, as listed in schedule 2 of the RAM Regulation.

However, sections 58 and 59 of the RAM Regulation allow for fee exemptions to be granted in specified circumstances, so that eligible persons can obtain a vehicle access permit free of charge.

Under section 58, vehicle access permits may be granted free of charge if the Queensland Parks and Wildlife Service (QPWS) is satisfied that the person receiving the permit **reasonably requires** it to access their principal residence, land holding, the residence of a close relative or their place of work.

Under section 59, the QPWS may grant a person a fee exemption for a vehicle access permit for the Cooloola Recreation Area if satisfied the person's principal place of residence is in Rainbow Beach.

Definitions

Close relative means a person's spouse, parent, grandparent, brother, sister, child or grandchild. (This includes relationships through marriage or adoption, e.g. a step-parent or an adopted child.)

Emergency vehicle means an ambulance, fire engine, police vehicle or another vehicle, including a tow truck, helicopter or mobile crane, if used in emergency circumstances.

Exempt vehicles are emergency vehicles, government vehicles and vehicles authorised under a commercial activity permit or agreement.

Government vehicle means a motor vehicle used for official purposes whose registered operator is a local government or State or Commonwealth department.

Motor vehicle includes a bus, car, motorbike, quad bike, tractor, trike or truck, but does not include an aircraft, bicycle, hovercraft or motorised wheelchair.

Person means an individual or a corporate entity (such as a company, incorporated association or trust).

Principal place of residence refers to the address predominantly lived at for the majority of the time and which is stated on a person's driver licence and electoral enrolment records.

QPWS means the Queensland Parks and Wildlife Service, and where the context permits, means the chief executive, or delegate of the chief executive, who may grant fee exemptions under sections 58 or 59 of the RAM Regulation. QPWS has responsibility for the management of recreation areas declared under the RAM Act.

Rainbow Beach means the areas of Rainbow Beach and Inskip, as shown on the map in Schedule 3 of the RAM Regulation.

RAM Act means the *Recreation Areas Management Act 2006*.

RAM Regulation means the Recreation Areas Management Regulation 2017.

Recreation area means an area declared under Section 7 of the RAM Act to be managed as a recreation area.

Rental vehicle means a vehicle that is rented without a driver for the vehicle being offered or made available by, through, or on behalf of the person providing the vehicle for rent.

Time share scheme has the meaning given in Schedule 2 of the *Land Title Act 1994*.

Policy Statements

Vehicle registration requirement

Fee exempt vehicle access permits may only be used to authorise the use of registered motor vehicles in a recreation area.

Approvals for conditionally registered motor vehicles must be in keeping with the *Operational policy: Use of conditionally registered vehicles on QPWS managed areas*.

Applications and supporting documents

Applications for vehicle access permit fee exemptions can be made:

- online via websites: www.qld.gov.au/camping or www.des.qld.gov.au (click on camping and vehicle permit);
- over the counter at a QPWS office. A list of these offices can be found on www.des.qld.gov.au;
- by emailing: QPWS@des.qld.gov.au;
- for Minjerribah (North Stradbroke Island) recreation area: www.straddiecamping.com.au or phone (07) 3409 9668.
- for Moreton Island (Mulgumpin) recreation area: www.mulgumpincamping.net.au or phone (07) 3506 2371

Submitting an application does not guarantee a fee exemption being issued. The **onus is on the person applying** for the fee exemption to provide sufficient **supporting documents** with their application to demonstrate the person's eligibility under the relevant fee-exemption category **to the satisfaction of QPWS**.

Failure to provide adequate supporting documents will result in the applicant being ineligible for the fee exemption, in which case:

- the applicant can be requested to provide additional supporting material to be considered with the existing application; or
- the application can be refused. (Note that refusal of an application does not prevent the applicant lodging a fresh application with new supporting documents.)

For applications made online, the required supporting documentation must be uploaded each time an application is made. The *Information Privacy Act 2009* and the department's Information Privacy Compliance Policy applies in regard to the department's use of this information.

When applications are made in person at a QPWS office, documents will be sighted and recorded by a QPWS officer.

Categories of fee exemption

There are five categories under which a person may be eligible for a fee exemption for a vehicle access permit. These categories are based on the grounds for fee exemptions set out in sections 58 and 59 of the RAM Regulation.

- **Category 1 – Resident within a recreation area**
Where the only reasonable access to the person's principal place of residence is through the recreation area.

Fee exemptions for vehicle access permits on QPWS managed recreation areas

Where a traditional owner requires access to the park in the exercise of their native title rights and interests.

- **Category 2 – Land within a recreation area**

Where the only reasonable access to land in which the person has a registered interest is through the recreation area.

- **Category 3 – Close relative of resident within a recreation area**

Where the only reasonable access to the principal place of residence of a close relative of the person is through the recreation area.

- **Category 4 – Worker access**

Where the only reasonable access to a place where the person needs to carry out work is through the recreation area.

- **Category 5 – Rainbow Beach resident**

Where a person's principal place of residence is in Rainbow Beach (fee exemption for Cooloola Recreation area only).

Eligibility criteria and supporting documents

Eligibility criteria and the supporting documents required for each fee exemption category are specified in the tables below.

Note that the supporting documents listed in the tables indicate the usual substantiation required. However, if an applicant's personal circumstances result in the applicant not being able to provide the usual 'standard' documents, QPWS may consider alternative explanations or documents as evidence of the applicant's eligibility.

Note that the onus always remains with the applicant to demonstrate their eligibility for an exemption to the satisfaction of QPWS.

Vehicle Access Permit – Fee Exemption Categories

Eligibility Criteria and Supporting Documents

Category 1 (Resident within recreation area)	
Where the only reasonable access to the person's principal place of residence is through the recreation area. <i>Recreation Areas Management Regulation 2017, section 58(1)(a)(i)</i>	
Eligibility criteria for a fee exemption	Three forms of supporting documents usually required (must be current)
<p>1. The relevant property <u>must be the person's principal place of residence</u>, i.e. where the person lives for most of the time (e.g. more than half of the days of each year); AND</p> <p>2. The residence must have <u>no other reasonable access</u> except through the recreation area.</p> <p>A person eligible under this category may be issued with a vehicle access permit free of charge for a maximum term of one (1) year.</p> <p>Fee exemptions are not automatically renewed; a new application must be completed (with supporting documents) for each subsequent fee exemption.</p> <p><u>Notes:</u></p> <ul style="list-style-type: none"> • The person would typically use the relevant property address for important official purposes, i.e. for the person's driver licence and electoral enrolment. • Residences in Rainbow Beach <u>do not qualify</u> under this category because they have normal road access. However, they may qualify under Category 5 – see below. <p><u>Example of a potentially eligible person:</u> A person whose 'permanent' place of residence is on K'gari (Fraser Island) or Cooloola, e.g. as a live-in owner or long-term tenant, and whose only means of normal access is through the recreation area.</p>	<p>Each of the following documents:</p> <p>1.1 Vehicle Registration – For a vehicle access permit for a fully road-registered vehicle:</p> <ul style="list-style-type: none"> • vehicle registration certificate / renewal notice <u>showing the relevant property address</u>. <p>2 Driver Licence – The person's photo driver licence <u>showing the relevant property address</u> (Note – for online applications, a copy of both the front and back of the licence may be needed).</p> <p>3 Official Documentation – <u>One</u> of the following, <u>addressed to the person at the relevant property address:</u></p> <ul style="list-style-type: none"> • Electoral enrolment card • Property lease agreement • Property rates notice • Utility account • Other official document, e.g. insurance notice, bank statement, Australian Tax Office document, Centrelink letter.

Fee exemptions for vehicle access permits on QPWS managed recreation areas

Category 2 (Land within recreation area)	
Where the only reasonable access to land in which the person has a registered interest is through the recreation area. <i>Recreation Areas Management Regulation 2017, section 58(1)(a)(ii)</i>	
Eligibility criteria for a fee exemption	Three forms of supporting documents usually required (must be current)
<p>1. The person must have a <u>registered interest</u> in the relevant land, e.g. the person is an owner of the land and the person's name is listed on the registered land title, or the person is acting on behalf of a corporate entity who owns the land; AND</p> <p>2. The relevant land must have <u>no other reasonable means of access</u> except through the recreation area.</p> <p>A person eligible under this category may be issued with a vehicle access permit free of charge for a maximum term of one (1) year.</p> <p>Fee exemptions are not automatically renewed; a new application must be completed (with supporting documents) for each subsequent fee exemption.</p> <p><u>Notes:</u></p> <ul style="list-style-type: none"> • Land subject to a time share scheme <u>does not qualify</u>. • If land is registered in the name of a corporate entity (such as an incorporated club, a company or trust), a maximum of two fee exemptions may be granted to vehicles registered to, or nominated by, the corporate entity. • Individuals who are not registered on the title are <u>not eligible</u> (e.g. members or shareholders of a club, trust or company that holds the property title). • Individuals that own land in Rainbow Beach <u>do not qualify</u> under this category because they have normal road access. However, they may qualify under Category 5 – see below. <p><u>Example of a potentially eligible person:</u> A person whose name is on the registered title of a property on K'gari (Fraser Island) or Cooloola, and whose only normal means of access to the property is through the recreation area.</p>	<p>Note the restrictions / limitations that apply to time share and lands owned by corporate entities.</p> <p>Each of the following documents:</p> <p>1.1 Vehicle Registration – For a vehicle access permit for a fully road-registered vehicle:</p> <ul style="list-style-type: none"> • vehicle registration certificate / renewal notice. <p>2 Driver Licence – The person's photo driver licence.</p> <p>3.1 Evidence of Ownership – If the land is registered in the name of one or more individual persons, <u>one of the following documents showing the relevant property details and the person's name:</u></p> <ul style="list-style-type: none"> • DNRM property valuation certificate • Property rates notice • Property title search <p>3.2 If the land is registered in the name of a corporate entity (e.g. incorporated club, or a company or trust):</p> <ul style="list-style-type: none"> • a document providing the corporate details (e.g. copy of ASIC register extract showing company details); and • <u>one of the following documents showing the relevant property details:</u> <ul style="list-style-type: none"> o DNRM property valuation certificate o Property rates notice o Property title search o

Fee exemptions for vehicle access permits on QPWS managed recreation areas

Category 3 (Close relative of resident within recreation area)	
Where the only reasonable access to the principal place of residence of a close relative of the person is through the recreation area. <i>Recreation Areas Management Regulation 2017, section 58(1)(a)(iii)</i>	
Eligibility criteria for a fee exemption	Three forms of supporting documents usually required (must be current)
<p>1. The person has a 'close relative' whose <u>principal place of residence is accessed through the recreation area</u> [i.e. where the relative lives for most of the time] and has <u>no other reasonable means of access</u> except through the recreation area.</p> <p>A person eligible under this category may be issued with a vehicle access permit free of charge for a maximum term of one (1) year.</p> <p>Fee exemptions are not automatically renewed; a new application must be completed (with supporting documents) for each subsequent fee exemption.</p> <p><u>Notes:</u></p> <ul style="list-style-type: none"> • A 'close relative' is the person's spouse, parent, grandparent, brother, sister, child or grandchild. (See the definition of close relative in this policy). • A close relative's residence does not qualify unless it is the close relative's <u>principal place</u> of residence, i.e. it does not qualify if it is the relative's short-term or occasional residence. • A close relative's residence that has normal road access does <u>not qualify</u>, e.g. a residence in Rainbow Beach. • A close relative of a non-resident landholder does <u>not qualify</u> for this exemption. <p><u>Example of a potentially eligible person:</u> <i>A person whose parents' 'permanent' place of residence is on K'gari (Fraser Island) or Cooloola, e.g. as live-in owners or long-term tenants, and the only means of normal access to the person's parents' residence is through the recreation area.</i></p>	<p>Each of the following documents:</p> <ol style="list-style-type: none"> 1. Vehicle Registration – For a vehicle access permit for a fully road-registered vehicle: <ul style="list-style-type: none"> • vehicle registration certificate / renewal notice. 2. Driver Licence – The person's photo driver licence. 3. Other Supporting Evidence – Statutory declaration from the person's close relative at the relevant address. In the statutory declaration the resident should state: <ul style="list-style-type: none"> • their name and residential address; • that the address is their principal place of residence (i.e. where they live most of the time, e.g. most days of each year); • the full name of the person who is applying for the fee exemption; and • their relationship to that person.

Fee exemptions for vehicle access permits on QPWS managed recreation areas

Category 4 (Worker access)	
Where the only reasonable access to a place where the person needs to carry out work is through the recreation area. <i>Recreation Areas Management Regulation 2017, section 58(1)(b)</i>	
Eligibility criteria for a fee exemption	Three forms of supporting documents usually required (must be current)
<p>1. The person will be undertaking work/profession/ trade in a place that has <u>no other reasonable means of access</u> except through the recreation area; AND</p> <p>2. It is necessary for the particular work to be undertaken in that place.</p> <p>A person eligible under this category may be issued with a fee exempt vehicle access permit for the period for which the person will need access for work, or for a pre-determined duration (for example one month). However a fee exempt permit under this category will normally be limited to a maximum term of 3 months. A further application is required to extend. Additional conditions may be applied.</p> <p><u>Notes:</u></p> <ul style="list-style-type: none"> • Unrelated work that the person <u>elects</u> to do at the place does <u>not qualify</u>. For example, writing a book or dealing with work emails unrelated to the place, does not qualify. • Also, 'work' that is soliciting for employment, trade or business does <u>not qualify</u> (e.g. doorknocking or letterboxing). <p><u>Example of potentially eligible person:</u> <i>A person whose regular job is on K'gari (Fraser Island) or Cooloola, or a tradesman needing to do work for a client at a property on K'gari (Fraser Island) or Cooloola, when the only means of normal access to the work location is through the recreation area.</i></p> <p><i>Approved educational groups undertaking activities on QPWS managed areas may be entitled to a fee exemption for a vehicle access permit under this exemption category. Refer to the Operational Policy – Fee Concessions for educational excursions, tours and camps on QPWS managed areas.</i></p> <p>See also additional information under the heading 'Particular work types under Category 4' (at the end of the tables in this policy).</p>	<p>Each of the following documents:</p> <p>1.1 Vehicle Registration – For a vehicle access permit for a fully road-registered vehicle:</p> <ul style="list-style-type: none"> • vehicle registration certificate / renewal notice. <p>1.2 For a vehicle access permit for a conditionally registered vehicle (that meets QPWS requirements for use in the area):</p> <ul style="list-style-type: none"> • vehicle registration certificate / renewal notice; and • Queensland Police permit for the vehicle. <p>2. Driver Licence – The person's photo driver licence.</p> <p>3.1 Other Supporting Evidence – If the <u>work is to be done for an employer or client</u>, a statutory declaration from the employer or client. In the statutory declaration the employer or client should state:</p> <ul style="list-style-type: none"> • their name and address (including business name and address if applicable); • the type of work to be carried out, • the address or other location of the work (i.e. the specific place of work that requires access through the recreation area); • the name (and business name if applicable) of the person who will carry out the work; and • the approximate duration of the work. <p>3.2 If the <u>work is not for an employer or client</u>, a statement from the applicant of:</p> <ul style="list-style-type: none"> • the type of work to be carried out, • the address or other location of the work (i.e. the specific place of work that requires access through the recreation area); • the name (and business name if applicable) of the people who will carry out the work; and • the approximate duration of the work.

Fee exemptions for vehicle access permits on QPWS managed recreation areas

Category 5 (Rainbow Beach resident)	
<p>The person's principal place of residence is in Rainbow Beach– fee exemption for Cooloola Recreation area only. <i>Recreation Areas Management Regulation 2017, section 59(1)</i></p>	
Eligibility criteria for a fee exemption	Three forms of supporting documents usually required (must be current)
<p>1. The person's <u>principal place of residence</u> is in Rainbow Beach, i.e. the person lives for most of the time (e.g. more than half of the days of each year) at an address that is in Rainbow Beach; AND</p> <p>2. The relevant vehicle is normally garaged (kept) at Rainbow Beach with the resident.</p> <p>A person eligible under this category may be issued with a vehicle access permit free of charge for a maximum term of one (1) year. Fee exemptions are not automatically renewed; a new application must be completed (with supporting documents) for each subsequent fee exemption.</p> <p><u>Notes:</u></p> <ul style="list-style-type: none"> An eligible person would typically use the Rainbow Beach address for important official purposes, i.e. such as the person's driver licence and electoral enrolment. This category recognises that Rainbow Beach is the only location where residents can obtain a reasonable time advantage travelling in their vehicle to their closest major business centre (Tewantin and Noosaville) via the beaches in the Cooloola Recreation Area, instead of via an alternative route. The intent of this category is to allow a fee-exempt vehicle access permit to be issued for a resident's vehicle kept / garaged in Rainbow Beach. A vehicle that is normally kept somewhere else is not eligible. Two or more people from the same household in Rainbow Beach may qualify for a fee exemption as long as each provides evidence to support their application in line with the policy requirements. Eligible Rainbow Beach residents should apply individually for a fee exemption, as fee exempt vehicle access permits are granted for a particular vehicle and are <u>not transferrable</u>. <p><u>Example of potentially eligible person:</u> A person whose 'permanent' place of residence is in Rainbow Beach, e.g. as a live-in owner or long-term tenant.</p>	<p>Each of the following documents:</p> <ol style="list-style-type: none"> Vehicle Registration – For a vehicle access permit for a fully road-registered vehicle: <ul style="list-style-type: none"> vehicle registration certificate / renewal notice <u>showing the relevant Rainbow Beach address</u>. See Notes below. Driver Licence – The person's photo driver licence <u>showing the relevant Rainbow Beach address</u>. (Note – for online applications, a copy of both the front and back of the licence may be needed). Official Documentation – <u>One</u> of the following, <u>addressed to the person at the relevant Rainbow Beach address</u>: <ul style="list-style-type: none"> Electoral enrolment card Property lease agreement Property rates notice Utility account Other official document, e.g. insurance notice, bank statement, Australian Tax Office document, Centrelink letter. <p><u>Notes:</u></p> <ul style="list-style-type: none"> Applicants will need to provide an explanation if the vehicle registration notice is not in their name (i.e. it may be in their spouse's name), and must provide evidence that Rainbow Beach is their principal place of residence. If Rainbow Beach is the applicant's principal place of residence but the applicant's driver licence and/or vehicle registration notice do not currently reflect this address, the applicant can contact the Department of Transport and Main Roads (DTMR) on 13 23 80 or online at: http://www.tmr.qld.gov.au/Online-services.aspx or visit a DTMR Customer Service Centre to correct their address details, and to request a replacement document showing the correct address.

Particular work types under Category 4 (Worker access)

Educational group excursions, tours or camps

Vehicle access permits are not required by a commercial operator providing transport to an educational group in a recreation area, because the commercial operator's vehicles are authorised under the operator's commercial activity permit or agreement. However, in respect of other vehicles being used for educational group use in a recreation area:

- A registered government vehicle being used in a recreation area for official business is exempt from the requirement for a vehicle access permit. This permit exemption would apply, for example, to a Department of Education vehicle being used for a school, excursion, tour or camp.
- However, a vehicle access permit would be needed for a rental vehicle hired by the Department of Education. The Department can apply for a fee exemption for the vehicle access permit required for the rental vehicle (see the dot point below).
- A non-government vehicle being used in a recreation area to conduct an approved educational group excursion, tour or camp requires a vehicle access permit. However the group leader can qualify for a fee exemption for the vehicle access permit under Category 4 (worker access), on the basis that the permit is required for access to a place where the person using the vehicle needs to carry out work. (This fee exemption could apply, for example, to a vehicle owned and operated by a private school, or to a rental vehicle hired by a private or government school). In such a case, the group leader should apply for the necessary (fee-exempt) vehicle access permits for each vehicle, and is responsible for displaying the permit tags (labels) on each vehicle.
- For further information concerning entitlements to concessions and exemptions for educational groups, refer to the *Operational Policy – Fee Concessions for educational excursions, tours and camps on QPWS managed areas*.

Commercial fishing

Commercial fishers who need vehicle access through a recreation area (e.g. to undertake licensed beach netting or beachworm harvesting) can qualify for a vehicle access permit fee exemption under Category 4 (worker access). A fee exemption may be granted on the basis that the vehicle access permit is required for access to a place where the person using the vehicle needs to carry out work. In such a case, the required supporting documents are as follows:

1. Photo driver licence, **and**
2. Copy of commercial fisher licence, **and**
3. Copy of commercial fishery boat licence (if applicable); **and**
4. If the applicant is not the licence holder, a statutory declaration from the principal licence holder confirming the applicant is permitted to operate under the licence.

Review or appeal of fee-exemption decisions

The legislation does not provide any formal avenue for review and appeal of permit decisions for vehicle access permits, including decisions about fee exempt vehicle access permits. However, this does not prevent an applicant contacting the Queensland Parks and Wildlife Service to ask for a decision to be reconsidered.

Enforcement

Under sections 134 and 135 of the RAM Act, it is an offence to provide false or misleading information or documents when applying for a permit.

QPWS officers have enforcement powers under the RAM Act, and may conduct regular audits of online applications to confirm eligibility of online applicants for fee exemptions. Compliance actions will be taken if ineligibility is detected, which may result in the cancellation of permits, and also may involve prosecution in cases of apparent deliberate misinformation.

Reference materials

Operational policy: Use of conditionally registered vehicles on QPWS managed areas

Operational policy: Fee concessions for educational excursions, tours and camps on QPWS managed areas

Authorities

Recreation Areas Management Act 2006

Recreation Areas Management Regulation 2017

Moreton Island National Park, Cape Moreton Conservation Park & Moreton Island Recreation Area Management Plan April 2007

Further Information

Requirements for vehicle access permits are specified in section 109 of the RAM Act and section 10 of the RAM Regulation. The grounds for granting a fee exemption for a vehicle access permit is set out in sections 58 and 59 of the RAM Regulation.

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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Signature

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Date

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