

Operational policy

Visitor Management

Permit to enter or remain in a special management area (scientific)

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

This policy is intended to assist in determining whether to grant an application for a permit to enter or remain in a special management area.

Background

Access to a special management area is strictly controlled. Any person seeking to enter or remain in a special management area must have a permit.

A permit is not required to undertake management of a special management area on behalf of the Chief Executive.

Applications will be assessed in accordance with the relevant provisions of the Nature Conservation (Administration) Regulation 2006, the Nature Conservation (Protected Areas Management) Regulation 2006 and this policy. A permit can only be granted when consistent with the management principles and any relevant management instrument and lease agreement for the area.

Permits may be granted for a term of up to one year.

Definitions

permit to enter means a permit to enter or remain in a special management area.

protected area means the range of protected areas (State land) under the *Nature Conservation Act 1992* (NCA) including national park, regional park, coordinated conservation area and nature refuge.

management principles means those given in section 16 of the NCA requiring that a special management area be managed to—

- protect the area's exceptional scientific values and, in particular to ensure that the processes of nature continue unaffected in the area;
- protect the area's biological diversity to the greatest possible extent;
- allow controlled scientific study and monitoring of the area's natural resources; and
- allow for the manipulation of habitat and the control of threatening processes if threatened wildlife is a significant natural resource for the area.

Policy

National park provides the highest level of protection of all the protected area classes and the threshold used to assess appropriate access and use is accordingly high.

Regardless of the type of activity proposed, a permit to enter a special management area will only be granted when it can be demonstrated that there is a net benefit to the area's exceptional scientific values.

A permit to enter is not required to undertake management of a special management area on behalf of the Chief Executive. However, a permit to enter may still be issued to a contractor or other third party operating on the Chief Executive's behalf when an increased level of certainty of work arrangements is required or when evidence of authorisation or standards of conduct are necessary.

For a permit to enter to be granted, the proposed activity must achieve at least one (1) of the following benefits.

- Assist in the protection of the area's exceptional scientific values or biological diversity.
- Generate new information of significance about the area's exceptional scientific values or biological diversity.
- Assist in addressing or preventing disturbance to the processes of nature in the area.
- Assist in achieving the management goals for the area, particularly in a way QPWS may be less able to do. For example, a permit may be granted for the maintenance of an existing asset or structure.
- Assist in the maintenance of Aboriginal culture, including connection to country, conducted by the area's traditional owners

Guidelines

An application must also meet the following tests for the permit to enter to be granted:

- The activity cannot reasonably be conducted elsewhere, nor can the same outcomes be achieved using another method that could be conducted elsewhere.
- Impacts on the natural processes, scientific values or biological diversity of the area are either acceptable (for example, in the overall favour of a threatened species) or able to be mitigated.
- Any information or knowledge generated is available to meet the conservation needs of the area or species and the overall use of knowledge is in the public interest.
- The activity will not adversely impact on the necessary management of the area.
- The activity will not cause a danger to property or health and safety that cannot be reduced to an acceptable level.
- The activity complies with the any relevant management instruments, codes, standards or agreements relevant to the area or species.
- Research activities are considered necessary, reasonable, ethical and valid.
- Participants are suitably qualified to conduct the activity in an environmentally sensitive and technically competent manner.
- The applicant is a suitable person to hold the authority.

All proposed scientific research and educational activities will require a permit to take, use, keep or interfere with cultural and natural resources (PTUKI). If an appropriate PTUKI is not already in place, then an *Application form – Scientific research and educational purposes permits* must also be completed. The information provided in

Permit to enter or remain in a special management area (scientific)

this application form will provide much of the information necessary to assess the application for the permit to enter. Wherever possible both applications should be considered and issued jointly.

Permits to enter may be conditioned as necessary while in keeping with the management principles. While it is recognised that the conditions of a permit to enter will vary to suit the circumstance, the following are strongly suggested:

- Activities must be organised, following a work program and schedule agreed with a nominated QPWS contact or office. Any proposed change of dates or activities must be approved by the nominated QPWS contact at least 1 week before work commences.
- Participant's names and details of equipment and materials to be used must appear on the permit.
- Any person providing support for research in a special management area but not identified on the permit will require a separate permit prior to entry into the park unless specifically listed by name as part of the permit issued to the primary researcher or research organisation.

Further Information

Application form – Permit to enter a special management area

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

Natalie Ormsby

Signature

30 September 2013

Date

A/Deputy Director-General
Queensland Parks and Wildlife Service

Enquiries:
Assessments and Approvals
parkaccess@des.qld.gov.au