

# Operational policy

## Visitor Management

### Special activities in protected 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, (incorporating the Queensland Parks and Wildlife Service). Operational policies are not intended to be applied inflexibly in all circumstances. Individual circumstances may require a modified application of policy.*

#### Policy issue

This policy details what constitutes a “special activity” in a protected area and the circumstances whereby a special activities permit is required.

#### Background

The natural environmental settings of protected areas provide visitors with an opportunity to undertake a range of recreational activities with varying degrees of physical challenge, risk and environmental impact. In managing visitor use, QPWS generally seeks to employ the minimum level of direct regulation that is necessary to reduce risks to natural and cultural values to acceptable levels and maintain the safety of visitors. In most instances, recreational activities such as rock climbing, abseiling and white water rafting can be undertaken without the need for a permit.

#### Definition

A **‘special activity’** for a protected area or a part of a protected area, means an activity that is declared to be a special activity for the area or part under –

- a) a regulatory notice erected or displayed under section 78 of the Nature Conservation (Protected Areas Management) Regulation 2006; or
- b) a conservation plan that identifies the area or part as, or including, a critical habitat for wildlife.

Section 79 of the Nature Conservation (Protected Areas Management) Regulation 2006 provides that the chief executive may declare only one (1) or more of the following activities to be a special activity for all or part of a protected area -

- a) an activity that will, or is reasonably likely to, have an unusual or significant impact on the cultural or natural resources of the area or part;
- b) an activity for which special training or supervision is needed before a person can safely engage in the activity;
- c) an activity that will, or is reasonably likely to, involve a risk to the public.

Examples of activities that may be declared as special activities include rock climbing and white water rafting.

An activity must satisfy either element of the definition before it constitutes a special activity. For example, the activities of hang-gliding, hot-air ballooning, rock climbing or white-water rafting do not constitute a special activity where it occurs in an area that is not subject to a regulatory notice or conservation plan designating the activity as a special activity.

### **Unlawfully conducting special activity**

Section 100 of the Nature Conservation (Protected Areas Management) Regulation 2006 provides for an offence to conduct a special activity for a protected area, or a part of a protected area, in the area or part unless the person conducts the activity -

- a) under a special activity permit authorising the conducting of the activity; or
- b) under an organised event permit, commercial activity permit or commercial activity agreement that specifically authorises the conducting of the activity.

### **Policy statements**

#### **Assessment of applications**

A permit or written approval to undertake a special activity in a protected area will only be issued where:

- a) any potential issues and impacts associated with the activity on the area's natural and cultural resources and other protected area uses are within the limits of acceptable change; and
- b) where the issuing of a permit or approval is consistent with management interests, priority community needs and equity.

Use of part of a protected area under a special activities permit must be consistent with the management principles for the particular class of protected area and any approved management plan for the area.

#### **Indemnity and public liability insurance**

Applicants for a special activities permit will be required to indemnify QPWS against any claim in relation to the death or injury of person(s) or loss of or damage to property caused by their act or default. The issue of special activities permits may also be subject to the applicant holding appropriate public liability insurance. Refer to *Operational Policy – Insurance and indemnity requirements for QPWS authorities* for further details.

#### **Infrastructure**

Construction or erection of infrastructure associated with the conduct of a special activity is not permitted unless specifically authorised under the conditions of a special activity permit, or through another authority.

#### **Disclaimer**

Participants in recreational activities are expected to take primary responsibility for their own safety, except where a group leader assumes some responsibility for the safety of persons undertaking adventure recreation activities under their leadership. When a person applies for a special activities permit or approval (and the application is supported), they will be warned of the risks associated with undertaking the activity in that area, and advised that they (and where relevant their supervisor) will bear the identified risks.

#### **Special training or supervision**

Where an activity has been designated because special training or supervision is required, decisions about the issue of a permit will take into consideration the skills, knowledge, abilities, experience and/or qualifications of the proposed participants (as indicated by written summaries and / or correspondence from supervisors) in determining whether safety risks would be reduced to an acceptable level under the proposed use.

An applicant for a special activity permit may be requested to provide the following:

1. Where an applicant seeks to engage in the activity independently –

A written summary of the skills, knowledge, abilities, experience and/or qualifications (for example evidence of satisfactory completion of a relevant training course or accreditation program) that they have which will allow them to safely undertake the activity, or

2. Where an applicant seeks to engage in the activity under supervision –
  - a) A written summary of the skills, knowledge, abilities, experience and/or qualifications of the supervisor which will allow them to supervise the applicant in the safe conduct of the activity, and
  - b) written correspondence from the supervisor which indicates that the applicant is to engage in the activity under the supervision of that person.

QPWS will rely on expertise which may comprise:

- Industry codes of practice
- Australian Standards
- Other persons or organisations recognised for their expertise
- A panel convened to advise QPWS

Matters set out earlier in this policy under the heading “Assessment of applications” will also be taken into consideration in determining the application.

Note that training or supervision may be required for the safe conduct of any activities on QPWS managed areas that involve inherent risks, even where such activities are not designated as a special activity, or are designated because of concerns about their impacts on natural or cultural resources or public safety.

## **Other issues to consider**

### **Duration of permits**

A special activities permit or written approval for a QPWS managed area may be issued for a maximum of one year.

### **Notification of areas subject to special activity designation**

Requirements to obtain a special activities permit or written approval to undertake a particular activity in a particular area will be included in the management plan for the area, and where possible through other QPWS information.

### **Other authorities may be needed**

Where a special activity involving a recreational craft is to be undertaken in a regulatory area then two separate permits may be authorised; the first to undertake the activity and the second to undertake the activity in special activities regulated area. For example, a permit to use a recreational craft is required to operate a hang-glider or hot-air balloon in a protected area and an additional permit is needed to operate the recreational craft in an area under special activities regulatory notice.

The only circumstance where a special activities permit is not required is when a person holds a commercial activity permit for the activity for the area.

Various activities associated with the conduct of a special activity, for example camping in a QPWS managed area, may also require a permit.

### **Fees**

No fees apply to the issue of special activities permits or written approvals for QPWS-managed areas.

A special activity may be designated under conservation plan.

Note that if a conservation plan under section 112 of the *Nature Conservation Act 1992* identifies part of a protected area as critical habitat (or including critical habitat), it may also designate an activity as a special activity for all or part of the area.

**Reference material**

*Operational policy– Insurance and indemnity requirements for QPWS authorities*

**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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