

# Operational policy

## Visitor Management

### Use of conditionally registered vehicles on QPWS managed 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.*

#### **Policy subject**

This policy sets out how conditional registration affects the use of vehicles on QPWS managed areas. It includes guidelines intended to support QPWS officers assessing the proposed use of conditionally registered vehicles on QPWS managed areas.

#### **Background**

All motor vehicles driven on Queensland roads must be registered. Examples of vehicles that must be registered include cars, utes or motorcycles, caravans or light trailers and heavy vehicles.

Conditional registration is a form of registration which may be granted by the Department of Transport and Main Roads (DTMR) for non-standard vehicles, which are ineligible for general road registration as they do not meet vehicle safety standards. Conditional registration is provided by DTMR to enable the limited use of the road network by a non-standard vehicle where there is a genuine need to do so. Vehicles that comply with normal registration requirements are not eligible for conditional registration.

Vehicles with conditional registration must comply with the conditions of use associated with that type of vehicle as outlined on the registration documentation and further detailed in the DTMRs' *Conditional Registration Guideline*. Not all types of conditional registration require an approval from the road owner or manager as a condition of the registration. However, vehicles registered with the location limitations LO3 and/or LO6 (A) require permission from the road owner or manager regardless of the land tenure.

Full details of the conditions for use and levels of road access (including the LO3 and/or LO6 (A) condition codes) are outlined in the *Conditional Registration Guideline*.

All vehicles used in QPWS managed areas, other than exempt vehicles, must also be registered. This includes QPWS vehicles used for estate management and vehicles used by contractors, lessees, or other Government agencies.

The operation of conditionally registered vehicles on QPWS managed lands is regulated under section 122 of the Nature Conservation (Protected Area Management) Regulation 2017 and section 27 of the Forestry Regulation 2015. Under this legislation it is an offence to operate a conditionally registered vehicle on a protected area (State land), State forest, forest reserve or timber reserve without the written approval of the chief executive administering this legislation.

The circumstances under which the chief executive may grant such approval are also limited to specific uses of the vehicle. Under this legislation it is not possible for the chief executive to authorise a conditionally registered vehicle for private recreational use.

There is however, a range of road registered vehicles such as four wheel drives, two wheel drives, and motorbikes that may be used by visitors to visit QPWS managed areas in a recreational capacity, and people are encouraged to use these vehicles when visiting a park or forest.

## Definitions

**agency vehicle** includes all vehicles owned, leased, rented or otherwise used by QPWS for its officers to carry out their duties, including an officer's private vehicle that is agreed to be used to carry out official duties.

**Conditional Registration Guideline** means the DTMR publication called '*Safe movement guideline for conditionally registering a vehicle in Queensland*' under the Transport Operations (Road Use Management—Vehicle Registration) Regulation 2021 -version September 2021.

**exempt vehicles** are listed in Schedule 1 of the Transport Operations (Road Use Management—Vehicle Registration) Regulation 2021 and include:

- an agricultural implement, if it is being towed by an agricultural machine suitably matched to the implement; or another vehicle of a suitable size for towing the implement; or
- a trailer being towed by an agricultural machine that is being used for its intended agricultural purpose; or a conditionally registered vehicle with limited access registration; or
- a ride-on mower, other than a ride-on mower that is an agricultural machine, that is being used for mowing, and is: directly crossing a road; or crossing from one road related area to another road related area; or on a road related area; or
- walking speed equipment that is on a road only for: loading it onto, or unloading it from, another vehicle; or repositioning it at a work site; or
- a motorised wheelchair, if the wheelchair is being used by a person who does not normally reside in Queensland or has resided in Queensland for 14 days or less.
- A motor vehicle that does not have an internal combustion engine and is a low powered (not more than 200 watts); or
- a vehicle that is not a motor vehicle or a trailer; or
- a vehicle being towed by a tow truck operating as a tow truck.

For further clarification and the complete definition of exempt vehicle refer to the Transport Operations (Road Use Management—Vehicle Registration) Regulation 2021.

**general registration** is the registration of standard vehicles for use on the road network. In Queensland registration of vehicles is regulated by the Transport Operations (Road Use Management – Vehicle Registration) Regulation 2021.

**non-agency vehicle** includes all vehicles other than agency vehicles.

**non-standard vehicle** is a vehicle that does not comply with the vehicle safety standards required to be eligible for general registration to operate on a road in Queensland. These standards are expressed in the Australian Design Rules (ADR's) and the Transport Operations (Road Use Management—Vehicle Standards and Safety) Regulation 2021. Tractors, back hoes, bulldozers, forklifts, quad bikes and side-by-sides are all examples of non-standard vehicles.

**QPWS managed areas** include:

- State land protected areas such as national parks, conservation parks, and resources reserves; and forest reserves dedicated under the *Nature Conservation Act 1992* (NCA).

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- recreation areas (RAM areas) under the *Recreation Areas Management Act 2006* (RAM Act).
- State forests and timber reserves managed under the *Forestry Act 1959*.

For the purpose of this policy, QPWS managed areas do not include marine parks under the *Marine Parks Act 2004* or declared fish habitat areas under the *Fisheries Act 1994*.

**QPWS managed road** includes any road that forms part of a QPWS managed area. Any areas dedicated to public use as a road (also known as dedicated or gazetted roads) are not QPWS managed roads.

**road** for the purposes of this policy is taken to include any area that is open to or used by the public and is developed for, or has as one of its uses, the driving or riding of motor vehicles. This includes areas dedicated to public use as a road, but excludes areas declared under a regulation not to be a road.

There are various definitions of 'road' in Queensland legislation. Definitions relevant to the QPWS managed estate include those in the *Transport Operations (Road Use Management) Act 1995*, the *Transport Infrastructure Act 1994* and the *Land Act 1994*.

**side-by-side vehicle** means a motor vehicle—

- (a) that is conditionally registered under the Transport Operations (Road Use Management—Vehicle Registration) Regulation 2021 as a utility off-road vehicle; and
- (b) that has—
  - i. 2 axles only; and
  - ii. A power-to-weight ratio of not more than 115kW per tonne.

**vehicle** as defined in the *Transport Operations (Road Use Management) Act 1995* includes any type of transport that moves on wheels (and hovercraft) but does not include a train or tram. A vehicle includes any item attached to the vehicle, such as a trailer.

**vehicle safety standards** for Australia and Queensland are set out in the Australian Design Rules and Transport Operations (Road Use Management—Vehicle Standards and Safety) Regulation 2021.

### Policy statement

#### QPWS vehicles

QPWS vehicles that do not comply with requirements for general registration, except exempt vehicles, require conditional registration to travel on a road, including a QPWS managed road.

Despite the general requirement for vehicles operating under LO3 and LO6 to have permission from the road owner or manager, Queensland DTMR has advised that QPWS vehicles operating under conditional registration location restriction LO3 (under the *Conditional Registration Guideline*) do not require written authorisation from DES when operating on any QPWS managed areas.

However, QPWS vehicles operating under conditional registration on lands other than QPWS managed areas must have written authority from the owner or manager of the area. Where a vehicle is operating under conditional registration location restriction LO6 (A) a police permit is also required.

#### Non-QPWS vehicles

Non-QPWS vehicles may be authorised when used:

- by Traditional Owners, contractors, local government authorities and/or other government agencies when undertaking approved management on the area

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- by lessees, licensees or permittees undertaking an activity relevant to a valid authority over the area
- by neighbour/s dependent on the area for access between portions of their property
- by universities, non-government organisations and/or research institutions undertaking approved research or management activities on the area
- by people with restricted mobility (in limited circumstances)
- by a person undertaking law enforcement, emergency or rescue activities
- by a person providing a service to users of a State forest (such as vehicle towing)
- in support of recreational activities conducted under an organised event permit
- as part of a side-by-side vehicle event conducted under an organised event permit
- as part of commercial tourism activities conducted under a commercial activity permit or agreement

Authorisation cannot be given for recreational use of a conditionally registered vehicle other than under an organised event permit, a commercial activity permit, or commercial activity agreement.

To authorise the use of a conditionally registered vehicle under these authorities

- a) it must be demonstrated that:
  - the use of that type of vehicle must improve or be integral to the proposed activity's overall safety or sustainability (for example, the vehicle may be authorised for use as a support vehicle in organised events, such as the first aid vehicle at an event), and
  - that a standard road registered vehicle is not suitable or cannot be used as effectively as the type of vehicle proposed (for example, where a track is too narrow for a standard vehicle, a smaller non-standard vehicle may be authorised); or
- b) the use must be for a side-by-side vehicle organised event in line with the *Operational Policy – Organised event permits for recreational use of side-by-side vehicles on State forests* (see below).

Permits cannot be granted for the recreational use of quad bikes or other conditionally registered vehicles, as part of an organised event permit other than side-by-side vehicles in line with b) above. See section below on recreational use of side-by-side vehicles under an organised event permit.

Recreational use of conditionally registered vehicles by individuals cannot be authorised.

When considering authorising the use of a conditionally registered vehicle, both the proposed activity and the type of vehicle must be considered to be safe, sustainable and appropriate. Authorisation must not be given if the type of vehicle is considered likely to:

- damage or significantly adversely affect the area's cultural or a natural resources; or
- pose a serious risk to the health or safety of the public.

### Guidelines for authorising conditional registered vehicles

Where the use of a conditionally registered vehicle in a QPWS managed area is appropriate, the use may be authorised, depending on the circumstances of the use:

- as part of another licence, permit, commercial activity agreement or other authority; or
- by a letter of authority given by the appropriate Senior Ranger, Principal Ranger or Regional Director; or

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- in the case of persons with restricted mobility, by a letter of authorisation from the appropriate Ranger in Charge.

It is recommended that conditions be placed on this authorisation, including timeframes (whether a once off permission or multiple use arrangement over a set period of time) and requirement for public liability insurance.

### **Assessing neighbour/s dependent on the area for access**

Neighbours may be authorised to use conditionally registered vehicles:

- when the person owns or occupies the land; and
- when the sole purpose is going directly to or from the property; and
- the most direct and reasonable route to travel to or from the land is through the QPWS managed area.

### **Recreational use of side-by-side vehicles under an organised event permit**

Approval may be granted for a side-by-side vehicle for recreational use under an organised event permit on specific State forests where the vehicle is to operate in compliance with conditions stated in code LO6(A) under the *Conditional Registration Guideline* and the conditions set in the *Operational Policy – Organised event permits for recreational use of side-by-side vehicles on State forests* have been met.

### **Moreton Island limited access scheme**

Under the Moreton Island limited access scheme, authorisation may be given for conditionally registered vehicles to operate on QPWS managed roads within the Moreton Island Recreation Area. The grant of this authority applies to quads, trikes, off road utilities (specifically a <2t gross vehicle mass, 2 axle utility) and trail bikes only. Dune buggies and other types of recreational vehicles will not be considered. This applies only to:

- residents and landholders on Moreton Island; and
- the extent permitted by the RAM Act, Nature Conservation (Protected Areas Management) Regulation 2017 and any management plan for the area; that is, any such use must be consistent with any legislative restrictions or management plan requirements.

### **Assessing persons with restricted mobility**

Motorised wheelchairs and mobility scooters are used for people with mobility impairment. These devices are subject to DTMR registration requirements and are not conditionally registered vehicles subject to this policy.

A conditionally registered vehicle may be authorised to access QPWS managed roads, management tracks or areas otherwise restricted to recreational vehicles (for example, management tracks accessing amenities blocks, beach access from camping sites) when it is used to provide access for people suffering from a condition that:

- is not temporary; and
- significantly restricts the person's mobility.

These vehicles will not be authorised to access an area managed only for pedestrian or non-motorised access (for example, walking tracks).

Persons with restricted mobility will be required to provide a medical certificate:

- verifying the nature of the person's condition, and
- supporting the person's capacity to operate the vehicle in a range of outdoor environments (including unsurfaced and rough roads, on sand and in water crossings) shared with other vehicles (including four-wheel drives and motorbikes) operating at a range of speeds.

## Compliance

In the event that a conditionally registered vehicle is operated in a way other than that set out in the conditions of an authority or permit to operate in the QPWS managed area, the authorisation may be cancelled by written notice.

A penalty infringement notice may be issued in cases of non-compliance with the legislation or permit conditions.

It is recommended that non-agency conditionally registered vehicles observed operating beyond the scope of their conditional registration be reported to DTMR.

## Reference materials

### Authorities

Forestry Regulation 2015

Nature Conservation (Protected Areas Management) Regulation 2017

*Recreation Areas Management Act 2006*

Transport Operations (Road Use Management – Vehicle Standards and Safety) Regulation 2021

*Safe Movement Guideline— Conditionally registering a vehicle in Queensland*, Queensland Transport Form number 17, September 2021.

*Operational policy – Organised event permits for recreational use of side-by-side vehicles on State forests*

**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 operational policy, officers must comply with that obligation (refer to [Comply with Human Rights Act](#)).

**Disclaimer**

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**Approved By**

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signature

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Date

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