

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

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. 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.

Non-standard vehicles are vehicles that do not comply with the basic vehicle safety standards for Australia and Queensland and include vehicles such as quad bikes and side by side vehicles. These are set out in the Australian Design Rules (ADR's) and Transport Operations (Road Use Management—Vehicle Standards and Safety) Regulation 2010 (Qld). As non-standard vehicles do not meet these vehicle safety standards they are excluded from operation on a road except in limited circumstances and with conditional registration.

The operation of conditionally registered vehicles on QPWS managed lands is regulated under the Nature Conservation (Protected Area Management) Regulation 2006 and 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, sedans, 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.

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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' 'Guideline for conditionally registered vehicles in Queensland'. 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 DTMR conditional registration guideline.

Definitions

QPWS managed areas include:

- protected areas (State land) including national park, national park (Aboriginal land), national park (Torres Strait Islander land), national park (Cape York Peninsula Aboriginal land), and regional park dedicated under the *Nature Conservation Act 1992* (NCA).
- recreation areas (RAM areas) under the *Recreation Areas Management Act 2006* (RAM Act).
- State forests (other than areas of State plantation forest), forest reserves 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 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*.

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.

Agency vehicle includes all vehicles owned, leased, rented or otherwise used by DES/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.

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 2010. Tractors, back hoes, bulldozers, forklifts, quad bikes and side by sides are all examples of non-standard vehicles.

Exempt vehicle is defined by section 4 of the Transport Operations (Road Use Management—Vehicle Registration) Regulation 2010 and includes:

- 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

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- 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 motorised golf buggy or other motorised machinery being used on a golf course or on a golf course car park, or a motorised golf buggy being used for directly crossing a road dividing a golf course; 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 low powered motor vehicle (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; or
- a racing vehicle being used on a racing track or in a related area for a racing track; or
- a motorbike being used in freestyle motocross in a freestyle motocross area; or
- a motorbike being used in an observed trial in an observed trial area; or
- drawn plant being towed by a conditionally registered vehicle of a size suitable for towing the plant.

For further clarification and the complete definition of exempt vehicle refer to the Transport Operations (Road Use Management—Vehicle Registration) Regulation 2010.

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.

Queensland DTMR has advised that QPWS vehicles operating under conditional registration location restriction LO3 (under the DTMRs' 'Guideline for conditionally registered vehicles in Queensland') do not require written authorisation from DES/QPWS 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 the vehicle is operating under conditional registration location restriction LO6 (A) a police permit is required.

Non-QPWS vehicles

Non-QPWS vehicles may be authorised when used:

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

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- by a person undertaking law enforcement, emergency or rescue activities
- in support of recreational activities conducted under an organised event permit
- as part of commercial tourism activities conducted under a commercial activity permit

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

To authorise the use of a conditionally registered vehicle under an organised event permit, commercial activity permits or commercial activity agreement 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).

The use of conditionally registered vehicles must only be authorised where there is a genuine need for that vehicle to operate on the road. Recreational use is not considered to be genuine need. Permits will not be granted for the recreational use of quad bikes as part of an organised event permit.

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.

Breach of conditions

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 will be withdrawn by written notice.

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

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:

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

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.

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 via a Vehicle Access Permit. The grant of a vehicle access permit in this case 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 also applies only to:

- residents and landholders on Moreton Island; and
- the extent permitted by the RAM Act, NCA, Nature Conservation (Protected Areas Management) Regulation 2006 and any management plan for the area.

Assessing persons with restricted mobility

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.

However, under no circumstances will these vehicles 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

Reference materials

Authorities

Forestry Regulation 2015

Guideline for conditionally registered vehicles in Queensland, Queensland Transport Form number 17, version 3.4, November 2015.

Nature Conservation (Protected Areas Management) Regulation 2006

Operational policy - Landscape classification system for visitor management October 2013

Transport Operations (Road Use Management – Vehicle Standards and Safety) Regulation 2010

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Disclaimer

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Signature

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Date

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