

# Operational policy

## Natural resource management

### Non-standard use and operation of a vehicle: Application of the Queensland Road Rules on QPWS managed land

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*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 Resource Management, (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

The use and operation of vehicles on Queensland Parks and Wildlife Service (QPWS) managed lands in a manner other than set out in the *Transport Operations (Road Use Management—Road Rules) Regulation 2009* (Queensland Road Rules).

#### Purpose

Ensure the safe, appropriate use of vehicles by QPWS officers during park management activities.

#### Background

The Queensland Road Rules establish an accepted standard of safe driving behaviour that applies to vehicle use in all places accessed by the public, including many protected areas. As a result, it may be an offence for a person in a protected area to:

- travel in or on a part of a motor vehicle that is not enclosed, or designed to carry passengers or goods; or
- to travel with a body part outside of a vehicle.

While it is preferable that alternatives be used where possible, operating from the tray of a slow moving vehicle or with a body part outside a vehicle is sometimes the only effective option for completing some park management activities. Examples of activities that are not compliant with the Queensland Road Rules include operations from the tray of a utility (including spotlighting) and the use of spray equipment from quads.

#### Definitions

For the purposes of this policy, **park management activities** include the management of all QPWS managed lands and wildlife management activities undertaken by QPWS officers on QPWS managed land.

**Non-standard vehicle operation** means the operations of a vehicle in a way that does not comply with the Queensland Road Rules.

**QPWS officers** include all persons undertaking park management activities regardless of whether or not they are employed by the Department of Environment and Resource Management (DERM). This includes QPWS volunteers, members of research organisations and agents and contractors operating on behalf of DERM. However, for the purpose of this policy, QPWS officers do not include trustees of conservation parks and resources reserves, lessees, permittees, tenants or members of the public.

QPWS managed lands include:

- protected areas (State land), including national park (scientific), national park, national park (recovery), conservation park and resources reserve dedicated under the *Nature Conservation Act 1992 (NCA)*
- forest reserves dedicated under the NCA
- State forests (other than State plantation forests) declared under the *Forestry Act 1959*
- any other land managed under the *Recreation Areas Management Act 2006* or *Brisbane Forest Park Act 1977*.

For the purposes of this policy, QPWS managed lands do not include marine parks dedicated under the *Marine Parks Act 2004*.

**Motor vehicle** includes all motor vehicles with four or more wheels. For the purposes of this policy, motor vehicle does not include motor bikes. However, it does include quads and special purpose vehicles.

## Policy statement

Regardless of land tenure or public access to a place, QPWS officers will comply with the Queensland Road Rules to the greatest extent practical while still carrying out their duties.

Where there are no practical alternatives, QPWS officers may travel in the tray of a vehicle to carry out park management activities, provided that:

- all activities are conducted as part of a planned work program
- a job safety analysis has been completed and a pre-task briefing is conducted each time the activity is to be undertaken
- the public are excluded from the area
- all relevant QPWS policies and procedural guidelines are fully applied.

However, no QPWS officer may ride on the roof rack, bonnet or bull bar of a vehicle, or ride in the tray of a vehicle while it is negotiating an obstacle.

Where there are no practical alternatives, QPWS officers may travel with a hand or arm extended out of the vehicle to carry out park management activities provided that a pre-task briefing is undertaken and all identified safety issues are addressed. Exclusion of the public from the area is required if the activity has the potential to pose a risk to public safety, but is not a mandatory requirement.

## Procedures for excluding the public

Declaration of a temporary restricted access area, by way of a restricted access area notice, is the preferred method of excluding the public from an area during non-standard vehicle operations. Compliance with the provisions of sections 73-76 of the NCA is required.

Where the declaration of a restricted access area is not possible, standard road closure signage may be used.

In addition, QPWS officers will take all steps necessary to ensure that the public are effectively excluded including:

- ensuring that park management activities are conducted within the QPWS managed lands (refer to EcoMaps and the Digital Cadastral Data Base)
- ensuring that permittees and authority holders who have access to the area are identified and considered in planning work programs
- ensuring that temporary closures do not unfairly inconvenience authority holders.

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## Other matters to consider

There may be a requirement to conduct such activities on adjacent roads or privately-owned land. In such instances, the approval of the appropriate landholder or management authority is required and the general approach and intent of the above policy statement should be applied. Any necessary closure of a public gazetted road must be negotiated with the relevant local authority.

## Reference materials

*Procedural Guide: Spotlighting operations*

## Authorities

*Nature Conservation Act 1992*

*Transport Operations (Road Use Management) Act 1995*

*Transport Operations (Road Use Management-Road Rules) Regulation 2009*

## Further information

An application for an authority exempting QPWS from relevant sections of the Queensland Road Rules (under section 106 and 107 of the *Transport Operations (Road Use Management—Accreditation and Other Provisions) Regulation 2005*) is under development. This policy will be reviewed following Queensland Transport's consideration of the application.

## 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 Resource Management 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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