

Operational Policy

Visitor Management

Restricted access area permits

Operational policies provide a framework for consistent application and interpretation of legislation and for the management of non-legislative matters by the Department of National Parks, Sport and Racing. Operational policies are not intended to be applied inflexibly in all circumstances. Individual circumstances may require a modified application of policy.

Policy issue

This operational policy details key information and determinations relating to issuing restricted access area permits for protected areas.

Background

Section 73 of the Nature Conservation (Protected Areas Management) Regulation 2006 (the Protected Areas Management Regulation) provides for all or part of a protected area to be declared a restricted access area by erecting or displaying a restricted access area notice at the entrance of the protected area.

Section 74 of the Protected Areas Management Regulation further provides the reasons that the chief executive may declare a protected area or part thereof to be a restricted access area.

These include:

- a) to secure the safety of a person or a person's property; or
- b) because of a fire or other natural disaster; or
- c) to conserve or protect the cultural or natural resources of the area or native wildlife, including for example;
 - i. to protect significant cultural or natural resources of the area; or
 - ii. to enable the restoration or rehabilitation of the area or part; or
 - iii. to protect a breeding area for native wildlife; or
 - iv. to manage a significant Aboriginal area in the area in a way that is consistent with Aboriginal tradition; or,
 - v. to manage a significant Torres Strait Islander area in the area in a way that is consistent with Island Custom; or
- d) to protect a facility or service in the area, including, for example, infrastructure, a water supply facility or power generating equipment; or
- e) to protect the character and amenity of the area or an adjacent area; or
- f) for the orderly or proper management of the area.

Designation of a restricted access area may be an appropriate response to a management issue, identified in a park management plan, or be an important strategy in protecting certain wildlife from disturbance such as during nesting season.

A person must not enter or remain in a restricted access area unless the person —

- a) enters the area under a restricted access area permit authorising the entry; or
- b) enters the area under a prescribed authority that specifically authorises the entry; or
- c) enters the area under a written approval from the chief executive; or
- d) has a reasonable excuse.

A permit or approval issued under (a), (b) or (c) must specify a purpose for entering. Penalties apply for entering or remaining in a restricted access area without a permit or approval.

Restricted access area permits may be issued for a period of up to one year. No application or permit fees are applicable.

Applications for restricted access area permits will be assessed against criteria in relevant provisions of the Nature Conservation (Administration) Regulation 2006 and the Nature Conservation (Protected Areas Management) Regulation 2006.

Generally, a permit must not be granted unless the chief executive is satisfied the applicant has adequate insurance cover for the activities conducted under the permit as provided for in section 51 of the Protected Areas Management Regulation. However, the chief executive may be satisfied that insurance cover is not required for the activity carried out under the permit. To determine if insurance is required prior to entering into the restricted access area, please refer to *Operational Policy – Insurance and indemnity requirements for QPWS authorities*.

Definitions

insurance cover for activities to be conducted under a permit, means a policy of insurance that insures the applicant for the permit against a claim for damage, injury or loss to a person, and damage to property, arising from the activities to be conducted under the permit.

prescribed authority means—

- (a) a resources permit; and
- (b) an apiary permit; and
- (c) an Aboriginal tradition authority; and
- (d) an Island custom authority; and
- (e) a stock grazing permit; and
- (f) a stock mustering permit; and
- (g) a permit to enter a national park (recovery); and
- (h) a commercial activity permit; and
- (i) a group activity permit; and
- (j) a commercial activity agreement.

restricted access area means a protected area, or part of a protected area, declared to be a restricted access area under the Protected Areas Management Regulation or specified in a regulatory notice as a restricted access area. Restrictions on access to an area may be permanent, temporary or seasonal.

restricted access area notice means a notice erected at the entrance of a protected area or a part of the protected area declaring all or part of the protected area to be a restricted access area.

Policy statement

A permit to enter a restricted access area will only be issued when the proposed use is consistent with the:

- purpose for which the restricted access area has been declared;
- management principles for the protected area;
- provisions of any approved management plan; and
- object of the *Nature Conservation Act 1992* (the NCA), which is to conserve nature.

For example, where a restricted access area has been declared to enable restoration or rehabilitation of an area, the nature and extent of permitted access should be controlled to ensure that it does not compromise restoration or rehabilitation of the area.

Where a restricted access area has been declared to protect indigenous cultural heritage values in an area, it may not be appropriate to issue a permit authorising recreational use, depending on the specific values of the area and whether these would be compromised by such use. These matters need to be clarified through consultation with the relevant traditional owners.

A condition of a restricted access area permit may specify that the person has insurance cover. In deciding whether insurance is required, Queensland Parks and Wildlife Service (QPWS) will assess if the level of risk of injury to the permit holder is higher within the restricted access area compared to areas that are not restricted. If the risk is higher in the restricted access area, insurance cover will be required. A QPWS officer who has knowledge of the purpose for which the restricted access area has been declared should be contacted to assess this risk.

Other matters

Declaring a restricted access area

When the restricted access area notice is erected or displayed, a copy of the notice must be published on the Department of National Parks, Sport and Racing website.

If the reason for declaring the restricted access area no longer exists, the notice must be removed as soon as practicable. When the notice is removed, the declaration ceases.

When a restricted access area notice is removed, the copy of the notice on the NPSR website must also be removed. Notice of the removal must be published in the same way as the declaration of the restricted access area in the first instance.

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 National Parks, Sport and Racing 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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