

Operational policy

Visitor Management

Organised event permits for recreational use of side-by-side vehicles in State forests

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 the circumstances under which the recreational use of side-by-side vehicles (SSVs) can occur on roads in State forests under the organised event permit (OEP) framework. This policy does not apply to, nor authorise, the use of any other conditionally registered vehicles, or the use of SSVs on lands other than authorised State forest locations under an OEP.

Background

SSVs are small, two or four-wheel drive light utility vehicles designed for off-road use. These vehicles have side-by-side seating for between two and six occupants, pneumatic tyres, a steering wheel for directional control, and foot pedals for acceleration and braking. Generally, these vehicles are not permitted in Queensland Parks and Wildlife Service (QPWS) managed areas (refer *Operational policy – Use of conditionally registered vehicles on QPWS managed areas*). However, recreational use may be allowed under an OEP in accordance with this policy.

Relevant regulatory environment

The *Queensland Road Rules* apply to all roads in Queensland, including those in QPWS managed areas. It is a requirement that vehicles using these roads be registered by the Department of Transport and Main Roads (DTMR) and that drivers hold a current driver licence.

Side-by-side vehicles are classed as 'non-standard vehicles' under the Australian Design Rules of the *Motor Vehicle Standards Act 1989 (Cth)* and may only be used on Queensland roads under a conditional registration scheme administered by DTMR.

Conditional registration is a form of vehicle registration designed to enable the limited use of the road network by a non-standard vehicle, subject to compliance with a range of conditions. Vehicles with conditional registration must comply with the conditions of use associated with that type of vehicle as outlined on their registration documentation and detailed in the *Conditional Registration Guideline*. Conditionally registered vehicles, such as SSVs, are registered under the guideline with operation codes, such as location limitation codes, which place conditions on the use and levels of road access. Vehicles registered with the location limitations LO6 (A), including SSVs subject to this policy, require permission from the road owner or manager regardless of the land tenure (e.g. local government or DES) as well as from the Queensland Police Service prior to the use of the vehicle on the road.

Organised event permits for recreational use of side-by-side vehicles on State forests

Section 27 of the Forestry Regulation 2015 specifically regulates the operation of conditionally registered vehicles on State forest and timber reserves, and it is an offence to operate such a vehicle in these areas without the written approval of the chief executive. This restriction applies to all areas of the State forest or timber reserve, including roads.

The circumstances under which the chief executive may grant such a written approval are limited to specific uses of the vehicle. Further details are outlined in the *Operational policy: Use of conditionally registered vehicles on QPWS managed areas*. The chief executive cannot authorise a conditionally registered vehicle for independent recreational use.

However, under section 27(4), the chief executive may approve the recreational use of conditionally registered SSVs under an OEP where the vehicles are operated in compliance with conditions stated in code LO6(A) under the *Conditional Registration Guideline*.

This policy outlines further matters relating to the recreational use of SSVs under an OEP.

Definitions

authorised State forest location is a State forest specifically listed in this policy with a designated SSV route established within it.

conditional registration is vehicle registration provided by DTMR for enabling the limited use of the road network by non-standard vehicles.

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.

designated SSV route refers to a specific road or roads within an authorised State forest location that have been approved for the recreational use of SSVs under an OEP. Recreational SSV access and use is limited to these roads during scheduled permitted organised events only. Use of other roads is not allowed in these or other State forests.

existing State forest interest holder is the holder of a permit, licence, lease, other authority or agreement or contract that applies over an authorised State forest location.

organised event *permit (OEP)* means a permit to conduct an activity under section 73C of the *Forestry Act 1959*.

QPWS managed areas include protected areas (State land) dedicated under the *Nature Conservation Act 1992*, recreation areas under the *Recreation Areas Management Act 2006* (RAM Act), and State forests (other than areas of State plantation forest), forest reserves and timber reserves managed under the *Forestry Act 1959*.

Queensland Road Rules means the Transport Operation (Road Use Management – Road Rules) Regulation 2009.

side-by-side vehicle (SSV) 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

Organised event permits for recreational use of side-by-side vehicles on State forests

- ii. A power-to-weight ratio of not more than 115kW per tonne.

Policy statement

There is limited need for conditionally registered vehicle use, including for SSVs, on State forests, due to the non-standard nature of these vehicles, and the ability of the community to access State forests using commonly owned standard vehicles. As a result, the Department of Environment and Science will only authorise the recreational use of conditionally registered SSVs where the use:

- occurs under an OEP; and
- occurs on a designated SSV route in an authorised State forest location; and
- is in compliance with conditions stated in code LO6(A) under the *Conditional Registration Guideline*; and
- will be unlikely to cause unreasonable damage or significantly affect cultural or natural resources of the State forest or pose a serious risk to the health and safety of the public.

No other options exist for recreational use other than under the above key requirements.

The requirements of this operational policy must be met for the conduct of an organised event for recreational use of SSVs on State forests. The *Operational policy: Organised events (non-commercial) on QPWS managed areas* and the *Operational policy: Use of conditionally registered vehicles on QPWS managed areas* also apply to any organised events for recreational SSV use.

Operators of SSVs must also comply with the requirements of the *Conditional Registration Guideline* as required by their conditional registration, including helmet wearing and other safety obligations. Operation code LO6(A), which applies to all SSV use authorised under this policy, provides for the operation of a conditionally registered vehicle on a designated SSV route at approved times only.

Consideration of other State forest activities

An OEP may only be granted following assessment of interaction of the organised event with activities conducted under pre-existing authorities granted on the State forest such as grazing or mining, other forestry activities in the area, such as plantation or native timber harvesting, any proposed site management activities such as road maintenance and fire, pest and weed management programs and the rights and interests of First Nations people who speak for the country. This may include consultation with authority holders prior to an OEP being issued for recreational use of SSV at any authorised State forest location.

Section 73C of the *Forestry Act 1959* requires consideration of specific risks to organised events from other activities in the area, such as harvesting operations. This consideration is a general duty of care responsibility and is addressed through the permit assessment process and permit conditions. Section 56 of the *Forestry Act 1959* also requires that no permit, licence, lease, other authority or agreement or contract be granted or made if it is inconsistent with any existing permit, licence, lease, other authority, or agreement or contract granted or made by the chief executive on the same land.

During SSV organised events, access to authorised State forest locations must be restricted to manage public and participant safety. Access is to only be allowed to persons and vehicles that are part of the recreational SSV organised event.

Road owner consent

The LO6(A) code requires written authority from the road owner regardless of the land tenure. The OEP serves as landowner consent from the chief executive to access the approved State forest designated SSV routes.

Organised event permits for recreational use of side-by-side vehicles on State forests

Other authorities responsible for the management of the roads within the designated SSV route may include local government or DTMR, and in these cases it is the responsibility of the event organisers to obtain a permit from the Queensland Police Service to operate on the designated SSV routes prior to the organised event. Consent to use local government roads must also be obtained from the relevant local government by the event organiser. It is not a QPWS responsibility to acquire Police, local government or other approvals.

A copy of the permit for the operation of the vehicle from all relevant landowners and the Queensland Police Service must be provided to QPWS prior to the event occurring, carried in each vehicle during the event, and made available on request. Without these approvals the event could be deemed illegal, posing potential safety and insurance risks to the event organiser and participants.

Authorised State forest locations for events

Designated SSV routes have been identified on a select number of State forests throughout Queensland, as listed in this policy. Applications for State forests that are not listed within this policy, or for locations that are not within a designated SSV route will be refused.

The approved list of State forests that contain a designated SSV route, subject to their site availability and track condition, are:

- Amamoor State Forest
- Borania State Forest
- Calrossie State Forest
- Coomingleh State Forest
- Leyburn State Forest
- Mia Mia State Forest
- Oakvale State Forest
- Wondai State Forest
- Yarrol State Forest

These locations have been selected based on a number of factors including compatibility with existing uses, avoiding plantation licence areas, access to and size of the State forest, suitability of the road network and whether a designated SSV route can be developed for use on an event basis. Designated SSV routes may not extend across State plantation forests managed by HQPlantations.

Consideration has also been given to public and participant safety and risk management of recreational SSV organised events, managing impacts from road closures and restricted access to existing State forest interest holders and the potential impacts to neighbours, especially if there are residential dwellings immediately adjacent to or within close vicinity to the designated SSV route due to the impact from noise and dust.

Authorised State forests locations will be made available for events as road conditions permit. These areas will be closed for events if conditions in the State forest deteriorate, such as from significant weather events and vehicle damage. These closures can occur at short notice depending on the reason for the closure. Forests will remain closed until such time as they can be repaired and the road condition is deemed appropriate for future events.

Operation of SSVs within authorised State forest locations

SSVs can only be operated under an OEP on approved dates and times in authorised locations, which includes the designated SSV routes and staging areas authorised for each event. SSVs must not be operated other than for the purposes of loading and unloading within the staging area and departing from, traversing and returning to the designated SSV route. SSVs must not be operated in any other areas, including camping areas. SSV operators must ensure vehicles and event activities do not prevent visitor access to publicly available areas, such as camping areas or car parks.

Organised event permits for recreational use of side-by-side vehicles on State forests

Operators of SSVs must comply with the *Queensland Road Rules*, which are enforced on State forests by forest officers under section 28 of the Forestry Regulation 2015. In addition, section 30 of the Forestry Regulation includes requirements about the safe use of side-by-side vehicles.

Organised event requirements

For an event to be organised there needs to be an organising party that takes responsibility for organising and delivering the event. Note that transfer of OEPs is not permitted.

Noting the State forest will be closed to other users on the day of the event, it is critical a forward schedule of events is provided to confirm site availability and any potential clashes with any other users or forest management such as planned burns, track maintenance, or responding to weather events. Standard event conditions and requirements will apply to ensure consistent and reasonable use and access. Event organisers must adhere to all permit conditions including any signs, speed limits, safety, preparation of and compliance with an Event Management Plan, pre-event notification and post event reporting. It is important that the event organiser contacts the relevant regional QPWS contact prior to each event to confirm the event is proceeding, and any access, weather and track considerations.

Fees will apply for each vehicle per day.

Event organisers are required to hold Public Liability Insurance to a value of \$20 million, to cover claims occurring on the basis of death of or injury to persons or loss or damage to property. Further details regarding these requirements can be found in the *Operational policy- Insurance and indemnity requirements for QPWS authorities*.

Event management plans

An Event Management Plan (EMP) must be prepared and submitted to QPWS prior to the commencement of each event. An event can only proceed if the date, location and EMP have been approved by QPWS. The EMP must include event locations, route and signage maps, approved dates, emergency and evacuation plans and other additional information regarding how the event will operate such as persons in charge, safety briefing, and waste, traffic, safety, and biosecurity management. Compliance with the EMP is a condition of the OEP.

Frequency of events

Event frequency will be determined on a case-by-case basis for each authorised State forest location in order to balance the competing uses of the State forest. State forests are a multi-use land tenure and consideration is given to the First Nations people who speak for the Country, existing State forest interest holders and other forest users when assessing an application for an event. Events for any individual authorised State forest should be timed on a rotation system with no more than one event in a 60 day period. Selected dates may be moved within the 60 day period if required due to weather or other postponement by QPWS. This rotational system of sites aims to reduce physical impact on each site; minimise impact on existing users of the State forest, ensure the State forest location is available for other users throughout the year; minimise impact on staff resourcing required for the preparation of events and management of each site and enable event organisers to secure event dates and locations prior to the consideration of other interests and activities.

Adding additional events

While a maximum of 12 months of events may be nominated at the lodgement of the OEP application, QPWS may authorise the addition of further events within the 12-month time period as an amendment to the permit. Organisers of events involving recreational use of SSVs wishing to add additional dates to their OEP are required to lodge a QPWS on-line organised event notification [submitted at <https://www.qld.gov.au/> -search 'permits for parks and forests'] a minimum of 40 business days prior to the proposed additional dates (as

Organised event permits for recreational use of side-by-side vehicles on State forests

conditioned by the permit). Notification of events less than 40 business days may result in the event not being supported by QPWS, particularly given the location may be unavailable.

Timing of events

OEPs include capacity for QPWS to postpone and reschedule events, rather than having to cancel and resubmit a new permit application. QPWS reserves the right to reschedule events as necessary for the operational management of the forest, including if track conditions are unsuitable or due to emergency or other high risk/dangerous situations or inclement weather or where the requirements of this policy are not met (such as minimum numbers of participants).

Scale of events

To warrant the closure of the State forest for the designated SSV routes on scheduled event days, QPWS will require a minimum of 10 SSVs for a particular event to proceed. Maximum vehicle numbers for an individual event will be specified for each State forest. This maximum number will depend on the particular designated SSV route and the size of the staging area available for the event. However, the maximum number must be no more than 30 SSVs.

Event permit conditions

The OEP will be conditioned to require compliance with a range of matters to regulate and encourage the safe conduct of recreational SSV events. Additional site or permit specific conditions may also be applied to the OEP. The OEP will require participants to adhere to a range of pre- and post- event actions and payments. Standard OEP conditions will also apply to all permits granted (such as indemnity and insurance clauses).

Compliance

Non-compliance with permit conditions is cause for cancellation of the permit. A penalty infringement notice may be issued in cases of non-compliance, with a penalty of 4 penalty units for individuals and 20 penalty units for a corporation.

The event organiser is responsible for the conduct of all participants involved in the event. If an event vehicle is operated in a way, by any of the participants, other than that set out in the conditions of the OEP, the OEP authorisation will be cancelled by written notice.

Vehicles observed operating beyond the scope of their conditional registration will be reported to DTMR.

Commercial interests

An organised event is a non-commercial activity involving the organised use of a part of a State forest. The event organiser must ensure that the permitted activity does not involve any commercial promotion, sales or vending of any kind. Note that events involving commercial elements such as entry fees are not permitted under an OEP. The event organiser and participants must not solicit or advertise business during the event or within the State forest. These rules are a part of the standard OEP conditions.

Reference materials

Authorities

Forestry Act 1959

Forestry Regulation 2015

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

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

Operational policy: Organised events (non-commercial) on QPWS managed areas

Operational policy: Use of conditionally registered vehicles on QPWS managed areas

Operational policy: Insurance and indemnity requirements for QPWS authorities.

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

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

Ben Klaassen

Signature

1 November 2022

Date

Deputy Director-General
Queensland Parks and Wildlife Service

Enquiries:
Assessments and Approvals
parkaccess@des.qld.gov.au