

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 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 issue

This operational policy details key information and determinations relating to issuing restricted access area permits for the entering into and remaining in declared restricted access areas within protected areas, as defined in section 57 of the NC PAM Reg.

Background

Section 78 of the NC PAM Reg 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 or part.

Definitions

Definitions and abbreviations of key terms used in this policy are as follows:

Term	Definition
<i>'insurance cover'</i>	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
<i>'prescribed authority'</i>	means; (a) a resources permit; or (b) an apiary permit; or (c) an Aboriginal tradition authority; or (d) an Island custom authority; or (e) a stock grazing permit; or (f) a stock mustering permit; or (g) a permit to enter a national park (scientific); or (h) a commercial activity permit; or (i) an organised event permit; or (j) a commercial activity agreement.

'restricted access area'	means an area declared to be a restricted access area under section 78 of the NC PAM Reg
'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
'The NCA'	<i>Nature Conservation Act 1992</i>
'the NC PAM Reg'	The Nature Conservation (Protected Area Management) Regulation 2017

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 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.

Reasons for declaring a restricted access area

Section 79 of the NC PAM Reg 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;
 - ii. to protect significant cultural or natural resources of the area; or
 - iii. to enable the restoration or rehabilitation of the area or part; or
 - iv. to protect a breeding area for native wildlife; or
 - v. to manage a significant Aboriginal area in the area in a way that is consistent with Aboriginal tradition (or otherwise in a way that is consistent with their cultural rights under the *Human Rights Act 2019*); or,
 - vi. to manage a significant Torres Strait Islander area in the area in a way that is consistent with Island Custom (or otherwise in a way that is consistent with their cultural rights under the *Human Rights Act 2019*); 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 a particular animal's nesting season such as protected birds or turtles.

Permit for entry to a restricted access area

Section 95 of the NC PAM Reg provides as follows:

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 specifically stating the entry is authorised ; or
- c) enters the area under the written approval of the chief executive; or
- d) has a reasonable excuse.

A permit or approval issued under (a), (b) or (c), as listed above, must specify a purpose for entering the protected area (refer to s57 of the NC PAM Reg). However, 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 term of up to one year, and no application or permit fees are applicable.

Where a restricted access area has been declared to protect Indigenous cultural values, it may not be appropriate to issue a permit authorising access, depending on the specific values of the area and potential for those values to be compromised. Assessing risk to cultural values must be done in partnership with the relevant Aboriginal or Torres Strait Islander group. Where risk to cultural values can be demonstrated and a management plan cannot be agreed, a permit will not be approved.

Granting of a permit

Applications for restricted access area permits will be assessed against criteria in relevant provisions of the NC PAM Reg. A permit cannot 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 53 of the NC PAM Reg. 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*.

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 Environment and Science 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 DES 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.

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 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

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Signature

05/04/2020

Date

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