

# Forestry (Use of Side-by-side Vehicles) Amendment Regulation 2022

Explanatory notes for SL 2022 No. 61

made under the

*Forestry Act 1959*

## General Outline

### Short title

*Forestry (Use of Side-by-side Vehicles) Amendment Regulation 2022*

### Authorising law

Section 97 of the *Forestry Act 1959*

### Policy objectives and the reasons for them

Side-by-side vehicles are small, two or four-wheel drive vehicles designed for non-road use with seating for two to six occupants. While they are most commonly used as light utility vehicles in farming and other settings, there is interest from manufacturers in providing for recreational use.

Under the Commonwealth *Motor Vehicle Standards Act 1989*, side-by-side vehicles are classed as non-road vehicles. This means they cannot be registered for standard on-road use.

In Queensland, while the Department of Transport and Main Roads (DTMR) provides a conditional registration scheme for side-by-side vehicles, use of these vehicles on public roads may only occur in limited circumstances with the approval of the road owner and the Queensland Police Service. Queensland's current regulatory framework currently excludes the recreational use of conditionally registered vehicles on public roads in State forests and protected areas such as national parks.

To facilitate opportunities for recreational use of side-by-side vehicles, in October 2020, the Queensland Government committed to allowing regulated event-based recreational access for side-by-side vehicles at specified State forest locations.

## **Achievement of policy objectives**

Under section 27 of the *Forestry Regulation 2015* (Forestry Regulation) it is an offence to drive a conditionally registered vehicle in a State forest without the approval of the chief executive. The chief executive's powers to provide such approval are limited to use of such vehicles for commercial purposes, service providers, law enforcement, emergency or rescue activities, for persons of limited mobility, to conduct an organised event, management of the State forest or by neighbours dependent for access between disjunct portions of their property.

There is currently no provision for granting approval for the recreational use of conditionally registered vehicles, including side-by-side vehicles, through an organised event permit on State forests.

Amendment is therefore required to section 27 of the Forestry Regulation to enable the chief executive to approve recreational use of side-by-side vehicles on roads in specified locations in State forests, under an organised event permit.

Amendments will also be made to the Forestry Regulation to extend existing requirements regarding safe operation of a vehicle to users of side-by side vehicles.

## **Consistency with policy objectives of authorising law**

The *Forestry (Use of Side-by-side Vehicles) Amendment Regulation 2022* (Amendment Regulation) is consistent with the objective of the *Forestry Act 1959*, which is to provide for forest reservations, the management, silvicultural treatment and protection of State forests, and the sale and disposal of forest products and quarry material, the property of the Crown on State forests, timber reserves and on other lands; and for other purposes.

## **Inconsistency with policy objectives of other legislation**

The Amendment Regulation is not inconsistent with the policy objectives of other legislation.

The provision of specified locations for side-by-side vehicle use in organised events is consistent with existing regulation associated with the use of non-road vehicles on public roads under laws administered by DTMR. Safety requirements relating to safe operation of vehicles are similarly consistent with the requirements of the *Transport Operations (Road Use Management –Road Rules) Regulation 2009*.

## **Alternative ways of achieving policy objectives**

There are no alternative ways of achieving the policy objective to allow for event-based recreational use of side-by-side vehicles at specified locations in State forests.

## Benefits and costs of implementation

The key costs to government are associated with the establishment of the State forest sites. These costs involve:

- obtaining road safety expertise to inform road assessments at selected State forest locations and provide advice on permit conditions;
- installation of regulatory signage to ensure event safety;
- undertaking road and other associated works in some locations to ensure routes are suitable for traversing; and
- wages costs for rangers as required to attend to open event sites and supervision as necessary.

The government's commitment regarding provision of organised events for side-by-side users included the requirement that event organisers would meet costs associated with the policy's implementation. Permit fees apply for organised events, however, as these are quite low, the Department of Environment and Science (DES) will undertake any works required to support the initial establishment of sites as required to support future events occurring at these locations. Measures are being investigated regarding suitable mechanisms for organisers to contribute to event costs in addition to existing permit fees.

Event-based use of side-by-side vehicles in State forests may generate regional spending, as events would be expected to concentrate use in discrete locations over specified weekend periods. These events would attract side-by-side users to the area, generating spending on food, fuel and potentially accommodation.

Availability of events for recreational use of side-by-side vehicles may also lead to an increase in purchase and associated maintenance of these vehicles, providing a benefit for vehicle manufacturers and dealers.

Typical of other events conducted in State forests, during organised side-by-side events, the particular State forest will be closed to other users. Experience from trial events conducted at Amamoor State Forest in 2018-19 has shown that consultation by DES and event organisers with other State forest stakeholders and careful scheduling of events will mitigate impacts on the community.

## Consistency with fundamental legislative principles

The Amendment Regulation is consistent with fundamental legislative principles.

## Consultation

Limited external consultation was undertaken on the Amendment Regulation itself because it is considered machinery in nature to implement the proposal that was the subject of consultation undertaken by DES with a range of internal and external stakeholders when first establishing trial events at Amamoor State Forest in 2018-19. However, the Amendment Regulation includes a power to weight ratio limitation which is used to describe the vehicles able to be included in an authorised event and this ratio was informed following consultation with industry.

Previous consultation regarding the establishment of the trial framework which informed the development of the Amendment Regulation included State forest users, HQPlantations, the Gympie Regional Council and vehicle manufacturers. Stakeholders were supportive of the arrangements of the trial.

Work to identify and establish new locations for the conduct of future organised events for side-by-side vehicle users is underway and the chief executive of DES will assess applications for the conduct of side-by-side vehicle events after these sites have been determined. As required, establishment of sites will include consultation processes with relevant forest and other stakeholders, consistent with the approach used at Amamoor State Forest under the trial.

In accordance with *The Queensland Government Guide to Better Regulation*, the Office of Best Practice Regulation (OBPR) was consulted in relation to the regulatory proposal. OBPR advised that as the proposal is designed to reduce the burden of regulation and there are no significant adverse impacts, no further regulatory impact analysis is required.