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ACN 652 233 997 | ABN 65 652 233 997

Thursday, 4 August 2022

The Hon. James Griffin MP
Minister for Environment and Heritage
GPO Box 5341
Sydney NSW 2001

MEMO

Our Policy on regulated four-wheel-drive access within public land managed by the New South Wales National Parks and Wildlife Service

Four-wheel-drive touring and camping has become one of the most popular outdoor activities in modern society. With popularity growing exponentially since the mid-1990s, significant areas of our public trail networks within public land have been locked and restricted.

The locking of our public trails is not only restricting our liberal freedoms, it has made fighting fires more difficult and dangerous for authorities. As a volunteer fire fighter, I can attest to being held up on fire trails that have not been maintained, sometimes for years. This experience is shared by thousands of volunteer fire fighters as witnessed in statements through all the bushfire inquiries and Royal Commissions. Additionally, our land has not been managed in accordance with natural law and Indigenous practice, irrespective of the locking of trails. We have seen millions of hectares of bush incinerated over the decades with intensive fire. The fires have crowned and burnt hotter than what biospheres evolved to cope with. As a result, there's been a permanent shift to the ecology within NSW national parks and reserves, this will only result in more catastrophic destruction to our environment into the future.

In 2020 we submitted a 45-page report to the NSW Independent Inquiry into the 2019-2020 bushfires and the Royal Commission on Natural Disaster Arrangements - 2019-2020 Black Summer Bushfires. In the report we highlight our 30,000 hours of field observations over the past decade and the maladministration that has occurred over this time and much further in the past.

This policy will promote and encourage responsible driving and four-wheel-driving by the very privilege of being granted access to our network of public trails within the NSW NPWS reserves. This policy also encourages an entire community of bush users, particularly the emerging generation, to be more respectful to the environment and become more environmentally conscious.

As a non-profit environmental organisation with Indigenous representation and leadership, this policy has been formulated after years of engagement with a plethora of stakeholders.



Dear Minister,

Please see below update to our high-level policy position on regulated four-wheel-drive (4WD) access to public roads and trails (regulated network) and crown road easements within the boundaries of New South Wales National Parks and Wildlife (NSW NPWS) managed crown parks and reserves. This policy does not apply to roads and trails that are 2WD access or major tourist thoroughfares.

The policy has been reviewed and approved by Back to the Bush's Indigenous representation, the Treaty Council.

Back to the Bush Australia's Regulated Lock and Key System:

1. We are unequivocally against the overregulation of our parks and even more so of irresponsible, malicious and destructive actions by a minority of bush users on the environment, trails, campgrounds and public facilities and assets. This policy is designed to restrict and counter malicious and irresponsible bush users and those who undermine our environment, natural and cultural assets, and public infrastructure.
2. The policy provides responsible users who respect the environment greater regulated access than what is currently available to them.
3. The NSW Government (NSW Department of Planning, Industry and Environment/NPWS) must establish a regulated 'Lock and Key System' with a comprehensive set of rules, policies and restrictions some of which are outlined in the sections following.
4. All existing public roads and trails (trails, roads, tracks, fire trails, management trails, etc.) within NSW NPWS managed reserves (including declared wilderness areas) must be accessible [with reasonable restrictions] to 4WD vehicles for the purpose of responsible recreational 4WD touring, better access to bushwalking, other regulated/permitted activities, track maintenance and dispersing/reducing debris on tracks to create better fire breaks.
5. Our national parks are **public land and should therefore be accessible to the public** in a manner that balances liberal regulated access arrangements and the environment (impact and sustainability).
 - 5.1. We firmly believe there is no balance and that it is currently skewed to environmental overregulation and 'protectionism'.
 - 5.2. We recognise the shift away from liberal access is due to the irresponsible actions of bush users and scientific and political bias toward environmental 'protectionism'.
 - 5.3. Overregulation and the symbolic environmental 'lock up' has not done the environment justice. Access continues to be restricted and lost whilst the environment continues to be compromised due to continuing maladministration.
6. Our position on 4WD access to public roads and trails within NPWS reserves is more accessible, inclusive and holistic.
 - 6.1. Qualified individuals authorised for passes (see ss20) are not required to be part of a 4WD club.
 - 6.2. This policy also allows registered 4WD clubs with their own vetting system to gain greater access to the network and fast-tracked applications in line with this policy.



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7. The new system will authorise only responsible and competent 4WD tourers access to *all* the park reserve roads and trails.
8. The policy calls for more regulation and restrictions than the current policies and procedures commissioned by the NSW NPWS.
9. The NSW NPWS are to gate and lock all open and existing unsealed trail and road networks [which are not used as major thoroughfares] managed by the service that fall within their management framework and boundaries.
 - 9.1. This excludes 2WD use and access roads to major tourism where road infrastructure is managed by the NSW NPWS.
 - 9.2. This also excludes roads and trails that proceed to or are within special exclusion zones, such as those managed by Water NSW and the Commonwealth Government.
 - 9.3. Gazetted roads and infrastructure managed by local councils and NSW Roads and Maritime Service (RMS) within the boundaries of NSW NPWS parks and reserves are not affected by this policy.
 - 9.3.1. Some exceptions can be made, such as crown road easements not yet fully annexed to the management of the NSW NPWS or local council managed roads that are wholly within the boundaries of parks and reserves and are no through roads.
10. The NSW NPWS in conjunction with the NSW Police, NSW RMS and Service NSW formulate a strategy to secure and monitor the park managed road and trail networks. This is an ongoing process and does not affect the rollout of the policy in question.
 - 10.1. A new and reformed online system to report malicious activity specifically pertaining to environmental destruction and neglect and unauthorised access by 4WDs within the network.
11. Extensively deploy remote monitoring infrastructure at gated locations and the network.
 - 11.1. Satellite enabled (Satellite NBN) remote area cameras (where possible) or a more comprehensive installation of trail cameras where more practical to do so.
12. The Lock and Key System will formulate a new 4WD Touring National Parks Pass and system specifically for regulated 4WD access to all the road and trail networks within NSW NPWS Parks and reserves.
13. The current booking system for camping (introduced to limit visitors to parks due to the COVID outbreak) will be abolished.
14. The system will have its own booking infrastructure in the cloud (similar to the current campground booking system). Bookings will be facilitated by a central compliance team with each regional office having access to the system for further compliance checks, conditions of entry or enforcements.
15. All pass applicants must be qualified and authorised by the NSW NPWS central compliance office.
16. Ongoing annual revenue collected from the new park pass will go towards trail maintenance and rehabilitation works. Initial investments in IT and staffing to manage compliance and bookings and additional administration staff across local and regional offices to manage the influx of applications and maintaining compliance. However, we



believe there are efficiencies within the service that could be made to accommodate the extra responsibilities.

17. Indigenous persons, state emergency services employees and volunteers, NSW NPWS, Forestry NSW and other relevant government agency personnel will have priority access to the pass. However, the same qualifying rules (specified in ss20) still apply.
18. Every citizen of NSW can apply for the pass and must be given fair and reasonable opportunity and equal rights to do so including fair chance to prove their application.
19. There can be a determined limit on the maximum number of applications or passes issued on an annual or bi-annual basis. We expect this maximum to be fair and equitable and would expect it to be inherently self-limiting due to the conditions set under ss20.
20. Applicants must hold a current Australian state-issued driver licence and provide registration details of their vehicle, only one vehicle is allowed per applicant. Applicants must also have a:
 - 20.1. clean or sound driving record at the time of the application (pass holders are required to disclose any convicted offences via Service NSW);
 - 20.2. clean or sound criminal history;
 - 20.3. 4WD vehicle registered under their name/company/organisation;
 - 20.4. 4WD competency certificate issued by an authorised club or training organisation (this condition will not be compulsory in the first year of policy rollout);
 - 20.5. other requirements deemed necessary to reduce impact on network infrastructure and the environment (i.e., tyre size limits), including possible methods to identify prohibited vehicle modifications i.e., images of vehicle uploaded to system for compliance;
 - 20.6. online education on environmental care including track and campground maintenance and etiquette would need to be completed and passed;
 - 20.7. other systems, qualifications or conditions, including face-to-face courses could be implemented for inclusion into Declared Wilderness areas, similar to how the DPI conducts hunter education and competency to qualify individuals for R-Licences.
 - 20.8. Registered 4WD clubs (associated bodies) will need to demonstrate their vetting process and provide details of their membership to the NSW NPWS central compliance office for fast-tracking of passes and applications.
 - 20.8.1. A greater amount of pass or application quota can be granted to Registered 4WD clubs and their members.
 - 20.9. Special exemptions to ss20 can be made under certain circumstances by central compliance or the Minister.
21. Authorised pass holders will be bound by fair and reasonable conditions for access by the central and/or local NSW NPWS offices, suggestions of which continue in the sections.
22. Keys will be provided/arrangements will be made to access road and trail networks within NSW NPWS managed reserves.



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- 22.1. Excluding special permit arrangements as per ss36-37 and urgent/necessary works as per ss31, all tracks must be accessible to pass holders and other authorised vehicles.
23. Access to keys or thoroughfare through the gate must be made available 24/7 (i.e., coded access, combination padlocks, keys safes at station, etc.). Restrictions in certain localities can apply.
24. Local/Regional NPWS offices can veto bookings confirmed by the central office if there is cause to do so, including authorisation to suspend or terminate pass holders' rights to access or suspend or terminate the pass entirely.
25. There will be a zero-tolerance approach to malicious or destructive conduct toward the environment and track infrastructure by authorised vehicles, their passengers and accompanying vehicles, including any conduct that compromises the safety of all park visitors.
26. All activity within the parks and reserves by users is bound by existing NPWS, EPA legislation and all other relevant state and federal law.
 - 26.1. The networks are public roads and would require all users to adhere to the road rules as a baseline.
 - 26.2. There should be common speed limits within the network(s).
27. There will be maximum vehicle designations within:
 - 27.1. the park and reserves;
 - 27.2. entire road and trail networks;
 - 27.3. and/or individual tracks.
 - 27.4. 4WD clubs, other associated bodies and other relevant organisations can request exemptions to limits.
28. The booking system will accurately reflect maximum vehicle designations, the system should be similar to the structure commissioned by the NSW DPI for state forest hunting reservations. We believe the government should utilise or tap into existing IT systems and infrastructure rather than deploying more resources toward creating new systems.
29. Camping (within designated areas) will be permitted, there will be greater access to camping within the regulated network.
 - 29.1. Camping can be authorised beside trails, at the end of the trails or at locations with natural and scenic significance.
 - 29.2. There will be maximum vehicle designations for campgrounds additional to the maximum vehicles allowed within the regulated network.
30. Access to most of the regulated networks under the new system will be dry weather access only with some reasonable exemptions.
31. Individual tracks, adjoining networks or entire networks can be temporarily restricted.



- 31.1. Restrictions can be imposed at any time under the discretion of local/regional offices for the purposes of conducting urgent park management activities such as track maintenance works, pest control, environmental rehabilitation etc...
- 31.2. NSW NPWS must provide reasonable notice for planned closures and management activities and include the duration of works and reopening.
32. Better access for day and multi-day bushwalking recreational activities.
 - 32.1. All responsible walkers with 4WDs and those who are unable to walk several hours or days to see natural features must be able to utilise our public trail networks to gain closer/better access to experience the wonders of the environment within our public land.
 - 32.2. The system will shorten walking times and extend times for people that can't walk days to access certain natural features within parks and reserves, improving safety, security, and accessibility particularly for those that are unable to walk due to disabilities.
 - 32.3. The system still allows those who prefer to walk and experience a longer walk the same access as they can continue to park their vehicles at the gate.
 - 32.4. Bushwalking clubs and associated bodies will have the same priority rights to access and be allocated greater quota under ss20.
33. All pass holders must clear and maintain access to trails. One of the primary reasons for liberalising access to all trails is to ensure authorised pass holders maintain our public infrastructure responsibly and appropriately.
 - 33.1. Limited use of chainsaws will be permitted for the purposes of effectively maintaining trails.
 - 33.2. All other rules and regulations relating to chainsaw use must be adhered to.
 - 33.3. Harvesting of dead timber on or across the network of trails and roads must be permitted, however limited for use within the park and reserve for a recreational and cooking fire in designated campgrounds (outside park or total fire ban periods).
 - 33.4. Policy on timber harvesting for fires should remain in all other parts of the parks and reserves not covered under the lock and key system.
34. Track and campground maintenance would need to be evidenced.
 - 34.1. A track maintenance report must be produced at the end of the visit online or in person to the local office/station.
 - 34.2. The online system is comparable to how R-Licence holders are required to report to Forestry NSW and DPI after each booking.
 - 34.3. Photos must be taken before and after the trail is cleared.
 - 34.4. Pass holders must under no circumstance drive off the trail or create tracks around fallen debris regardless how large the obstruction.
 - 34.5. Excessive, large debris or major obstructions across the network unable to be cleared must be reported to the local/regional office as soon as practically possible.
 - 34.5.1. Pass holders must turn around and no longer proceed if they are unable to clear the obstruction.



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35. Subject to vehicle number limitations, authorised vehicles will be permitted to have one other vehicle accompany them during their authorisation period.
- 35.1. The registration of the accompanying vehicle will be required on booking and the authorised pass holder is liable for the activity/conduct of the accompanying vehicle, including non-compliance of the accompanying vehicle.
- 35.2. The accompanying vehicle can only be granted a temporary pass once a year.
36. In declared wilderness or areas with high park visitation, roads and trails will still be accessible, however they will be classified differently and/or not listed within the booking system. This does not apply to existing easements through Declared Wilderness. Tracks within easements will continue to be visible and accessible 24/7 through the booking system. However, any part of the network which branches off from the easement will be bound by the conditions set under ss36.
- 36.1. Additional restrictions will apply to pass holders, including an application process and a permit to access network of roads and trails within declared wilderness.
- 36.2. The application will be reviewed by central compliance before final review by local/regional offices.
- 36.3. Local/regional offices can grant final authorisation, impose additional conditions or reject applications for permit to enter networks within declared wilderness.
- 36.4. Pass holders can re-apply after a period of time or attempt to resolve the objects for rejection.
37. In sensitive environments deemed susceptible to introduced weeds and disease, every vehicle must be washed prior to entering the trail or network.
- 37.1. This can be listed as an additional condition when booking or can be imposed as a special condition by a local/regional office when confirmation of booking is received from the central office.
- 37.2. Visitation to these areas can also be granted by a permit-based system for existing pass holders (refer to ss36).
- 37.3. Vehicles must be washed down at a designated location.
- 37.4. Park ranger stations or offices with infrastructure to wash vehicles should be made available to pass holders.
- 37.5. Pass holders should also be given the opportunity to provide reasonable evidence of their vehicles being washed down at the nearest car wash and must take the most direct route to the park entry or to the start of the network.
- 37.6. We recognise this will be hard to regulate without hindering ease of access and bookings. However, we would expect pass holders to be reasonable and honest with this process.
- 37.7. Heavy penalties and/or termination of the pass are consequences of non-compliance of this condition.



38. All pass holders will be required to volunteer their time at least once annually toward conservation or rehabilitation (including track and campground maintenance) works at a park or reserve within 200km of their registered address.
 - 38.1. This is a compulsory condition for all pass holders (with limited exemptions).
 - 38.2. Local/regional offices will designate days and advise on dates with reasonable notice to pass holders.
 - 38.3. Pass holders will be selected at random, some may not be called or required to attend within the calendar year.
 - 38.4. All pass holders are encouraged to offer their time and assistance to a local office regardless of being requested to attend.
 - 38.5. There will be a zero-tolerance approach toward those that cannot provide legitimate reason not to attend, local and regional offices can suspend passes if there a failure to attend.
 - 38.6. Termination/revoking of passes if there has been a persistency of non-attendance or inability to provide legitimate cause.
39. We acknowledge and respect the past, present and future Traditional Owner's and Elders of this continent and the continuation of Cultural, Spiritual and Educational practices of Aboriginal and Torres Strait Islander peoples.
40. This sacred indigenous continent is known now as Australia, began thousands of years ago. The spirits are connected through "Songlines" and the "Rainbow Serpent" stories. Indigenous and non-indigenous people need to continue to respect and protect the environment for generations to come.
41. Local Indigenous Australians would have greater freedoms under this policy to access restricted networks for cultural purposes. Local Indigenous persons would be exempt from most conditions set under ss20 and with provision, exempt from the pass altogether. This is strictly for local clans who are the Traditional custodians that preside over country.
42. All pass holders would be encouraged, as a matter of respect, to engage with the local Indigenous clans who preside over the reserve in which they have been granted access.
43. The system will be trialled by regional offices first at the discretion of local authorities or rangers.
 - 43.1. The system will be trailed across roads and trails that are currently locked or restricted.
 - 43.2. State emergency services employees and volunteers, NSW NPWS, Forestry NSW, and other relevant government agency employees/volunteers will trial the system, in a private capacity, subject to most or all of the qualifying criteria under ss19.
 - 43.3. The trial will take place over a period deemed appropriate before access to the pass is rolled out to all citizens of NSW and then expanded to interstate residents.
44. After successful local trials, the system will be trialled across all NSW NPWS reserves.
45. Whilst this policy is under debate, review or implementation, local and regional NSW NPWS offices and their rangers should engage responsible bush users if they request to access existing locked trails within the parks and reserves under their management.



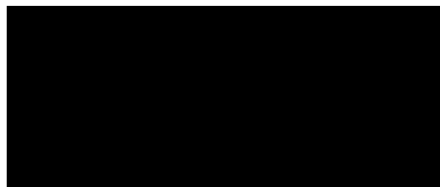
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46. Bush users must be respectful and courteous when they engage with all front-line NSW NPWS personnel. We encourage all users to express respect and genuine development of rapport before requesting access to existing locked gates.

Minister, on behalf of responsible Australians I respectfully request that you review this policy with your advisory before forwarding to the relevant bureaucrats within the NSW NPWS.

Our request to meet with you is still pending, we hope this memo prompts you to secure a time to meet in person. I risk my life and welfare to defend our environment and serve communities, the silence and a resistance to meet from your office is unlike your good character.

Yours sincerely,



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About Back to the Bush Australia

'Back to the Bush,' is a decade-long non-profit social & environmental organisation, with Indigenous leadership that actively focuses on raising grass-roots awareness of Australia's diverse environments and the conservation of the land, bush culture and heritage. Additionally, community philanthropy is core to the social enterprise strategy, which includes volunteering time and physical resources on the land. Back to the Bush also engages and promotes community issues on a grass-roots level and participates physically during natural disaster arrangements.



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