Military Training Activities Policy

Visitor Services – Visitor Activities

March 2008
## Document Control

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Introduction

The Department of Environment and Climate Change (DECC) recognises Australian Defence Force (ADF) requirements for the use of natural landscapes for training purposes. Many ADF training activities are, however, generally inconsistent with the management objectives for parks, and the use of parks for such activities should only be considered when all other options have been exhausted.

Australian Defence Force training activities in parks are restricted to activities that have acceptable levels of impact on the environment and on other users of parks.

Objectives

To guide DECC’s response to applications from the ADF to carry out training activities in parks to:

- ensure a consistent process in responding to applications
- ensure that a single point of contact in the ADF is established as the conduit for all applications to DECC and the nature of appropriate activities is clearly communicated to the ADF
- minimise the impact on the environment and on other users of parks that would result from ADF training activities, and
- ensure that DECC recovers all costs associated with ADF training activities in parks.

Scope and application

This policy applies to all training activities undertaken by the ADF on lands acquired or reserved under National Parks and Wildlife Act 1974 (“parks”).

Note: provisions in this policy may be overridden where:

- existing interests under s39 of the National Parks and Wildlife Act 1974 (the NPW Act) apply; or
- other overriding legislation takes precedence (e.g. cl49 (1) of the Defence Force Regulations 1952).

Background

Under the National Parks and Wildlife Regulation 2002 (the NPW Regulation), consent is required for any ADF training activity to occur in parks.
Many of the ADF training activities require isolated natural areas that are characteristic of park areas. Australian Defence Force training activities occur to some extent in all Regions of parks. A range of activities are undertaken by the Army, Navy and Air Force including abseiling, rock climbing, canoeing, navigation, bushwalking, orienteering, skiing etc.

At times, the ADF may volunteer to undertake park management works for the purposes of training, e.g. bridge building or construction/demolition. Generally these works are undertaken in conjunction with DECC staff.

The Snowy Mountains Region and Sydney Harbour National Park have been identified by the ADF as presenting unique and essential areas for certain types of ADF training. The significance of these areas relates to environmental conditions and also, in regard to Sydney Harbour National Park, the location in relation to potential military or terrorist targets.

This policy provides scope for a more sophisticated level of training activities to be undertaken in parks in these areas. It should be noted that all proposals should be considered on a case by case basis and that all types of training activities are subject to all the provisions of this policy.

Policy

Types of military activities

1. For the purposes of this policy ADF’s training activities that occur in parks have been divided into the following two categories:
   - Outdoor Training - groups undertaking physical activities such as climbing, canoeing, orienteering, patrolling and bushwalking. No ammunition or pyrotechnics.
   - Special Forces Training - may involve climbing, airborne and waterborne activities. Weapons and ammunition may be carried but not discharged.

2. Training activities categorised as ‘Outdoor Training’ are considered as potentially acceptable activities in parks. All applications to carry out Outdoor Training activities will be considered on a case by case basis.

Applications to conduct military activities

3. Applications to undertake ‘Special Forces Training’ will only be considered for Kosciuszko and Sydney Harbour National Parks. These parks have unique features, such as climatic conditions and location, which are essential to Special Forces Training. Applications will be considered on a case by case basis.
4. Applications for ADF training activities in parks are to be subject to assessment and determination by the relevant Park Authority for the park.

5. Generally, no ADF training activities will be permitted in Nature Reserves. ADF training activities will not be permitted in Historic Sites and Aboriginal Areas.

6. Any ADF training activities in Wilderness areas must be in accordance with the management principles of the *Wilderness Act 1987*.

7. Any ADF training activities involving declared Wild Rivers or their catchments must be in accordance with the Wild Rivers Policy.

8. Where a plan of management exists, ADF training activities must be in accordance with that plan.

9. Training activities, particularly those that fall within the Special Forces Training may have the potential to significantly impact on the environment. Authorising officers should consult the NPWS Environmental Planning and Assessment manual to determine whether the training activities in question constitute an ‘activity’ under the *Environmental Planning and Assessment Act 1979*, and proceed as directed.

**Conditions on military activities**

10. Movement of land based vehicles involved in ADF training activities will comply with the Vehicle Access Policy.

11. Training activities may have a variety of components, e.g. camping, walking, rafting. The NPW Regulation contains provisions that relate to some of these individual activities and these provisions must be adhered to. These individual activities may also be subject to specific park management policies developed within the Department.

12. As far as possible noise is to be minimised so that it is not ‘likely to interfere with or cause a nuisance to any person or animal’ within parks. Where this is not possible, consent is required under Clause 13 of the NPW Regulation.

13. The killing or trapping of wildlife and destruction of vegetation will not be permitted as a part of ADF training activities in parks.

14. The carrying of firearms as a part of Outdoor Training activities is not permitted. Carrying of firearms may be permitted for Special Forces Training, and requires consent under the NPW Regulation. The carrying of ammunition is allowed for Special Forces Training and requires consent under the NPW Regulation. The discharge of firearms is not permitted for any Military Training Activities on park. The DECC’s Firearms Management Manual does not apply to defence personnel.

15. Roads will not be closed and barriers will not be erected to exclude the public from areas to allow ADF training activities to occur. The carrying out of ADF training activities in parks must not, by physical
presence, restrict, displace or exclude the recreational opportunity of other users for an unreasonable length of time.

16. Some parts of parks are used or occupied by the ADF as a result of an existing interest inherited by the DECC at the time of reservation. In a situation where this use exceeds the provisions of this policy, negotiations will be entered into with the ADF with a view to establishing a time frame in which activities will become subject to this policy.

17. DECC supports and encourages assistance by the ADF in carrying out management tasks on a volunteer basis which can be of mutual benefit to both DECC and the ADF. These tasks should be undertaken as Military Activities and not as Volunteer Activities.

Managing impacts

18. The location, type, scale and frequency of any ADF training activities in parks should be monitored by the Regional Manager. A yearly limit on the number of training activities in an area should be applied where applications to undertake appropriate activities in that area are repeatedly submitted and are deemed to be causing unacceptable impact to the area or other park users.

19. DECC may observe training activities as part of an impact monitoring exercise.

20. Adverse weather and increased fire risk have the potential to significantly increase the potential environmental impact of training activities. In these situations DECC reserves the right to cancel activities at short notice.

21. The ADF will be liable for any restoration or repair of any damage that occurs to land and facilities, and for any injury to, or caused by, equipment or persons participating in a military activity in parks. The ADF must provide a written Indemnity and Release to DECC, indemnifying DECC against all injury, loss, damage, costs, expenses etc. and releasing it from all liability prior to commencing a training activity.

Procedural guidelines

Assessment of applications

22. Applications to undertake ADF training in parks should be assessed, ensuring that:

- adequate consideration was given to other suitable areas outside parks;
- the level of the exercise is appropriate to the park category;
- the exercise is appropriate to the physical and natural conditions of the site;
• the proposed exercise is not in conflict with the conditions set out in any approved plan of management for the area;
• the site is not being overused by repeated exercises or similar activities;
• the exercise is organised to reduce potential environmental damage to an acceptable level;
• consideration is given to the susceptibility of areas to damage under certain conditions (e.g. after rain or bushfire);
• consideration is given to the presence of natural hazards (e.g. unstable slopes);
• impacts on other park users, including visitors and lessees/licensees are acceptable and minimised;
• appropriate measures will be taken to protect other park uses;
• impacts on flora and fauna are acceptable;
• there are no adverse impacts on Aboriginal sites or sites of cultural significance;
• consideration is given to current management activities such as hazard reduction burning, research etc.;
• an Australian Defence Force Environmental Clearance Certificate is included in the application; and
• the ADF are aware of potential safety concerns located in the area of intended operations.

Process

23. Consent for any activity must be in writing and subject to any conditions necessary to ensure conformity with a plan of management, and to minimise environmental impacts and impacts on other park users. Conditions may be imposed relating to: location, duration, number of participants; vehicle usage and type; waste management; use of fires etc.

The ‘Consent under regulation’ pro forma should be used to issue these written consents.

24. Consent may be granted for a fixed number of identified activities to occur in an area over a period of 12 months. The continuation of the consent will be subject to, and not guaranteed by, the ADF continuing to meet all conditions of the consent.

25. All communication with the ADF in regard to applications to undertake training in the parks will be conducted via the Defence Centre in Sydney.
Fees/charges

26. A fee will apply to all applications to undertake ADF training activities in parks. The fee will include a cost recovery component for work undertaken by DECC in assessing applications and preparing consents, in addition to any existing park entry and camping fees.

27. DECC may change the fee structure from time to time and notify the ADF accordingly.

28. DECC may negotiate with the ADF regarding the provision of park management work in lieu of payment of fees (refer to Clause 17 of this policy).

Relevant legislation or other mandating instruments

Legislation and / or mandating instruments that this policy supports are:

**Defence Act 1903 and Defence Force Regulations 1952 (Commonwealth)**

The statutory basis for the ADF is the Commonwealth *Defence Act 1903*. Section 69 of the Defence Act, which allowed the ADF access to any lands with the authority of the Governor-General, has been repealed. This requires the ADF to obtain consent for training activities on Park.

These repealed powers have been replaced by similar powers under the cl49 and 51 of the *Defence Force Regulations 1952*, which allow the declaration of ‘Defence Practice Areas’ by the Commonwealth. Where activities in these areas are considered unlawful by State legislation and are inconsistent with provisions under Commonwealth legislation the Commonwealth legislation will prevail (s109 of the Australian Constitution).

**National Parks and Wildlife Act 1974**

The NPW Act provides the management principles and objectives for park categories, and provides for acknowledgement of existing interests.

**National Parks and Wildlife Regulation 2002**

Consent is required under Part 2 of the NPW Regulation for a range of activities that may be included in ADF training activities.

**Environmental Planning & Assessment Act 1979**

Under part 5 of the EP & A Act the DECC must consider the environmental impact of all activities which occur in parks.

Definitions

‘ADF’ means the Australian Defence Force.
‘Park’ means a national park, historic site, state conservation area, regional park, nature reserve, karst conservation reserve or Aboriginal area, or any land acquired by the Minister under Part 11 of the Act, and includes all roads and waters within the boundaries of any such park, site, area, reserve or land.

‘Park Authority’ means:

- state conservation area – the Secretary of the Trust having care, control and management (or where there is no trust, the Director-General);
- regional park – the Secretary of the Trust or local council having care, control and management (or where there is no trust or local council having care, control and management, the Director-General);
- karst conservation reserve – where the Jenolan Caves Reserve Trust is trustee, the Trust (or where the Trust is not trustee, the Director-General);
- national park, historic site, Aboriginal area, nature reserve or unreserved land – the Director-General;
- Aboriginal land – the board of management (or where there is no board of management, the Director-General); or
- Lord Howe Island – the Lord Howe Island Board.

‘Training activities’: For the purposes of this policy ADF’s training activities that occur in parks have been divided into the following two categories:

‘Outdoor training activities’: groups undertaking physical activities such as climbing, canoeing, orienteering, patrolling and bushwalking. No ammunition or pyrotechnics.

‘Special Forces Training’: may involve climbing, airborne and waterborne activities. Weapons and ammunition may be carried but not discharged. Usually involving groups up to 30, in exceptional circumstances groups of up to 250.

Related policies and other documents

All policies relating to recreation and group activities in the parks, including:

- Wilderness Policy
- Firewood Policy
- Firearms Policy
- Vehicle Access Policy
- Walking Tracks Policy
- Caravan Parks/Camping Areas Policy
• Adventure Activities Policy
• Orienteering and Rogaining Policy

Other relevant policies and documents include:

• Volunteers Policy
• NPWS Environmental Planning and Assessment Manual.
Contacts for further advice

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Defence Centre Sydney: Defence Plaza, 270 Pitt Street, Sydney
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