

Heading Outback – Do I Need a Permit? – Can I Drive that Track?

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The information on this site is provided to assist with the gaining of permits and permissions required to access indigenous lands, national parks and other remote areas. A wealth of other general and specific information is also provided to further assist with your travels. Some additional information on specific areas in the various States where some sort of special situation applies is also included. Additionally, information on the entry and camping permit requirements for National Parks in each State is addressed including where and how to apply and any applicable costs.

This is the most comprehensive guide to be found anywhere in Australia, and addresses requirements applying in the areas that four wheel drive tourists tend to visit. For those areas not covered, you will need to undertake your own research. The Exploroz web site can be invaluable for such purposes as can the large scale Hema and Westprint maps and contact with the appropriate Land Council/s, National Parks Service and/or nearby towns and communities.

Each State or Territory's information is available as a separate PDF download on this site. Once you have read the general information below, click on the relevant State PDF button for detailed information specific to that State or Territory.

General Information:

If any large scale road map of outback Australia is examined, numerous tracks will be marked as "Permit Required". Other tracks are marked as "Private Road" or "Aboriginal Business Road" and even "Restricted Access". Yet others are marked "For Use in Emergencies Only", or "Wet Weather Access Only". There are also some where a cost is imposed by the land owner if you actually want to use the track. So what does all this mean, and what ramifications do such notations hold for outback travellers?

Roads and Tracks:

Generally, it can be assumed that if any track is marked with any of the above notations then that track in all probability is NOT a gazetted "public road", "public street" or "Public Access Route" and therefore access is not generally or publicly available. Thus the track can only be used under the conditions noted on it. For example, tracks marked "For Use in Emergencies Only", may only be used in an "emergency" situation. Equally,

tracks marked “Wet Weather Access Only” may only be used in wet weather. Normally, this latter situation will apply when the track you may otherwise be travelling on, or wanting to use, has become impassable or has been closed due to wet weather. If the track you were intending to take has been “closed” due to rain, then the local road reports will normally also note whether or not any “wet weather only” track is open and passable. Conditions such as these are generally imposed by the Local Government entity responsible for the road.

Reasons for Restrictions:

The reasons for imposing such restrictions can be many and varied. For example, the road surface may be such that constant, general use will very quickly deteriorate the surface, and thus when the circumstances necessitating use of the track arise, it may be found to be impassable simply as a consequence of the volume of traffic that had previously used it. However, if the track had otherwise remained almost unused, its surface may have been preserved in such a state as to readily facilitate the passage of just a few vehicles under the conditions allowed. In other cases “emergency” or “wet weather” tracks are simply not maintained at all, and thus regular traffic could render such tracks impassable. Road maintenance costs in the bush are very high.

Other tracks are on private property and may not be used except under the conditions noted on the map. In those situations, the landowner is saying that general access to the track is forbidden, however in an emergency situation, or if you find yourself on a track which becomes impassable due to rain, then you may use the particular track under the situations noted. In some cases that use might also incur a monetary cost. Such usage of course would be minimal, and thus the condition of the track may not be adversely affected. Private landowners are responsible for the maintenance of their own tracks, and do not like being put to unnecessary expense.

In that same vein, there are a few tracks around, which whilst actually being a “private track” located on private property, are none the less open for normal traffic, with some limitations. For example, a size of vehicle or weight limitation may be applied. If such restrictions are simply ignored by travellers and damage to the track results, which then costs the landowner time and money to rectify, there is a big risk that the landowner will simply close the track.

Road Closures and possible access:

Remember that driving around a “Road Closed” sign anywhere can result in a very large fine being imposed. Many local government entities in outback Australia have adopted a very aggressive approach to road closures. As soon as it starts to rain, if there is any prospect of the rain being heavy and/or prolonged, then almost inevitably up go the “road closed” signs on many dirt roads and tracks. In general, it is cost considerations that are the guiding factors. Using a dirt road when the surface is extremely wet and muddy

results in the surface being seriously damaged with deep wheel tracks and very seriously eroded sections. To make such roads reasonably smooth and passable again requires grading which is a very costly undertaking. So, to preserve the road surfaces and to save money on maintenance, many local Government entities simply close the roads till they dry out.

Other reasons for closure can be the dangers presented by water across the road, flooded creeks or rivers, washed out or washed away sections, prospects of vehicles being bogged or stranded, etc. In some situations the flooding may have occurred a very long way, in fact a hundred kilometres or more, up the road; so just because you can't see any difficulty where you are doesn't mean that a problem doesn't exist further along the track. In those situations the Council or landowner is generally trying to save you time and money by putting the "closed" sign up at a point where other options are available to you. If the sign was up right at the point where the actual problem existed, then it might mean a trip of a few hundred kilometres back along the track you have just driven to a point where other options become available. We have come across that exact situation ourselves where a "road closed" sign was up at an intersection closing a track we wanted to take. A sat phone call to the Shire office revealed that the track was closed due to flooding of a river about 110 kilometres away. That sign saved us from what would otherwise have been a wasted return trip of about 190 kilometres.

If you are in a town, and the roads have been closed due to rain, or you are travelling on a track, and come to another which you intended to take and find that it has been closed, then it is always worthwhile contacting the local police or council, or the local Roads Authority. In many such situations, the road may be closed to heavy vehicles, caravans and say, two wheel drive vehicles. However, it may be "open, with care", to 4WD vehicles not towing a caravan, camper or trailer of any description. We have experienced that exact situation on a number of occasions. Equally, we have experienced situations where a particular road was closed, however that road gave access to another track which had not been closed. Access was being allowed up the closed road, but only to the turn off to the other open track. So it is always worthwhile having a talk to one of the responsible organisations to ascertain the actual situation.

Other interpretations of “Road Closed” and Emergency Access:

Be very sure also that both you and the person with whom you are discussing the “road closed” situation are talking about the same thing. We recently had an experience where we had made an enquiry about a road that was closed due to wet weather. We were informed that we needed a “permit” to drive the road. Not unnaturally, we assumed this meant a permit from an aboriginal Land Council and asked why, when no such “permit” had ever been required in the past. It transpired that the person to whom we were talking had assumed that we had a real need to drive the particular road, and was informing us that the local Shire Council could actually issue a “permit” to drive a “closed road” in an emergency situation where the closure was due to wet weather. So, if you are ever facing a situation where a true emergency exists for you to actually get access to a road that has

been closed due to wet weather, then bear in mind that the local Shire Council may well have a power to grant a “permit” to drive it, provided of course that they are satisfied with the reasons put forward.

Aboriginal Business Roads:

Tracks marked “Aboriginal Business Road” are generally tracks which have been put in by various aboriginal community corporations or Land Councils to facilitate travel between communities. Permits may or may not be issued to transit such tracks. It may very much depend on your reasons for requiring the transit, where you are coming from and/or where you are going, and also whether there are any ceremonies or rituals taking place on or near to the track or in communities. The same situation normally applies to roads within aboriginal lands marked as “restricted access”. There are also a number of “aboriginal business roads” that do not actually appear on commercial maps, but are shown on “mud maps” issued to inhabitants of the community. So if you do come across a properly constructed track within an indigenous area which does not appear on maps, it will in all probability be such a track, and should be treated accordingly.

Why are Permits Required?:

Most tracks marked as “Permit Required” pass through aboriginal lands. As such, they are essentially on private property, and the traditional owners may or may not approve of access being granted. And, just because a track is marked as “Permit Required” is no guarantee that a permit will be granted on application.

The conditions under which permits are granted may also vary, and permission may be withdrawn at any time, or access simply barred without notice. For example, if there has been a death in a community, or a ceremony or ritual is taking place somewhere along or near a track, then access may be barred, even though a permit had been granted earlier. You should always very carefully read the conditions attaching to the issue and usage of any permit. Also ensure that you obey all requirements, including any directions issued to you whilst on or accessing such tracks.

In some areas and on some tracks, for example, Surveyor-General's Corner, the Paruku Indigenous Protected Area, and the Canning Stock Route, the permit fees applicable are put to good use to assist communities and to employ Rangers to further develop accesses and to protect the environment.

Types of Permit:

Generally, with aboriginal lands, there are two types of permit issued.

Transit Permits:

A “transit” permit, simply allows you to transit through the area. You may or may not be allowed to stop on the way, or to leave the track, or to camp. Generally, the length of the track involved will dictate many such circumstances. Whilst you may not be aware of them, there may be literally dozens of sacred sites along a track. A stop, and a camp fire, or the moving of some rocks to facilitate a tent site, could well be interfering with a sacred site. Over the years, such interference, whether intentional or not, has resulted in a number of locations and tracks now falling into the category where permits are simply not issued to travellers.

In general, when you apply for a transit permit, you normally need to nominate a “window” within which your travel is to take place. “Windows” can be as short as 3 days, whilst others may be a 21 day period, or even a one month period. However, that is not always the case. The application form and/or the Permit itself will normally be quite clear in relation to any such requirement.

“Entry” Permits:

An “Entry” permit is required to “access and remain on, aboriginal land”. Such a permit would normally be applicable if you needed to actually visit a community and/or remain overnight, for example.

Application Considerations:

Whilst applications for permits are generally made to the responsible Land Council, the Councils are simply acting on, and carrying out the instructions of the “traditional owners” (sometimes referred to simply as T.O.’s) who live along the tracks, whether in communities or on outstations. And there may be dozens of such traditional owners. Thus it is their wishes, and the conditions they impose, that dictate to the staff of a Land Council, whether or not a permit may be issued. It is also surprising, but in many situations your permit application is physically sent off to one or more traditional owners, for their personal consideration, rather than simply being processed by the Land Council.

Regrettably, over the years, there have been too many irresponsible travellers who have ignored permit requirements, and have simply travelled over tracks without one. The end result has been a number of locations which have simply been shut to visitors as a consequence of persons ignoring the normal protocols. You would also be surprised at how well the bush telegraph actually operates in outback Australia. A lot of people seem to know whether or not you have a permit.

The previous “Intervention” in the NT:

The “intervention” in the Northern Territory by a previous Federal Government, has changed absolutely nothing as far as travellers are concerned in accessing tracks and

gaining permits. It was apparently intended to do so, but the appropriate “determinations” under the legislation were never made and appear unlikely to be made into the future. Some changes were made in relation to accessing communities, but as far as traveller’s access to communities, tracks and aboriginal lands is concerned, nothing has changed. The Central Land Council is thus asking that travellers apply for permits in exactly the same manner as prior to the “intervention”.

“Closed Communities”:

Some aboriginal communities are noted on maps as “closed communities”. This normally means that they are not open to travellers, and have no facilities whatsoever available to travellers. However, we have noticed in recent times, that a number of communities, which were “closed”, have now changed their philosophy, and offer some limited facilities to travellers. Thus, if in the planning stages of your trip you think you may need to access a community for some reason, and it is marked on your map as a “closed community” then it could well be worth making a telephone call to the community to check on that status. If it is still “closed” then your planning processes will need to be revised to take account of that situation.

And notwithstanding all of the information above, if you intend to drive through or visit any community or place on land marked as aboriginal land, and there appears to be no limitations or conditions on any of the tracks within that area, it would still be worthwhile telephoning the community in your planning stage to check on the situation. It is cheap to do so, and polite, and you never know what good information you might gain.

Costs of Permits:

The costs of permits vary significantly. The majority are free; others may cost an application fee varying between \$2 and \$22. Yet others can be very expensive. For example, a permit to access Surveyor-Generals Corner currently (May, 2014) costs \$50 per vehicle, whilst the two permits required to travel the Canning Stock Route will cost you \$50 for one and \$100 for the other. Access and camping fees in some areas of aboriginal land on Cape York vary between \$5 and \$35 per night per vehicle, or per person, whilst others are only \$30 per week per vehicle.

Permits to access a range of locations on the Gove Peninsula can cost between \$20 per week and \$20 per night per vehicle in addition to the \$35 per person cost of your Recreation Permit, but the permit to transit the Central Arnhem Road is free. You do need to do your homework. Permits to visit some communities are only available from the local community itself, e.g., some communities on the western side of Cape York, communities near Cape Arnhem and on the Gove Peninsula, and some communities in the Kimberley region. However, the permits to access the tracks leading to some of those areas are issued by the Land Councils or Government Departments.

Time Frames for Issue:

It is always worth doing your homework well before you intend to leave, and applying well in advance for the permits that you will need. Some permits can take up to 2 months and more to be issued or refused, whilst others may only take a few days; many are also available "on-line", and if they meet the "normal" requirements, will be issued very quickly. On the other hand, if your application is outside of the "normal" situation, then it could take up two and three months before a decision is made. So look at the simplicity or the complexity of what you are requesting and make sure that the time frames within which you intend to make your application and wish to depart on your trip are appropriate. And don't forget, if the track you want to travel extends into two states or across two Land Council areas you will probably need a permit for both areas. So ensure that you leave yourself plenty of time to gain them.

Need more detailed Information?:

Check the relevant State or Territory Permit Information available as a pdf download with this material on the website you are currently looking at.

There are also some great websites around, such as Exploroz, (www.exploroz.com.au) and generally, the large scale HEMA and Westprint maps have excellent information on them regarding access and permits. And remember, always obey the conditions imposed, and thus ensure that those people coming after you retain their access, or improve it as a consequence of your good, exemplary behaviour.

Native Title Information:

If you need to check on any matter in relation to Native Title in Western Australia, including: maps of areas subject to Determinations; Determinations themselves, etc., then go to www.dpc.wa.gov.au/lantu - this is the web site for the Land, Approvals and Native Title Unit (LANTU) within the WA Department of Premier and Cabinet.

Another web site which might also be helpful is www.nntt.gov.au which is the website for the National Native Title Tribunal itself.

Can I get a Concession?:

Don't forget, if you are dealing with a National Park Service or any Government Agency, and you have a Seniors Card or a Pension Card of some description; always ask whether a Seniors Discount is available. In most cases the answer is, yes!

Disclaimer:

Whilst every care has been taken in the preparation of this information, no responsibility can be accepted for either the accuracy of the contents or for any errors or omissions.

Final Word from the Author:

With your assistance we might also endeavour to maintain this information in an updated form. So if you wish to amend, or add to any of the information contained in this section or in any of the relevant State or Territory's information, please contact the undersigned on telephone (02) 9523 9266 or email john.greig@bigpond.com

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