

Conservation and Land Management Regulations 2002

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THE TEXT OF THE LEGISLATION FOLLOWS

Conservation and Land Management Regulations 2002

CONTENTS

Part 1 — Preliminary

1.	Citation	1
2.	Interpretation	1
3.	Application	3
4.	Lawful authority	4
5.	Restricted areas	4
6.	Designated areas	5

Part 2 — Protection of the environment

Division 1 — Protection of flora and fauna

7.	Limitation on restriction	7
8.	Unlawful taking of flora and fauna other than fish	7
9.	Fishing in restricted areas	7
10.	Feeding of fauna	8
11.	Restrictions on approaching certain marine fauna	8
12.	Possession of things used for taking fauna	8
13.	Cultivation etc. prohibited	9
14.	Removal of plants	10

Division 2 — Non-indigenous animals

15.	Bringing animal on to CALM land	10
16.	Dogs on CALM land	10
17.	Horses on CALM land	10
18.	Unlawful taking of non-indigenous animals	11
19.	Removal of animal by owner or person in charge	11

Contents

20.	Removal of non-indigenous animals by authorised officer	11
	Division 3 — Pollution and litter	
21.	Discharging or depositing waste	11
22.	Painting or treating vessels	12
23.	Pollution of water supply	12
24.	Litter	13
25.	Building materials and other matter	13
26.	Glass in restricted areas	13
27.	Removal of litter etc.	14
28.	Cleaning, scaling etc. fish	14
29.	Fires and smoking in caves	14
	Division 4 — Disturbance of the landscape	
30.	Water	15
31.	Damage etc. to naturally occurring features	15
32.	Sandboarding	16
33.	Abseiling	16
34.	Unauthorised buildings etc.	16
35.	Unauthorised clearing	17
36.	Dumping	17
37.	Damage to property	17
38.	Unauthorised signs	18
39.	Unlawful lighting of campfires etc.	18
40.	Authorised officer may direct that camp fire, barbecue or portable stove be extinguished	18
	Part 3 — Access to CALM land	
	Division 1 — General	
41.	Access to certain areas classified under s. 62	20
42.	Access to limited access areas	20
43.	Access to wilderness areas	20
44.	Direction to close area	21
45.	Closed area	21
46.	Offences relating to closed areas	22
47.	Entering CALM land	22
48.	Areas set aside for Departmental purposes	23
49.	Caves	23
50.	Cross country and other events	24
	Division 2 — Vehicles	

51.	Vehicles	24
52.	Off-road vehicles	24
53.	Car rallies etc.	25
54.	Traffic laws apply	25
55.	Driver to obey reasonable direction	25
56.	Signs to be obeyed	26
57.	Obstructing other vehicles etc.	27
	Division 3 — Vessels	
58.	Races	27
59.	Moorings	28
60.	Anchoring vessels	28
61.	Operation of certain vessel in restricted area	29
62.	Safe navigation of vessels	29
63.	Owner to obey reasonable direction	29
64.	Launching, beaching and retrieving	30
	Division 4 — Aircraft	
65.	Launching or landing of aircraft	31
	Part 4 — Camping	
66.	Camping controlled	32
67.	Direction to vacate camp	32
68.	Unauthorised persons not to enter camping unit	32
69.	Construction and positioning of camping units	32
70.	Power generating devices	33
71.	Firewood	34
	Part 5 — Offensive and dangerous behaviour	
72.	Authorised officer may direct person to stop activity	35
73.	Conduct generally	35
74.	Offensive noise	35
75.	Alcohol and drugs	36
76.	Removal of CALM property	36
	Part 6 — Removal and forfeiture of unauthorised property on CALM land	
77.	Meaning of “property” in this Part	38

Contents

78.	Conservation and land management officers may seize and remove unauthorised property	38
79.	Seized property may be claimed	39
80.	Unclaimed property may be forfeited	39
	Part 6A — Management plans	
81.	Purposes of reserves	40
	Part 7 — Licences	
	Division 1 — General	
82.	Interpretation	41
83.	Application for licence	41
84.	Restriction on exercise of powers	41
85.	Refusal to renew licence	43
86.	Cancellation or suspension of licence by Executive Director	43
87.	Notice of proposed cancellation or suspension	44
88.	Return of licence	45
	Division 2 — Scientific purposes licences	
89.	Scientific purposes licence	45
90.	Application for scientific purposes licence	45
91.	Duration of scientific purposes licence	45
92.	Renewal of scientific purposes licence	46
93.	Conditions and restrictions	46
	Division 3 — Commercial operations licences	
94.	Commercial operations licence	47
95.	Application for commercial operations licence	47
96.	Duration of commercial operations licence	47
97.	Renewal of commercial operations licence	48
98.	Conditions	48
	Part 7A — Barrow Island Trust Account	
98A.	Definitions in this Part	49
98B.	Establishment of Barrow Island Trust Account: section 69	49
98C.	Purpose of trust account	49
98D.	Money comprising the trust account	49

Part 8 — Miscellaneous		
99.	Entrance fees	50
100.	Entrance fees for Tree Top Walk	51
101.	Fees for Geikie Gorge National Park Boat Trip	52
102.	Fees for entry on horseback	52
103.	Camping fees	52
104.	Fees may be waived or reduced	53
105.	Organised events and meetings	53
106.	Unlawful commercial operations	53
107.	Distribution of printed matter and advertising	53
108.	Photography for commercial purposes	53
109.	Production of licences etc.	54
110.	False or misleading information	54
111.	Signs — presumption	54
112.	Infringement notices	54
113.	Evidence	55
114.	<i>Forest Management Regulations 1993</i> amended	55
115.	Repeal	56
116.	Saving	56
Schedule 1 — Fees		57
Division 1 — Daily entrance fees where an entrance fee is charged		57
Division 2 — Fees for passes providing extended entrance arrangements to State forests, national parks, conservation parks and marine parks		58
Division 3 — Daily entrance fees for Tree Top Walk		58
Division 4 — Fees for Geikie Gorge National Park Boat Trip		58
Division 5 — Horse riding		59
Division 6 — Camping site fees		59
Division 7 — Cave entrance fees		60
Division 8 — Licence and permit fees		60
Schedule 2 — Offences to which modified penalties apply		61

Contents

Division 1 — Offences under the Act	61
Division 2 — Offences under these regulations	61
Schedule 3 — Forms	67
Notes	
Compilation table	69

Conservation and Land Management Regulations 2002

Part 1 — Preliminary

1. Citation

These regulations may be cited as the *Conservation and Land Management Regulations 2002*.

2. Interpretation

In these regulations, unless the contrary intention appears —

“authorised officer” means a wildlife officer, forest officer, ranger, conservation and land management officer and a person appointed to an honorary office under section 46 of the Act;

“CALM land” means land, or land and waters, to which these regulations apply, and includes caves and parts of caves on or under that land;

“camp” means —

- (a) to stay or lodge (whether in a camping unit or otherwise) during any period of the night after 9.00 p.m. and before 6.00 a.m.; or

r. 2

- (b) to stay or lodge in a camping unit, building or structure during any period of the day after 6.00 a.m. and before 9.00 p.m.;

“camping area” means —

- (a) an area designated under regulation 6 for the purposes of regulation 66; or
- (b) an area designated by sign as a camping area;

“camping unit” means a tent or other portable thing of any kind used or capable of being used for habitation, and includes a caravan or other vehicle;

“caravan” means a vehicle fitted or designed for habitation;

“commercial operations licence” means a licence issued under regulation 94;

“designated area” has the meaning given by regulation 6(6);

“mooring” means a structure or apparatus (other than a temporary anchor) which may be used to secure a vessel;

“non-indigenous animal” means any animal that is not within the meaning of the term “fauna” in the *Wildlife Conservation Act 1950*;

“restricted area” has the meaning given by regulation 5(6);

“scientific purposes licence” means a licence issued under regulation 89;

“sell” includes —

- (a) sell by wholesale or retail;
- (b) supply or perform for profit;
- (c) receive for sale;
- (d) have in possession for sale;
- (e) send, forward or deliver for sale;
- (f) cause or suffer or allow to be sold;
- (g) dispose or offer for disposal under an hire-purchase agreement;

“**services**” includes the supply of transport, information, instruction or supervision;

“**sign**” means a sign erected by authority of the Executive Director and includes lines or other markings on the ground made by authority of the Executive Director; and such a sign is taken to be a notice for the purposes of section 134 of the Act;

“**take**” includes —

- (a) to injure, destroy or otherwise interfere with, or cause or permit the doing of any of those things;
- (b) to hunt any fauna even though no fauna is actually taken; and
- (c) an attempt to take;

“**tree**” includes a tree that is dead provided the tree is still standing;

“**vehicle**” has the same meaning as in the *Road Traffic Act 1974*;

“**vessel**” means any thing used, or capable of being used, to move people or things by water and it does not matter —

- (a) that such a thing is ordinarily stationary; or
- (b) how any such thing is moved or propelled.

3. **Application**

Unless otherwise stated, these regulations apply to —

- (a) land, and land and waters, specified in section 5 of the Act;
- (b) subject to section 130(2) of the Act, land which is subject to an agreement under section 16 of the Act;
- (c) land placed under the management of the Department under section 33(2) of the Act; and
- (d) land to which section 131 of the Act applies.

r. 4

4. Lawful authority

- (1) The Executive Director may, by written notice, authorise a person to do an act that would, but for that notice, be unlawful under these regulations.
- (2) A notice under subregulation (1) may be expressed to operate in specified circumstances, for a specified period or subject to any specified condition and may be amended or revoked by the Executive Director.
- (3) In order to avoid any doubt and without limiting the meaning of the expression “without lawful authority”, it is declared that, for the purposes of these regulations, an act is done without lawful authority if it is done —
 - (a) in contravention of any term or condition of a contract, permit, lease, licence, notice or other authority under the Act or these regulations;
 - (b) in contravention of any term or condition of a licence or other authority under the *Wildlife Conservation Act 1950*;
 - (c) in contravention of a direction or authority under the *Agriculture and Related Resources Protection Act 1976*; or
 - (d) in contravention of a direction or authority under the *Fish Resources Management Act 1994*.

5. Restricted areas

- (1) The Executive Director may, by notice published in the *Gazette* —
 - (a) declare an area of CALM land to be a restricted area for the purposes of regulations 9 (fishing), 26 (glass), 28 (cleaning etc. fish), 39 (certain fires), 60 (anchoring), 61 (operation of vessels) and 64 (launching etc. of vessels) or any of those regulations; and

-
- (b) specify which activities are prohibited or restricted in the restricted area, and the nature of the restrictions.
 - (2) An area may be declared to be a restricted area at all times or during a period or periods specified in the notice.
 - (3) Where practicable, sufficient signs are to be erected and maintained by the Executive Director in or in the vicinity of a restricted area indicating —
 - (a) that the area is a restricted area during the periods specified in the notice;
 - (b) the activities in that area that are prohibited or restricted by reason of the area being a restricted area; and
 - (c) if activities in the restricted area are subject to restrictions, the nature of the restrictions.
 - (4) The Executive Director may by notice published in the *Gazette* amend or revoke any previous notice published under this regulation.
 - (5) A notice published under this regulation takes effect on such day after publication as is specified in the notice.
 - (6) Unless the contrary intention appears, a reference in a regulation to a restricted area is a reference to an area declared to be a restricted area under subregulation (1) for the purposes of that regulation.

6. Designated areas

- (1) The Executive Director may, by notice published in the *Gazette* —
 - (a) declare an area of CALM land to be a designated area for the purposes of regulations 16 (dogs), 17 (horses), 21(3) (discharge of sewage from a vessel) and 66 (camping) or any of those regulations; and
 - (b) specify conditions which apply to the use of the designated area for those purposes.

r. 6

- (2) An area may be declared to be a designated area at all times or during a period or periods specified in the notice.
- (3) Where practicable, sufficient signs are to be erected and maintained by the Executive Director in or in the vicinity of a designated area indicating —
 - (a) that the area is a designated area during the periods specified in the notice;
 - (b) the activities in that area that are permitted by reason of the area being a designated area; and
 - (c) if activities are subject to conditions, the nature of the conditions.
- (4) The Executive Director may by notice published in the *Gazette* amend or revoke any previous notice published under this regulation.
- (5) A notice published under this regulation takes effect on such day after publication as is specified in the notice.
- (6) A reference in a regulation to a designated area is a reference to an area declared to be a designated area under subregulation (1) for the purposes of that regulation.

Part 2 — Protection of the environment

Division 1 — Protection of flora and fauna

7. Limitation on restriction

Nothing in these regulations imposes any restriction on the taking, in a marine park or marine management area —

- (a) of fish within the meaning of the *Fish Resources Management Act 1994*, in accordance with the provisions of that Act relating to aquaculture or commercial or recreational fishing; or
- (b) of pearl oyster within the meaning of the *Pearling Act 1990*, in accordance with that Act,

except to the extent that the restriction relates to conduct or activity other than the taking of fish but that incidentally affects the taking of fish.

8. Unlawful taking of flora and fauna other than fish

- (1) Without limiting section 106(b), a person must not, without lawful authority, take any flora or fauna on CALM land.
Penalty: \$2 000.
- (2) Section 101C of the Act applies to the taking of flora or fauna in a marine reserve.
- (3) In subregulation (1) —
“**CALM land**” does not include a marine reserve;
“**fauna**” does not include fish.

9. Fishing in restricted areas

- (1) A person must not, without lawful authority, in a restricted area —
 - (a) engage in a fishing activity prohibited in that area under regulation 5; or

Conservation and Land Management Regulations 2002

Part 2 Protection of the environment

Division 1 Protection of flora and fauna

r. 10

- (b) contravene a restriction imposed on a fishing activity in that area under regulation 5.

Penalty: \$1 000.

- (2) In this regulation —
“**fishing activity**” has the same meaning as in the *Fish Resources Management Act 1994*.

10. Feeding of fauna

A person must not, without lawful authority, feed fauna, or entice fauna with food, on CALM land.

Penalty: \$500.

11. Restrictions on approaching certain marine fauna

- (1) A person in a vessel or aircraft must not, without lawful authority, herd, chase, interfere with the movement of, or otherwise prevent the free movement of, a whale, dolphin, dugong, seal, sealion, whale shark, manta ray, marine turtle or any other marine fauna in a marine reserve.

Penalty: \$2 000.

- (2) A person does not contravene subregulation (1) if the person is in a vessel that is underway and fauna are riding in or on the bow wave of the vessel.

12. Possession of things used for taking fauna

- (1) A person must not, without lawful authority, have in his or her possession on CALM land a firearm or ammunition unless that thing —

- (a) is completely stowed within a vehicle or vessel; and
(b) in the case of a firearm, is unloaded and disassembled.

Penalty: \$1 000.

- (2) A person must not, without lawful authority, have a spear, speargun, gidgie or Hawaiian sling in his or her possession in —

- (a) a restricted area declared for the purposes of regulation 9; or
- (b) an area classified under section 62(1a) of the Act as a sanctuary area,

unless that thing is completely stowed within a vehicle or vessel and, if it practicable to do so, is unloaded and disassembled.

Penalty: \$1 000.

- (3) A person must not, without lawful authority, have in his or her possession on CALM land any restricted device that is intended to be used for the taking of fauna or that constitutes a danger to the public.

Penalty: \$1 000.

- (4) Nothing in this regulation prohibits a person from having a thing in his or her possession on CALM land where that person has lawful authority to take fauna using that thing.

- (5) In this regulation —

“restricted device” means —

- (a) a bow or cross-bow;
- (b) an explosive, poisonous, noxious or narcotising substance;
- (c) a snare, trap or net; or
- (d) any other equipment, implement, device, apparatus or other thing that is used, capable of being used, or designed or adapted for use for, or in connection with, taking fauna, and is not referred to in subregulation (1) or (2).

13. Cultivation etc. prohibited

- (1) A person must not, without lawful authority, plant, cultivate or abandon any plant on CALM land.

Penalty: \$1 000.

- (2) In subregulation (1) “**plant**” includes any part of a plant.

14. Removal of plants

- (1) An authorised officer who finds a person contravening regulation 13 may direct that person then and there to remove the plant the subject of the offence, and any equipment likely to be used in the cultivation of the plant, from the land.
- (2) A person must comply with a direction under subregulation (1).
Penalty: \$2 000.

Division 2 — Non-indigenous animals

15. Bringing animal on to CALM land

Without limiting section 106(a), and subject to regulations 16 and 17, a person must not, without lawful authority —

- (a) bring an animal on to CALM land; or
(b) allow an animal to enter or remain on CALM land.

Penalty: \$500.

16. Dogs on CALM land

- (1) A person may bring a dog on to a designated area.
- (2) A person must control and manage a dog in a designated area in accordance with conditions specified on the signs erected in or in the vicinity of that area for the purposes of regulation 6(3).
Penalty: \$500.

17. Horses on CALM land

- (1) A person may bring a horse on to a designated area.
- (2) A person must control and manage a horse in a designated area in accordance with conditions specified on the signs erected in or in the vicinity of that area for the purposes of regulation 6(3).
Penalty: \$500.

18. Unlawful taking of non-indigenous animals

A person must not, without lawful authority, take any non-indigenous animal on CALM land.

Penalty: \$1 000.

19. Removal of animal by owner or person in charge

An owner or person in charge of an animal on CALM land in contravention of regulation 15 must remove the animal from the land when required to do so by an authorised officer.

Penalty: \$500.

20. Removal of non-indigenous animals by authorised officer

An authorised officer may seize and remove any non-indigenous animal found on CALM land if the authorised officer is unable to find the owner or person in charge of the animal.

Division 3 — Pollution and litter

21. Discharging or depositing waste

- (1) Subject to subregulations (2) and (3), a person must not, without lawful authority, cause or allow waste to be discharged or placed on CALM land.

Penalty: \$2 000.

- (2) Subregulation (1) does not apply to fuel discharged during the normal operation of 2 stroke outboard motors on vessels.

- (3) A person may discharge sewage from a vessel in a designated area.

- (4) A person must discharge sewage in a designated area in accordance with any conditions specified in respect of that discharge in the notice published under regulation 6(1) designating that area for the purposes of this regulation.

Penalty: \$2 000.

- (5) In subregulation (1) —

“**waste**” means any waste which could reasonably be expected to significantly and adversely affect the land on which it is discharged or placed, and includes liquid, solid, gaseous and radioactive matter, whether useful or useless.

22. Painting or treating vessels

A person must not, without lawful authority, paint or chemically treat, or cause to be painted or chemically treated, the hull or keel of a vessel on CALM land.

Penalty: \$2 000.

23. Pollution of water supply

- (1) A person must not discharge or place any refuse or any poisonous, noxious or polluting matter, or cause any refuse or poisonous, noxious or polluting matter to be discharged or placed —

- (a) in any —

(i) reservoir or tank that holds or is intended to hold water for human consumption or use on CALM land, or in any area on CALM land where the matter is likely to pass to such a reservoir or tank;

(ii) pipe, conduit or fitting through which such water is passed or intended to be passed; or

(iii) pit, manhole or other structure containing valves, meters, fittings or connections for the distribution of such water;

- (b) in any public water catchment area on CALM land, or in any area on CALM land where the matter is likely to pass to a public water catchment area; or

- (c) except as permitted under regulation 21, in any naturally occurring water course or water body on CALM land, or

in any area on CALM land where the matter is likely to pass to a naturally occurring water course or water body.

Penalty: \$2 000.

- (2) A person must not swim, bathe or wash in any reservoir or tank containing water stored for human consumption or use on CALM land.

Penalty: \$500.

24. Litter

- (1) A person must not deposit litter, or cause litter to be deposited, on CALM land (unless the person deposits the litter in a place or receptacle set aside or provided by the Executive Director for that purpose).

Penalty: \$1 000.

- (2) In this regulation —

“**litter**” has the same meaning as in the *Litter Act 1979*.

25. Building materials and other matter

A person must not discharge or place building materials, soil, rocks, sand, rubble, over-burden or waste products from any industry, or cause building materials, soil, rocks, sand, rubble, over-burden or waste products from any industry to be discharged or placed, on CALM land.

Penalty: \$2 000.

26. Glass in restricted areas

A person must not —

- (a) take, or have in his or her possession, any drinking glass, glass bottle or glass drinking implement in a restricted area where taking or possession of that item is prohibited under regulation 5; or

- (b) contravene a restriction on taking or possession of glass in a restricted area imposed under regulation 5.

Penalty: \$500.

27. Removal of litter etc.

- (1) An authorised officer who finds a person contravening regulation 24, 25 or 26 may direct that person then and there —
 - (a) to remove the thing the subject of the offence from the land; or
 - (b) to deposit the thing the subject of the offence in the nearest place or receptacle set aside or provided for the deposit of litter.
- (2) A person must comply with a direction under subregulation (1).

Penalty: \$2 000.

28. Cleaning, scaling etc. fish

A person must not, without lawful authority, in a restricted area —

- (a) clean, scale, gut or fillet fish if that activity is prohibited in that area under regulation 5; or
- (b) contravene a restriction imposed on cleaning, scaling, gutting or filleting fish in that area under regulation 5.

Penalty: \$200.

29. Fires and smoking in caves

- (1) A person must not smoke a cigarette, cigar or pipe in any cave or part of a cave which is on or under CALM land.

Penalty: \$500.

- (2) A person must not light a fire in any cave or part of a cave which is on or under CALM land.

Penalty: \$2 000.

Division 4 — Disturbance of the landscape

30. Water

A person must not, without lawful authority —

- (a) take water from, or interfere with water on, CALM land;
- (b) drain any part of CALM land;
- (c) interfere with any drain on CALM land;
- (d) divert water on or onto CALM land; or
- (e) make any construction for a purpose referred to in paragraph (a), (b), (c) or (d).

Penalty: \$2 000.

31. Damage etc. to naturally occurring features

(1) A person must not, without lawful authority —

- (a) cause any significant damage or disturbance to a naturally occurring feature on CALM land;
- (b) damage or disturb any naturally occurring feature on CALM land in a way that causes, or creates a potential for, adverse consequences to or in relation to CALM land; or
- (c) remove any naturally occurring feature from CALM land.

Penalty: \$2 000.

(2) An authorised officer who believes on reasonable grounds that a naturally occurring feature found in the possession of a person is involved in the commission of an offence against subregulation (1) may direct that person to surrender the naturally occurring feature to the authorised officer immediately.

(3) A person must comply with a direction under subregulation (2).

Penalty: \$2 000.

(4) In this regulation —

“naturally occurring feature” includes —

- (a) a fossil;
- (b) a mineral specimen, meteorite and tektite;
- (c) a speleotherm and speleogen;
- (d) a termite mound;
- (e) guano;
- (f) a stromatolite, sedimentary deposit associated with stromatolites or other sedimentary deposit, and cyano-bacteria responsible for building stromatolites which are present in stromatolites; and
- (g) dead marine shell, dead coral, dead sea urchin, coralline algae and live coral organisms living in dead coral.

32. Sandboarding

A person must not, without lawful authority, on CALM land use a board or other object to slide down a slope.

Penalty: \$500.

33. Abseiling

A person must not, without lawful authority, abseil on CALM land.

Penalty: \$500.

34. Unauthorised buildings etc.

(1) A person must not, without lawful authority, erect or place any structure on CALM land.

Penalty: \$2 000.

(2) In subregulation (1) **“structure”** includes any building, tramline, fence, post, pipeline, jetty, mooring, pontoon, cairn, memorial, ramp, platform, barrier or gate.

35. Unauthorised clearing

A person must not, without lawful authority, construct or mark out any road, track, fire break, landing strip, parking area, vessel launching area or pad or platform for building or machinery on CALM land.

Penalty: \$2 000.

36. Dumping

A person must not, without lawful authority, abandon any vehicle, vessel, machinery or any part of a vehicle, vessel or machinery, on CALM land.

Penalty: \$2 000.

37. Damage to property

(1) A person must not, without lawful authority —

(a) post, stick, stamp, stencil or otherwise affix any notice, handbill, placard, advertisement, paper or other document on or to any thing or structure that is part of the landscape or property on CALM land; or

(b) write, draw or paint on or deface any thing or structure that is part of the landscape or property on CALM land.

Penalty: \$500.

(2) A person must not, without lawful authority, cause any significant damage or disturbance to, or interfere with, any ticket vending machine, sign or other thing or structure that is part of the landscape or property on CALM land.

Penalty: \$2 000.

(3) Nothing in subregulation (1)(a) applies to the use of a notice board set up with the authority of the Executive Director for public use.

38. Unauthorised signs

- (1) A person must not, without lawful authority, erect any sign or notice on CALM land.
Penalty: \$1 000.
- (2) An authorised officer may remove any sign or notice erected without lawful authority on CALM land.

39. Unlawful lighting of campfires etc.

- (1) A person must not, without lawful authority, light or kindle, or assist another person in lighting or kindling, a campfire, barbecue or portable stove on CALM land —
 - (a) in a cave or part of a cave which is on or under CALM land;
 - (b) in a restricted area where that activity —
 - (i) is prohibited under regulation 5; or
 - (ii) contravenes a restriction imposed on that activity under regulation 5;or
 - (c) where flora and forest produce is in danger of being burnt or injured.
Penalty: \$2 000.
- (2) Nothing in this regulation affects the application of section 104 of the Act or regulation 29(2).

40. Authorised officer may direct that camp fire, barbecue or portable stove be extinguished

- (1) An authorised officer may direct any person to extinguish a campfire, barbecue or portable stove on CALM land if the authorised officer considers that the campfire, barbecue or stove constitutes a fire risk to any part of that land.

- (2) A person must comply with a direction given to that person under subregulation (1).

Penalty: \$2 000.

Part 3 — Access to CALM land

Division 1 — General

41. Access to certain areas classified under s. 62

A person must not, without lawful authority, enter any land or waters classified —

- (a) under section 62(1)(b) of the Act as a prohibited area;
- (b) under section 62(1)(d) of the Act as a temporary control area;
- (c) under section 62(1)(f) of the Act as a plant disease management area; or
- (d) under section 12A(2) of the *Wildlife Conservation Act 1950* as a prohibited area where that classification remains in force.

Penalty: \$2 000.

42. Access to limited access areas

A person must not, without lawful authority, enter otherwise than on foot or by vessel any land classified —

- (a) under section 62(1)(c) of the Act as a limited access area; or
- (b) under section 12A(2) of the *Wildlife Conservation Act 1950* as a limited access area where that classification remains in force.

Penalty: \$2 000.

43. Access to wilderness areas

A person must not, without lawful authority, enter by vehicle, powered vessel or animal any land or waters classified under section 62(1)(a) of the Act as a wilderness area.

Penalty: \$1 000.

44. Direction to close area

- (1) If the Executive Director is satisfied that it is necessary or desirable for the protection, management and control of CALM land, the Executive Director may direct a named authorised officer to close so much of the CALM land as appears to that officer to be requisite for that purpose.
- (2) If the Executive Director gives an oral direction for a closure under subregulation (1), the direction is to be confirmed by the Executive Director in writing as soon as is reasonably practicable.
- (3) The Executive Director may vary or revoke a direction under subregulation (1) and is to revoke a direction as soon as practicable after being satisfied that the circumstances that gave rise to the direction no longer exist.
- (4) The closure of an area in a marine park or marine management area does not operate so as to prohibit a person entering or remaining in the area for the purpose of activities authorised in the area by an authorisation, licence, permit, lease, management plan or notice to which section 13D or 13E of the Act applies.

45. Closed area

- (1) While a direction is in force under regulation 44, any authorised officer may by placement of signs, markings, barriers, or buoys mark out any area (whether one or more) that is for the time being closed for the purposes of that regulation.
- (2) The dimensions of any closed area are not to be greater than is reasonably required for the purposes referred to in regulation 44(1).
- (3) Sufficient signs, markings, barriers or buoys are to be erected and maintained in or in the vicinity of a closed area indicating that entry to that area is prohibited without permission of an authorised officer.

- (4) A sign, marking, barrier or buoy placed in the vicinity of any land or waters to which a direction under regulation 44 applies is to be presumed, in the absence of evidence to the contrary, to be a sign, marking, barrier or buoy placed by an authorised officer under subregulation (1).

46. Offences relating to closed areas

- (1) Subject to regulation 44(4), a person must not, without permission of an authorised officer, enter or remain in an area closed under regulation 45.
Penalty: \$1 000.
- (2) An authorised officer may revoke a permission given to a person for the purposes of subregulation (1) in which case if the person is in a closed area he or she must leave the area immediately.
Penalty: \$1 000.
- (3) An authorised officer may grant permission for the purposes of subregulation (1) subject to any condition, and during any period when the condition is not observed or performed by that person the permission is to be treated as having been revoked.
- (4) It is a defence to a charge of contravening subregulation (1) or (2) for a person to show that his or her presence in a closed area without permission was necessary to prevent or mitigate injury to a person or damage to property.

47. Entering CALM land

- (1) Where an entrance to an area of CALM land is controlled by a gate or other barrier a person must not, without lawful authority, enter that area other than through that gate or barrier.
Penalty: \$200.

- (2) A person must not, without lawful authority, open, unlock, or remove a barrier from, a gate or barrier controlling an entrance to an area of CALM land.

Penalty: \$200.

48. Areas set aside for Departmental purposes

A person must not, without lawful authority, enter or remain in any area of CALM land set aside for cultivation, gardens, animal enclosures, housing, education facilities or machinery sheds or any other property or facilities which are established by the Department and which are not open to the public.

Penalty: \$500.

49. Caves

- (1) In this regulation —

“**cave**” means a cave or part of a cave which is on or under CALM land.

- (2) The Executive Director may, on payment of the fee specified in Schedule 1 Division 7, grant to any person a permit in an approved form to be in a cave.

- (3) A permit —

- (a) authorises a person to be in a cave for the period specified in the permit; and
(b) is subject to such conditions and restrictions as are specified on the permit.

- (4) A person must not, without lawful authority, enter or remain in a cave.

Penalty: \$1 000.

- (5) A person in a cave must comply with the conditions and restrictions subject to which that person was given permission to be in the cave.

Penalty: \$1 000.

- (6) Nothing in this regulation prohibits persons entering or remaining in a cave under the control of a person licensed under a commercial operations licence to take those persons into the cave.

50. Cross country and other events

A person must not, without lawful authority, organise, promote or conduct any event involving cross country running, orienteering, rogaining, cross country navigation exercises or equestrian events on CALM land.

Penalty: \$1 000.

Division 2 — Vehicles

51. Vehicles

- (1) A person must not, without lawful authority, drive or use a vehicle (other than a bicycle) on CALM land other than on a road.

Penalty: \$1 000.

- (2) A person must not, without lawful authority, ride a bicycle on CALM land other than on a road or a bicycle path.

Penalty: \$500.

- (3) In subregulation (2) —

“bicycle path” means a path, or length of a path, at both ends of which are signs indicating that persons may ride bicycles on the path or the length between those signs.

52. Off-road vehicles

A person must not drive into or within, or bring into or have within, CALM land an off-road vehicle within the meaning of the *Control of Vehicles (Off-road areas) Act 1978* unless that person —

- (a) is the holder of a permit —

- (i) granted under section 8(4) of that Act; and
- (ii) authorising that person so to drive, bring or have that off-road vehicle;

and

- (b) that person so drives, brings or has that off-road vehicle in accordance with any restrictions, limitations or conditions to which that permit is subject.

Penalty: \$1 000.

53. Car rallies etc.

A person must not, without lawful authority, organise, promote or conduct a car rally, associated navigation exercise, mountain bike event or other race involving vehicles on or through CALM land.

Penalty: \$2 000.

54. Traffic laws apply

- (1) A person driving or in charge of a vehicle on a road or track on CALM land must not, without lawful authority, do any act that would be a breach of a law of the State if that road or track were a “road” for the purposes of the *Road Traffic Act 1974*.

Penalty: \$500.

- (2) A person must not drive a vehicle on CALM land in a dangerous or careless manner or without all reasonable consideration for other persons, vehicles and animals in the vicinity.

Penalty: \$500.

55. Driver to obey reasonable direction

The driver or person in charge of a vehicle must obey any reasonable direction given to him or her by an authorised officer in relation to the parking or movement of the vehicle on CALM land.

Penalty: \$500.

56. Signs to be obeyed

- (1) A person must not park or stand a vehicle on CALM land contrary to any direction on a sign.
Penalty: \$500.
- (2) A sign may direct that an area of CALM land is set aside —
 - (a) for the parking of a specified vehicle or specified class of vehicles;
 - (b) for the parking of a vehicle of a specified person or specified class of persons;
 - (c) for the parking of vehicles for a specified maximum period of time;
 - (d) for the parking of vehicles only within specified parking bays;
 - (e) as a “no standing” or “no parking” area.
- (3) A sign may direct that an area of CALM land may be used for parking subject to the payment of a specified charge.
- (4) A person must not park a vehicle in an area that is subject to subregulation (3) at any time when the charge applies unless —
 - (a) the specified charge has been paid into a ticket vending machine;
 - (b) there is displayed in the vehicle at that time a parking ticket issued from a ticket vending machine that shows —
 - (i) the amount paid;
 - (ii) the date; and
 - (iii) an expiry time for permitted parking that is after that time;and

- (c) the parking ticket issued from the ticket vending machine is displayed in the vehicle in such a manner that an authorised officer is able to read it from outside the vehicle.

Penalty: \$500.

- (5) The charge specified for the purposes of subregulation (3) is not to exceed —
 - (a) 40 cents for every hour or part of an hour; and
 - (b) \$3.00 for any day or part of a day.

- (6) In this regulation —

“**specified**” means specified by a sign;

“**ticket vending machine**” means a machine situated on CALM land which, following the insertion of a coin or coins, issues a parking ticket.

57. Obstructing other vehicles etc.

A person must not park or stand a vehicle on CALM land in such a manner as to obstruct —

- (a) any other vehicle on the land;
- (b) a footpath;
- (c) access to a ticket vending machine within the meaning of regulation 56(6); or
- (d) access to a facility on the land.

Penalty: \$500.

Division 3 — Vessels

58. Races

A person must not, without lawful authority, organise, promote or conduct a race involving vessels on or through CALM land.

Penalty: \$2 000.

59. Moorings

- (1) A person must not, without lawful authority, install a mooring for a vessel in waters on CALM land.
Penalty: \$2 000.
- (2) A person must not, without lawful authority, secure a vessel, or allow it to remain secured, to a mooring in waters on CALM land that is installed without lawful authority.
Penalty: \$1 000.
- (3) A person must not secure a vessel, or allow it to remain secured, to —
 - (a) a mooring in waters on CALM land, without lawful authority;
 - (b) a mooring in waters on CALM land to which a vessel is already secured; or
 - (c) a vessel that is secured to a mooring in waters on CALM land.Penalty: \$1 000.
- (4) Subregulation (3) does not apply so as to prohibit a tender being attached to a vessel.
- (5) For the purposes of this regulation, a person who is on a vessel that is secured to a mooring is taken to allow it to remain secured to that mooring.

60. Anchoring vessels

- (1) A person must not, without lawful authority —
 - (a) anchor a vessel in a restricted area if that activity is prohibited under regulation 5; or
 - (b) contravene a restriction on the anchoring of vessels in a restricted area imposed under regulation 5.Penalty: \$1 000.

- (2) Subregulation (1) does not apply to a vessel that is required to anchor contrary to that subregulation to avoid or mitigate danger to human life or significant damage to property.

61. Operation of certain vessel in restricted area

A person must not, without lawful authority, in a restricted area —

- (a) operate a vessel if the operation of a vessel of that kind is prohibited in that area under regulation 5; or
- (b) contravene a restriction imposed on the operation of a vessel in that area under regulation 5.

Penalty: \$500.

62. Safe navigation of vessels

A person must not navigate a vessel on waters on CALM land in such a manner as to —

- (a) endanger the safety of that or any other vessel or any person;
- (b) cause nuisance or damage to any person or to any other vessel;
- (c) obstruct, impede or otherwise interfere with any other vessel;
- (d) damage vegetation, coral, shoals, sandbanks, mudflats or the bed or banks of any body of water; or
- (e) endanger, harm or disturb any fauna.

Penalty: \$500.

63. Owner to obey reasonable direction

The owner or person in charge of a vessel must obey any reasonable direction given to him or her by an authorised officer in relation to the anchoring, mooring or movement of the vessel in waters on CALM land.

Penalty: \$1 000.

64. Launching, beaching and retrieving

- (1) A person must not, without lawful authority, in a restricted area —
 - (a) launch or beach a vessel;
 - (b) anchor a vessel by placing the anchor on a beach; or
 - (c) access, operate or retrieve a vessel,if that activity is prohibited under regulation 5.
Penalty: \$1 000.
- (2) A person must not, without lawful authority, in a restricted area, contravene a restriction imposed under regulation 5 in respect of —
 - (a) launching or beaching a vessel;
 - (b) anchoring a vessel by placing the anchor on a beach; or
 - (c) accessing, operating or retrieving a vessel.
- (3) An authorised officer may direct a person in charge of a vessel in a restricted area to remove the vessel from the restricted area.
- (4) A person must comply with a direction under subregulation (3).
Penalty: \$1 000.
- (5) If —
 - (a) the person in charge of a vessel does not comply with a direction under subregulation (3) within a period that the authorised officer considers reasonable; or
 - (b) the authorised officer is unable to find a person who has, or appears to the authorised officer to have, possession or control of the vessel,the authorised officer may move the vessel or cause the vessel to be moved.
- (6) Nothing in subregulation (5) affects the liability of a person under subregulations (1) and (4).

- (7) In this regulation —
“**beach**” includes any part of the foreshore that is above the low water mark whether it is covered by water or not.

Division 4 — Aircraft

65. Launching or landing of aircraft

- (1) A person must not, without lawful authority, launch, land or make a touch down in an aircraft, including an ultra-light aircraft, or a helicopter on CALM land.
Penalty: \$1 000.
- (2) Subregulation (1) does not apply to an aircraft or helicopter that is required to launch, land or touch down contrary to that subregulation to avoid or mitigate danger to human life or significant damage to property.

[Regulation 65 amended in Gazette 4 Oct 2002 p. 5065.]

Part 4 — Camping

66. Camping controlled

- (1) A person must not, without lawful authority, camp on CALM land except in a camping area or on a vessel that is moored or anchored in accordance with these regulations.

Penalty: \$500.

- (2) A person camping in a camping area must comply with conditions specified on signs erected in or in the vicinity of that area for the purposes of regulation 6(3) or signs designating that area as a camping area.

Penalty: \$500.

67. Direction to vacate camp

- (1) An authorised officer may direct a person who —

- (a) without lawful authority is camped on a site that is not in a camping area; or
- (b) has occupied a site in a camping area for more than 28 consecutive days,

to vacate that site.

- (2) A person must comply with a direction under subregulation (1).

Penalty: \$1 000.

68. Unauthorised persons not to enter camping unit

A person, other than a ranger, must not enter or remain on a camping unit without the consent of the person occupying that camping unit.

Penalty: \$500.

69. Construction and positioning of camping units

- (1) A person must not construct a camping unit —

- (a) in a manner likely to be offensive or dangerous to other persons;
- (b) of a permanent or semi-permanent nature; or
- (c) of unsightly materials.

Penalty: \$1 000.

- (2) A person must not position a camping unit so as to —

- (a) cause inconvenience, discomfort or danger to other vehicles or to users of CALM land; or
- (b) damage flora or interfere with the movement of fauna.

Penalty: \$500.

- (3) A person must maintain the site on which that person camps in a clean and sanitary condition at all times.

Penalty: \$500.

- (4) An authorised officer may allot or define the site to be used by a person in a camping area and the person must confine the camp to that site.

Penalty: \$500.

- (5) An authorised officer may direct a person to vacate a site and move to another site in a camping area.

- (6) A person must comply with a direction of an authorised officer under subregulation (5).

Penalty: \$1 000.

70. Power generating devices

- (1) An authorised officer may direct a person —

- (a) not to use a power generating device other than in an area directed by the authorised officer;
- (b) to stop using a power generating device in a camping area; or

r. 71

(c) to use a power generating device in accordance with the directions of the authorised officer.

(2) A person must comply with a direction of an authorised officer under this regulation.

Penalty: \$1 000.

71. Firewood

(1) A person may collect firewood from the immediate vicinity of a camping area if —

(a) there is a sign erected authorising the collection of firewood; and

(b) the firewood is intended for use on a campfire or barbecue in the designated area.

(2) Nothing in subregulation (1) is to be taken as authorising any person to fell, cut, injure or destroy any tree, shrub or bush.

(3) Part 15 of the *Forest Management Regulations 1993* applies to the collection of firewood in public firewood areas.

(4) In this regulation —

“firewood” means dead wood lying on the ground.

Part 5 — Offensive and dangerous behaviour

72. Authorised officer may direct person to stop activity

- (1) An authorised officer may direct a person on CALM land to cease any behaviour which is —
 - (a) contrary to the lawful use of the land;
 - (b) causing a disturbance or annoyance to other persons or, in the opinion of the authorised officer, disorderly or offensive; or
 - (c) in the opinion of the authorised officer, dangerous.
- (2) A person must comply with a direction of an authorised officer under this regulation.
Penalty: \$500.

73. Conduct generally

- (1) A person must not, on CALM land —
 - (a) create or commit any nuisance;
 - (b) behave in a disorderly or offensive manner;
 - (c) use abusive, offensive or insulting language; or
 - (d) otherwise act in such a way as to cause or be likely to cause a nuisance or annoyance to other persons on the land.
Penalty: \$500.
- (2) A person must, on CALM land, comply with any direction on a sign on that land regarding behaviour on CALM land.
Penalty: \$500.

74. Offensive noise

A person must not, while on CALM land, by the use of any electronic, mechanical or other instrument or thing or by natural

r. 75

means cause or produce a noise that unreasonably interferes with the convenience, comfort or amenity of any other person.

Penalty: \$500.

75. Alcohol and drugs

- (1) A person must not enter or remain on CALM land when seriously affected apparently by alcohol, drugs or other intoxicating substance, or any combination of those things.

Penalty: \$500.

- (2) A person must not without lawful authority take alcohol or any other intoxicating substance into a cave or part of a cave which is on or under CALM land.

Penalty: \$500.

- (3) Where an authorised officer is of the opinion that the consumption of alcohol or other intoxicating substance may give rise to offensive or dangerous behaviour, the authorised officer may direct a person not to bring the alcohol or intoxicating substance on to CALM land.

- (4) A person must comply with a direction of an authorised officer under subregulation (3).

Penalty: \$500.

76. Removal of CALM property

- (1) A person must not, without lawful authority, remove any or any part of, a building, fence, facility, sign, notice, device, machinery or other object on CALM land.

Penalty: \$2 000.

- (2) If an authorised officer finds a person on CALM land in possession of an object removed in contravention of subregulation (1), the authorised officer may direct the person to leave the object on the CALM land.

- (3) A person must comply with a direction of an authorised officer under subregulation (2).
Penalty: \$1 000.

Part 6 — Removal and forfeiture of unauthorised property on CALM land

77. Meaning of “property” in this Part

- (1) In this Part —
“property” —
 - (a) includes a vehicle, caravan, platform (including a platform on water), tent or other thing related to camping, tarpaulin, tripod, log, post, picket, spike, pipe, rope, cable, chain, wire and any kind of lock or locking device;
 - (b) does not include anything to which section 108A(1) of the Act applies.
- (2) Subject to subregulation (1)(b), a thing may be property for the purposes of this Part whether or not it is attached to CALM land.

78. Conservation and land management officers may seize and remove unauthorised property

- (1) A conservation and land management officer who finds on CALM land any property that the officer reasonably believes is not authorised under a written law to be on the land may request a person who has, or appears to the officer to have, possession or control of the property to remove it from the land.
- (2) If —
 - (a) a person does not comply with a request under subregulation (1) within a period that the conservation and land management officer considers reasonable; or
 - (b) the officer is unable to find a person who has, or appears to the officer to have, possession or control of the property,

the officer may seize the property and remove it from CALM land.

- (3) Property seized and removed under subregulation (2) shall be held at an office of the Department until it is collected under regulation 79 or destroyed, sold or otherwise disposed of under regulation 80.

79. Seized property may be claimed

- (1) A person may claim property that is seized and removed under regulation 78 if the claim is made to a conservation and land management officer within 6 months after the property is seized and removed.
- (2) If a conservation and land management officer is satisfied that a person who claims property under subregulation (1) is the owner of the property or is entitled to possession of the property, the officer is to make the property available to be collected by the person at a time and a place notified in writing to the person.
- (3) The time referred to in subregulation (2) is to be within 21 days after the conservation and land management officer is satisfied in relation to the matters referred to in that subregulation.

80. Unclaimed property may be forfeited

- (1) If property is not claimed by a person who a conservation and land management officer is satisfied is the owner of the property or is entitled to possession of the property within 6 months after the property is seized and removed under regulation 78, the property is, on the expiry of that period, forfeited to the Crown and may be destroyed, sold or otherwise disposed of as directed by the Executive Director.
- (2) The proceeds of a sale under subregulation (1) are to be dealt with under section 63 of the Act.

Part 6A — Management plans

[Heading inserted in Gazette 4 May 2004 p. 1383.]

81. Purposes of reserves

For the purposes of section 55(1a) of the Act, the other purposes for which an indigenous State forest or timber reserve may be reserved include —

- (a) the removal of water from the reserved land;
- (b) the storage of water on the reserve;
- (c) the removal of water from the reserve.

[Regulation 81 inserted in Gazette 4 May 2004 p. 1383.]

Part 7 — Licences

Division 1 — General

82. Interpretation

In this Part —

“**licence**” means a licence granted under these regulations.

83. Application for licence

- (1) An application for a licence is to be —
 - (a) made to the Executive Director in a form approved by the Executive Director; and
 - (b) accompanied by the appropriate fee specified in Schedule 1 Division 8.
- (2) The applicant is to provide the Executive Director with such further information as the Executive Director may require in any particular case.

84. Restriction on exercise of powers

- (1) Subject to subregulations (2) and (3), the powers conferred on the Executive Director by this Part to grant or renew a licence are exercisable only —
 - (a) with the approval of the Minister;
 - (b) in the case of land vested in the Conservation Commission, after consultation with the Conservation Commission and, where applicable, an associated body;
 - (c) in the case of land classified under Part V Division 2 of the Act as a forest conservation area, consistently with any management plan for the land concerned;
 - (d) in the case of land vested in the Marine Authority, after consultation with the Marine Authority;

Conservation and Land Management Regulations 2002

Part 7 Licences

Division 1 General

r. 84

- (e) in the case of land that is in the management area of the Swan River Trust within the meaning of the *Swan River Trust Act 1988*, after consultation with the Swan River Trust;
 - (f) in the case of land for the management of which an agreement is entered into under section 16 of the Act, consistently with the agreement;
 - (g) in the case of land in a public water catchment area, consistently with the provisions of the *Country Areas Water Supply Act 1947* and the *Metropolitan Water Supply, Sewerage, and Drainage Act 1909* relating to the protection of water quality; and
 - (h) in conformity with section 33(3) of the Act.
- (2) In the case of land other than land classified under Part V Division 2 of the Act as a forest conservation area, subregulation (1)(a), (b) and (d) do not apply to the grant or renewal of a licence under this Part where —
- (a) the appropriate approval has been given under subregulation (1)(a) and, if applicable, the appropriate consultation has taken place under subregulation (1)(b) or (1)(d) for —
 - (i) the grant under this Part of certain kinds of licences or certain numbers of licences; or
 - (ii) the renewal, cancellation or suspension of, or the imposition or variation of terms or conditions attached to, a licence granted under this Part, and the licence granted or renewed is covered by the terms of that approval and, if applicable, that consultation; or
 - (b) in the case of the renewal of a licence, the licence was granted under Part 5 of the *Conservation and Land Management Regulations 1992*.

85. Refusal to renew licence

- (1) A licence is not renewable as of right.
- (2) The Executive Director may, by written notice given to the person who held the licence, refuse to renew a licence on the grounds that —
 - (a) the holder of the licence has been convicted of an offence against the Act or these regulations or the *Wildlife Conservation Act 1950* or regulations made under that Act;
 - (b) a condition imposed upon the licence has been contravened;
 - (c) the licence was obtained by fraud or misrepresentation; or
 - (d) in the interests of —
 - (i) the protection, management or control of CALM land or assets on CALM land;
 - (ii) the protection of persons using CALM land; or
 - (iii) the conservation, protection or proper management of fauna or flora,the operation of the licence should not be permitted to continue.

86. Cancellation or suspension of licence by Executive Director

- (1) If —
 - (a) the person who holds a licence —
 - (i) contravenes a provision of the Act or these regulations or a condition or restriction to which the licence was subject;
 - (ii) contravenes a provision of the *Wildlife Conservation Act 1950* or regulations made under that Act; or

(iii) is otherwise in the opinion of the Executive Director no longer a fit and proper person or otherwise suitable to hold the licence;

or

(b) the Executive Director considers that in the interests of —

(i) the protection, management or control of CALM land or assets on CALM land;

(ii) the protection or management of persons using CALM land; or

(iii) the conservation, protection or proper management of fauna or flora,

a licence should be suspended or cancelled,

the Executive Director may, by written notice given to the person, cancel the licence or suspend it for such period as the Executive Director thinks fit.

(2) A suspension of a licence may relate to the doing of some, but not all, of the things authorised by the licence.

87. Notice of proposed cancellation or suspension

(1) If the Executive Director proposes to cancel or suspend a licence, the Executive Director is to give to the holder of the licence written notice of the proposal and the Executive Director's reasons for the proposal.

(2) A notice given under subregulation (1) is to state that within a specified number of days after the notice is given, the person to whom it is given may make written representations to the Executive Director concerning the proposal and the Executive Director is not to give effect to the proposal without considering any representations received within that period.

(3) The number of days to be specified in a notice under subregulation (2) is to be not less than —

- (a) 21 days in the case of a proposal to cancel a licence; or
 - (b) 7 days in the case of a proposal to suspend a licence.
- (4) If for any reason a notice cannot be given to a person under subregulation (1), when read with section 76 of the *Interpretation Act 1984*, the Executive Director may give the notice to that person by publishing a copy of the notice addressed to that person in a newspaper circulating in the area in which the person was last known to be.

88. Return of licence

- (1) The Executive Director may require the holder of a licence to return the licence to the Executive Director where the licence has been cancelled, suspended or has not been renewed.
- (2) A person must comply with a requirement made of that person by the Executive Director under subregulation (1).
Penalty: \$500.

Division 2 — Scientific purposes licences

89. Scientific purposes licence

The Executive Director may grant a licence to take flora and fauna (including fish and pearl oyster) in a marine nature reserve, marine park or marine management area for scientific purposes.

90. Application for scientific purposes licence

An application for a scientific purposes licence is to specify the flora and fauna the applicant proposes to take.

91. Duration of scientific purposes licence

Subject to this Part, a scientific purposes licence remains current for the period specified in the licence.

92. Renewal of scientific purposes licence

The Executive Director may, on payment of the appropriate fee specified in Schedule 1 Division 8, renew the scientific purposes licence of any person for a further period determined by the Executive Director.

93. Conditions and restrictions

- (1) A scientific purposes licence may be granted subject to such conditions and restrictions as the Executive Director thinks fit, including conditions and restrictions as to —
 - (a) the marine nature reserves, marine parks and marine management areas in which the holder of the licence may take flora and fauna for scientific purposes;
 - (b) the scientific purposes for which the flora and fauna may be used;
 - (c) the species, and the greatest number of each or any species, that may be taken, held or disposed of; and
 - (d) the part or parts of the State in which the flora or fauna may be taken, held or released.
- (2) The Executive Director is not to impose any restrictions on the taking, in a marine park or marine management area —
 - (a) of fish within the meaning of the *Fish Resources Management Act 1994*, in accordance with the provisions of that Act relating to aquaculture or commercial or recreational fishing; or
 - (b) of pearl oyster, within the meaning of the *Pearling Act 1990*, in accordance with that Act.
- (3) The prohibition in subregulation (2)(a) does not include a restriction that relates to conduct or activity other than the taking of fish but that incidentally affects the taking of fish.
- (4) Where a scientific purposes licence is granted subject to conditions or restrictions, those conditions or restrictions —

- (a) are to be endorsed upon or attached to the licence when granted; and
 - (b) may be added to, cancelled, suspended and otherwise varied by the Executive Director from time to time during the operation of the licence.
- (5) The holder of a scientific purposes licence must not contravene a condition or restriction endorsed upon or attached to the licence.

Penalty: \$500.

[Regulation 93 amended in Gazette 4 Oct 2002 p. 5065.]

Division 3 — Commercial operations licences

94. Commercial operations licence

- (1) The Executive Director may grant a licence to any person to sell goods or services, or to undertake an activity for a commercial purpose, on an area of CALM land.
- (2) The Executive Director may not grant a licence under this regulation to take or remove forest produce or other flora from land to which Part VIII Division 2 of the Act applies and which is vested in the Conservation Commission.

95. Application for commercial operations licence

An application for a commercial operations licence is to specify —

- (a) the goods or services the applicant proposes to sell or the activity the applicant proposes to undertake; and
- (b) the places where it is proposed to sell the goods or services or undertake the activity.

96. Duration of commercial operations licence

Subject to this Part, a commercial operations licence is valid for such period, not exceeding 5 years, as is specified in the licence.

97. Renewal of commercial operations licence

The Executive Director may, on payment of the appropriate fee specified in Schedule 1 Division 8, renew the commercial operations licence of any person for a further period not exceeding 5 years.

98. Conditions

- (1) A commercial operations licence may be granted or renewed subject to such conditions as the Executive Director thinks fit, including conditions as to —
 - (a) the land to which the licence applies;
 - (b) the class or description of goods, services or activity to which the licence applies;
 - (c) the manner in which the goods or services are to be supplied (including conditions as to the viewing and feeding of fauna) or the activity is to be undertaken; and
 - (d) the payment of any charge in relation to the use of land to which these regulations apply and the equipment, services and facilities of the Department.
- (2) Where a commercial operations licence is granted or renewed subject to conditions, those conditions —
 - (a) are to be endorsed upon or attached to the licence when granted or renewed, as the case may be; and
 - (b) may be added to, cancelled, suspended and otherwise varied by the Executive Director from time to time during the operation of the licence.
- (3) The holder of a commercial operations licence must not contravene a condition endorsed upon or attached to the licence.
Penalty: \$1 000.

Part 7A — Barrow Island Trust Account

[Heading inserted in Gazette 27 Jul 2004 p. 3077.]

98A. Definitions in this Part

In this Part —

“**trust account**” means the Barrow Island Trust Account established under regulation 98B.

[Regulation 98A inserted in Gazette 27 Jul 2004 p. 3077.]

98B. Establishment of Barrow Island Trust Account: section 69

There is established in the Fund a trust account called the Barrow Island Trust Account.

[Regulation 98B inserted in Gazette 27 Jul 2004 p. 3078.]

98C. Purpose of trust account

The purpose of the trust account is for the funding of ongoing programs that will provide demonstrable and sustainable additions to or improvements in biodiversity conservation values of Western Australia targeting, where possible, the biodiversity conservation values affected or occurring in similar bioregions to Barrow Island.

[Regulation 98C inserted in Gazette 27 Jul 2004 p. 3078.]

98D. Money comprising the trust account

There shall be credited to the trust account —

- (a) payments under clause 11 of the Agreement as defined in the Barrow Island Act section 3; and
- (b) income derived from the investment under section 67 of the Act of money credited under paragraph (a).

[Regulation 98D inserted in Gazette 27 Jul 2004 p. 3078.]

Part 8 — Miscellaneous

99. Entrance fees

(1) In this regulation —

“non-tour motor vehicle” means a motor vehicle that is not a tour vehicle;

“tour vehicle” means —

- (a) a vehicle that is fitted with seats for 8 or more adult persons, including the driver, and is being used to carry passengers for separate fares;
- (b) a taxi within the meaning of the *Taxi Act 1994*;
- (c) a vehicle that is licensed to stand or ply for the carriage of passengers for reward; or
- (d) a vehicle that is fitted with seats for 13 or more persons, including the driver of the vehicle, and is being used to carry 13 or more persons, including the driver.

(2) Subject to subregulations (3) and (4) and Schedule 1

Division 1 —

- (a) the relevant fee specified in Schedule 1 Division 1 item 1, 2 or 5 is payable daily per non-tour motor vehicle entering an area of CALM land, and the person in charge of the vehicle is liable to pay the relevant fee; and
- (b) the relevant fee specified in Schedule 1 Division 1 item 3, 4, or 6 is payable daily per occupant of a tour vehicle entering an area of CALM land, and the owner or operator of the tour vehicle is liable to pay the fee for every occupant of the tour vehicle.

(3) Fees are not payable under this regulation unless the Executive Director has erected signs at or near the entrances to the area of CALM land —

- (a) stating that fees are payable for entry to that area;
 - (b) specifying the fees that are payable; and
 - (c) specifying the manner in which the fees are to be paid.
- (4) A person is not liable to pay a fee under this regulation for entry in a non-tour motor vehicle to an area of CALM land if that person has paid the fee prescribed in Schedule 1 Division 2 for an extended pass for that person to enter that area at the relevant time or has been otherwise authorised by the Executive Director to enter that area.
- (5) A person must pay, in the manner specified on a sign under subregulation (3)(c), a fee for which the person is liable under this regulation.
- Penalty: \$200.

100. Entrance fees for Tree Top Walk

- (1) In this regulation —
- “Tree Top Walk”** means the walkway known as the “Tree Top Walk” constructed within the area known as the “Valley of the Giants”, near Walpole.
- (2) The relevant fee specified in Schedule 1 Division 3 is payable by a person entering the Tree Top Walk.
- (3) The Executive Director is to erect a sign at the entrance to the Tree Top Walk —
- (a) specifying the fees payable under this regulation; and
 - (b) specifying the manner in which the fees are to be paid.
- (4) A person must pay, in the manner specified in a sign under subregulation (3)(b), a fee for which the person is liable under this regulation.
- Penalty: \$200.

r. 101

101. Fees for Geikie Gorge National Park Boat Trip

The fees for the Geikie Gorge National Park Boat Trip are as prescribed in Schedule 1 Division 4.

102. Fees for entry on horseback

A person must not enter an area of CALM land on horseback unless the relevant fee specified in Schedule 1 Division 5 has been paid —

- (a) in the case of a daily entrance fee, to an authorised officer; and
- (b) in the case of an annual pass, to the Executive Director,

before entering that area.

Penalty: \$200.

103. Camping fees

- (1) Subject to subregulation (3) the fees specified in Schedule 1 Division 6 are payable in respect of persons who camp in camping areas on CALM land.
- (2) A person occupying a camping site is liable to pay the fee referred to in subregulation (1) or, if there is more than one person occupying the site, the persons occupying the site are jointly and severally liable to pay the fee.
- (3) Fees are not payable under this regulation unless the Executive Director has erected a sign at the camping area —
 - (a) stating that fees are payable for camping;
 - (b) specifying the fees that are payable; and
 - (c) specifying the manner in which the fees are to be paid.
- (4) A person must pay, in the manner specified in a sign under subregulation (3)(c), a fee for which the person is liable under this regulation.

Penalty: \$200.

104. Fees may be waived or reduced

The Executive Director may waive payment of a fee or part of a fee prescribed or provided for in these regulations.

105. Organised events and meetings

A person must not, without lawful authority, organise, advertise or hold a meeting, function or event on CALM land which is likely to involve or involves the attendance of more than 100 persons.

Penalty: \$2 000.

106. Unlawful commercial operations

A person must not, without lawful authority, sell any goods or services, or carry on any business, on CALM land.

Penalty: \$2 000.

107. Distribution of printed matter and advertising

A person must not, without lawful authority, on CALM land —

- (a) sell or distribute or carry or expose for sale or distribution any printed or written matter; or
- (b) advertise or promote any product, service or event.

Penalty: \$500.

108. Photography for commercial purposes

A person must not, without lawful authority, take —

- (a) still pictures on CALM land by photographic or electronic means if the pictures are to be used for advertising or promotional purposes; or
- (b) motion pictures on CALM land by photographic or electronic means if the pictures are to be used for advertising, promotional or commercial purposes.

Penalty: \$500.

r. 109

109. Production of licences etc.

The holder of a licence, permit, written authorisation or pass issued under the Act or these regulations must, if requested by an authorised person, produce the licence, permit, authorisation or pass for inspection as soon as is practicable.

Penalty: \$1 000.

110. False or misleading information

A person must not, in relation to the holding of a lease, licence or permit or the payment of a fee, give information orally or in writing to an authorised officer that the person knows to be —

- (a) false or misleading in a material particular; or
- (b) likely to deceive in a material way.

Penalty: \$1 000.

111. Signs — presumption

A sign on CALM land is to be taken to have been erected or made by the authority of the Executive Director unless the contrary is shown.

112. Infringement notices

- (1) The offences described in Schedule 2 columns 1 and 2 are prescribed offences for the purposes of section 114A of the Act.
- (2) The penalties set out in Schedule 2 column 3 are prescribed modified penalties for the offence in columns 1 and 2 to which the penalties correspond, for the purposes of section 114A of the Act.
- (3) Schedule 3 Form 1 is prescribed for the purposes of section 114A(1) of the Act.
- (4) Schedule 3 Form 2 is prescribed for the purposes of section 114A(6) of the Act.

113. Evidence

In any prosecution under these regulations an averment in the complaint —

- (a) that the place at or in respect of which a contravention of a regulation is alleged to have occurred was, or was within, a restricted area declared for the purpose of that regulation;
- (b) that the place at or in respect of which a contravention of a regulation is alleged to have occurred was, or was within, a designated area declared for the purpose of that regulation; or
- (c) that an act or state of affairs occurred without lawful authority,

is taken to have been proved in the absence of evidence to the contrary.

114. *Forest Management Regulations 1993* amended

- (1) The amendments in this regulation are to the *Forest Management Regulations 1993**.

[* Reprinted 15 September 1999.

For amendments to 28 March 2002 see 2000 Index to Legislation of Western Australia, Table 4, p. 50.]

- (2) Regulation 2 is amended by deleting the definitions of “camp”, “camping area”, “camping unit”, “caravan”, “non-tour motor vehicle”, “tour motor vehicle” and “Tree Top Walk”.
- (3) The regulations are amended by repealing —
 - (a) Part 12;
 - (b) regulation 90;
 - (c) regulation 103;
 - (d) Part 17A;
 - (e) regulations 131, 132, 133 and 134;

r. 115

- (f) Schedule 2 Forms 3 and 4; and
- (g) Schedules 2A and 2B.

115. Repeal

The following regulations are repealed —

- (a) the *National Parks Authority Regulations*;
- (b) the *Conservation and Land Management Regulations 1992*;
- (c) Part 6 of the *Wildlife Conservation Regulations 1970*.

116. Saving

- (1) Nothing in this regulation is to be construed so as to limit the operation of the *Interpretation Act 1984*.
- (2) The repeal of a former provision does not affect any document or appointment made or anything done under any provision so repealed so far as it is subsisting or in force at the time of the repeal and could have been made or done under these regulations.
- (3) Each such document, appointment or thing has effect as if it had been made or done under the corresponding provision of these regulations and as if the provisions had been in force when the document or appointment was made or the thing was done.
- (4) In particular, and without limiting the generality of subregulations (2) and (3), those subregulations apply to —
 - (a) any notice erected on any land; and
 - (b) any licence granted under Part 5 of the *Conservation and Land Management Regulations 1992*.
- (5) In subregulation (2) —
“former provision” means a provision repealed by regulation 114 or 115.

[Regulation 116 amended in Gazette 4 Oct 2002 p. 5066.]

Schedule 1 — Fees

[r. 49, 83, 92, 97, 99, 100, 101, 102, 103]

Division 1 — Daily entrance fees where an entrance fee is charged

	\$
1. *Daily entrance fee for non-tour motor vehicle that is a motorcycle	3.00
2. *Daily entrance fee for non-tour motor vehicle that is not a motorcycle (unless item 5 applies)	9.00
3. *Daily entrance for each occupant (6 years of age or older) of tour vehicle (unless entry is to Yanchep National Park or Nambung National Park, or item 6 applies)	3.40
4. Daily entrance for each occupant (6 years of age or older) of tour vehicle — Yanchep National Park, Nambung National Park	3.40
5. *Daily entrance concession fee for non-tour motor vehicle where driver holds —	
(a) a Seniors' Card issued by the Office of Seniors' Interests in this or another State;	
(b) an aged Pensioner Concession Card issued by Centrelink, or any card issued by the Department of Veterans' Affairs	3.00
6. *Daily entrance concession fee for occupant of tour vehicle where occupant holds a Seniors' Card issued by the Office of Seniors' Interests in this or another State or an Aged Pensioner Concession Card issued by Centrelink or any card issued by the Department of Veterans' Affairs (except where tour vehicle is operating for profit)	1.00

[* Payment of a daily entrance fee under this item entitles the visitor on that day to enter any other area of CALM land for which an entrance fee is charged under the same item.]

Schedule 1 Fees

Division 2 — Fees for passes providing extended entrance arrangements to State forests, national parks, conservation parks and marine parks

	\$
1. Annual pass for non-tour motor vehicle with up to 8 occupants to all State forests, national parks, conservation parks and marine parks where an entrance fee is charged	51.00
2. Four week pass for non-tour motor vehicle to all State forests, national parks, conservation parks and marine parks where an entrance fee is charged	22.50
3. Annual pass for non-tour vehicle for any one national park or for any one of the following groups of national parks —	
(a) Walyunga and Avon Valley	
(b) Gloucester, Warren, Beedelup, Shannon and D'Entrecasteaux	
(c) Stirling Range and Porongurup	
(d) Stokes, Cape Le Grand and Cape Arid	
(e) Karijini and Millstream-Chichester	
(f) Fitzgerald River and either Stirling Range/Porongurup or Stokes (purchaser to choose)	
(g) Mirima and Purnululu	17.00

Division 3 — Daily entrance fees for Tree Top Walk

	\$
1. For person 16 years of age or over	6.00
2. For person of more than 5 and less than 16 years of age	2.50
3. For family (2 adults and 2 children of more than 5 and less than 16 years of age)	14.00

Division 4 — Fees for Geikie Gorge National Park Boat Trip

	\$
1. For person 16 years and over	20.00
2. For person of more than 5 and less than 16 years of age	2.50

Division 5 — Horse riding

	\$
1. Daily fee for one person	5.50
2. Annual pass for family	40.00

Division 6 — Camping site fees

	Fee per night \$
1. Fee for site with no ablutions, showers or caravan site —	
one or 2 persons, per person	5.00
each additional person 16 years of age or over	5.00
each additional person of more than 5 and less than 16 years of age	2.00
2. Fee for site with facilities including ablutions, showers and caravan sites (but where item 3 does not apply)	
one or 2 persons	12.50
each additional person 16 years of age or over	5.50
each additional person of more than 5 and less than 16 years of age	2.00
3. Fee for site with firewood supplied in the Leeuwin-Naturaliste National Park	
each person 16 years of age or over	6.00
each person of more than 5 and less than 16 years of age	2.00
4. Fee for site in the Windjana Gorge National Park or the Purnululu National Park	
each person 16 years of age or over	9.00
each person of more than 5 and less than 16 years of age	2.00

Schedule 1 Fees

Division 7 — Cave entrance fees

	\$
1. Crystal Cave, Yanchep National Park —	
for person 16 years of age or over	5.50
for person over 5 and less than 16 years of age	2.50
for family (2 adults and 2 children of more than 5 and less than 16 years of age)	13.00
2. Calgardup and Giants Caves, Leeuwin-Naturaliste National Park —	
for person 16 years of age or over	10.00
for person over 5 and less than 16 years of age	5.00
for family (2 adults and 2 children of more than 5 and less than 16 years of age)	25.00

Division 8 — Licence and permit fees

	\$
1. Application for cave permit (r. 49)	
per person, cave site booked for a half day	4.00
per person per abseil site booked for a half day (except Wilyabrup Cliffs which is for a full day)	4.00
fee for bookings cancelled with less than 2 weeks notice	5.00
2. Application for scientific purposes licence (r. 83)	25.00
3. Application for renewal of scientific purposes licence (r. 92)	25.00
4. Application for commercial operations licence (r. 83)	50.00
5. Application for renewal of commercial operations licence (r. 97)	50.00

Schedule 2 — Offences to which modified penalties apply

[r. 112]

Division 1 — Offences under the Act

Item No.	Column 1 Section creating offence	Column 2 Nature of offence	Column 3 Penalty \$
1.	101C	Unlawfully taking flora or fauna in marine nature reserve, marine park or marine management area	200

Division 2 — Offences under these regulations

Item No.	Column 1 Regulation creating offence	Column 2 Nature of offence	Column 3 Penalty \$
1.	8(1)	Taking flora or fauna	200
2.	9(1)	Fishing in restricted or classified area	100
3.	10	Feeding fauna	50
4.	12(1)	Failing to stow firearm or ammunition	100
5.	12(2)	Possession in restricted or classified area of unstowed spear, speargun or gidgie	100
6.	12(3)	Possession of restricted device	100
7.	15	Bringing animal on to, or allowing animal to enter or remain, on CALM land	50

Conservation and Land Management Regulations 2002

Schedule 2 Offences to which modified penalties apply

Item No.	Column 1 Regulation creating offence	Column 2 Nature of offence	Column 3 Penalty \$
8.	16(2)	Failing to control or manage dog in designated area	50
9.	17(2)	Failing to control or manage horse in designated area	50
10.	18	Hunting etc. non-indigenous animal	100
11.	19	Failing to remove animal	50
12.	21(1)	Causing or allowing waste to be discharged or placed on CALM land	200
13.	21(4)	Failing to comply with conditions for discharging sewage in restricted area	200
14.	22	Painting or treating vessels	200
15.	23(1)	Polluting water supply	200
16.	23(2)	Swimming etc. in reservoir or tank	50
17.	24(1)	Littering	100
18.	26	Taking glass into restricted area	50
19.	27(2)	Failing to comply with direction to remove litter	200
20.	28	Cleaning etc. fish in restricted area	35
21.	29(1)	Smoking in cave	50
22.	29(2)	Lighting a fire in a cave	200
23.	31(1)	Damaging, disturbing or removing naturally occurring feature	200

Item No.	Column 1 Regulation creating offence	Column 2 Nature of offence	Column 3 Penalty \$
24.	32	Sandboarding	50
25.	33	Abseiling	50
26.	36	Dumping of vehicles etc.	200
27.	37(1)	Billsticking etc.	50
28.	37(2)	Damaging or interfering with thing or structure	200
29.	38(1)	Erecting unauthorised sign or notice	100
30.	39(1)	Unlawful lighting of campfire etc.	200
31.	40(2)	Failing to comply with direction to extinguish fire	200
32.	41	Entering certain classified areas	200
33.	42	Entering limited access area other than on foot or by vessel	200
34.	43	Entering wilderness area by vehicle, vessel or animal	100
35.	46(1)	Entering closed area	100
36.	47(1)	Failing to enter through gate or barrier	35
37.	47(2)	Unlawfully opening gate or barrier	35
38.	48	Entering or remaining on area set aside for Departmental purposes	50
39.	49(4)	Entering or remaining in cave	100

Conservation and Land Management Regulations 2002

Schedule 2 Offences to which modified penalties apply

Item No.	Column 1 Regulation creating offence	Column 2 Nature of offence	Column 3 Penalty \$
40.	49(5)	Failing to comply with condition or restriction of permit to enter cave	100
41.	51(1)	Unlawfully driving or using vehicle	100
42.	52	Unlawfully using off-road vehicle	100
43.	54(1)	Breaching traffic law	50
44.	55	Failing to obey direction in relation to the parking or movement of vehicle	50
45.	56(1)	Parking contrary to direction on sign	50
46.	56(4)	Failing to pay parking charge or display ticket	50
47.	57	Obstructing vehicle etc.	50
48.	59(2)	Using an unlawful mooring	100
49.	59(3)	Securing a vessel in an unlawful manner	100
50.	60(1)	Anchoring a vessel in a restricted area	100
51.	61	Operating certain vessels in a restricted area	50
52.	63	Failing to obey direction as to vessel	50
53.	64(1)	Launching etc. vessel in restricted area	100
54.	64(4)	Failing to comply with direction to remove vessel	100

Conservation and Land Management Regulations 2002

Offences to which modified penalties apply **Schedule 2**

Item No.	Column 1 Regulation creating offence	Column 2 Nature of offence	Column 3 Penalty \$
55.	66(1)	Camping other than in camping area	50
56.	66(2)	Failing to comply with condition of camping area	50
57.	67(2)	Failing to comply with direction to vacate camp	100
58.	68	Entering camping unit without authority	50
59.	69(1)	Unlawful construction of camping unit	100
60.	69(2)	Unlawful positioning of camping unit	50
61.	69(3)	Failing to maintain camping site in clean and sanitary condition	50
62.	69(4)	Failing to confine camp to allotted or defined site	50
63.	69(6)	Failing to comply with direction to move site	100
64.	70(2)	Failing to comply with direction as to power generator	100
65.	75(2)	Taking intoxicating substance into cave	50
66.	76(1)	Removing CALM property	200
67.	88(2)	Failing to comply with requirement to return licence	50
68.	98(3)	Contravention of condition of commercial operations licence	100

Conservation and Land Management Regulations 2002

Schedule 2 Offences to which modified penalties apply

Item No.	Column 1 Regulation creating offence	Column 2 Nature of offence	Column 3 Penalty \$
69.	99(5)	Failing to pay entrance fee	35
70.	100(4)	Failing to pay fee for Tree Top Walk	35
71.	102	Failing to pay entrance fee when entering on horseback	35
72.	103(4)	Failing to pay camping fee	35
73.	105	Organising etc. meeting etc.	200
74.	106	Selling goods or services, or carrying on business	200
75.	107	Distributing etc. printed matter etc.	50
76.	108	Unlawfully taking still or motion pictures	50
77.	109	Failing to produce licence etc.	100
78.	110	Giving false or misleading information	100

Schedule 3 — Forms

[r. 112(3)]

Form 1

Conservation and Land Management Regulations 2002

Infringement Notice

Conservation and Land Management Act 1984

(section 114A(1))

No.

Date ... / ... / ...

- 1. To (name)
of
.....(address)
- 2. It is alleged that at abouta.m./p.m. on the ... day of....., you committed an offence against regulation of the *Conservation and Land Management Regulations 2002* by
- 3. If you do not wish to have a complaint of the alleged offence heard and determined by a court, you may pay the modified penalty of \$ for that offence to the Executive Director within 21 days of the giving of this notice.
- 4. Payment may be made by either posting this form and a cheque, money or postal note for the modified penalty to the Executive Director, Department of Conservation and Land Management, P.O. Box 104, Como WA 6152, or by delivering this form and paying the modified penalty at an office of the Department of Conservation and Land Management.
- 5. If this modified penalty is not paid within 21 days of the date of this notice, court proceedings may be taken against you.

.....
Signature of (forest/wildlife/conservation
and land management officer/ranger)*

(* Delete whichever does not apply.)

Form 2

[r. 112(4)]

Conservation and Land Management Regulations 2002

Withdrawal of Infringement Notice

Conservation and Land Management Act 1984

(section 114A(6))

No.

Date ... / ... / ...

To (name)

of
.....(address)

1. Infringement Notice No. Date ... / ... / ... for the alleged offence of and specifying the modified penalty of \$. is withdrawn.

2. No further action will be taken against you. *

OR

It is proposed to commence court proceedings against you for the alleged offence. *

(* Delete whichever does not apply.)

.....
Executive Director,
Department of Conservation and Land Management

Notes

- ¹ This is a compilation of the *Conservation and Land Management Regulations 2002* and includes the amendments made by the other written laws referred to in the following table.

Compilation table

Citation	Gazettal	Commencement
<i>Conservation and Land Management Regulations 2002</i>	3 May 2002 p. 2233-308	3 May 2002
<i>Conservation and Land Management Amendment Regulations 2002</i>	4 Oct 2002 p. 5065-6	4 Oct 2002
<i>Conservation and Land Management Amendment Regulations 2004</i>	4 May 2004 p. 1383	4 May 2004
<i>Conservation and Land Management Amendment Regulations (No. 2) 2004</i>	27 Jul 2004 p. 3077-8	27 Jul 2004