



Western Australia

# **Land Administration (Land Management) Regulations 2006**

Compare between:

[11 Aug 2007, 00-b0-06] and [01 Aug 2012, 00-c0-02]



## Land Administration (Land Management) Regulations 2006

### Part 1 — Preliminary

#### 1. Citation

These regulations are the *Land Administration (Land Management) Regulations 2006*.

#### 2. Interpretation

In these regulations —

***animal*** means any living thing other than a person or plant;

***authorised person*** means a person who is an authorised person under regulation 4;

***controlling body*** means —

(a) for a Schedule 1 reserve, the management body of that reserve;

(b) for any other land, the Minister;

***designated*** means indicated on a sign;

***owner*** in relation to something on regulated land, means a person who has a right to immediate possession of that thing;

***plant*** means any form of plant life including any seed, spore or other part of a plant;

***regulated land*** means land to which these regulations apply;

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*road* has the same meaning as in the *Road Traffic Act 1974*;

*Schedule 1 reserve* means a managed reserve listed in Schedule 1;

*sign* means a sign erected by a controlling body under regulation 9;

*track* means a track designated for vehicular use;

*vehicle* has the same meaning as in the *Road Traffic Act 1974*.

[Regulation 2 amended in Gazette 10 Aug 2007 p. 4075.]

**3. Application**

These regulations apply to —

- (a) unallocated Crown land;
- (b) unmanaged reserves, except those that for which the care, control or management is provided under another Act; and
- (c) Schedule 1 reserves.

## Part 2 — General

### 4. Authorised persons

- (1) The Minister and each controlling body may appoint people, or classes of people, to be authorised persons for the purposes of these regulations.
- (2) Each of the following people is an authorised person —
  - (a) a controlling body;
  - (b) a police officer;
  - (c) a person appointed under subregulation (1);
  - (d) a person authorised under the *Land Administration Act 1997* section 34(1) or 139(2);
  - (e) an authorised officer under the *Conservation and Land Management Act 1984* section 102;
  - (f) a Chief Bush Fire Control Officer or Deputy Chief Bush Fire Control Officer under the *Bush Fires Act 1954*;
  - (g) an authorised person under the *Caravan Parks and Camping Grounds Act 1995*;
  - (h) an authorised officer under the *Control of Vehicles (Off-road Areas) Act 1978*;
  - (i) an authorised person under the *Dog Act 1976*;
  - (j) a ranger under the *Local Government (Miscellaneous Provisions) Act 1960* Part XX;
  - (k) an authorised officer under the *Litter Act 1979*;
  - (l) a person authorised under the *Local Government Act 1995* section 3.39.
- (3) A controlling body is an authorised person for the regulated land of which it is the controlling body.
- (4) A person appointed under subregulation (1) is an authorised person for the regulated land specified in the appointment.

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- (5) A person referred to in subregulation (2)(d) to (l) is an authorised person for all regulated land within the area in which he or she may exercise functions under the Act referred to in the relevant paragraph.
- (6) An authorised person may exercise the functions of an authorised person under these regulations in respect of the area of regulated land for which he or she is an authorised person.

**5. Obstructing or impersonating an authorised person**

A person must not —

- (a) obstruct an authorised person in the performance of his or her functions; or
- (b) pretend to be an authorised person.

Penalty: a fine of \$1 000.

**6. Permissions**

- (1) An authorised person may, in writing, grant permission for a person to do something that is otherwise prohibited by these regulations.
- (2) Permission may be granted for a specific instance, for a specific period, or until it is revoked.
- (3) A permission takes effect at the time that it is granted or any later time specified in it.
- (4) An authorised person may, in writing, amend or revoke a permission granted by the authorised person.
- (5) A controlling body may, in writing, amend or revoke a permission granted by it or by an authorised person.
- (6) A person who does a thing that is otherwise prohibited by these regulations does not commit an offence if the person does it in accordance with a permission under this regulation.

**7. Authorisation under another written law**

A person does not commit an offence under these regulations for doing something contrary to these regulations if the person has authority to do the thing under any other written law.

**8. Directions**

- (1) An authorised person may direct a person on regulated land —
- (a) to do something not otherwise permitted by these regulations; or
  - (b) not to do something that is permitted by these regulations,

if the authorised person considers it necessary or desirable to do for the proper care, control and management of the land.

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

Penalty: a fine of \$500.

- (3) A person who does a thing that is otherwise prohibited by these regulations does not commit an offence if the person does it in accordance with a direction under this regulation.

**9. Signs**

- (1) A controlling body may erect or establish on regulated land any sign to indicate —
- (a) a restriction on entry to a particular area;
  - (b) a restriction on the doing of certain things in a particular area;
  - (c) a permission to do things otherwise prohibited by these regulations in a particular area; or
  - (d) for any other purpose required by these regulations.
- (2) A person must not enter an area of regulated land in contravention of a sign under subregulation (1)(a).

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Penalty: a fine of \$500.

- (3) A person must not do a thing in an area of regulated land in contravention of a sign under subregulation (1)(b).

Penalty: a fine of \$500.

- (4) A person who does a thing that is otherwise prohibited by these regulations does not commit an offence if the person does it in an area of land where the doing of that thing is permitted under subregulation (1)(c).

- (5) In this regulation —

**sign** means a notice, structure, marking or device displaying words, figures or symbols.

**10. Vehicles**

- (1) A person must not drive or park a vehicle on regulated land —

- (a) in a manner that is inherently dangerous or, having regard to the circumstances, is dangerous to the public or to any person;
- (b) other than on a road or track or in a designated parking area;
- (c) at a speed in excess of the speed limit indicated for that area by signs; or
- (d) without due care and attention and reasonable consideration for other people and any animals in the vicinity.

Penalty: a fine of \$1 000.

- (2) A person must not drive or park a vehicle on regulated land in a manner that obstructs, or is reasonably likely to obstruct —

- (a) another person or vehicle;
- (b) a road, track or path; or
- (c) access to a building or other facility.

Penalty: a fine of \$500.



- (3) A person parking on a track on regulated land must park the vehicle —
- (a) as near as practicable to, and parallel with, the left side of the track;
  - (b) facing in the direction of travel of vehicles on that side of the track; and
  - (c) at least one metre from any other parked vehicle.

Penalty: a fine of \$500.

- (4) A person parking on regulated land in a designated parking area where there are marked parking bays —
- (a) must park wholly within a marked bay; and
  - (b) if a place is marked for parking for disabled people, must not park in that place unless —
    - (i) he or she or a passenger in the vehicle is a disabled person; and
    - (ii) a current ACROD sticker (as defined in the *Local Government (Parking for Disabled Persons) Regulations 1988*) is prominently displayed on the vehicle.

Penalty: a fine of \$500.

- (5) A person must not drive onto regulated land —
- (a) any vehicle ordinarily used for the carrying of goods or machinery, except a caravan or a trailer that is being used for the carriage of picnicking or camping equipment; or
  - (b) any earthmoving, drilling or cultivating vehicle or equipment.
- (6) A person must not move or otherwise interfere with a vehicle parked on regulated land unless the person is —
- (a) the owner of the vehicle; or
  - (b) an authorised person acting under regulation 18.

Penalty:

- (a) in the case of a vehicle that was brought onto the regulated land by an authorised person acting in the course of the person's duties, a fine of \$1 000;
  - (b) in any other case, a fine of \$500.
- (7) A person driving an emergency vehicle may, if it is expedient and safe to do so, drive or park the vehicle in a manner that would otherwise be prohibited by this regulation.
- (8) In this regulation —
- emergency vehicle** means a vehicle being used in connection with —
- (a) urgent police duties;
  - (b) urgent FESA activities (as defined in the *Fire and Emergency Services Authority of Western Australia Act 1998*), whether carried out by that Authority or any other agency, organisation or body that provides emergency services;
  - (c) providing assistance to a sick or injured person; or
  - (d) any other emergency in which the driver reasonably believes human life to be in danger.

[Regulation 10 amended in Gazette 10 Aug 2007 p. 4076.]

## 11. Protection of property

- (1) A person must not, on regulated land, deface, damage or otherwise interfere with any —
- (a) building, fence, jetty, sign or other structure; or
  - (b) road, track or path,

unless the person is an authorised person acting in the course of the person's duties.

Penalty: a fine of \$1 000.

- (2) A person must not deface, damage, move or otherwise interfere with any vessel, aircraft, machinery or equipment on regulated land unless the person is —
- (a) the owner of the vessel, aircraft, machinery or equipment; or
  - (b) an authorised person acting under regulation 18.

Penalty:

- (a) in a case where the vessel, aircraft, machinery or equipment was brought onto the regulated land by an authorised person acting in the course of the person's duties, a fine of \$1 000;
- (b) in any other case, a fine of \$500.

*[Regulation 11 inserted in Gazette 10 Aug 2007 p. 4076.]*

## **12. Protection of the environment**

- (1) A person must not —
- (a) take water from regulated land; or
  - (b) pollute or interfere with any water, water-course or water storage facility on regulated land.

Penalty: a fine of \$1 000.

- (2) A person must not damage, deface, interfere with, pollute or remove any rock, soil or other natural substance on regulated land.

Penalty: a fine of \$1 000.

## **13. Protection of plants and animals**

- (1) A person must not, on regulated land —
- (a) pull or dig up, damage, pick or injure any plant;
  - (b) kill, injure, capture, chase, disturb, interfere with or feed any animal; or

- (c) damage or interfere with the nest or habitat of any animal.

Penalty: a fine of \$1 000.

- (2) Subregulation (1) does not prevent a person from —
  - (a) fishing in a manner that is generally accepted as usual and reasonable; or
  - (b) collecting firewood in accordance with regulation 14(5).

- (3) A person must not remove from regulated land any plant or animal, other than a fish caught in accordance with subregulations (2) and (5).

Penalty: a fine of \$1 000.

- (4) A person must not, on regulated land, be in possession of a hunting device —
  - (a) with the intention that it be used in a manner prohibited by subregulation (1); or
  - (b) that is a danger to the public.

Penalty: a fine of \$1 000.

- (5) If an area of regulated land has been designated as an area in which fishing is restricted a person must not engage in fishing in that area in contravention of that restriction.

Penalty: a fine of \$1 000.

- (6) In this regulation —  
***fish*** and ***fishing*** have the same meanings as in the *Fish Resources Management Act 1994*;

***hunting device*** means —

- (a) a snare, trap or net;
- (b) a firearm, spear, speargun, bow, cross-bow or other weapon;
- (c) an explosive, poisonous, noxious or narcotising substance; or

- (d) any other equipment, implement, device or thing that is used, capable of being used, or designed or adapted for use for, or in connection with, an act that would constitute an offence against subregulation (1).

**14. Fires**

- (1) Subject to this regulation a person must not light or use a fire on regulated land.

Penalty: a fine of \$1 000.

- (2) A person may light or use —
  - (a) a fire in a fireplace or barbecue; or
  - (b) a gas barbecue,

provided by the controlling authority if it is safe and reasonable to do so.

- (3) In an area of regulated land designated for picnicking or camping a person may, if it is safe and reasonable to do so —
  - (a) light or use a portable barbecue or stove; or
  - (b) if signs indicate that campfires are permitted, light or use a campfire.

- (4) A person who lights or uses a fire, barbecue or stove on regulated land —
  - (a) must not leave it unattended; and
  - (b) must ensure that it is extinguished as soon as practicable after the purpose for which it was lit has been completed.

Penalty: a fine of \$1 000.

- (5) A person using, or intending to light or use, a fire in accordance with subregulation (2)(a) or (3)(b) may collect firewood from the immediate vicinity for use on that fire if signs indicate that the collection of firewood is permitted in the area.

- (6) In this regulation —

*firewood* means dead wood lying on the ground.

**15. Camping**

- (1) A person must not camp on regulated land other than in an area designated for camping.

Penalty: a fine of \$500.

- (2) A person camping on regulated land —

- (a) must use for ablution purposes any sanitary convenience or ablution facilities provided at the camping area; and
- (b) must keep the site on which he or she is camping in a clean and sanitary condition.

Penalty: a fine of \$500.

- (3) In this regulation —

*camp* means to stay or lodge, whether in a hut, cabin, dormitory or similar building, a tent or other temporary shelter, a vehicle or otherwise.

**16. Races, meetings etc.**

- (1) A person must not —

- (a) organise or promote a restricted event to be held on regulated land; or
- (b) conduct or participate in a restricted event on regulated land.

Penalty: a fine of \$1 000.

- (2) In this regulation —

*restricted event* means —

- (a) a rally, race, navigation exercise or similar event; or
- (b) a meeting, function or other event which involves, or is likely to involve, the attendance of more than 100 people.

**17. Commercial activities, advertising, collecting money etc.**

- (1) A person must not, on regulated land —
- (a) sell any goods or services; or
  - (b) carry on any business or activity for a fee or reward.
- Penalty: a fine of \$1 000.
- (2) A person must not, on regulated land —
- (a) display, distribute or carry for distribution on the land, any advertising or promotional material; or
  - (b) advertise or promote any product, service, event, cause or other thing.
- Penalty: a fine of \$1 000.
- (3) A person must not, on regulated land, collect money for any purpose unless the collection is made in accordance with a permit issued under the *Street Collections (Regulation) Act 1940*.
- Penalty: a fine of \$1 000.

**18. Removing obstructions**

- (1) If anything on regulated land is obstructing —
- (a) a road, track or path;
  - (b) access to a building or other structure; or
  - (c) any waters,
- an authorised person may move the thing so that it is no longer an obstruction.
- (2) An authorised person must not exercise a power under this regulation unless the authorised person has —
- (a) taken reasonable steps to inform the owner of the thing of the authorised person's intention to exercise the power; and
  - (b) allowed the owner a reasonable time to move the thing.

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- (3) For the purposes of exercising a power under this regulation an authorised person may —
- (a) move a thing by any reasonable means (including, in the case of a vehicle, by driving or towing it); and
  - (b) use reasonable force.

*[Regulation 18 amended in Gazette 10 Aug 2007 p. 4077.]*

**19. General behaviour**

- (1) A person must not, on regulated land, use language or otherwise behave in a manner that —
- (a) is disorderly, indecent, abusive, offensive or threatening; or
  - (b) unreasonably interferes with the convenience, comfort or amenity of any other person.

Penalty: a fine of \$500.

- (2) A person must not —
- (a) enter or remain on regulated land whilst under the influence of alcohol; or
  - (b) consume alcohol on regulated land.

Penalty: a fine of \$500.

- (3) A person must not bring any alcohol onto regulated land with the intention that it be consumed.

Penalty: a fine of \$500.



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## **Part 3 — Offences relating to Schedule 1 reserves**

### **20. Entry onto designated Schedule 1 reserves**

- (1) If an area on a Schedule 1 reserve has been designated as an area to which entry is restricted a person must not enter or remain in that area in contravention of that restriction.

Penalty: a fine of \$500.

- (2) A person must not enter or remain in, or in the immediate vicinity of —

- (a) a building or area on a Schedule 1 reserve where machinery, equipment or vehicles are kept;
- (b) a house on a Schedule 1 reserve; or
- (c) any other building or facility on a Schedule 1 reserve that signs indicate is not open to the public.

Penalty: a fine of \$500.

- (3) A person must not enter a Schedule 1 reserve, or any area of the reserve, except through an entrance provided for that purpose.

Penalty: a fine of \$500.

- (4) If an entrance under subregulation (3) is controlled by a gate or other barrier, a person must not —

- (a) enter that land or area unless the gate or barrier is open; or
- (b) open, unlock or remove the gate or barrier.

Penalty: a fine of \$200.

- (5) A person must not enter or remain an area of a Schedule 1 reserve that is —

- (a) comprised predominantly of native flora; or
- (b) used by the controlling body for the cultivation of plants,

other than on a road, track or path that the person is otherwise permitted to use under these regulations.

Penalty: a fine of \$500.

**21. Vessels**

- (1) If an area of a Schedule 1 reserve has been designated as an area in which the use of vessels is restricted a person must not use a vessel in that area in contravention of that restriction.

Penalty: a fine of \$1 000.

- (2) A person must not use a vessel on a Schedule 1 reserve —
- (a) in a manner that endangers, or is reasonably likely to endanger, the safety of that or any other vessel or any person;
  - (b) at a speed in excess of the speed limit indicated for that area by signs;
  - (c) without due care and attention and reasonable consideration for other people and any animals in the vicinity; or
  - (d) in a manner that obstructs, or is reasonably likely to obstruct —
    - (i) another person or vessel;
    - (ii) access to any waters; or
    - (iii) access to a boat ramp, jetty or other facility.

Penalty: a fine of \$1 000.

- (3) A person must not leave a boat unattended in the water within a Schedule 1 reserve unless it is securely moored.

Penalty: a fine of \$1 000.

*[(4) deleted]*

- (5) Nothing in these regulations affects any public right of navigation over tidal water.

- (6) In this regulation —

*use*, in relation to a vessel, means to use, launch, moor, anchor or beach the vessel.

*[Regulation 21 amended in Gazette 10 Aug 2007 p. 4077.]*

**22. Aircraft**

A person must not launch, land or touch down in an aircraft (whether powered or not) on a Schedule 1 reserve unless it is reasonably necessary to avoid or mitigate danger to human life or significant damage to property.

Penalty: a fine of \$1 000.

**23. Animals**

- (1) Subject to this regulation a person must not bring an animal onto a Schedule 1 reserve.

Penalty: a fine of \$500.

- (2) A person may bring an animal into an area of a Schedule 1 reserve designated as an area where animals of that kind are permitted.

- (3) The person in charge of an animal lawfully brought onto a Schedule 1 reserve must keep the animal under control.

Penalty: a fine of \$500.

**Schedule-1 — Managed reserves to which these regulations apply**

[r.-2]

*[Heading inserted in Gazette 31 Jul 2012 p. 3696.]*

Reserve		Management body
Number	Location	
No. 30360	Quaranup, Albany	The Minister to whom the administration of the <i>Western Australian Sports Centre Trust Act 1986</i> is for the time being committed by the Governor.
No. 27853	Point Peron, Rockingham	
No. 40184	Woodman Point, Munster	
No. <del>38291</del> 23563	<del>Tone River, Strachan</del> Ern Halliday Centre, Hillarys	

*[Schedule 1 inserted in Gazette 31 Jul 2012 p. 3696.]*

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## Notes

- <sup>1</sup> This is a compilation of the *Land Administration (Land Management) Regulations 2006*. ~~The~~ and includes the amendments made by the other written laws referred to in the following table ~~contains information about those regulations.~~

### Compilation table

Citation	Gazettal	Commencement
<i>Land Administration (Land Management) Regulations 2006</i>	14 Jun 2006 p. 2085-106	14 Jun 2006
<i>Land Administration (Land Management) Amendment Regulations 2007</i>	10 Aug 2007 p. 4075-7	r. 1 and 2: 10 Aug 2007 (see r. 2(a)); Regulations other than r. 1 and 2: 11 Aug 2007 (see r. 2(b))
<a href="#"><u><i>Land Administration (Land Management) Amendment Regulations 2012</i></u></a>	<a href="#"><u>31 Jul 2012</u></a> <a href="#"><u>p. 3695-6</u></a>	<a href="#"><u>r. 1 and 2: 31 Jul 2012</u></a> <a href="#"><u>(see r. 2(a));</u></a> <a href="#"><u>Regulations other than r. 1 and 2:</u></a> <a href="#"><u>1 Aug 2012 (see r. 2(b))</u></a>