

CO303*

Wildlife Conservation Act 1950

Wildlife Conservation Amendment Regulations 2012

Made by the Governor in Executive Council.

1. Citation

These regulations are the *Wildlife Conservation Amendment Regulations 2012*.

2. Commencement

These regulations come into operation as follows —

- (a) regulations 1 and 2 — on the day on which these regulations are published in the *Gazette*;
- (b) the rest of the regulations — on the day on which the *Conservation Legislation Amendment Act 2011* section 49 comes into operation.

3. Regulations amended

These regulations amend the *Wildlife Conservation Regulations 1970*.

4. Regulation 63 replaced

Delete regulation 63 and insert:

63. Exclusion of operation of section 23(3) of the Act

(1) In this regulation —

CALM land has the meaning given in the *Conservation and Land Management Regulations 2002* regulation 2;

camping area has the meaning given in the *Conservation and Land Management Regulations 2002* regulation 2;

relevant CALM land means CALM land that is, or is within 1 km of, any of the following —

- (a) a car park, including any area where signs direct vehicles to be parked or that is predominantly used for parking vehicles;
- (b) a sealed road;
- (c) a camping area;
- (d) a visitor area;

townsite has the meaning given in the *Land Administration Act 1997* section 26(1);

urban land means land within the metropolitan region as defined in the *Planning and Development Act 2005* section 4(1), the Peel Region described in Schedule 4 to that Act or the local government district of Bunbury;

visitor area includes any of the following —

- (a) an area of cultivated lawn;
- (b) an area signposted as a picnic area;
- (c) an area signposted as an historical, natural or cultural point of interest;
- (d) an area where any of the following have been provided for visitors —
 - (i) tables and seating;
 - (ii) a lookout or platform;
 - (iii) a toilet facility;
 - (iv) a rubbish bin;
 - (v) interpretive information;
 - (vi) any building, facility or other erected or constructed thing,

but does not include a walk trail or unsealed road.

(2) The operation of section 23(3) of the Act is excluded in relation to the taking of fauna contrary to section 16(1) of the Act if the fauna is declared under section 14(4)

of the Act to be fauna which is likely to become extinct, or is rare, or otherwise in need of special protection, other than —

- (a) dugong (*Dugong dugon*); and
 - (b) loggerhead turtle (*Caretta caretta*); and
 - (c) leathery turtle (*Dermochelys coriacea*); and
 - (d) olive ridley turtle (*Lepidochelys olivacea*); and
 - (e) flatback turtle (*Natator depressus*); and
 - (f) green turtle (*Chelonia mydas*); and
 - (g) hawksbill turtle (*Eretmochelys imbricata*); and
 - (h) saltwater crocodile (*Crocodylus porosus*); and
 - (i) Australian freshwater crocodile (*Crocodylus johnstoni*).
- (3) Subject to subregulation (4), the operation of section 23(3) of the Act is excluded in relation to the taking of fauna contrary to section 16(1) of the Act —
- (a) in an area of a marine park classified under the *Conservation and Land Management Act 1984* section 62(1a) to be a sanctuary area; or
 - (b) in a marine nature reserve as defined in the *Conservation and Land Management Act 1984* section 3.
- (4) Subregulation (3) does not apply in relation to —
- (a) fauna referred to in subregulation (2)(a) to (i) taken with the written permission of the CEO; or
 - (b) fauna taken in accordance with the *Fish Resources Management Act 1994*.
- (5) The operation of section 23(3) of the Act is excluded in relation to the taking of fauna contrary to section 16(1) of the Act if the fauna is taken —
- (a) without the written permission of the CEO; and
 - (b) on land that is relevant CALM land or urban land or in a townsite.
- (6) The operation of section 23(3) of the Act is excluded in relation to the taking of rare flora contrary to section 23F(4) of the Act if the rare flora is taken without the written permission of the CEO.

64. Permission of CEO

- (1) When giving written permission for the purpose of regulation 63, the CEO is to specify in the permission —
 - (a) the person or persons or group, body or association of persons to whom the permission applies; and

- (b) the conditions, if any, subject to which the permission is given.
- (2) The permission has effect —
 - (a) for the period of effect specified in the permission, unless it is sooner revoked by the CEO under regulation 65(2); or
 - (b) if no period of effect is specified in the permission, until it is revoked by the CEO under regulation 65(2).
 - (3) The permission has no effect —
 - (a) in respect of any person to whom the permission applies who does not observe or perform a condition; and
 - (b) during any period in which the condition is not observed or performed by that person.

65. Variation and revocation of permission

- (1) If written permission for the purpose of regulation 63 (the *permission*) is given subject to conditions, those conditions may be added to, cancelled, suspended or otherwise varied by written notice given by the CEO to the person or persons or group, body or association of persons to whom the permission applies (the *permission holder*).
- (2) The CEO may at any time revoke the permission by written notice given to the permission holder.
- (3) If the CEO proposes to revoke the permission under subregulation (2), the CEO is to give the permission holder written notice of the proposal and the CEO's reasons for the proposal.
- (4) The notice is to state that the permission holder may make written representations to the CEO concerning the proposal within 21 days after the notice is given.
- (5) The CEO is not to give effect to the proposal without considering any representations received within that period.

By Command of the Governor,

N. HAGLEY, Clerk of the Executive Council.