

CONSERVATION AND LAND MANAGEMENT**CM301****CONSERVATION AND LAND MANAGEMENT ACT 1984****FOREST MANAGEMENT AMENDMENT REGULATIONS 1996**

Made by His Excellency the Governor in Executive Council.

Citation

1. These regulations may be cited as the *Forest Management Amendment Regulations 1996*.

Principal regulations

2. In these regulations the *Forest Management Regulations 1993** are referred to as the principal regulations.

[* Published in Gazette 9 February 1993, pp. 1119-1201.
For amendments to 1 March 1996 see 1994 Index to Legislation of Western Australia, Table 4, p. 43, and Gazette 28 April 1995, pp. 1459-60.]

Regulation 2 amended

3. Regulation 2 of the principal regulations is amended by inserting, in the appropriate alphabetical positions, the following definitions —

“

“**camp**” means to stay or lodge (whether in a camping unit or otherwise) during any period of the night between 9.00 p.m. and 6.00 a.m.;

“**camping area**” means an area marked under regulation 128D (1) as an area where persons may camp;

“**camping unit**” means a caravan or a tent, bivouac or temporary shelter of any kind;

“**caravan**” means any vehicle adapted or designed for camping or capable of being used for a dwelling or for sleeping purposes whether wheels are attached to the vehicle or not;

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

“**tour motor vehicle**”, means an omnibus as defined by section 4 (1) of the *Transport Co-ordination Act 1966*, or a vehicle carrying a plate which indicates that the vehicle is licensed as an omnibus under regulation 8 of the *Transport Co-ordination Regulations 1985*;

“**Tree Top Walk**” means the walkway known as the “Tree Top Walk” situated in State Forest No. 42 within the area known as the “Valley of the Giants” between Nornalup and the Irwin Inlet;

”.

Regulation 103 amended

4. Regulation 103 (1) of the principal regulations is amended by deleting “designated”.

Part 17A inserted

5. After regulation 128 the following Part is inserted —

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**PART 17A — VISITORS TO STATE FORESTS AND
TIMBER RESERVES**

Interpretation

128A. In this Part, unless the contrary intention appears —

“**notice**” means a notice in a State forest or timber reserve erected by the Executive Director under section 134 of the Act.

Entrance fees to State forests or timber reserves

128B. (1) Subject to this regulation —

- (a) the fees specified in items 1 and 2 of Part 1 of Schedule 2A are payable daily per non-tour motor vehicle entering a State forest or timber reserve, and the person in charge of the vehicle is liable to pay the relevant fee; and
- (b) the fee specified in item 3 of Part 1 of Schedule 2A is payable daily per occupant of a tour motor vehicle entering a State forest or timber reserve, and the owner or operator of the tour motor vehicle is liable to pay the fee for every occupant of the tour motor vehicle.

(2) Fees are not payable under this regulation unless the Executive Director has erected notices at the entrances to the State forest or timber reserve —

- (a) stating that fees are payable for entry;
- (b) specifying the fees payable under this regulation; and
- (c) specifying the manner in which the fees are to be paid.

(3) A person shall not refuse or fail to pay, in the manner specified by notice under subregulation (2) (c), a fee for which the person is liable under this regulation.

Penalty: \$200.

Entrance fees for Tree Top Walk

128C. (1) The fees specified in Part 2 of Schedule 2A are payable by persons entering the Tree Top Walk.

(2) The Executive Director shall erect a notice 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.

(3) A person shall not refuse or fail to pay, in the manner specified by notice under subregulation (2) (c), a fee for which the person is liable under this regulation.

Penalty: \$200.

Camping areas in State forests or timber reserves

128D. (1) The Executive Director may erect notices marking areas in a State Forest or timber reserve as areas where persons may camp.

(2) A notice may state that the area is a camping area for specified periods of the year only.

(3) A person shall not without the authority of the Executive Director camp in a State forest or a timber reserve except in a camping area marked as a camping area.

Penalty: \$200.

General provisions applying to camping

128E. (1) The following provisions shall be complied with by persons who camp in State forests and timber reserves —

- (a) no structure of any kind of a permanent or semi-permanent nature shall be erected;
- (b) a camping unit shall not be constructed of unsightly materials, nor in a manner likely to be offensive or dangerous to other persons; and
- (c) a camper shall keep the site on which he camps in a clean and sanitary condition at all times.

Penalty: \$200.

(2) The provisions of subregulation (1) are in addition to, and not in derogation of, any other provisions of these regulations governing the conduct of persons in a State forest or timber reserve.

Fees for use of camping sites in State forests or timber reserves

128F. (1) Subject to subregulation (3) the fees specified in Part 3 of Schedule 2A are payable in respect of persons who camp in camping areas in State forests or timber reserves.

(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 notice at a camping area —

- (a) stating that fees are payable for camping;
- (b) specifying the fees payable under this regulation; and
- (c) specifying the manner in which the fees are to be paid.

(4) A person shall not refuse or fail to pay, in the manner specified by notice under subregulation (3) (c), a fee for which the person is liable under this regulation.

Penalty: \$200.

Infringement notices

128G. (1) An offence created by a provision of these regulations specified in columns 1 and 2 of Schedule 2B is a prescribed offence for the purposes of section 114A of the Act.

(2) The modified penalty set out in column 3 of Schedule 2B opposite the reference to a prescribed offence applies to that offence if it is dealt with under section 114A of the Act.

(3) Forms 3 and 4 in Schedule 2 are prescribed for the purposes of subsections (1) and (6) respectively of section 114A of the Act.

Regulation 132 amended

6. Regulation 132 (1) of the principal regulations is amended by deleting "designated" in both places where it occurs.

Regulation 150 repealed

7. Regulation 150 of the principal regulations is repealed.

Schedule 2 amended

8. Schedule 2 to the principal regulations is amended by inserting after Form 2 the following forms —

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FORM 3

[Regulation 128G (3)]

FOREST MANAGEMENT REGULATIONS 1993**INFRINGEMENT NOTICE**

Given by
 (forest/wildlife/conservation
 and land management
 officer/ranger)*

Date 19

1. To (name)
 of (address)
2. It is alleged that at about a.m./p.m. on the
 day of 19, you committed an offence
 against regulation of the *Forest Management
 Regulations 1993* 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 4

[Regulation 128G (3)]

FOREST MANAGEMENT REGULATIONS 1993

WITHDRAWAL OF INFRINGEMENT NOTICE

To (name)
 of (address)

1. Infringement notice no. given
 to you on the day of 19 for
 the alleged offence of
 and
 requesting payment of a modified penalty of \$. is
 hereby 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.

Date 19

”

Schedules 2A and 2B inserted

9. After Schedule 2 to the principal regulations the following Schedules are
 inserted —

“

SCHEDULE 2A

[Regulations 128B, 128C and 128F]

FEES FOR VISITORS

PART 1 — FEES FOR ENTRANCE TO STATE FORESTS
AND TIMBER RESERVES

Description		Fee
		\$
1.	Daily entrance fee per non-tour motor vehicle that is a motorcycle	3.00
2.	Daily entrance fee per non-tour motor vehicle that is not a motorcycle	5.00
3.	Daily entrance fee per occupant of a tour motor vehicle	2.00

PART 2 — FEES FOR ENTRANCE TO TREE TOP WALK

	Description	Fee
		\$
1.	Per person 16 years and over	5.00
2.	Per person under 16	2.00
3.	Per family	12.00

PART 3 — FEES FOR USE OF CAMPING SITES IN STATE FORESTS AND TIMBER RESERVES

	Description	Fee
		\$
1.	Daily camping fee for site with no ablutions, showers and caravan sites —	
	site for not more than 2 persons	5.00
	each additional person 16 years and over	3.00
	each additional person under 16 years	1.00
2.	Daily camping fee for site with facilities including ablutions, showers and caravan sites —	
	site for not more than 2 persons	8.00
	each additional person 16 years and over	3.00
	each additional person under 16 years	1.00

SCHEDULE 2B

[Regulation 128G (1) and (2)]

OFFENCES TO WHICH MODIFIED PENALTIES APPLY

Item No.	Column 1 Regulation	Column 2 Brief description of offence	Column 3 Modified Penalty
			\$
1.	128B (3)	Refusing or failing to pay, in manner specified by notice, entrance fee for State forest or timber reserve	50.00
2.	128C (3)	Refusing or failing to pay, in manner specified by notice, entrance fee for Tree Top Walk	50.00
3.	128D (3)	C a m p i n g w i t h o u t authority outside camping area in State forest or timber reserve	50.00
4.	128E (1)	Camping in State forest or timber reserve contrary to general camping provisions	50.00

	Column 1	Column 2	Column 3
Item No.	Regulation	Brief description of offence	Modified Penalty
			\$
5.	128F (4)	Refusing or failing to pay, in manner specified by notice, camping fee for State forest or timber reserve	50.00
			"

Schedule 4 repealed

10. Schedule 4 to the principal regulations is repealed.

By His Excellency's Command,

J. PRITCHARD, Clerk of the Council.