

**CONSERVATION AND LAND MANAGEMENT**

CM301

**CONSERVATION AND LAND MANAGEMENT ACT 1984  
CONSERVATION AND LAND MANAGEMENT AMENDMENT  
REGULATIONS 1993**

Made by His Excellency the Governor in Executive Council.

**Citation**

1. These regulations may be cited as the *Conservation and Land Management Amendment Regulations 1993*.

**Principal regulations**

2. In these regulations the *Conservation and Land Management Regulations 1992*\* are referred to as the principal regulations.

[\* *Published in the Gazette of 20 March 1992 at pp.1246 -50.*]

**Part 5 inserted**

3. After regulation 9 of the principal regulations the following Part is inserted —

**“ PART 5 — LICENSING OF COMMERCIAL OPERATIONS****Definitions**

10. In this Part —

“land to which this Part applies” means land, or land and waters, comprising —

- (a) national parks;
- (b) conservation parks;
- (c) nature reserves;
- (d) marine nature reserves;
- (e) marine parks;
- (f) land referred to in section 5 (g) of the Act; and
- (g) subject to section 130 (2), land which is subject to an agreement under section 16;

“licence” means a licence granted under this Part;

“sell” includes —

- (a) barter;
- (b) exchange;
- (c) supply or perform for profit;
- (d) let on hire;
- (e) offer for sale or for letting on hire;
- (f) have in possession for sale or for letting on hire; and
- (g) expose for sale or for letting on hire;

“service” includes the supply of transport, information, instruction or supervision.

#### **Unlicensed commercial operations**

11. A person shall not, without a licence, sell any goods or services on land to which this Part applies.

Penalty: \$2 000.

#### **Exceptions to regulation 11**

12. Regulation 11 does not apply to a person who —

- (a) sells goods or services on or before 31 July 1993;
- (b) sells goods or services on land to which this Act applies pursuant to a permit, lease or other licence under Division 2 of Part VIII of the Act authorizing that sale of goods or services: or
- (c) who is otherwise authorized under the Act to sell goods or services on land to which this Part applies.

#### **Licence**

13. The Executive Director may grant a licence in writing to any person to sell goods or services on any land to which this Part applies.

#### **Application for licence**

14. (1) An application for a licence under this Part shall —

- (a) be made to the Executive Director in a form approved by the Executive Director;
- (b) specify the goods or services the applicant proposes to sell ; and
- (c) be accompanied by the fee specified in item 1 of Schedule 4.

(2) The applicant shall provide the Executive Director with such further information as the Executive Director requires in any particular case.

(3) The Executive Director may waive payment of the fee specified in item 1 of Schedule 4.

#### **Duration of licence**

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

#### **Renewal of licence**

16. (1) The Executive Director may, on payment of the fee specified in item 2 of Schedule 4, renew the licence of any person for a further period not exceeding 5 years.

(2) The Executive Director may waive payment of the fee specified in item 2 of Schedule 4.

**Conditions and restrictions**

17. (1) A licence may be granted or renewed subject to such conditions and restrictions as the Executive Director thinks fit, including conditions and restrictions as to —

- (a) the land to which the licence applies;
- (b) the class or description of goods or services to which the licence applies;
- (c) the payment of any charge in relation to the use of land to which this Part applies and the services and facilities of the Department.

(2) Where a licence is granted or renewed subject to conditions or restrictions, those conditions or restrictions —

- (a) shall 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 licence shall not contravene or fail to comply with any condition or restriction endorsed upon or attached to the licence.

Penalty: \$1 000.

**Production of licence**

18. The holder of a licence shall, when required to do so by an authorized officer, produce for inspection his or her licence to the officer.

Penalty: \$100.

**Executive Director may cancel, suspend, refuse to renew, etc. licence**

19. (1) Subject to this regulation, the Executive Director may cancel, suspend for any period, or refuse to renew, the licence of any person on the grounds that —

- (a) the person has been convicted of an offence against the Act or these regulations;
- (b) any condition or restriction imposed upon the person's licence has been contravened or has not been complied with; or
- (c) the licence was obtained by fraud or misrepresentation.

(2) If the Executive Director proposes to cancel, suspend, or refuse to renew the licence of a person, the Executive Director shall give to the person notice in writing of the proposal and the Executive Director's reasons for the proposal.

(3) A notice given under subregulation (2) shall state that within 21 days after the notice is given, the person to whom it is given may make representations in writing to the Executive Director concerning the matter, and the Executive Director shall not determine the matter without considering any representations received within that period of 21 days.

(4) If the Executive Director cancels, suspends, or refuses to renew, the licence of a person under this regulation, the Executive Director shall give to the person notice in writing of the cancellation, suspension or refusal to renew.

**Return of licence**

20. (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 shall comply with a requirement made of that person by the Executive Director under subregulation (1).

Penalty: \$100. ”.

**Schedule 4 added**

4. After Schedule 3 to the principal regulations the following schedule is added —

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**SCHEDULE 4**

[regulations 14 and 16]

**COMMERCIAL OPERATOR FEES**

	\$
1. Application for licence .....	50
2. Application for renewal of licence .....	50 ”.

By His Excellency’s Command,

D. G. BLIGHT, Clerk of the Council.