

1823



Government Gazette

OF

WESTERN AUSTRALIA

(Published by Authority at 3.30 pm)

No. 50]

PERTH: MONDAY, 30 MAY

[1988

Rottnest Island Authority Act 1987

PROCLAMATION

WESTERN AUSTRALIA } By His Excellency Professor Gordon Reid,
GORDON REID, } Companion of the Order of Australia, Governor of
Governor. } the State of Western Australia.
[L.S.]

UNDER section 2 of the Rottnest Island Authority Act 1987, I, the Governor, acting with the advice and consent of the Executive Council do hereby fix the day that this proclamation is published in the *Government Gazette* as the day on which the Rottnest Island Authority Act 1987 shall come into operation.

Given under my hand and the Seal of the State on 24 May 1988.

By His Excellency's Command,
PAM BEGGS,
Minister for Tourism.

GOD SAVE THE QUEEN !

Shipping and Pilotage Act 1967

PROCLAMATION

WESTERN AUSTRALIA } By His Excellency Professor Gordon Reid,
GORDON REID, } Companion of the Order of Australia, Governor of
Governor. } the State of Western Australia.
[L.S.]

UNDER section 10 (2) (c) of the Shipping and Pilotage Act 1967, I, the Governor, acting with the advice and consent of the Executive Council, do hereby revoke the proclamation made under section 10 (2) of the Shipping and Pilotage Act 1967 and published in the *Government Gazette* on 28 November 1983 at page 4707, and the further proclamation made under that section and published in the *Government Gazette* on 17 February 1984 at page 419.

This proclamation shall come into operation on the day on which the Rottnest Island Authority Act 1987 comes into operation.

Given under my hand and the Seal of the State on 24 May 1988.

By His Excellency's Command,
R. J. PEARCE,
Minister for Transport.

GOD SAVE THE QUEEN !

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Western Australia
ROTTNEST ISLAND REGULATIONS 1988
Arrangement

Reg.

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ROTTNEST ISLAND AUTHORITY ACT 1987
ROTTNEST ISLAND REGULATIONS 1988

MADE by His Excellency the Governor under section 48.

PART I—PRELIMINARY

Citation

1. These regulations may be cited as the *Rottnest Island Regulations 1988*.

Commencement

2. These regulations shall come into operation on the day on which the *Rottnest Island Authority Act 1987* comes into operation.

Interpretation

3. In these regulations, unless the contrary intention appears—
“bicycle” means any two-wheeled vehicle that is designed to be propelled solely by human power;
“permanent resident” means a person resident on the Island for the purpose of—
 - (a) any business undertaking authorized by the Authority; or
 - (b) his employment on the Island,and includes a dependant of any such person;
“use” in relation to a vehicle includes driving a vehicle and riding or pushing a bicycle;
“vehicle” has the meaning assigned to it by section 5 (1) of the *Road Traffic Act 1974*;
“waters of the Island” means the waters referred to in section 4 (b) of the Act.

General provision as to permissions

4. (1) Where in these regulations provision is made whereby an act or activity shall not be done or carried on without permission the reference to permission is to the permission of the Authority.
(2) For the purposes of any such provision, the Authority may refuse permission or in the exercise of the power to grant permission may—
 - (a) grant permission generally or for any specific instance;
 - (b) grant permission on and subject to such terms and conditions as it thinks fit including provision as to—
 - (i) the part of the Island to which the permission applies;
 - (ii) the class or description of persons to whom the permission extends; or
 - (iii) the payment of any fee or charge whether before the act or activity commences or otherwise,and the Authority may amend or revoke a permission which has been granted.
(3) A permission shall be in writing and shall be obtained before the act is done or the activity is commenced.
(4) Where a permission has been given to a person subject to any condition the permission shall be deemed, in any prosecution against that person, to have lapsed during any period when the condition was not observed or performed according to its tenor by that person.

PART 2—ADMISSION FEES

Admission fees

5. (1) Subject to subregulation (5), an admission fee is payable in respect of every person who enters within the limits of the Island.

(2) The admission fee is—

- (a) 50 cents for a child who has reached 6 years, but is under 12 years of age;
- (b) \$2.00 for every other person.

(3) The admission fee is payable—

- (a) in the case of a passenger on a vessel or aircraft in which persons are usually carried for reward, by the owner of the vessel or aircraft in accordance with regulation 6; and
- (b) in the case of any other person, by that person as soon as is practicable after he enters within the limits of the Island.

(4) A person referred to in subregulation (3) (b) shall not fail or refuse to pay an admission fee payable by him under this regulation.

Penalty: \$300.

(5) An admission fee is not payable in respect of a person—

- (a) who is under 6 years of age;
- (b) who is a member of the Authority;
- (c) who is a permanent resident on the Island;
- (d) who is a member of the crew of a vessel or aircraft in which persons are carried to the Island for reward;
- (e) who has paid an admission fee and has not returned to the mainland since that payment was made; or
- (f) while he is on a vessel or aircraft that enters within the limits of the Island and leaves without being anchored or moored, or in the case of an aircraft without landing.

Collection of admission fees by transport operators

6. (1) The owner of a vessel or aircraft in which persons are carried to the Island for reward shall—

- (a) collect the admission fee provided for by regulation 5, or cause it to be collected, from each passenger who travels in the vessel or aircraft before he enters within the limits of the Island; and
- (b) remit the fees so collected to the Authority, together with a return or returns duly completed in such form or forms as the Authority may provide for the purpose—
 - (i) in the case of a vessel having a passenger capacity of up to 50 persons under the *Western Australian Marine Act 1982*, not later than 31 August in each year in respect of fees collected during the year that ended on the preceding 30 June; and
 - (ii) in any other case, not later than 7 days after the end of each month, in respect of fees collected during that month.

Penalty: \$1 000.

(2) A person shall not pass to another person his ticket for travel to the Island on a vessel or aircraft with the intention of providing false evidence that the other person has paid an admission fee.

Penalty: \$300.

(3) If the owner of a vessel or aircraft fails to remit to the Authority the amount of any admission fees collected or required to be collected by him under subregulation (1), the Authority may recover from him the amount that has not been remitted in a court of competent jurisdiction.

(4) In subregulation (1) "owner" includes a charterer, lessee or bailee.

Annual payment in lieu of admission fees

7. (1) Where—

- (a) in respect of any vessel or aircraft (not being a vessel or aircraft in which persons are usually carried for reward) an amount of \$30 is paid to the Authority in respect of any financial year; and
- (b) and adhesive label issued by the Authority on receipt of that amount is exhibited on that vessel or aircraft in such a position as to be clearly visible from the exterior.

a person who is carried to the Island on that vessel or aircraft during that financial year shall be deemed to have paid the admission fee prescribed by regulation 5.

PART 3—RESIDENCE ON ISLAND

Licence to occupy premises

8. (1) The Authority may grant to a person a licence to occupy specified accommodation on the Island for a period specified in the licence.

(2) The rent payable for a licence to occupy accommodation during any period shall be calculated at such rate as the Authority may from time to time determine for the occupation of that accommodation during that period.

(3) A licence under subregulation (1)—

- (a) may be granted subject to such conditions as the Authority thinks fit; and
- (b) is not transferable and shall not vest by operation of law in any other person.

(4) The Authority may, by notice in writing served on the licensee, forthwith cancel a licence if it is satisfied on reasonable grounds that the licensee has—

- (a) failed to comply with a condition of the licence; or
- (b) committed an offence against the Act or these regulations,

or has permitted or suffered some other person to do any of those things.

(5) The rent paid for a licence that is cancelled under subregulation (4) is not refundable, in whole or in part.

(6) Part VII of the *Property Law Act 1969* does not apply to a licence granted under this regulation.

(7) In this regulation and in regulations 9 and 10 “accommodation” includes a camping site in the camping ground on the Island.

Casual residence on the Island

9. (1) A person shall not take up casual residence within the limits of the Island except—

- (a) as the guest of a permanent resident;
- (b) as a guest at the Rottneest Lodge Resort or the Rottneest Island Hotel;
- (c) in accommodation specified in a licence granted to him under regulation 8;
- (d) with the consent of that other person, in accommodation specified in a licence granted under regulation 8 to some other person; or
- (e) in a vessel that—
 - (i) is anchored;
 - (ii) is secured to a mooring at a mooring site for which a certificate of registration is in force under Part 4 and that is authorized under regulation 17 to be so secured; or
 - (iii) is secured to any other mooring that is established, approved, or permitted by the Authority and is duly authorized to be so secured.

Penalty: \$300.

(2) For the purposes of this regulation, a person, not being a permanent resident, is deemed to have taken up casual residence within the limits of the Island if he remains there between sunset and sunrise without apparent means of taking his departure.

Cleanliness and damage to accommodation

10. (1) Without limiting regulation 8 (3) (a) it is condition of every licence granted under that regulation that the licensee—

- (a) shall keep the accommodation and its surrounds in a reasonable state of cleanliness;
- (b) shall notify the Authority as soon as is practicable of any damage to the accommodation or its surrounds; and
- (c) shall not intentionally or negligently cause or permit damage to the accommodation or its surrounds.

(2) In this regulation “accommodation” includes chattels provided with the accommodation.

PART 4—CONTROL OF MOORINGS

*Division 1—Definitions applicable to this Part***Definitions**

11. In this Part, unless the contrary intention appears—

“certificate of registration” means a certificate of registration issued under regulation 15 (4) or 31 (2);

- “displacement tonnage” means the weight of the vessel in metric tonnes;
 “mooring” means a structure or apparatus used to secure any vessel whether or not that structure or apparatus is, or is proposed to be, used for any other purpose;
 “register” means the register kept under regulation 16;
 “registered owner” in respect of a mooring site means a person to whom a certificate or registration for that site is issued under this Part;
 “vessel” includes any other floating object.

Division 2—Control provisions

Use of moorings

12. (1) A person shall not without permission—

- (a) instal a mooring for a vessel in the waters of the Island; or
- (b) secure a vessel, or allow it to remain secured, to a mooring that is installed without such permission.

Penalty: \$1 000.

(2) A person shall not secure a vessel, or allow it to remain secured, to a mooring in the waters of the Island unless—

- (a) it is authorized under regulation 17 to be secured to that mooring; and
- (b) the adhesive label issued under regulation 17 (2) for that vessel is exhibited on the vessel in such a position as to be clearly visible from the exterior.

Penalty: \$300.

(3) A person shall not secure a vessel, or allow it to remain secured, to—

- (a) a mooring to which a vessel is already secured; or
- (b) a vessel that is secured to a mooring.

Penalty: \$300.

(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 deemed to allow it to remain secured to that mooring.

(6) Where in a complaint of an offence against this regulation there is an averment that an act or state of affairs occurred without permission or that a vessel was not authorized under regulation 17 that averment shall be taken to be proved in the absence of evidence to the contrary.

Anchoring restricted

13. (1) A person shall not anchor a vessel, or allow it to remain anchored, so that it is lying in a position—

- (a) where the vessel, or a vessel attached to it, may obstruct or interfere with access to a mooring site for which a certificate of registration is in force; or
- (b) whether or not paragraph (a) applies, where any part of the vessel, or a vessel attached to it, is closer than 50 metres to such mooring site.

Penalty: \$300.

(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.

Application for mooring

14. (1) An application for a mooring site shall be made in accordance with form 1 in Schedule 1, duly completed, and shall be accompanied by an application fee of \$20 for each mooring area to which the application relates.

(2) An application may be made only by a natural person who has reached 18 years of age.

(3) The applicant shall supply such further information or material as the Authority may require.

(4) A person who is registered as the owner of a mooring site or sites may be an applicant under this regulation but if he accepts an offer made to him under regulation 15 (3)—

- (a) if he is registered as the owner of one mooring site he is deemed for the purposes of regulation 23 (1) (c) to deliver to the Authority a request for cancellation of the registration certificate issued to him in respect of that site; or
- (b) if he is the owner of more than one mooring site, the Authority shall not issue to him a certificate of registration for the site to which the offer relates until he has delivered to the Authority a request under regulation 23 (1) (c) in respect of one of those sites.

(5) An applicant may by notice in writing to the Authority amend his application.

(6) If an application is withdrawn or amended the Authority is not required to refund the application fee or any portion of that fee.

Allocation of moorings

15. (1) The Authority shall for each mooring area maintain a waiting list of applicants for mooring sites in that area.

(2) On receipt of an application for a mooring site in an area the Authority shall, if the application is in order, place the applicant at the end of the waiting list for that area.

(3) When the Authority is satisfied that a mooring site has become available for allocation in a mooring area it shall by notice in writing offer the mooring site to the applicant whose name is at that time first on the waiting list for that area and whose application is appropriate to that mooring site.

(4) If the applicant accepts the Authority's offer in accordance with the terms set out in the notice and pays the fees referred to in regulation 18, the Authority shall enter the relevant particulars in the register and issue to the applicant a certificate of registration in respect of the mooring site.

(5) A certificate of registration shall be in such form as the Authority may determine.

(6) Nothing in these regulations shall be read as obliging the Authority to allocate a mooring site for which there is for the time being no certificate of registration in force; and the Authority may deal with any such site in any manner that it considers expedient.

(7) For the purposes of this regulation and regulation 14 each of the following is a mooring area, namely Porpoise Bay, Thomson Bay, Geordie Bay, Longreach Bay, Little Armstrong Bay, Catherine Bay, Stark Bay, Narrow Neck, Marjorie Bay, and Eagle Bay.

Registered particulars

16. (1) The Authority shall keep a register in such form as it may determine showing for each mooring site—

- (a) the location and registered number of the mooring site;
- (b) the name and address of, and a telephone number for, the registered owner and in the case of a body corporate referred to in regulation 34 the name and address of, and a telephone number for, the person nominated under regulation 34 (2);
- (c) each vessel that is authorized to be secured to a mooring at that site and the particulars of that vessel; and
- (d) the maximum size and displacement tonnage of vessels that are appropriate to that mooring site.

(2) The certificate of registration in respect of a mooring site shall show the particulars referred to in subregulation (1) (b), identify the vessels referred to in subregulation (1) (c), and otherwise be in such form as the Authority may determine.

Authorized vessels

17. (1) A vessel is authorized to be secured to a mooring at a mooring site if it is for the time being recorded in the register as being so authorized.

(2) The Authority shall issue to the registered owner of a mooring site for each vessel that is authorized to be secured to a mooring at that site an adhesive label designed to identify the vessel as being so authorized.

(3) The registered owner may from time to time by notice in writing given to the Authority, and accompanied by the certificate of registration issued to him, request the Authority to amend the register by adding or deleting any vessel of which particulars are furnished; and subject to subregulation (3) the Authority shall amend the register and the certificate of registration accordingly.

(4) The Authority shall not comply with a request under subregulation (3) to add a vessel to the register unless it is satisfied that the vessel is suitable for mooring at the site in question.

Yearly fees

18. (1) The registered owner of a mooring site shall pay to the Authority a yearly fee for that site at a rate of \$20 per metre of length of the longest vessel that is on 1 July in that year authorized under regulation 17 to be secured to a mooring at that site.

(2) The registered owner of a mooring site shall also for the purposes of regulation 7 pay to the Authority, in respect of each vessel that on 1 July is, under regulation 17, authorized to be secured to the mooring at that site, the amount specified in subregulation (1) (a) of regulation 7.

(3) The Authority may in any year waive payment under subregulation (2) in respect of a vessel if it is satisfied that the vessel is not likely to be within the limits of the Island more than twice during that year, but any such waiver does not affect the liability of a person under regulation 5.

(4) The fees referred to in subregulations (1) and (2) in respect of a year shall be paid not later than 31 August in that year.

(5) The Authority may, on the allocation of a mooring under regulation 15, allow a rebate of any fee referred to in this regulation in respect of a year where a certificate of registration will be in force for less than 12 months during that year.

Change of particulars

19. (1) The registered owner of a mooring site shall notify the Authority of any alteration in the particulars referred to in regulation 16 (1) (b) relating to that site.

Penalty: \$500.

(2) Subregulation (1) does not apply in a case where regulation 34 (2) applies.

Upkeep, etc.

20. The registered owner of a mooring site shall—

- (a) maintain the mooring at that site in good condition;
- (b) ensure that the mooring is at all times sited exactly at the location of that site appearing in the register; and
- (c) cause regulations 24 and 25 to be complied with at all times in respect of the mooring.

Penalty: \$1 000.

Notices to owner to repair, relocate, etc.

21. (1) The Authority may, if it is satisfied that—

- (a) any mooring is dangerous or in need of repair;
- (b) is not sited exactly at the location of the mooring site appearing in the register; or
- (c) regulation 24 or 25 is not being complied with in respect of the mooring,

by notice in writing served on the registered owner of the mooring site direct him within such period as is specified in the notice, at his own expense—

- (d) to repair the mooring;
- (e) to move the mooring to a site specified in the notice;
- (f) to site the mooring exactly at the mooring site appearing in the register,

as the case may require.

(2) A registered owner on whom a notice is served containing a direction under subregulation (1) may, within the period specified in the notice, appeal to the Minister against the direction, and on such an appeal the Minister may confirm, vary or cancel the direction.

(3) A notice containing a direction under subregulation (1) is suspended as to that direction pending the determination of the appeal.

(4) The Minister may, where he confirms or varies the direction, by notice in writing served on the registered owner, direct him to comply with the direction as so confirmed or varied, within such period, being not less than 21 days after the service of the notice given by the Minister, as is specified in that notice.

(5) Subject to this regulation, a registered owner shall comply with a notice given to him under subregulation (1) or (4).

Penalty: \$1 000.

(6) If a registered owner is in breach of subregulation (5), the Authority may—

- (a) by notice in writing given to him cancel the certificate of registration issued to him as owner of the mooring site in question; and
- (b) itself do anything required by the notice to be done and recover from that person in any court of competent jurisdiction the costs incurred by it in so doing.

Assignment of rights

22. (1) Rights conferred on a registered owner of a mooring site under these regulations are not assignable and shall not pass by will or on intestacy or vest by operation of law in any person.

(2) Nothing in subregulation (1) prohibits the sale or disposal, in accordance with these regulations, of mooring apparatus by a person or his personal representative after the certificate of registration issued to that person has ceased to have effect.

Termination of registration

23. (1) A certificate of registration issued to a person in respect of a mooring site ceases to have effect—

- (a) on the death of that person;
- (b) on cancellation by the Authority under regulation 21 (6) or subregulation (2);
- (c) on receipt by the Authority of a written request by that person that the certificate be cancelled;
- (d) on failure by that person to supply an inspection report in accordance with regulation 26.

(2) The Authority may by notice in writing served on the registered owner of a mooring site cancel the certificate of registration issued to that person in respect of that site if—

- (a) he commits an offence against regulation 12;
- (b) he fails to pay the fees referred to in regulation 18 not later than 31 August in any year;
- (c) he does not, following the giving of a notice under subregulation (3), satisfy the Authority that he is the owner of, or owner of a significant interest in, a vessel that is authorized under regulation 17 to be secured to a mooring at that site; or
- (d) the Authority considers that it is desirable in the public interest to do so.

(3) The Authority may give notice in writing to a registered owner of a mooring site, where it believes that he has not, during the 12 months preceding the notice, been the owner of, or the owner of a significant interest in, a vessel that is authorized under regulation 17 in respect of that site requiring him to show cause why the certificate of registration issued to him in respect of that site should not be cancelled.

(4) Where a certificate of registration ceases to have effect the Authority is not required to refund any portion of the fees referred to in regulation 18.

(5) Where the certificate of registration issued to a person ceases to have effect the person or, where subregulation (1) (a) applies, his personal representative shall either remove the mooring apparatus or dispose of it to the Authority or to a person to whom the mooring is allocated under regulation 15.

(6) If subregulation (5) is not complied with before the expiration of 30 days, or where the registered owner has died 60 days, after the registration ceases to have effect or within such further period as the Authority may allow, the mooring apparatus becomes the property of the Authority and may be dealt with as it thinks fit.

Requirements for floats

24. (1) The float or buoy connected to a mooring site shall be—

- (a) of sufficient size to provide buoyancy when supporting the rope, chain or other connection between the mooring block and the surface float, with at least half of the mooring float projected above the water line at all times;
- (b) spherical, with a minimum diameter of 300 mm;
- (c) of a colour designated by the Authority, being either yellow or “day-glo” orange;
- (d) embossed or otherwise legibly painted or marked with the registered number referred to in regulation 16 (1) (a), but with no other marking.

(2) For the purposes of subregulation (1) (d), the registered number of the mooring shall be painted or marked in black characters not less than 50 mm in height, and not less than 6 mm in width, positioned and maintained so that they are clearly visible.

Mooring apparatus

25. (1) Any mooring apparatus at a mooring site shall be suitable for any vessel of or up to the size and displacement tonnage specified in the register as appropriate to that mooring site.

(2) In subregulation (1) “suitable” means of such design, material, dimensions, size, type and construction as in the opinion of the Authority will provide a secure mooring without causing undue damage to the seabed and the surrounding flora.

Inspection report

26. The registered owner of a mooring site shall provide the Authority with an inspection report by an inspector approved by the Authority as to the condition of the mooring at that site within one month of being required in writing to do so by the Authority or within such further period as the Authority may allow.

Notices may be affixed to vessel, etc.

27. Without limiting sections 75 and 76 of the *Interpretation Act 1984*, a notice or direction may be given by the Authority under these regulations to the registered owner of a mooring site by fixing it to any vessel authorized under regulation 17 for the time being secured to the mooring at that site.

Division 3—Transitional provisions

Definitions

28. In this Division, unless the contrary intention appears—

“commencement” means the day on which these regulations come into operation;

“existing registered owner” means a person in whose name a mooring site is registered under the *Shipping and Pilotage (Mooring Control Areas) Regulations 1983* immediately before the commencement.

Application of Interpretation Act 1984

29. Sections 36 and 37 of the *Interpretation Act 1984* apply, subject to these regulations, as if these regulations were regulations repealing the *Shipping and Pilotage (Mooring Control Areas) Regulations 1983*.

Existing mooring sites

30. All mooring sites registered immediately before the commencement in the name of an existing registered owner are deemed, for the purposes of regulation 12, to be installed by permission of the Authority.

Existing registrations

31. (1) The Authority shall as soon as is practicable after the commencement by notice in writing sent to each existing registered owner require that owner, within 30 days of the date of the notice, or within such further period as the Authority may allow, to notify the Authority of each vessel that the owner wishes to be an authorized vessel for the purposes of regulation 17, being a vessel that was within the size limitations allowed for that site immediately before the commencement.

(2) On receipt of notification by an existing registered owner of a mooring site in accordance with subregulation (1), the Authority shall enter particulars of that site in the register and issue a certificate of registration in respect of that site to that person.

(3) If a registered owner of a mooring site to whom notice is given under subregulation (1) fails to comply with the requirements of the notice the Authority may by further notice in writing sent to him declare that person's rights in respect of the site to be terminated and—

- (a) those rights are terminated accordingly on receipt by the owner of the notice; and
- (b) regulation 23 (4), (5) and (6) shall apply as if a registration certificate in respect of that site had ceased to have effect.

(4) At any time after the commencement and before—

- (a) a certificate of registration is issued to the existing registered owner of a mooring site under subregulation (2); or
- (b) that person's rights in respect of that site are terminated under subregulation (3),

as the case may be, the existing registered owner of that site, and any person using the mooring with the written consent of that owner, may notwithstanding anything in these regulations secure to the mooring at that site any vessel that was within the size limitation allowed for that site immediately before the commencement.

Yearly fees

32. The Authority may make such arrangements as it considers expedient for the transition from the requirements relating to the annual hiring fee under the *Shipping and Pilotage (Mooring Control Areas) Regulations 1983* to the provisions of regulation 18.

Waiting list

33. The Authority shall transfer, in the same order, entries on any waiting list maintained by it immediately before the commencement to the waiting lists required to be maintained under regulation 15 (1).

Bodies corporate

34. (1) The ineligibility of a body corporate to become a registered owner of a mooring site does not affect the position of an existing registered owner that is a body corporate, and, subject to this regulation, these regulations apply to it as if it were not a body corporate.

(2) A body corporate that is a registered owner shall ensure that—

- (a) there is at all times a person nominated to the Authority to be its agent for the purposes of communications from the Authority to that body corporate;
- (b) the correct name, address and telephone number of that person is from time to time notified to the Authority.

Penalty: \$500.

(3) Regulation 14 (4) does not apply to a registered owner that is a body corporate.

Existing bequests

35. Regulation 12 (3) (c) of the *Shipping and Pilotage (Mooring Control Areas) Regulations 1983* shall continue to operate in respect of the will or intestacy of a person dying before the commencement, and the Authority may give effect to any disposition arising therefrom, notwithstanding regulation 22.

PART 5—GENERAL MANAGEMENT

*Division 1—Control and regulation of access***Restricted areas etc.**

36. (1) A person shall not, without permission—

- (a) be in an area of the Island specified in Schedule 2 (in this regulation called a “restricted area”);
- (b) be in a protected area for the time being set aside under subregulation (3); or
- (c) use a track or path that is for the time being closed under subregulation (4).

Penalty: \$500.

(2) The powers in subregulations (3) and (4) may only be exercised for the purpose of protecting or repairing the natural environment, fauna or flora or man-made resources of the Island.

(3) The Authority may be the erection or establishment of signs and fencing set aside an area as a protected area for the purposes of this regulation.

(4) The Authority may be the erection or establishment of signs close a track or path to pedestrians or vehicles or to both.

(5) Sufficient signs shall be erected and maintained by the Authority in or in the vicinity of a restricted area, a protected area or a track or path that is closed under this regulation indicating that entry to that area or use of that track or path, as the case may be, is prohibited without permission.

(6) The inscription on a sign erected under this regulation operates according to its tenor.

(7) It is a defence to a charge of an offence under subregulation (1) for a person to show that entry to a restricted area or a protected area or use of a track or path without permission was necessary to prevent or mitigate injury to a person or damage to property.

Beaching of boats

37. (1) A person shall not, without permission—

- (a) beach a boat; or
- (b) anchor a boat by placing the anchor on a beach,

in Thomson Bay, Longreach Bay or Geordie Bay, during any period when there is a permitted area in that Bay, except in such a permitted area.

Penalty: \$300.

(2) In subregulation (1)—

- (a) in paragraph (b) “beach” includes any part of the foreshore that is above the low water mark whether it is covered by water or not; and
- (b) “permitted area” means an area that is between 2 signs for the time being, erected or established by the Authority and inscribed with words indicating that the beaching or beach-anchoring of boats is permitted and each having an arrow pointing generally towards the other sign.

(3) A ranger may require the owner or person in charge of any boat beached or beach-anchored on the Island in contravention of subregulation (1) to remove the boat from that place.

(4) A person to whom a requirement under subregulation (2) is addressed shall comply with the requirement.

Penalty: \$300.

(5) If a person to whom a requirement under subregulation (2) is addressed fails to comply with it a ranger may remove the boat to a place where the beaching or beach-anchoring of boats is permitted.

(6) A ranger may also exercise the power in subregulation (4) where the identity and whereabouts of the owner or person in charge of a boat that is beached or beach-anchored in contravention of subregulation (1) are not known to a ranger and cannot reasonably be ascertained by him.

Boats on lakes

38. A person shall not, without permission, have or use a boat on any lake on the Island.

Penalty: \$300.

*Division 2—Protection of flora, fauna, etc.***Protection of flora**

39. (1) A person shall not without permission or under the authority of a written law injure, destroy or take any flora living or dead within the limits of the Island or remove any stake supporting, or any label on or near, any such flora.

Penalty: \$1 000.

(2) In subregulation (1)—

- (a) "flora" means any form of plant life, and any part or seeds or spores of such flora;
- (b) "take" includes gather, pluck, cut, pull up and dig up.

Protection of fauna

40. (1) A person shall not without permission or under the authority of a written law—

- (a) interfere with, take or destroy any fauna within the limits of the Island; or
- (b) interfere with or destroy any nest, spawning ground or habitat of any such fauna.

Penalty: \$1 000.

(2) Subregulation (1) does not apply to—

- (a) the taking of fish in accordance with the *Fisheries Act 1905*; or
- (b) the removal or destruction of feral or stray animals or birds.

(3) In this regulation—

"fauna" means any living thing that is not a human being or a plant and includes the eggs and immature stages of fauna; and

"fish" means any marine or fresh water fish or crustacean or any other form of marine animal life.

No animal or bird to be landed on Island

41. (1) A person shall not without permission cause or allow any animal or bird to enter within the limits of the Island.

Penalty: \$1 000.

(2) Nothing in this regulation applies to fauna that is indigenous to the Island, whether seasonally or otherwise.

(3) A ranger may take and destroy any animal or bird that he believes to be within the limits of the Island as a result of a contravention of this regulation.

Protection of rocks, soil, etc.

42. (1) A person shall not without permission cause damage to the Island by—

- (a) removing, damaging, interfering with, or marking any rock; or
- (b) removing or displacing any soil,

within the limits of the Island.

Penalty: \$500.

(2) Nothing in subregulation (1) applies to things done in the reasonable use and enjoyment of the Island.

Division 3—Vehicles

Application of Road Traffic Act 1974

43. (1) For the avoidance of doubt it is declared that—

- (a) roads on the Island are roads within the meaning of the *Road Traffic Act 1974*; and
- (b) that Act applies on the Island, subject to these regulations and so far as the circumstances will allow, in the same way as it applies in other parts of the State.

(2) Nothing in this regulation shall have the effect of prohibiting the use on roads on the Island of any wheeled vehicle that is designed to be propelled solely by human power.

Traffic signs and directions

44. (1) The Authority may erect or establish any traffic sign, that is a sign, mark, structure or device for the purpose of prohibiting, regulating or controlling the use, standing or parking of vehicles on the Island.

(2) The inscription on a traffic sign operates according to its tenor.

(3) A person shall comply with—

- (a) the inscription on a traffic sign erected or established under subregulation (1); or
- (b) a signal or direction by a ranger as to the use, parking or movement of a vehicle that is addressed to him and that is reasonably required for the regulation of traffic.

Penalty: \$500.

Restriction on bringing vehicles to Island

45. (1) A person shall not, without permission, bring on to the Island any vehicle other than—
- (a) a bicycle or other wheeled vehicle that is designed to be propelled solely by human power; or
 - (b) a wheelchair designed to be propelled solely by human power for the exclusive use of a person whose physical condition requires the use of a wheelchair.

Penalty: \$1 000.

- (2) A ranger may—

- (a) require a person to remove from the Island within a specified time any vehicle brought on to the Island in contravention of subregulation (1); and
- (b) if such a requirement is not complied with, remove the vehicle from the Island.

- (3) A person shall comply with a requirement made of him under subregulation (2) (a).

Penalty: \$1 000.

(4) A ranger may do all such things as may be reasonably necessary to remove a vehicle under subregulation (2) (b) including breaking into, driving, or towing it, and neither he, nor the Authority, shall be liable for any loss of or damage to the vehicle which occurs without negligence or wilful misconduct on his part.

(5) The Authority may, in a court of competent jurisdiction, recover from the owner of a vehicle all costs and expenses reasonably incurred in removing a vehicle under this regulation and any person may, on the instructions of a ranger, refuse to deliver possession of the vehicle to the owner until such costs and expenses are paid.

Use of vehicles

46. (1) A person shall not, without permission, use a vehicle on the Island.

Penalty: \$1 000.

(2) In subregulation (1) "vehicle" does not include a wheelchair or a bicycle or other vehicle that is designed to be propelled solely by human power.

Speed restrictions

47. (1) A person shall not drive or ride a vehicle at a speed exceeding—

- (a) 20 kilometres per hour, within the settlement; or
- (b) 40 kilometres per hour outside the settlement,

and the Authority has no power under regulation 44 to authorize any higher speed limit.

Penalty: \$1 000.

(2) Subregulation (1) does not justify the driver of a vehicle driving at a speed that may constitute driving carelessly, recklessly or at a speed, or in a manner, that is dangerous to the public, having regard to all the circumstances.

- (3) In subregulation (1) "settlement" has the meaning assigned to it by section 14 (3) of the Act.

Motor vehicles to give way

48. (1) The driver of a motor vehicle on a road on the Island shall give way to other road users.

Penalty: \$1 000.

- (2) In subregulation (1)—

"give way" has the meaning assigned to it by regulation 601 of the *Road Traffic Code 1975*;

and

"other road users" means pedestrians and any person riding or using a bicycle or wheeled vehicle that is designed to be propelled solely by human power.

Vehicles on beaches

49. A person shall not, without permission, drive a motor vehicle on any beach of the Island.

Penalty: \$1 000.

Emergency Vehicles

50. (1) Notwithstanding anything in these regulations the driver of an emergency vehicle may, in the course of his duties and when it is expedient and safe to do so—

- (a) stop, stand or park the vehicle at any place and at any time; or
- (b) exceed the speeds prescribed by regulation 47.

- (2) In subregulation (1) "emergency vehicle" means a motor vehicle being used in connection with—
- (a) urgent police duties;
 - (b) the fighting of fire or the answering of a fire call;
 - (c) assistance to a sick or injured person;
 - (d) any other emergency in which human life is reasonably believed by the driver of the vehicle to be in danger.

Possession of hired bicycles

51. (1) A person shall not be in possession of—
- (a) a hired bicycle without the consent of the hirer; or
 - (b) any other bicycle or a wheeled vehicle that is designed to be propelled solely by human power without the consent of the owner or person lawfully in charge of the same.
- Penalty: \$300.
- (2) In subregulation (1) "hired bicycle" means a bicycle for the time being let out on hire—
- (a) by the Authority in the course of operating a business of hiring bicycles; or
 - (b) by any person in the course of operating such a business under an arrangement made with the Authority.
- (3) Subregulation (1) does not apply to a ranger acting in the course of duty.

Division 4—Control of certain activities

Erection of structures

52. (1) A person shall not without permission erect any structure within the limits of the Island.
Penalty: \$1 000.
- (2) A person shall not without permission erect a tent within the limits of the Island except on a site in the camping ground and in accordance with a licence granted under regulation 8.
Penalty: \$500.
- (3) The Authority may remove and dispose of any structure or tent that has been erected in contravention of subregulation (1) or (2).
- (4) The cost incurred by the Authority under subregulation (3) is a debt due to the Authority by a person who is shown to have erected the structure or tent and is recoverable in a court of competent jurisdiction.
- (5) In this regulation "structure" means a building and any other thing that is fixed to land or to anything that is fixed to land.

Organized events and meetings

53. (1) A person shall not without permission organize, advertise or participate in—
- (a) any fete, concert, picnic or spectator event within the limits of the Island;
 - (b) any race, game or sporting event that is of a dangerous nature, is likely to constitute an inconvenience or annoyance to persons, or affect the natural surface of the Island; or
 - (c) any public meeting or public speaking within the limits of the Island.
- Penalty: \$1 000.
- (2) Nothing in subregulation (1) (a) applies to persons recreating as a family or group of families.

Photography for commercial purposes

54. A person shall not, without permission take still or motion pictures within the limits of the Island by photographic or electronic means if the pictures are to be broadcast or published or are to be used for advertising or promotional purposes.
Penalty: \$500.

Bill sticking, advertising, etc.

55. (1) A person shall not without permission—
- (a) post, stick, stamp, stencil or otherwise affix any notice, handbill, placard, advertisement, paper or other document on or to any rock, tree, fence, post, gate, wall, pavement, road, footway, or building or other structure within the limits of the Island;
 - (b) write, draw or paint on or deface any rock, tree, fence, post, gate, wall, pavement, road, footway, or building or other structure within the limits of the Island; or
 - (c) cause any of the acts prohibited by paragraph (a) or (b) to be done by any person.
- Penalty: \$500.
- (2) Nothing in subregulation (1) (a) applies to the use of a notice board set up by the Authority for public use.

Distribution of printed matter

56. (1) A person shall not without permission sell or distribute or carry or expose for sale or distribution within the limits of the Island any printed or written matter.

Penalty: \$500.

(2) It is immaterial for the purposes of subregulation (1) that any matter is distributed or carried or exposed for distribution free of charge.

Unauthorized trading

57. A person shall not within the limits of the Island, without permission, sell or offer or expose for sale any goods.

Penalty: \$500.

Exception to regulations 56 and 57

58. Regulations 55 and 56 do not apply to any person, or the agent or employee of any person with whom the Authority has made an arrangement under section 13 (d) of the Act so far as he, or his agent or employee, is acting in accordance with that arrangement.

Weapons, etc.

59. (1) A person shall not without permission—

- (a) carry or discharge any firearm, speargun, gidgie or any other offensive weapon, device or means for the taking of fauna;
- (b) throw or release any missile or dangerous object or material of any kind;
- (c) carry, make or set any trap or snare for any fauna.

within the limits of the Island.

Penalty: \$1 000.

(2) A person shall not without permission have any explosive device in his possession within the limits of the Island.

Penalty: \$1 000.

(3) In subregulation (1) "fauna" has the meaning assigned to it by regulation 40 (3).

(4) Nothing in this regulation applies to—

- (a) a speargun or gidgie that is carried in waters of the Island in which the speargun or gidgie may be used under the *Fisheries Act 1905*; or
- (b) the carrying or use of a firearm by a police officer in the course of duty; or
- (c) the carrying or discharge of a marine flare in the waters of the Island.

Lighting of fires

60. (1) A person shall not without permission light make or use a fire on the Island other than in—

- (a) a cooking stove; or
- (b) a fireplace provided by the Authority.

Penalty: \$600.

(2) Nothing in subregulation (1) shall be read as authorizing a person to light a fire in an open fireplace in contravention of the *Bush Fires Act 1954*.

*Division 5—Protection of certain undertakings***Pollution of water supply**

61. (1) A person shall not throw, deposit or leave any refuse or any noxious or polluting substance or thing—

(a) in any—

- (i) reservoir or tank that holds or is intended to hold water for human consumption or use on the Island;
- (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; or

(b) on any water catchment area on the Island.

Penalty: \$1 000.

(2) A person shall not swim, bathe or wash in any reservoir or tank containing water stored for human consumption or use on the Island.

Penalty: \$1 000.

- (3) In subregulation (1) "water catchment area" means any area within which surface water is collected into a storage reservoir or tank for human consumption or use and—
- (a) which is by order of the Authority published in the *Gazette* declared to be a water catchment area for the purposes of that subregulation; and
 - (b) in or in the vicinity of which there are sufficient signs indicating to the public that the area is a water catchment area.

Interference with power supply, etc.

62. A person shall not, without permission—
- (a) draw electricity or gas from the Authority's supply;
 - (b) remove, or interfere with, any component of, or appliance or fitting attached to, the Authority's system for gas or electricity supply, street lighting, or sewerage disposal;
 - (c) put gas or electricity, or any appliance or fitting attached to the Authority's system for the supply of gas or electricity, to any use other than that for which it was provided or installed; or
 - (d) attempt to replace or repair any appliance or fitting installed by the Authority that has become unserviceable or ineffectual.

Penalty: \$1 000.

PART 6—ROTTNEST AERODROME

Definitions

63. In this Part, unless the contrary intention appears—
- "aircraft" means any machine or craft that can derive support in the atmosphere from reaction with the air;
- "the aerodrome" means that part of the Island described in Schedule 3.

Use by aircraft

64. (1) Subject to this regulation, the aerodrome may be used for the landing, servicing and departure of aircraft, the embarkation and disembarkation of passengers and the transport of freight.
- (2) The Authority may close the aerodrome to aircraft movements if it considers the surface of the aerodrome to be unsafe.
- (3) A person in control of an aircraft shall not land at or depart from the aerodrome while it is closed under subregulation (2).

Penalty: \$1 000.

Access to aerodrome

65. (1) A person shall not without permission be within the limits of the aerodrome, except within the terminal building, unless he is authorized by subregulation (2).

Penalty: \$1 000.

- (2) A person is authorized for the purposes of subregulation (1) if he—

- (a) is required to be within the aerodrome in the course of his employment, trade or business; or
- (b) is a passenger on, an intending passenger embarking on, or a person who has disembarked from, an aircraft lawfully using the aerodrome.

Aircraft movements restricted to aerodrome

66. (1) Except in an emergency, a person in control of an aircraft shall not without permission—
- (a) land or touch down the aircraft within the limits of the Island except on the aerodrome; or
 - (b) take off or ascend from any part of the Island except the aerodrome.

Penalty: \$1 000.

- (2) In subregulation (1) "aircraft" includes a hang-glider and a balloon.

Parking of aircraft

67. (1) The Authority may erect or establish any sign, mark, structure or device for the purpose of prohibiting, regulating or controlling the standing or parking of aircraft within the aerodrome, and the inscription on any such sign operates according to its tenor.

- (2) A person shall comply with the inscription on a sign erected or established under subregulation (1).

Penalty: \$1 000.

Removal of persons from aerodrome

68. (1) An authorized person may remove from the aerodrome and may refuse admission to, any person, whether or not a passenger or intending passenger, whom he considers to be under the influence of alcoholic liquor, drugs or other substance so as to make his presence within the aerodrome dangerous to himself or others or offensive to others or otherwise undesirable.

(2) In subregulation (1) "authorized person" means a ranger or person employed by the Authority to manage or assist in the operation of the aerodrome.

PART 7—OFFENSIVE BEHAVIOUR**Damage to property**

69. A person shall not without authority destroy or damage any building or other structure within the limits of the Island or any property owned by or under the control and management of the Authority, a public utility, or any person carrying on business on the Island.

Penalty: \$500.

Assault and other offensive behaviour

70. (1) A person shall not within the limits of the Island—

- (a) unlawfully assault any person;
- (b) use indecent, obscene, threatening, abusive or insulting language;
- (c) do or engage in any offensive, indecent or improper act, conduct or behaviour; or
- (d) act in such a way as to cause a nuisance or annoyance to persons within the limits of the Island.

Penalty: \$500.

(2) In subregulation (1) (a) "assault" and "unlawfully" have the respective meanings assigned to them by sections 222 and 223 of *The Criminal Code*.

(3) A person shall not write, draw, print, publish, record, broadcast, distribute, or otherwise disseminate within the limits of the Island any indecent or obscene matter of any kind.

Penalty: \$500.

Offensive noises

71. A person shall not without permission, by the use of any electronic, mechanical or other instrument or machine or by natural means within the limits of the Island cause or produce a noise that unreasonably interferes with the convenience, comfort or amenity of any person.

Penalty: \$500.

Places where liquor may be consumed

72. (1) A person shall not consume alcoholic liquor within the limits of the Island except in licensed premises, in residential accommodation or its surrounds, in a building forming part of Kingstown Environmental Centre, at a campsite for which a licence is granted under regulation 8, on a boat in the waters of the Island, or in a place for the time being approved by the Authority for the purposes of this regulation.

Penalty: \$500.

(2) In subregulation (1) "alcoholic liquor" and "licensed premises" have the meanings assigned to them by the *Liquor Act 1970*.

(3) Nothing in subregulation (1) shall affect any other written law as to the purchase, supply, consumption or possession of alcoholic liquor.

(4) In a complaint for an offence against subregulation (1) an averment that any liquid is liquor is deemed to be proved in the absence of evidence to the contrary.

PART 8—MISCELLANEOUS**Infringement notices**

73. (1) The offences created by a provision of these regulations specified in column 2 of table set out in Schedule 4 are the offences to which a modified penalty under section 42 of the Act applies.

(2) Forms 2 and 3 in Schedule 1 are prescribed for the purposes of subsections (1) and (6) respectively of section 42 of the Act.

Abandoned or dangerous boats

74. (1) Subject to this regulation, a ranger may take possession of any boat within the limits of the Island if he has reasonable grounds to believe that it has been abandoned, is derelict, or constitutes a danger.

- (2) Before he exercises the power in subregulation (1), a ranger shall unless the boat constitutes a danger to persons or property—
- (a) make reasonable inquiry as to the identity and whereabouts of the person who is or has been the owner of the boat; and
 - (b) if the identity and whereabouts of that person become known to him give notice in writing to that person requiring him to remove the boat within the time specified in the notice.
- (3) A person to whom a notice is given under subregulation (2) (b) shall comply with the notice.
Penalty: \$300.
- (4) Any cost incurred by or on behalf of the Authority under this regulation is a debt due to the Authority by a person who is shown to have been the owner, or in the case of an abandoned boat the former owner, at the time of removal and is recoverable in court of competent jurisdiction.
- (5) The powers in this regulation extend to any article in or attached to a boat.
- (6) Subject to subregulations (7), (8) and (9) any boat or article removed under this regulation becomes the property of the Authority and may be disposed of as it thinks fit.
- (7) If the Authority's estimate of the value of the boat and any article in or attached to the boat exceeds the costs referred to in subregulation (4) together with the costs associated with the sale of the same, the Authority shall sell the boat and any such article, and after payment of all of its costs, hold the proceeds in accordance with subregulation (8).
- (8) The proceeds of sale referred to in subregulation (7) shall become part of the funds of the Authority at the expiration of 12 months from the date of the sale unless within that time a person proves to the satisfaction of the Authority that he is entitled to them or any part of them, in which case the Authority shall pay the proceeds or part thereof in accordance with that entitlement.
- (9) Notwithstanding subregulations (6), (7) and (8), the Authority shall give possession of the boat or any article in or attached to it to any person who proves that he is entitled to the same and who pays to the Authority all costs incurred by it or on its behalf under this regulation.

Repeal and transitional provisions

75. (1) The Rottneest Island By-laws are repealed.
- (2) An authority or consent given by the Board under the repealed by-laws that is in force immediately before the commencement is deemed to be a permission granted under these regulations.
- (3) A licence under By-law 13 that is in force immediately before the commencement is deemed to be a licence under regulation 5.
- (4) The powers in regulation 41 (3) may be exercised in respect of a contravention of By-law 11.
- (5) The powers in regulation 45 (2) may be exercised in respect of a contravention of By-law 18.
- (6) A person who immediately before the commencement is liable to pay or remit any admission fee under By-law 23 or 24 but has not done so is deemed to be liable to pay or remit the fee under regulation 5 or 6, as the case may be.
- (7) An amount that is paid under By-law 23A in respect of the financial year that is current at the commencement is deemed to be paid for the purposes of regulation 7.
- (8) Nothing in this regulation shall be construed to limit the operation of the *Interpretation Act 1984*.
- (9) In this regulation—
- “Board” means the Rottneest Island Board dissolved by clause 2 of Schedule 2 of the Act;
 - “by-law” means a by-law of the repealed by-laws;
 - “commencement” the commencement of these regulations;
 - “repealed by-laws” means the by-laws repealed by subregulation (1).

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SCHEDULE 1

[regs. 14 and 73 (2)]

Form 1

APPLICATION FOR A MOORING SITE

To the Rottneest Island Authority.

1. Applicant—

Name
Residential Address
Telephone No.

2. Application is made for a mooring site at ⁽¹⁾

.....
for the following vessel(s)

Type ⁽²⁾	Purpose ⁽³⁾	Length	Draught	Displacement tonnage	Registration No. ⁽⁴⁾
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Signature of applicant

Date.....

⁽¹⁾ Insert the mooring area or areas to which the application is restricted, that is at one or more of the following—

Porpoise, Thomson, Geordie, Longreach, Little Armstrong, Catherine, Stark, Marjorie and Eagle Bays, or Narrow Neck.

Alternatively insert "any available area".

⁽²⁾ I.e. cabin cruiser; open boat;
½ cabin cruiser; runabout;
houseboat; yacht;
hovercraft; other floating object
hydrofoil; (specify).

⁽³⁾ I.e. whether private or commercial.

⁽⁴⁾ If not a registered vessel show other means of identification.

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Form 2
Rottnest Island Authority Act 1987
INFRINGEMENT NOTICE

No.....
Date

To (1)
It is alleged that at (2)
on the.....day of19.....at.....a.m./p.m.
you committed an offence against regulation (3)..... of the
Rottnest Island Regulations 1988 in that you (4)

.....
If you do not wish to have a complaint of this alleged offence heard and determined by a court you
may, within 21 days after the date of this notice, pay a penalty of \$.....(5) to the Rottnest
Island Authority (6)
If this modified penalty is not paid within 21 days of the date of this notice, court proceedings may be
taken against you.

.....
Ranger

- (1) Insert name and address of alleged offender.
- (2) Insert place of alleged offence.
- (3) Insert reference to the regulation.
- (4) Insert short particulars of the offence alleged.
- (5) Insert amount of penalty prescribed.
- (6) The address at which the penalty may be paid or to which payment may be posted must be shown.

Form 3
Rottnest Island Authority Act 1987
WITHDRAWAL OF INFRINGEMENT NOTICE

No.....
Date

To (1)
Infringement Notice No.dated
for the alleged offence of (2)
.....
.....(Modified penalty \$(3) is hereby withdrawn.
No further action will be taken. (4)

OR

It is proposed to institute court proceedings for the alleged offence. (4)

.....
Chief Executive Officer,
Rottnest Island Authority.

- (1) Insert name and address of alleged offender.
- (2) Insert short particulars of offence alleged.
- (3) Insert amount of penalty prescribed.
- (4) Delete whichever does not apply.

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SCHEDULE 2

[reg. 36 (1)]

Note: Maps showing the approximate boundaries of the areas described in this Schedule are available for inspection at the office of the Authority on the Island.

Part A—Water Catchment Area

All that part of the Island containing approximately 16 hectares that is bounded generally to the west and south by the road from Geordie Bay to Bovell Highway, to the north by the cycle track from Longreach settlement to the Basin, and to the east by the golf course, and that is enclosed by a wire netting fence 1 800 mm in height and topped with barbed wire.

Part B—Waste-water Treatment Facility

All that part of the Island containing approximately one hectare that is situated to the south of the Point between Pinky Beach and the Basin and to the north of the road between Thomson Bay settlement and the Basin and that is enclosed by a chain mesh fence 1 800 mm in height.

SCHEDULE 3

[reg. 63]

Rottnest Aerodrome

All that part of the Island containing approximately 21 hectares that is situated to the south of Government House Lake and bounded by a line commencing where a fence adjoins the west side of the terminal building and following the line of that fence to the edge of Government House Lake and following the edge of that lake for approximately 80 metres to a point where it merges with a line of white conical markers and following that line westwards, then southwards, then eastwards, then northwards and then westwards to the edge of the sealed taxi-way and following the edge of that taxi-way northwards for approximately 15 metres and then westwards for approximately 200 metres to the point where it intersects a line drawn through 2 blue conical markers on the east side of the helicopter parking area and following that line for approximately 60 metres to the point where it intersects a fence line and following that fence line eastwards, then northwards, then westwards, then southwards and then westwards to the terminal building, and including the terminal building.

A map showing the approximate boundaries of the aerodrome is available for inspection at the office of the Authority on the Island.

SCHEDULE 4

[reg. 73]

Offences to which modified penalties apply

Item	Regulation	Matter to which regulation relates	Modified penalty
			\$
1.	5 (4)	Failing or refusing to pay admission fee, not being a passenger on commercial transport.....	30
2.	9 (1)	Taking up unauthorized casual residence.....	30
3.	12 (2)	Use of mooring other than by authorized vessel displaying the correct label.....	30
4.	36 (1) (a)	Being in a restricted area without permission.....	50
5.	36 (1) (b)	Being in a protected area without permission.....	50
6.	36 (1) (c)	Using a closed track or path without permission.....	50
7.	37 (1) (a)	Beaching a boat in Thomson, Longreach or Geordie Bay without permission and not in a permitted area.....	30
8.	37 (1) (b)	Beach-anchoring a boat in Thomson, Longreach or Geordie Bay without permission and not in a permitted area.....	30
9.	39 (1)	Injuring etc. flora or removing stake or label relating to flora.....	100
10.	40	Interfering etc. with fauna or habitat etc. of fauna.....	100
11.	41 (1)	Without permission causing or allowing animal or bird to enter Island.....	100
12.	42	Causing damage to any rock or soil without permission....	50
13.	44 (3)	Failing to comply with traffic sign or with ranger's signal or direction relating to vehicle— (a) where sign, signal or direction relates to parking (b) in any other case.....	20 50
14.	47	Exceeding speed limit.....	100
15.	53	Without permission, organizing, advertising or participating in any event or meeting.....	100
16.	55 (1)	Without permission affixing notice etc., defacing rock, tree, pavement, structure etc. or causing any such act to be done.....	50
17.	56	Without permission selling, distributing etc. printed or written matter.....	50
18.	60	Without permission lighting, making or using a fire other than in stove or Authority fireplace.....	60
19.	65 (1)	Being within aerodrome limits without permission or authority.....	100
20.	70 (1) (a)	Unlawfully assaulting a person.....	50
21.	70 (1) (b)	Using indecent, obscene, threatening, abusive or insulting language.....	50
22.	70 (1) (c)	Doing or engaging in any offensive, indecent or improper act, conduct or behaviour.....	50
23.	70 (1) (d)	Acting in such a way as to cause a nuisance or annoyance to persons.....	50
24.	70 (3)	Writing etc. or distributing or otherwise disseminating indecent or obscene matter.....	50
25.	71	Causing or producing noise that unreasonably interferes with convenience, comfort or amenity of any person.....	50
26.	72 (1)	Consuming alcoholic liquor in unauthorized place.....	50

By His Excellency's Command,
G. PEARCE,
Clerk of the Council.

LITTER ACT 1979

LITTER AMENDMENT REGULATIONS 1988

MADE by His Excellency the Governor in Executive Council.

Citation

1. These regulations may be cited as the *Litter Amendment Regulations 1988*.

Commencement

2. These regulations shall come into operation on the day on which the *Rottnest Island Authority Act 1987* comes into operation.

Amendment of regulation 9A

3. Regulation 9A of the *Litter Regulations 1981** is amended in the Table to the regulation by inserting, after item 2, the following item—

“ 3. Rottnest Island Authority under the <i>Rottnest Island Authority Act 1987</i>	A person designated under subsection (1) (a) of section 28 of that Act to be a ranger, or appointed under subsection (1) (b) of that section to be an honorary ranger for Rottnest Island. ”.
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[*Published in the *Gazette of 3 July 1981* at pp. 2603-2605. For amendments to 1 March 1988 see page 289 of 1986 *Index to the Legislation of Western Australia*.]

By His Excellency's Command,
G. PEARCE,
Clerk of the Council.

Western Australia
FISHERIES ACT 1905

Notice No. 301

PURSUANT to section 9 of the Act, I hereby prohibit all persons from taking any fish whatsoever by any means in all waters specified in the Schedule.

Schedule

All that portion of the Indian Ocean within a triangle adjacent to Thomson Bay, Rottnest Island bounded by lines commencing at a navigation marker situated at 31°59'19" south latitude 115°32'34" east longitude: thence in a north-easterly direction to a navigational marker situated at 31°58'54" south latitude 115°33'52" east longitude: thence in a southwesterly direction to a third navigation marker situated at 31°59'43" south latitude 115°33'24" east longitude: thence in a northwesterly direction to the point of commencement.

Dated 18 May 1988.

JULIAN GRILL,
Minister for Fisheries.

Western Australia
FISHERIES ACT 1905

Notice No. 332

PURSUANT to section 9 of the Act I hereby prohibit all persons from taking any fish whatsoever by any means in all waters specified in the Schedule.

Schedule

All that portion of the Indian Ocean adjacent to Parker Point, Rottnest Island within a boundary commencing from high water mark at a conspicuous point on the foreshore of Rottnest Island approximately 200 metres north of Parker Point; thence generally southwards along the high water mark to the southern extremity of Parker Point; thence due south for 150 metres; thence along a line bearing 035°T to its intersection with another line bearing 100°T from the point of commencement, thence along that line to the point of commencement.

Dated 18 May 1988.

JULIAN GRILL,
Minister for Fisheries.

Western Australia
FISHERIES ACT 1905

Notice No. 333

PURSUANT to sections 9 and 11 of the Act I hereby—

- (a) prohibit all persons from taking any fish whatsoever by means of spearguns, harpoons, hawaiian slings and all other similar pointed instruments in the waters of the Indian Ocean adjacent to Rottnest Island described in the schedule; and
- (b) cancel the Notice relating to a prohibition on the taking of fish by means of spearguns etc in waters surrounding Rottnest Island published in the *Government Gazette* on 28 February 1975.

Schedule

1. Rottnest Island—

- (a) All that portion of the Indian Ocean bounded by lines starting from Point Clune, on the high water mark of Rottnest Island, and extending north 800 metres; thence generally easterly, southeasterly, southerly and southwesterly, parallel to and 800 metres from the high water mark to a point situate 800 metres south of Salmon Point; thence north to Salmon Point aforesaid; and thence generally northeasterly, northerly, northwesterly and westerly along the high water mark aforesaid to the starting point.

- (b) All that portion of the Indian Ocean bounded by lines starting from Salmon Point on the high water mark of Rottnest Island, and extending south 200 metres thence generally westerly, and northeasterly, parallel to and 200 metres from the high water mark to a point situate 200 metres north of Point Clune; thence south to Point Clune aforesaid; and thence generally southwesterly, and easterly along the high water mark aforesaid to the starting point.

2. Dyers Island—

All that portion of the Indian Ocean within 200 metres of the high water mark of Dyers Island.

Dated 18 May 1988.

JULIAN GRILL,
Minister for Fisheries.

Western Australia
FISHERIES ACT 1905

Notice No. 334

PURSUANT to sections 9, 10 and 11 of the Act, I hereby prohibit all persons from—

- (1) taking any fish described in the first schedule for any purpose whatsoever; and
- (2) taking any other fish whatsoever unless for the purpose of human consumption,

within any of the waters described in the second schedule.

First Schedule

Live Molluscs.....	which includes all bi-valve and gastropod shells and sea slugs other than abalone, squid and cuttlefish and octopus;
Echinoderms	which includes sea urchins, starfish, brittle stars, feather stars and sea cucumbers;
Coelenterates.....	which includes all corals, sea anemone and jelly fish;
Fishes of the families Syngnathidae and Solenostomidae	which includes sea dragons, sea horses and pipe fish.

Second Schedule

1. Rottnest Island—all that portion of the Indian Ocean within 800 metres of the high water mark of Rottnest Island.
2. Dyers Island—all that portion of the Indian Ocean within 200 metres of the high water mark of Dyers Island.

Dated 18 May 1988.

JULIAN GRILL,
Minister for Fisheries.