

Western Australia

Conservation and Land Management Regulations 1992

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Conservation and Land Management Regulations 1992

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Defined Terms

Conservation and Land Management Regulations 1992

Part 1 — Preliminary

1. **Citation**

These regulations may be cited as the *Conservation and Land Management Regulations 1992*¹.

2. **Interpretation**

In these regulations, unless the contrary intention appears —

“authorised officer” has the same meaning as in section 102 of the Act;

“Reserve” means all that portion of land being A class Reserve No. A17375, shown bordered pink on the Department of Land Administration Reserve Plan No. 33 and known as the Matilda Bay Reserve;

“sign” means a sign in the Reserve erected by authority of the Executive Director and includes lines or other markings on the ground made by authority of the Executive Director;

“ticket vending machine” means a machine situated in the Reserve which, following insertion of a coin or coins, issues a parking ticket;

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

Part 2 — Camping fees

3. Fees for use of certain camping sites

- (1) The fees set out in Schedule 1 are payable in respect of camping sites in conservation parks and on land referred to in section 5(g) of the Act.
- (2) The person occupying the site is liable to pay the fee payable for that site or, if there is more than one such person, the persons occupying the site are jointly and severally liable to pay such fee.

4. Refusal to pay fee

A person shall not refuse or fail to pay a fee for which he or she is liable under regulation 3, when requested to do so by an authorised officer.

Penalty: \$200.

Part 3 — Parking in Matilda Bay Reserve

5. Driver to obey reasonable direction

The driver or person in charge of a vehicle shall obey any reasonable direction given to him or her by an authorised officer in relation to the parking or movement of the vehicle in the Reserve.

Penalty: \$200.

6. Signs to be obeyed

- (1) A person shall not park or stand a vehicle in the Reserve contrary to any direction on a sign.
Penalty: \$200.
- (2) A sign may direct that an area of the Reserve is set aside —
 - (a) for the parking of a specified vehicle or specified class of vehicles;
 - (b) for the parking of a vehicle of a specified person or specified class of persons;
 - (c) for the parking of vehicles for a specified maximum period of time;
 - (d) for the parking of vehicles only within specified parking bays;
 - (e) as a “no standing” or “no parking” area.
- (3) A sign may direct that an area of the Reserve may be used for parking subject to the payment of a specified charge, and a person shall not park a vehicle in such an area at any time when the charge applies unless —
 - (a) the specified charge has been paid into a ticket vending machine; and

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- (b) there is displayed in the vehicle at that time a parking ticket issued from a ticket vending machine that shows —
 - (i) the amount paid;
 - (ii) the date; and
 - (iii) an expiry time for permitted parking that is after that time.
- (4) A parking ticket shall be displayed in a vehicle in such a manner that an authorised officer is able to read it from outside the vehicle.
Penalty: \$200.
- (5) The charge specified for the purposes of subregulation (3) shall not exceed 40 cents for every hour or part of an hour.
- (6) In this regulation “**specified**” means specified by a sign.
[Regulation 6 amended in Gazette 17 March 1998 p.1410.]

7. Obstructing other vehicles

A person shall not park or stand a vehicle in the Reserve in such a manner as to obstruct —

- (a) any other vehicle in the Reserve;
- (b) access to a ticket vending machine;
- (c) a footpath.

Penalty: \$200.

8. Presumption

A sign on the Reserve is to be taken to have been erected or made by authority of the Executive Director until the contrary is shown.

Part 4 — Infringement notices

9. Infringement notices

- (1) The offences created by a provision of these regulations specified in columns 1 and 2 of Schedule 2 are prescribed offences for the purposes of section 114A of the Act.
- (2) The modified penalty set out in column 3 of Schedule 2 opposite the reference to an offence is prescribed to apply to that offence, or to that offence committed in particular circumstances, if it is dealt with under section 114A of the Act.
- (3) Forms 1 and 2 in Schedule 3 are prescribed for the purposes of subsections (1) and (6) respectively of section 114A of the Act.

Part 5 — Licensing of commercial operations

[Heading inserted in Gazette 9 February 1993 p.1097.]

10. Definitions

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.

[Regulation 10 inserted in Gazette 9 February 1993 pp.1097-8.]

11. Unlicensed commercial operations

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

Penalty: \$2 000.

[Regulation 11 inserted in Gazette 9 February 1993 p.1098.]

12. Exceptions to regulation 11

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 authorising that sale of goods or services; or
- (c) who is otherwise authorised under the Act to sell goods or services on land to which this Part applies.

[Regulation 12 inserted in Gazette 9 February 1993 p.1098.]

13. Licence

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.

[Regulation 13 inserted in Gazette 9 February 1993 p.1098.]

14. Application for licence

- (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.

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- (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.

[Regulation 14 inserted in Gazette 9 February 1993 p.1098.]

15. Duration of licence

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

[Regulation 15 inserted in Gazette 9 February 1993 p.1098.]

16. Renewal of licence

- (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.

[Regulation 16 inserted in Gazette 9 February 1993 p.1098.]

17. Conditions and restrictions

- (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.

[Regulation 17 inserted in Gazette 9 February 1993 p.1099.]

18. Production of licence

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

Penalty: \$100.

[Regulation 18 inserted in Gazette 9 February 1993 p.1099.]

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

- (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.

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- (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.

*[Regulation 19 inserted in Gazette 9 February 1993
pp.1099-1100.]*

20. Return of licence

- (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.

[Regulation 20 inserted in Gazette 9 February 1993 p.1100.]

Part 6 — Removal and forfeiture of unauthorised property on CALM land

[Heading inserted in Gazette 15 October 1999 p.4865.]

21. Definition

In this Part —

“CALM land” has the same meaning as “land to which this Act applies” has in section 5 of the Act.

[Regulation 21 inserted in Gazette 15 October 1999 p.4865.]

22. Meaning of “property” in this Part

(1) In this Part, **“property”** —

- (a) includes a vehicle, caravan, platform (including a platform on water), tent or other thing related to camping, tarpaulin, tripod, log, post, picket, spike, pipe, rope, cable, chain, wire and any kind of lock or locking device;
- (b) does not include anything to which section 108A(1) of the Act applies.

(2) Subject to subregulation (1)(b), a thing may be property for the purposes of this Part whether or not it is attached to CALM land.

[Regulation 22 inserted in Gazette 15 October 1999 p.4866.]

23. Conservation and land management officers may seize and remove unauthorised property

(1) A conservation and land management officer who finds on CALM land any property that the officer reasonably believes is not authorised under a written law to be on the land may request a person who has, or appears to the officer to have, possession or control of the property to remove it from the land.

(2) If —

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- (a) a person does not comply with a request under subregulation (1) within a period that the conservation and land management officer considers reasonable; or
- (b) the officer is unable to find a person who has, or appears to the officer to have, possession or control of the property,

the officer may seize the property and remove it from CALM land.

- (3) Property seized and removed under subregulation (2) shall be held at an office of the Department until it is collected under regulation 24(2) or destroyed, sold or otherwise disposed of under regulation 25.

[Regulation 23 inserted in Gazette 15 October 1999 p.4866.]

24. Seized property may be claimed

- (1) A person may claim property that is seized and removed under regulation 23(2) if the claim is made to a conservation and land management officer within 6 months after the property is seized and removed.
- (2) If a conservation and land management officer is satisfied that a person who claims property under subregulation (1) is the owner of the property or is entitled to possession of the property, the officer shall make the property available to be collected by the person at a time and a place notified in writing to the person.
- (3) The time referred to in subregulation (2) shall be within 21 days after the conservation and land management officer is satisfied in relation to the matters referred to in that subregulation.

[Regulation 24 inserted in Gazette 15 October 1999 pp.4866-7.]

25. Unclaimed property to be forfeited

- (1) If property is not claimed by a person who a conservation and land management officer is satisfied is the owner of the property or is entitled to possession of the property within 6 months after the property is seized and removed under regulation 23(2), the property is, on the expiry of that period, forfeited to the Crown and may be destroyed, sold or otherwise disposed of as directed by the Executive Director.
- (2) The proceeds of a sale under subregulation (1) shall be dealt with under section 63 of the Act.

[Regulation 25 inserted in Gazette 15 October 1999 p.4867.]

26. Compensation not payable

No compensation is payable to a person in relation to any property that is seized, removed, destroyed, sold or otherwise disposed of under this Part.

[Regulation 26 inserted in Gazette 15 October 1999 p.4867.]

Schedule 1 Camping site fees

Schedule 1 — Camping site fees

		[r. 3]
Description		Fee per night
		\$
1.	Camping fee for sites with only toilet facilities —	
	one or 2 persons	10.00
	each additional person aged 16 or over	5.50
	each additional child under 16	2.00
2.	Camping fee for sites where facilities include toilets and showers —	
	one or 2 persons	12.50
	each additional person aged 16 or over	5.50
	each additional child under 16	2.00

[Schedule 1 inserted in Gazette 30 June 2000 pp.3400-1.]

Schedule 2

[r. 9(1)]

Offences to which modified penalties apply

Item No.	Column 1 Regulation	Column 2 Brief description of offence	Column 3 Modified Penalty \$
1.	4	Failing or refusing to pay camping fee	50.00
2.	5	Failing to obey a direction of authorised officer	30.00
3.	6(1)	Failing to obey a direction on a sign as follows —	
		(a) parking vehicle — not specified or of specified class	30.00
		(b) person parking vehicle — not being a specified person or one of a specified class of persons	30.00
		(c) exceeding maximum parking period ...	15.00
		(d) parking vehicle not within a parking bay	20.00
		(e) standing vehicle in a “no standing” area	45.00
		(f) parking vehicle in a “no parking” area	30.00
4.	6(4)	Failing to display parking ticket	30.00
5.	7(a)	Obstructing another vehicle	40.00
6.	7(b)	Obstructing access to ticket vending machine	40.00
7.	7(c)	Obstructing a footpath	45.00

Schedule 3

Schedule 3

Form 1

[r. 9(3)]

Conservation and Land Management Act 1984

INFRINGEMENT NOTICE

Given by
(authorised officer)

Date 20

1. To (name)
of (address)

2. It is alleged that at about a.m./p.m. on the
day of 20, you committed an offence
against regulation of the *Conservation and Land
Management Regulations 1992* 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 \$
within 21 days of the date 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
W.A. 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 authorised officer

Form 2

[r. 9(3)]

Conservation and Land Management Act 1984

WITHDRAWAL OF INFRINGEMENT NOTICE

To (name)
of (address)

1. Infringement Notice No. given to you on the
..... day of 20 for the alleged
offence of
and imposing 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
..... 20
(Date)

Schedule 4

Schedule 4

[rr. 14 and 16]

Commercial operator fees

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

[Schedule 4 inserted in Gazette 9 February 1993 p.1100.]

Notes

- ¹ This is a compilation of the *Conservation and Land Management Regulations 1992* and includes the amendments referred to in the following Table.

Compilation table

Citation	Gazettal	Commencement
<i>Conservation and Land Management Regulations 1992</i>	20 Mar 1992 pp.1246-50	20 Mar 1992
<i>Conservation and Land Management Amendment Regulations 1993</i>	9 Feb 1993 pp.1097-100	9 Feb 1993
<i>Conservation and Land Management Amendment Regulations 1998</i>	17 Mar 1998 p.1410	17 Mar 1998
<i>Conservation and Land Management Amendment Regulations 1999</i>	15 Oct 1999 pp.4865-7	15 Oct 1999
<i>Conservation and Land Management Amendment Regulations 2000</i>	30 Jun 2000 pp.3400-1	1 Jul 2000 (see regulation 2)