

CONSERVATION AND LAND MANAGEMENT

CM301

**CONSERVATION AND LAND MANAGEMENT ACT 1984
CONSERVATION AND LAND MANAGEMENT REGULATIONS 1992**

Made by His Excellency the Governor in Executive Council.

PART 1 — PRELIMINARY**Citation**

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

Interpretation

2. In these regulations, unless the contrary intention appears —

“authorized 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 the 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**Fees for use of certain camping sites**

3. (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.

Refusal to pay fee

4. 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 authorized officer.

Penalty: \$200.

PART 3 — PARKING IN MATILDA BAY RESERVE**Driver to obey reasonable direction**

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

Penalty: \$200.

Signs to be obeyed

6. (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
- (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 authorized 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 20 cents for every hour or part of an hour.

(6) In this regulation "specified" means specified by a sign.

Obstructing other vehicles

7. 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.

Presumption

8. 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

Infringement notices

9. (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.

SCHEDULE 1

(regulation 3)

CAMPING SITE FEES

Description	Fee per night \$
1. Camping fee for sites with only toilet facilities —	
one or two persons	5.00
each additional person aged 16 or over	3.00
each additional child under 16	1.00
2. Camping fee for sites where facilities include toilets and showers —	
one or two persons	8.00
each additional person aged 16 or over	3.00
each additional child under 16	1.00

SCHEDULE 2

(regulation 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 authorized 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

Form 1

(regulation 9 (3))

CONSERVATION AND LAND MANAGEMENT ACT 1984

INFRINGEMENT NOTICE

Given by.....
(authorized officer)

Date 19

- To (name)
of (address)
- It is alleged that at about am/pm on the day of 19, you committed an offence against regulation of the *Conservation and Land Management Regulations 1992* by
- 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.
- 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.
- 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 authorized officer

Form 2

(regulation 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 19..... 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.....19
(Date)

By His Excellency's Command,

M. C. WAUCHOPE, Clerk of the Council.