

RI301**ROTTNEST ISLAND AUTHORITY ACT 1987
ROTTNEST ISLAND AMENDMENT REGULATION 1990**

Made by His Excellency the Governor in Executive Council.

Citation

1. These regulations may be cited as the *Rottnest Island Amendment Regulations 1990*.

Principal regulations

2. In these regulations the *Rottnest Island Regulations 1988** are referred to as the principal regulations.

[*Published in the Gazette of 30 May 1988 at pp.1825-1846.]

Regulation 5 amended

3. Regulation 5 of the principal regulation is amended by repealing subregulation (2) and substituting the following subregulation—

“ (2) The amount of the admission fee is such amount as the Authority, with the approval of the Minister, fixes from time to time by notice published in the *Gazette*. ”.

Regulation 7 repealed and a regulation substituted

4. Regulation 7 of the principal regulations is repealed and the following regulation is substituted—

Annual payment in lieu of admission fee

“ 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 provided for in subregulation (2) is paid to the Authority in respect of any financial year; and

(b) an 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 provided for by regulation 5.

(2) The amount referred to in subregulation (1) (a) is such amount as the Authority, with the approval of the Minister, from time to time fixes by notice published in the *Gazette* for the purpose of this regulation. ”.

Regulation 15 amended

5. Regulation 15 of the principal regulations is amended—

(a) in subregulation (1) by inserting after “applicants for” the following—
“ appropriate ”;

(b) in subregulation (2) by deleting “application for a” and substituting the following—

“ application for an appropriate ”;

(c) by repealing subregulation (3) and substituting the following subregulation—

“ (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 who is the first applicant if recorded at the time on the waiting list for that area as having made an application that is appropriate to that mooring site, having regard to the category of size and draft of vessel that may use that mooring site. ”; and

(d) by repealing subregulation (7) and substituting the following subregulation—

“ (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, Catherine Bay, Stark Bay, Narrow Neck and Marjorie Bay. ”.

Regulation 17 amended

6. Regulation 17 of the principal regulations is amended in subregulation (3) by deleting “subregulation (3)” and substituting the following—

“ subregulation (4) ”.

Regulation 18 amended

7. Regulation 18 of the principal regulations is amended—

(a) by deleting subregulation (1) and substituting the following subregulations—

“ (1) The registered owner of a mooring site shall pay to the Authority a yearly fee for that site at a rate determined in accordance with subregulation (1a) 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.

(1a) For the purposes of subsection (1) the rate shall be such rate as the Authority, with the approval of the Minister, fixes from time to time by notice published in the *Gazette*. ”;

and

(b) in subregulation (2) by deleting “the amount specified in subregulation (1) (a) of regulation 7” and substituting the following—

“ the amount provided for in regulation 7 (1) (a) ”.

Regulation 23 amended

8. Regulation 23 of the principal regulations is amended by 1 inserting after subregulation (6) the following subregulations—

“ (7) For the purposes of this regulation, a person is the owner of a significant interest in a vessel if that person is beneficially entitled to not less than 25% of the net worth of the vessel.

(8) If there is a dispute between the Authority and a person claiming to be the owner of a significant interest in a vessel as to the net worth of the vessel, the Authority shall accept an independent valuation by a valuer nominated by the president of the Institute of Valuers. ”.

Regulation 36 amended

9. Regulation 36 of the principal regulations is amended—

(a) in subregulation (3) by deleting “be the erection” and substituting the following—

“ by the erection ”; and

(b) in subregulation (4) by deleting “be the erection” and substituting the following—

“ by the erection ”.

Regulation 54 amended

10. Regulation 54 of the principal regulations is amended by deleting “be broadcast or published or are to”.

Regulation 57 repealed and a regulation substituted

11. Regulation 57 of the principal regulations is repealed and the following regulation is substituted—

Unauthorized trading

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

Penalty: \$500. ”.

Schedule 1 amended

12. Schedule 1 to the principal regulations is amended—
- (a) in Form 1 by deleting “Little Armstrong, Catherine, Stark, Marjorie and Eagle” and substituting the following—
 “ Catherine, Stark and Marjorie ”; and
 - (b) by deleting Form 2 and substituting the following form—

Form 2

Rottnest Island Authority Act 1987

INFRINGEMENT NOTICE

No. _____
 Date _____

To (1)
 of (2)

It is alleged that at (3)
 on the day of 19... at a.m./p.m.
 you committed the offence indicated below by a cross (X).

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 the penalty as shown to the Rottnest Island Authority, Rottnest Island 6161.

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 of alleged offender
- (2) Insert address of alleged offender
- (3) Insert place of alleged offence

OFFENCE	PENALTY
<input type="checkbox"/> Regulation 39 (1)—injuring etc. flora or removing stake or label relating to flora	\$100
<input type="checkbox"/> Regulation 40 (1)—interfering etc. with fauna or habitat etc. of fauna	\$100
<input type="checkbox"/> Regulation 41 (1)—without permission causing or allowing animal or bird to enter Island	\$100
<input type="checkbox"/> Regulation 60 (1)—without permission lighting, making or using a fire other than in stove or Authority fireplace	\$100
<input type="checkbox"/> Regulation 55 (1)—without permission affixing notice etc. or causing such act to be done	\$ 50
<input type="checkbox"/> Regulation 36 (1) (a)—being in a restricted area without permission	\$ 50
<input type="checkbox"/> Regulation 9 (1)—taking up unauthorized casual residence	\$ 50
<input type="checkbox"/> Regulation 12 (2)—use of mooring other than by authorized vessel displaying the correct label	\$ 50
<input type="checkbox"/> Regulation 37 (1) (a)—beaching a boat in Thomson, Longreach or Geordie Bay without permission and not in a permitted area	\$ 30
<input type="checkbox"/> Other (specify)	\$.

Schedule 4 amended

13. Schedule 4 to the principal Act is amended—
- (a) in item 2 by deleting “30” and substituting the following—
 “ 50 ”;
 - (b) in item 3 by deleting “30” and substituting the following—
 “ 50 ”; and
 - (c) in item 18 by deleting “60” and substituting the following—
 “ 100 ”.

By His Excellency's Command,

M. C. WAUCHOPE, Clerk of the Council.