

Conservation and Land Management Amendment Regulations (No. 3) 2010

Made by the Lieutenant-Governor and deputy of the Governor in Executive Council.

1. Citation

These regulations are the *Conservation and Land Management Amendment Regulations (No. 3) 2010*.

2. Commencement

These regulations come into operation as follows —

- (a) regulations 1 and 2 — on the day on which these regulations are published in the *Gazette*;
- (b) the rest of the regulations — on the day after that day.

3. Regulations amended

These regulations amend the *Conservation and Land Management Regulations 2002*.

4. Regulation 2 amended

- (1) In regulation 2 insert in alphabetical order:

abseiling area means —

- (a) an area declared under regulation 6(1)(a) to be a designated area for the purposes of regulation 33; or
- (b) an area designated by sign as an abseiling area;

aircraft includes an ultra-light aircraft and a helicopter;

dog area means —

- (a) an area declared under regulation 6(1)(a) to be a designated area for the purposes of regulation 16; or
- (b) an area designated by sign as a dog area;

horse area means —

- (a) an area declared under regulation 6(1)(a) to be a designated area for the purposes of regulation 17; or
- (b) an area designated by sign as a horse area;

- (2) In regulation 2 in the definition of ***camping area*** paragraph (a) delete “designated under regulation 6” and insert:

declared under regulation 6(1)(a) to be a designated area

5. Regulation 16 amended

- (1) In regulation 16(1) delete “designated” and insert:

dog

- (2) Delete regulation 16(2) and insert:

- (2) A person must control and manage a dog in a dog area in accordance with conditions specified on signs erected in or in the vicinity of that area for the purposes of regulation 6(3) or signs designating that area as a dog area.

Penalty: a fine of \$500.

6. Regulation 17 amended

- (1) In regulation 17(1) delete “designated” and insert:

horse

- (2) Delete regulation 17(2) and insert:

- (2) A person must control and manage a horse in a horse area in accordance with conditions specified on signs erected in or in the vicinity of that area for the purposes of regulation 6(3) or signs designating that area as a horse area.

Penalty: a fine of \$500.

7. Regulation 33 replaced

Delete regulation 33 and insert:

33. Abseiling

- (1) A person must not, without lawful authority, abseil on CALM land except in an abseiling area.

Penalty: a fine of \$500.

- (2) A person abseiling in an abseiling area must comply with conditions specified on signs erected in or in the vicinity of that area for the purposes of regulation 6(3) or signs designating the area as an abseiling area.

Penalty: a fine of \$500.

8. Regulation 34 amended

Delete regulation 34(2) and insert:

- (2) In subregulation (1) —

structure —

- (a) includes any building, tramline, fence, post, pipeline, jetty, pontoon, cairn, memorial, ramp, barrier or gate;
- (b) does not include a mooring.

9. Regulation 40 replaced

Delete regulation 40 and insert:

40. Extinguishment of camp fires, barbeques and portable stoves

- (1) An authorised officer may direct any person to extinguish a camp fire, barbeque or portable stove on CALM land if the authorised officer considers that the camp fire, barbeque or stove constitutes —

- (a) a fire risk to any part of that land; or
- (b) a danger to the public.

- (2) An authorised officer may direct a person directed under subregulation (1) to extinguish a camp fire to take such other steps as the authorised officer considers reasonably necessary —

- (a) to prevent the camp fire from reigniting after it is extinguished; or
- (b) to prevent anything in or in the vicinity of the camp fire from constituting a danger to the public after it is extinguished.

- (3) A person must comply with a direction under subregulation (1) or (2).

Penalty: a fine of \$2 000.

10. Regulation 56 amended

In regulation 56(5)(b) delete “\$5.00” and insert:

\$8.00

11. Regulation 65A inserted

At the end of Part 3 Division 3 insert:

65A. Unlawful use of vessel storage facility

- (1) In subregulation (2) —
vessel storage facility means a rack or other structure erected and maintained by the CEO for the storage of vessels but does not include a mooring.
- (2) A person must not, without lawful authority, place a vessel in or on a vessel storage facility on CALM land.
Penalty: a fine of \$2 000.

12. Regulation 65 amended

- (1) In regulation 65(1) delete “aircraft, including an ultra-light aircraft, or a helicopter” and insert:

aircraft

- (2) In regulation 65(2) delete “or helicopter”.

13. Regulation 77 amended

In regulation 77(1) in the definition of *property* paragraph (a) after “caravan,” insert:

vessel, mooring, pontoon,

14. Regulation 78 amended

In regulation 78(1a) delete the Penalty and insert:

Penalty: a fine of \$2 000.

15. Regulation 80 amended

Delete regulation 80(2).

16. Regulation 96 amended

In regulation 96 delete “5” and insert:

10

17. Regulation 99 amended

(1) Delete regulation 99(3) and insert:

(3) Fees are not payable under this regulation unless the CEO has erected —

- (a) signs at or near the entrances to the area of CALM land stating that fees are payable for entry to that area; and
- (b) signs at or near the entrances to the area of CALM land, or at or near the place on CALM land at which the fees are collected, specifying —
 - (i) the fees that are payable; and
 - (ii) the manner in which the fees are to be paid.

(2) In regulation 99(5) delete “(c),” and insert:

(b)(ii),

18. Regulation 99A replaced

Delete regulation 99A and insert:

99A. Landing fees for aircraft

(1) In this regulation and Schedule 1 Division 12 —

aircraft landing area means an area declared under regulation 99B to be an aircraft landing area for the purposes of this regulation;

occupant does not include —

- (a) a person who is under 6 years of age; or
- (b) the pilot or other crew of an aircraft operating under a commercial operations licence.

(2) The fee specified in Schedule 1 Division 12 is payable daily per occupant of an aircraft that lands on an aircraft landing area.

- (3) The person liable to pay the fee is —
 - (a) if the aircraft is operating under a commercial operations licence — the holder of the licence; or
 - (b) in any other case —
 - (i) the person in charge of the aircraft; or
 - (ii) if the person in charge of the aircraft is employed or engaged by another person who is the owner or operator of the aircraft — that other person.
- (4) The person liable under subregulation (3) to pay the fee must pay the fee.
Penalty: a fine of \$1 000.

99B. Aircraft landing areas

- (1) The CEO may, by notice published in the *Gazette*, declare an area of CALM land specified in the notice to be an aircraft landing area for the purposes of regulation 99A.
- (2) An area may be declared to be an aircraft landing area at all times or during a period or periods specified in the notice.
- (3) The CEO may, by notice published in the *Gazette*, amend or revoke any previous notice published under this regulation.
- (4) A notice published under this regulation takes effect on such day after publication as is specified in the notice.

99C. Entrance fees for Monkey Mia Conservation Park

- (1) The relevant fee specified in Schedule 1 Division 10 item 1, 2, 3 or 4 is payable by a person entering the Monkey Mia Conservation Park.
- (2) The CEO is to erect signs at or near the entrance to the Monkey Mia Conservation Park —
 - (a) specifying the fees that are payable under this regulation; and
 - (b) specifying the manner in which the fees are to be paid.
- (3) A person is not liable to pay a fee under subregulation (1) for entry to the Monkey Mia Conservation Park if that person has paid the fee specified in Schedule 1 Division 10 item 5, 6, 7 or 8 for an extended pass for that person to enter the Park at the relevant time.

- (4) A person must pay, in the manner specified on a sign under subregulation (2)(b), a fee for which the person is liable under subregulation (1).

Penalty: a fine of \$200.

19. Regulation 102A amended

- (1) In regulation 102A(1):

- (a) delete “a designated” and insert:

an

- (b) delete “Willyabrup” and insert:

Wilyabrup

- (2) Delete regulation 102A(5).

20. Schedule 1 amended

Delete the reference after the heading to Schedule 1 and insert:

[r. 49, 83, 92, 97, 98C, 99, 99A,
99C, 100, 100A, 101, 102, 102A
and 103]

21. Schedule 1 Division 1 amended

Delete Schedule 1 Division 1 item 7.

22. Schedule 1 Division 6 amended

After Schedule 1 Division 6 item 3 insert:

- | | |
|---|-------|
| 4. Fee for site in Dirk Hartog Island National Park — | |
| each person 16 years of age or over | 18.00 |
| each person 16 years of age or over who holds a concession card | 13.00 |
| each person of more than 5 and less than 16 years of age | 2.00 |

23. Schedule 1 Division 10 heading amended

In the heading to Schedule 1 Division 10 delete “Fees” and insert:

Entrance fees

24. Schedule 1 Division 10 amended

In Schedule 1 Division 10 item 3 delete “15.00” and insert:

16.00

25. Schedule 1 Division 12 inserted

At the end of Schedule 1 Division 11 insert:

Division 12 — Landing fees for aircraft

- | | | |
|----|--|-------|
| 1. | Daily landing fee for each occupant of an aircraft landing on an aircraft landing area | 11.00 |
|----|--|-------|

26. Schedule 2 Division 2 amended

In Schedule 2 Division 2:

(a) delete item 31 and insert:

- | | | | |
|-----|-------|--|-----|
| 31. | 40(3) | Failing to comply with direction under regulation 40(1) or (2) | 200 |
|-----|-------|--|-----|

(b) after item 54 insert:

- | | | | |
|-------|--------|---|-----|
| 54aa. | 65A(2) | Unlawful use of vessel storage facility | 200 |
|-------|--------|---|-----|

(c) delete item 69a and insert:

- | | | | |
|------|--------|--|-----|
| 69a. | 99A(4) | Failing to pay landing fee for aircraft | 100 |
| 69b. | 99C(4) | Failing to pay entrance fee for Monkey Mia Conservation Park | 35 |

27. Various penalties amended

In the provisions listed in the Table after “Penalty:” insert:

a fine of

Table

r. 8(1)	r. 9(1)
r. 10	r. 11(1)
r. 12(1), (2), (3) and (3a)	r. 13(1)
r 14(2)	r. 15

r. 18	r. 19
r. 21(1) and (4)	r. 22
r. 23(1) and (2)	r. 24(1)
r. 25	r. 26
r. 27(2)	r. 28
r. 29(1) and (2)	r. 30(1)
r. 31(1) and (3)	r. 32
r. 34(1) and (4)	r. 35
r. 35A(1)	r. 36
r. 37(1) and (2)	r. 38(1)
r. 39(1) and (2)	r. 41
r. 42	r. 43
r. 46(1) and (2)	r. 47(1), (2) and (3)
r. 48	r. 49(4) and (5)
r. 50	r. 51(1) and (3)
r. 51A(1) and (3)	r. 52(1)
r. 53	r. 54(1) and (2)
r. 55	r. 56(1) and (4)
r. 57	r. 58
r. 59(1), (2) and (3)	r. 60(1)
r. 61	r. 61A
r. 62(1) and (2)	r. 63
r. 64(1), (2) and (4)	r. 65(1)
r. 66(1) and (2)	r. 67(2)
r. 68	r. 69(1), (2), (3), (4) and (6)
r. 70(2)	r. 71(2a)
r. 72(2)	r. 73(1) and (2)

r. 74	r. 75(1), (2) and (4)
r. 76(1) and (3)	r. 88(2)
r. 93(5)	r. 98(3)
r. 99(5)	r. 100(4)
r. 100A(4)	r. 102
r. 102A(3)	r. 103(4)
r. 105(1)	r. 106(1) and (2)
r. 107	r. 108
r. 109	r. 110

By Command of the Lieutenant-Governor and deputy of the Governor,

PETER CONRAN, Clerk of the Executive Council.