

Crown Lands Regulations 2001

I, the Governor in and over the State of Tasmania and its Dependencies in the Commonwealth of Australia, acting with the advice of the Executive Council, make the following regulations under the Crown Lands Act 1976.

17 December 2001

G. S. M. GREEN

Governor

By His Excellency's Command,

D. E. LLEWELLYN

Minister for Primary Industries, Water and Environment

PART 1 - Preliminary

1. Short title

These regulations may be cited as the Crown Lands Regulations 2001.

2. Commencement

These regulations take effect on 31 December 2001.

3. Interpretation

In these regulations –

"**Act**" means the Crown Lands Act 1976;

"**authorised person**" means –

(a) the Director-General; or

(b) a ranger; or

(c) a bailiff;

"**authority**" means an authority in force under Division 5 of Part 2;

"**bailiff**" means a bailiff of Crown lands specified in or appointed under section 11 of the Act;

"**camping**" means residing temporarily in a tent, caravan, cabin, vehicle, trailer or other similar structure;

"**chainsaw**" includes any mechanised device capable of cutting timber;

"**drive**" includes ride, take, use or be in charge of a vehicle;

"**Government House land**" means the piece of Crown land described in Schedule 1 to the Government House Land Act 1964;

"**hide**" means a construction used to conceal a person;

"hunting equipment" means any weapon, implement, apparatus or material that –

(a) is capable of being used for the taking of any wildlife or any product of any wildlife; or

(b) is incapable of being so used because of –

(i) the absence of, or a defect in, a part; or

(ii) the presence of an obstruction;

"ranger" means a ranger as defined in the *National Parks and Reserves Management Act 2002*;

"road" means –

(a) any road or track constructed by, or on behalf of, the managing authority with a surface suitable for the use of vehicles; or

(b) any place set aside by the managing authority for the parking of vehicles;

"stock" means –

(a) goats, horses, oxen, sheep, swine, cervids and camelids; and

(b) poultry of any kind; and

(c) oysters, mussels, abalone, scallops and clams; and

(d) fish of the family Salmonidae and goldfish;

"structure" includes a hide;

"vehicle" means a vehicle as defined in the *Traffic Act 1925*;

"vessel" means a vessel as defined in the *Marine and Safety Authority Act 1997*;

"wildlife" means wildlife as defined in the *Nature Conservation Act 2002*.

4. Non-application of regulations

These regulations do not apply to Crown land set aside in accordance with section 12 of the Act.

PART 2 - Care, control and management of public reserves

Division 1 - Use of vehicles, vessels and aircraft

5. Authority to drive off road

(1) Unless an authority is granted under Division 5, a person must not drive a vehicle off a road in any public reserve.

Penalty:

Fine not exceeding 20 penalty units.

(2) An authority may specify the place to, and the route along which, a vehicle may be driven off a road.

(3) A person authorised to drive a vehicle off a road in any public reserve must comply with any specified conditions.

Penalty:

Fine not exceeding 5 penalty units.

6. Signs restricting driving or use of vehicles

(1) The managing authority may display any sign or notice in any public reserve –

- (a) prohibiting or restricting the driving or leaving of vehicles in that public reserve; or
- (b) giving instructions as to the use of any road by vehicles.

(2) A person must comply with –

- (a) any prohibition or restriction contained in a sign or notice; and
- (b) any instructions contained in a sign or notice.

Penalty:

Fine not exceeding 5 penalty units.

7. Directions by authorised persons

(1) An authorised person may direct any person driving a vehicle in any public reserve not to drive on, or allow the vehicle to remain on, any road or any part of a road, or to remove the vehicle from any road or part of a road, for the purpose of –

- (a) regulating the use of any road in that public reserve; or
- (b) avoiding inconvenience, or risk of danger, to any person in that public reserve.

(2) A person driving a vehicle in any public reserve must comply with any direction given by an authorised person.

Penalty:

Fine not exceeding 5 penalty units.

8. Closure of roads

(1) The managing authority may close any road in any public reserve by –

- (a) erecting a barrier; or
- (b) displaying a sign or notice.

(2) Unless an authority is granted under Division 5, a person must not drive a vehicle on a road in any public reserve if that road is closed.

Penalty:

Fine not exceeding 5 penalty units.

(3) Subregulation (2) does not apply to a vehicle that is a bicycle being driven on a road closed under subregulation (1)(a).

9. Removal of vehicles

(1) The managing authority may give directions to an authorised person in relation to the removal or towing away of vehicles from any public reserve or any part of any public reserve.

(2) Subject to any directions given by the managing authority, an authorised person may take charge of, and remove or tow away, any vehicle from any public reserve if the authorised person believes on reasonable grounds that the vehicle is –

- (a) a danger; or
- (b) an unreasonable obstruction to traffic; or
- (c) unattended and abandoned.

10. Use of vessels

(1) The managing authority may display any sign or notice at or near any water in any public reserve –

- (a) prohibiting or restricting the use of vessels on that water; or
- (b) giving directions with respect to the use of vessels on that water.

(2) An authorised person, for the purpose of regulating the use of vessels on any water in any public reserve or for the purpose of avoiding inconvenience or risk of danger to persons in any public reserve, may give directions to any person using, or proposing to use, a vessel –

- (a) prohibiting the vessel from being taken on or being allowed to remain on the water; or
- (b) requiring the removal of the vessel from the water.

(3) A person using, or proposing to use, a vessel on any water in any public reserve must comply with –

- (a) a prohibition or restriction contained in a sign or notice; or
- (b) any directions contained in a sign or notice; or
- (c) any directions given by an authorised person under subregulation (2).

Penalty:

Fine not exceeding 5 penalty units.

11. Use of aircraft

Unless an authority is granted under Division 5, a person must not –

- (a) land an aircraft on, or take off in an aircraft from, any place in any public reserve, other than in an emergency; or
- (b) drop any article from an aircraft into any public reserve; or
- (c) take an aircraft over any public reserve for the purpose of dropping an article into that public reserve.

Penalty:

Fine not exceeding 5 penalty units.

Division 2 - Animals in public reserves

12. Prohibition on abandoning animals

Subject to section 46(1)(b) of the Act, a person who is the owner or keeper of any animal that is not native to a public reserve must not abandon that animal in a public reserve.

Penalty:

Fine not exceeding 5 penalty units.

13. Directions relating to animals

(1) An authorised person may direct a person who is the owner or keeper of an animal that is not native to a public reserve –

- (a) to remove or exclude that animal from that public reserve; or
- (b) to control or supervise that animal in that public reserve; or
- (c) to take steps to avoid inconvenience, or risk of danger, to any person in that public reserve.

(2) A person must comply with any direction given by an authorised person under subregulation (1).

Penalty:

Fine not exceeding 5 penalty units.

14. Signs restricting animals

(1) The managing authority may display any sign or notice in any public reserve –

(a) prohibiting or restricting the taking of animals that are not native to that public reserve into, or allowing those animals to be in or remain in, that public reserve; or

(b) giving instructions as to the taking of those animals into, or allowing those animals to be in or remain in, that public reserve.

(2) A person must comply with –

(a) any prohibition or restriction contained in a sign or notice; and

(b) any instructions contained in a sign or notice.

Penalty:

Fine not exceeding 5 penalty units.

15. Seizure of animals

(1) An authorised person may –

(a) seize any animal that is in any public reserve contrary to these regulations; or

(b) seize any stock found wandering in any public reserve whose presence in that public reserve is, in the opinion of the authorised person, likely to cause injury to, or likely to disturb, the flora or fauna of that public reserve or any living creature in that public reserve.

(2) Subregulation (1)(b) does not apply to stock kept on Crown land under a private right.

Division 3 - Recreational activities

16. Camping

(1) The managing authority may establish designated camping areas in any public reserve.

(2) The managing authority may display any sign or notice in any public reserve prohibiting or restricting –

(a) camping in any place; or

(b) the parking in any place of a caravan or similar vehicle.

(3) A person camping, or proposing to camp, or a person using a caravan or similar vehicle, in any public reserve must comply with any prohibition or restriction contained in a sign or notice.

Penalty:

Fine not exceeding 5 penalty units.

(4) An authorised person, for the purpose of regulating the use of any site or place in any public reserve for camping, may give directions to any person regarding –

(a) the use of any site or place in any public reserve or the use or occupation in that public reserve of any building, hut or other structure or any caravan or similar vehicle; and

(b) the disposal of any matter arising from that use or occupation.

(5) A person must comply with a direction given by an authorised person under subregulation (4).

Penalty:

Fine not exceeding 5 penalty units.

17. Fires

(1) Subject to subregulations (4), (6) and (7) and unless an authority is granted under Division 5, a person must not light a fire in any public reserve.

Penalty:

Fine not exceeding 5 penalty units.

(2) An authority may specify any of the following conditions:

(a) that a fire is not to be left unattended unless it has been completely extinguished;

(b) that all reasonable steps must be taken to prevent a fire from spreading;

(c) that, if a fire spreads, all reasonable steps must be taken to extinguish it and any other fire caused by it.

(3) A person authorised to light a fire in any public reserve must comply with any specified conditions.

Penalty:

Fine not exceeding 5 penalty units.

(4) Subregulation (1) does not apply to a person who lights a fire in the open air in any public reserve if the fire is –

(a) required for cooking or warmth; and

(b) lit in a careful manner; and

(c) not left unattended unless it has been completely extinguished; and

(d) contained to ensure that it does not spread.

(5) A person must not, in any public reserve, use or discard in a manner likely to cause a fire any match, burning or smouldering material or explosive or inflammable substance.

Penalty:

Fine not exceeding 5 penalty units.

(6) The managing authority may display any sign or notice in any public reserve –

- (a) prohibiting or restricting the lighting of fires in that public reserve; or
- (b) giving directions as to the precautions to be observed in connection with the lighting of fires in that public reserve.

(7) A person lighting a fire must comply with –

- (a) a prohibition or restriction contained in a sign or notice; or
- (b) any directions contained in a sign or notice.

Penalty:

Fine not exceeding 5 penalty units.

18. Limited access to certain places

(1) Unless an authority is granted under Division 5 or a person is accompanied by an authorised person, a person must not enter or remain in –

- (a) any public reserve, other than a cave, in which a sign or notice is displayed prohibiting access to that public reserve; or
- (b) a cave near the entrance to which a sign or notice is displayed prohibiting access to the cave.

Penalty:

Fine not exceeding 5 penalty units.

(2) The managing authority may display any sign or notice in any public reserve prohibiting or restricting –

- (a) access to that public reserve; or
- (b) access to a cave in that public reserve.

(3) A person entering or remaining in any public reserve must comply with any prohibition or restriction contained in a sign or notice.

Penalty:

Fine not exceeding 5 penalty units.

Division 4 - Protection of public reserves

19. Miscellaneous protection

(1) Unless an authority is granted under Division 5, a person must not, in any public reserve –

- (a) take a growing or standing plant; or
- (b) dam up, divert or pollute any water on or under the surface; or

(c) interfere with, dig up, cut up, collect or remove any sand, gravel, clay, rock, mineral or any timber, firewood, humus or other natural substance.

Penalty:

Fine not exceeding 5 penalty units.

(2) Subregulation (1)(c) does not apply to the collecting or cutting up of firewood for a fire lit in accordance with regulation 17.

(3) Unless an authority is granted under Division 5, a person must not, in any public reserve –

(a) remove, damage, deface or disturb any brick, glass, coin, masonry, ceramics, aboriginal relic within the meaning of the Aboriginal Relics Act 1975 or any object of architectural, archaeological, historical or scientific interest; or

(b) remove, damage or deface any rock, stalactite, stalagmite or other formation in a cave; or

(c) destroy, damage or deface any building, fence, gate, notice, structure or other work erected or placed in that public reserve.

Penalty:

Fine not exceeding 5 penalty units.

(4) Unless an authority is granted under Division 5, a person must not, in any public reserve, erect, place or modify any building or structure, other than a tent.

Penalty:

Fine not exceeding 5 penalty units.

(5) Unless an authority is granted under Division 5, a person must not, in any public reserve –

(a) erect, exhibit or display any notice or sign or any bill, poster or advertisement; or

(b) make or mark out any track or route; or

(c) erect any cairn, memorial or plaque.

Penalty:

Fine not exceeding 5 penalty units.

(6) Unless an authority is granted under Division 5, a person must not bring any plant into any public reserve or have any plant in possession in any public reserve.

Penalty:

Fine not exceeding 5 penalty units.

(7) Unless an authority is granted under Division 5, a person must not, in any public reserve –

- (a) deposit or leave any litter, except in a receptacle or place provided for that purpose; or
- (b) deposit the dead body of any creature; or
- (c) deposit, discharge or leave any offal, filth, dung, rubbish or any other noxious or polluting matter or thing.

Penalty:

Fine not exceeding 5 penalty units.

(8) Unless an authority is granted under Division 5, a person must not –

- (a) bring a metal detector into any public reserve; or
- (b) have a metal detector in possession in any public reserve.

Penalty:

Fine not exceeding 5 penalty units.

(9) Unless an authority is granted under Division 5, a person must not –

- (a) use a chainsaw in any public reserve; or
- (b) have a chainsaw in possession in any public reserve.

Penalty:

Fine not exceeding 5 penalty units.

(10) Subregulation (9)(b) does not apply if the chainsaw is in a vehicle that is moving on a road that does not terminate in any public reserve.

20. Protection of fauna

(1) Unless an authority is granted under Division 5, a person must not, in any public reserve –

- (a) take or have in possession any wildlife or products of wildlife; or
- (b) use or have in possession any hunting equipment; or
- (c) lay or set any trap or snare; or
- (d) deposit any fertiliser, pesticide or other chemical substance that may be poisonous to any form of wildlife; or
- (e) interfere with the nest, breeding place or habitation of any form of wildlife; or
- (f) rouse or disturb any form of wildlife.

Penalty:

Fine not exceeding 5 penalty units.

(2) Unless an authority is granted under Division 5, a person must not have in possession any wildlife or products of wildlife that have been taken from any public reserve in contravention of subregulation (1).

Penalty:

Fine not exceeding 5 penalty units.

(3) This regulation does not apply to the possession of any hunting equipment contained within a vehicle that is moving on a road that does not terminate in any public reserve.

Division 5 - Authorities

21. Application for authority

Any person, association, body or organisation may apply in writing to a ranger or a bailiff for an authority to be granted under this Part.

22. Grant of authority

(1) On receipt of an application under regulation 21 from a person, the bailiff or the ranger may –

- (a) grant the application; or
- (b) refuse to grant the application.

(2) On receipt of an application under regulation 21 from an association, body or organisation, the bailiff or the ranger may –

- (a) grant the application to all the members of that association, body or organisation; or
- (b) refuse to grant the application.

(3) The bailiff or the ranger is to notify the person, association, body or organisation in writing that an application for an authority has been granted or refused.

23. Authority taken to be granted

An application for an authority is taken to have been granted without an application under regulation 21 by means of –

- (a) a sign erected by the managing authority in a public reserve; or
- (b) a notice prepared by the managing authority and published in a newspaper published in the State and circulating in the area in which the public reserve is situated.

24. Cancellation of authority

(1) A bailiff or a ranger, by written notice, may cancel any authority if –

- (a) a person has contravened or failed to comply with any specified condition of the authority; or

(b) a person has been convicted of an offence under the Act or these regulations.

(2) A notice –

(a) is to be served on the person, association, body or organisation who was granted the authority; and

(b) is to specify the grounds on which the authority is cancelled.

(3) On the service of a notice –

(a) the authority ceases to have effect in respect of any person or any member of an association, body or organisation; and

(b) the person, association, body or organisation is to surrender the authority to the bailiff or ranger.

25. Suspension of authority

(1) A bailiff or a ranger may suspend an authority on a ground specified in regulation 24(1) if satisfied that –

(a) the ground is not so serious as to warrant cancellation of the authority; or

(b) the person is able to comply with any specified condition of the authority within any time the bailiff or ranger considers reasonable.

(2) A notice –

(a) is to be served on the person, association, body or organisation who was granted the authority; and

(b) is to specify the grounds on which the authority is suspended.

(3) The bailiff or the ranger may suspend an authority –

(a) for the period specified in the notice; and

(b) subject to any condition specified in the notice.

(4) If an authority is suspended subject to any condition, the person who, or the members of the association, body or organisation that, was granted the authority must not contravene or fail to comply with that condition.

Penalty:

Fine not exceeding 5 penalty units.

Division 6 - Removal of persons

26. Removal of persons

(1) An authorised person may exclude or eject any person from any public reserve or any part of any public reserve if the authorised person believes on reasonable grounds that the person –

- (a) is intoxicated; or
- (b) is acting in a manner that may offend, annoy or injure any other person; or
- (c) is obstructing that authorised person in the exercise of his or her powers under these regulations; or
- (d) has committed or is committing a breach of these regulations.

(2) A person who is excluded or ejected by an authorised person from any public reserve or any part of any public reserve must not –

- (a) refuse to leave that public reserve or that part; or
- (b) fail to leave that public reserve or that part; or
- (c) re-enter that public reserve or that part within 24 hours.

Penalty:

Fine not exceeding 5 penalty units.

27. Name and address

(1) An authorised person may require any person the authorised person reasonably believes to be contravening a provision of these regulations to state his or her full name and current residential address.

(2) A person must not refuse to comply with subregulation (1).

Penalty:

Fine not exceeding 5 penalty units.

(3) A person must not give a false name or address.

Penalty:

Fine not exceeding 5 penalty units.

PART 3 - Government House land

28. Preservation of good order

(1) The Minister may direct a bailiff to perform the duty of preserving good order on Government House land.

(2) To carry out that duty, a bailiff may –

(a) require any person on Government House land to leave that land if, in the opinion of the bailiff, that person is –

(i) trespassing; or

(ii) creating a disturbance; or

(b) require any person on Government House land to state his or her name and current residential address if, in the opinion of the bailiff, that person is –

(i) trespassing; or

(ii) creating a disturbance.

29. Offences

A person must not –

(a) refuse or fail to state his or her name or current residential address when required to do so under regulation 28; or

(b) state a false name or residential address when required to state his or her name or current residential address under regulation 28; or

(c) refuse or fail to leave Government House land when required to do so under regulation 28.

Penalty:

Fine not exceeding 2 penalty units.

PART 4 - Miscellaneous

30. Prescribed fees

The prescribed fees payable in respect of the following matters are set out in Schedule 1:

(a) the transfer of land held under a contract of sale under section 25(2)(b) of the Act;

(b) the assignment of a lease under section 29(7)(c) of the Act;

(c) the transfer of a temporary licence under section 42(3) of the Act.

31. Prescribed rate of interest

For the purposes of section 36(a)(ii) of the Act, the prescribed rate of interest is the reference lending rate most recently published by the Westpac Banking Corporation (ABN 33007457141) before the date on which the notice referred to in that section is served on the lessee.

32. Delegation

(1) For the purposes of section 71(1) of the Act, the Minister may delegate any power or duty of the Minister under the Act to the Director-General.

(2) For the purposes of section 71(2) of the Act, the Director-General may delegate any power or duty delegated to the Director-General by the Minister under section 71(1) of the Act to any person holding any of the following offices in the Department:

(a) a Deputy Secretary;

- (b) the General Manager, Information and Land Services;
- (ba) the Director Policy and Services, Information and Land Services;
- (c) the Manager, Crown Land Services;
- (d) a Property Manager, Crown Land Services;
- (e) a Senior Property Officer, Crown Land Services;
- (f) a Regional Property Officer, Crown Land Services;
- (g) the Manager, Development Projects;
- (h)
- (i)
- (j)
- (k) the Project Manager, Shack Sites.

33.

34. Crown Lands (Public Reserves) Regulations 1979 rescinded

The Crown Lands (Public Reserves) Regulations 1979 are rescinded.

35. Crown Lands Regulations 1993 rescinded

The Crown Lands Regulations 1993 are rescinded.

SCHEDULE 1 - Prescribed fees

Regulation 30

1. Transfer of land under contract of sale –

- (a) consideration \$60 000 or less, 60 fee units
- (b) consideration more than \$60 000, 120 fee units

2. Assignment of a lease –

- (a) consideration \$60 000 or less, 60 fee units
- (b) consideration more than \$60 000, 120 fee units

3. Transfer of a temporary licence –

- (a) consideration \$60 000 or less, 60 fee units

(b) consideration more than \$60 000, 120 fee units

Displayed and numbered in accordance with the [Rules Publication Act 1953](#).

Notified in the *Gazette* on 26 December 2001.

These regulations are administered in the Department of Primary Industries, Water and Environment.

Table Of Amendments

Citation	Serial Number	Date of commencement
¹ Crown Lands Regulations 2001	S.R. 2001, No. 187	31.12.2001
National Parks and Wildlife Separation (Consequential Amendments) Act 2002	No. 64 of 2002	31.12.2002
Crown Lands Amendment Regulations 2004	S.R. 2004, No. 7	3.3.2004
Crown Lands Amendment Regulations (No. 2) 2004	S.R. 2004, No. 31	2.6.2004
Crown Lands Amendment Regulations (No. 3) 2004	S.R. 2004, No. 127	22.12.2004
Crown Lands Amendment Regulations 2006	S.R. 2006, No. 129	29.11.2006

¹Regulations 30 and 31 expired on 31 December 2003.