

National Parks and Reserved Land Regulations 2009

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 *National Parks and Reserves Management Act 2002*.

14 December 2009

PETER G. UNDERWOOD

Governor

By His Excellency's Command,

MICHELLE O'BYRNE

Minister for Environment, Parks and Heritage

PART 1 - Preliminary

1. Short title

These regulations may be cited as the *National Parks and Reserved Land Regulations 2009*.

2. Commencement

These regulations take effect on 22 December 2009.

3. Interpretation

In these regulations –

"**Act**" means the *National Parks and Reserves Management Act 2002*;

"**authorised person**" means –

(a) a ranger entitled to exercise the powers of a ranger in respect of reserved land; or

(b) any person authorised under regulation 38;

"**authority**" means –

(a) an authority in force under Division 4 of Part 2; or

(b) a general authority in force under that Division; or

(c) a game authority in force under that Division;

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

"**designated fireplace**" means a fireplace designated under regulation 11(1)(a);

"**drive**", in relation to a vehicle, includes to ride, take, use, and be in charge of, a vehicle;

"**fire safety sign**" means a sign on reserved land –

(a) prohibiting or restricting the lighting of fires on that reserved land; or

(b) giving directions as to the precautions to be observed in connection with the lighting of fires on that reserved land;

"fuel stove" means a device for cooking that does not –

(a) affect, or interact with, in any way, soil or vegetation; or

(b) use or burn coal, wood, plant material or any other solid fuel;

"game authority" means an authority granted under regulation 28 in relation to the taking of game;

"general authority" means an authority in force granted under regulation 28(1)(d);

"hide" means a construction intended to conceal a person for the purpose of observing, photographing or taking wildlife;

"Macquarie Island Nature Reserve" means the area of land of that name that is reserved land in the class of nature reserve under the Nature Conservation Act 2002;

"person responsible", in relation to an animal, means –

(a) the owner of the animal; or

(b) a person acting on behalf of, and with the consent of, the owner;

"road" means –

(a) a road constructed with a surface suitable for the use of motor cars; 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" has the same meaning as in the Vehicle and Traffic Act 1999;

"vessel" has the same meaning as in the Marine and Safety Authority Act 1997.

PART 2 - Care, Control and Management of Reserved Land

Division 1 - General protection

4. Restrictions relating to reserved land

(1) A person must not, on any reserved land –

(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 or mineral or any timber, firewood, humus or other natural substance.

Penalty:

Fine not exceeding 20 penalty units.

(2) Subregulation (1)(c) does not apply to –

(a) the collecting or cutting up of dead plant material lying on the ground for a fire lit in accordance with the regulations; or

(b) a person depositing and burying their faecal waste and toilet paper in a manner consistent with the minimal impact practices published by the Secretary of the Department.

(3) A person must not, on any reserved land –

(a) remove, damage, deface or disturb any brick, glass, coin, masonry, ceramics, Aboriginal relic 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, alter, tamper with or deface any building, fence, gate, fireplace, notice, sign, structure or other work erected or placed on that reserved land.

Penalty:

Fine not exceeding 50 penalty units.

(4) A person must not, on any reserved land, erect, place or modify any building or structure, other than a tent that is intended for use while camping.

Penalty:

Fine not exceeding 20 penalty units.

(5) A person must not, on any reserved land –

(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 20 penalty units.

(6) A person must not –

- (a)** bring any plant onto any reserved land; or
- (b)** have possession of any plant on any reserved land.

Penalty:

Fine not exceeding 20 penalty units.

(7) A person must not, on any reserved land –

- (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 20 penalty units.

(8) Subregulation (7) does not apply to the products of game taken under a game authority.

(9) A person must not –

- (a)** bring a metal detector onto any reserved land; or
- (b)** have possession of a metal detector on any reserved land.

Penalty:

Fine not exceeding 20 penalty units.

(10) Subregulation (9) does not apply if the metal detector is in a vehicle that is moving on a road that does not terminate on reserved land.

(11) A person must not –

- (a)** use a chainsaw on any reserved land; or
- (b)** have possession of a chainsaw on any reserved land.

Penalty:

Fine not exceeding 20 penalty units.

(12) Subregulation (11)(b) does not apply if the chainsaw is in a vehicle that is moving on a road that does not terminate on reserved land.

5. Offensive behaviour

A person must not, on any reserved land –

- (a) behave in a violent, riotous, offensive or indecent manner; or
- (b) insult or annoy any person.

Penalty:

Fine not exceeding 20 penalty units.

6. Protection of fauna

(1) A person must not, on any reserved land –

- (a) take or have in his or her possession any form of wildlife or the products of wildlife; or
- (b) use or have in his or her 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 20 penalty units.

(2) A person must not have in his or her possession any form of wildlife or the products of wildlife that have been taken from any reserved land in contravention of subregulation (1).

Penalty:

Fine not exceeding 20 penalty units.

(3) This regulation does not apply to –

- (a) any act or omission that –
 - (i) is allowed under an authority granted by the Director; and
 - (ii) is not specifically prohibited under the Nature Conservation Act 2002; or
- (b) the taking or possession of any game, or the products of game, under a game authority; or
- (c) the possession of any hunting equipment used or intended to be used for the taking of game, or the products of game, under a game authority; or

(d) the possession of any hunting equipment contained within a vehicle that is moving on a road that does not terminate on reserved land.

7. Prohibition of certain animals

(1) A person who is the owner or keeper of any animal that is not native to any reserved land must not take that animal onto, or allow that animal to be on or remain on, that reserved land.

Penalty:

Fine not exceeding 20 penalty units.

(2) Subregulation (1) does not apply if the animal –

(a) is in an area of reserved land that has been designated under the regulations as an area where the animal is allowed; or

(b) is a guide dog or hearing dog within the meaning of paragraph (a) or (b) of the definition of "guide dog" in section 2 of the *Guide Dogs and Hearing Dogs Act 1967*; or

(c) is a dog being used for flushing or retrieving game under a game authority; or

(d) is confined within a moving vehicle on a road that does not terminate on reserved land.

(3) Subregulation (1) does not apply to –

(a) the keeping of stock on Crown land under a private right; or

(b) a restricted animal, within the meaning of section 32 of the *Nature Conservation Act 2002*, that –

(i) is on the reserved land as part of a program referred to in subsection (6) of that section; and

(ii) in respect of which a permission has been granted under that section.

Division 2 - Recreational use

8. Designated dog-exercising areas

(1) The managing authority may designate areas for dog exercise on reserved land in the class of conservation area, regional reserve or nature recreation area.

(2) A person must not take a dog onto any reserved land that is not a designated dog-exercising area.

Penalty:

Fine not exceeding 20 penalty units.

(3) A person must not allow a dog owned or being kept by that person to be on reserved land that is not a designated dog-exercising area.

Penalty:

Fine not exceeding 20 penalty units.

(4) A person must not allow a dog owned or being kept by that person to be in a designated dog-exercising area unless a person responsible for the dog is also in that area.

Penalty:

Fine not exceeding 20 penalty units.

(5) A person who takes a dog into a designated dog-exercising area must –

(a) have the dog under his or her effective control in accordance with the conditions of that designated area; and

(b) comply with the conditions of that designated area; and

(c) immediately collect any faecal matter deposited by the dog and remove the faecal matter from the reserved land.

Penalty:

Fine not exceeding 20 penalty units.

(6) The managing authority may erect dog control signs on any reserved land.

(7) A person must not contravene a dog control sign.

Penalty:

Fine not exceeding 20 penalty units.

(8) In this regulation –

"designated dog-exercising area" means an area of reserved land designated under subregulation (1) as an area where the exercising of dogs is permitted;

"dog" does not include a guide dog within the meaning of paragraph (a) or (b) of the definition of "guide dog" in section 2 of the *Guide Dogs and Hearing Dogs Act 1967*;

"dog control sign" means a sign on reserved land prohibiting or regulating the entry, presence or activities of dogs in reserved land;

"effective control" has the same meaning as in the *Dog Control Act 2000*.

9. Designated horse-riding areas

(1) The managing authority may designate areas for horse riding on reserved land in the class of conservation area, regional reserve or nature recreation area.

(2) A person must not take a horse onto any reserved land that is not a designated horse-riding area.

Penalty:

Fine not exceeding 20 penalty units.

(3) A person must not allow a horse owned or being kept by that person to be on reserved land that is not a designated horse-riding area.

Penalty:

Fine not exceeding 20 penalty units.

(4) A person must not allow a horse owned or being kept by that person to be in a designated horse-riding area unless a person responsible for the horse is also in that area.

Penalty:

Fine not exceeding 20 penalty units.

(5) A person who takes a horse into a designated horse-riding area must comply with the conditions of that designated area.

Penalty:

Fine not exceeding 20 penalty units.

(6) The managing authority may erect horse control signs on any reserved land.

(7) A person must not contravene a horse control sign.

Penalty:

Fine not exceeding 20 penalty units.

(8) In this regulation –

"designated horse-riding area" means an area of reserved land designated under subregulation (1) as an area where the riding of horses is permitted;

"horse control sign" means a sign on reserved land prohibiting or regulating the entry, presence or activities of horses on reserved land.

10. Designated fuel stove areas

(1) The managing authority may designate areas where only fuel stoves are to be lit on reserved land.

(2) A person must not light a fire in a fuel stove only area unless the fire is –

(a) required in an emergency where fire is needed for survival reasons; and

(b) is lit in a careful manner.

Penalty:

Fine not exceeding 50 penalty units.

(3) In this regulation –

"fuel stove only area" means an area of reserved land designated under subregulation (1) as an area where only fuel stoves are permitted to be lit.

11. Designated fireplaces and fireplace areas

(1) The managing authority, in any area of reserved land other than reserved land in the classes of nature reserve and private nature reserve, may designate –

- (a) fireplaces where fires may be safely lit; and
- (b) areas where fires may only be lit within a designated fireplace.

(2) A person must not light a fire in a designated fireplace area except within a designated fireplace.

Penalty:

Fine not exceeding 20 penalty units.

(3) The managing authority may erect a fire safety sign in relation to either or both of the following:

- (a) a designated fireplace;
- (b) a designated fireplace area.

(4) In this regulation –

"designated fireplace area" means an area of reserved land designated under subregulation (1) as an area where fire may only be lit within designated fireplaces.

12. Fires generally

(1) A person must not, on reserved land, use or discard in a manner likely to cause a fire any match, burning or smouldering material or any chemical, explosive or inflammable substance other than in accordance with the Act.

Penalty:

Fine not exceeding 50 penalty units.

(2) Subregulation (1) does not apply –

- (a) if a fire –
 - (i) is required in an emergency where fire is needed for survival reasons; and
 - (ii) is lit in a careful manner; or
- (b) to the lighting of, in accordance with the regulations –
 - (i) a fuel stove; or

(ii) a fire in a designated fireplace; or

(iii) a fire required for cooking or warmth associated with camping.

(3) A person who lights a fire, or who is a member of a party for whom a fire is lit, on any reserved land –

(a) must not leave that fire unattended unless it has been completely extinguished; and

(b) must take all reasonable steps to prevent the fire from spreading; and

(c) if the fire spreads, must extinguish the fire and any other fire caused by it.

Penalty:

Fine not exceeding 50 penalty units.

(4) The managing authority may erect fire safety signs on any reserved land.

(5) A person must not contravene a fire safety sign.

Penalty:

Fine not exceeding 50 penalty units.

13. Fire safety directions

(1) If an authorised person believes on reasonable grounds that a fire on reserved land is, or may become, a hazard or risk to the area, the authorised person may –

(a) give the person apparently in charge of the fire a direction to put the fire out, or lower its intensity to a reasonable level; or

(b) put the fire out.

(2) A person must comply with a direction given under subregulation (1)(a).

Penalty:

Fine not exceeding 20 penalty units.

(3) If the managing authority believes that a person or the property of a person on any reserved land is in danger from an uncontrolled fire, the managing authority may give directions to an authorised person in relation to directing that person or the taking of any action to protect that person's property.

(4) A direction given under subregulation (3) may require or direct one or more of the following:

(a) relocation or other measure to ensure the safety of any person or the property of any person;

(b) any other matter the managing authority considers appropriate.

(5) A person must comply with a direction given under subregulation (3).

Penalty:

Fine not exceeding 20 penalty units.

14. Designated camping areas

(1) The managing authority, on any reserved land, may designate –

(a) areas where camping is permitted; and

(b) areas where camping is prohibited.

(2) A person who camps in a designated camping area must comply with the conditions of that designated area.

Penalty:

Fine not exceeding 20 penalty units.

(3) A person must not camp –

(a) in a designated camping-prohibited area; or

(b) within 500 metres of a road on reserved land that is not a designated camping area.

Penalty:

Fine not exceeding 20 penalty units.

(4) The managing authority may erect camping signs on any reserved land.

(5) A person must not contravene a camping sign.

Penalty:

Fine not exceeding 20 penalty units.

(6) For the purpose of regulating the use of any site or place on any reserved land for camping, an authorised person may give directions to any person regarding –

(a) the use of any site or place on any reserved land or the use or occupation on that reserved land 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.

(7) A person using or intending to camp on any reserved land must comply with a direction given under subregulation (6).

Penalty:

Fine not exceeding 20 penalty units.

(8) In this regulation –

"**camping sign**" means a sign on reserved land prohibiting or regulating –

- (a) camping in any place; or
- (b) the use of a power-generating device; or
- (c) the parking in any place of a caravan or similar vehicle; or
- (d) any other matter the managing authority considers appropriate;

"**designated camping area**" means an area of reserved land designated under subregulation (1)(a) as an area where camping is permitted;

"**designated camping-prohibited area**" means an area of reserved land designated under subregulation (1)(b) as an area where camping is prohibited.

15. Recreational activities

(1) The managing authority may erect recreational activity signs on any reserved land.

(2) A person must comply with a recreational activity sign.

Penalty:

Fine not exceeding 20 penalty units.

(3) An authorised person may give a direction to a person playing or engaging in any game, sport or other recreational activity on any reserved land in order to –

- (a) regulate the playing or engaging in of the game, sport or activity; or
- (b) ensure the safety or convenience of any person on the reserved land; or
- (c) avoid injury or damage, or risk of injury or damage, to any flora, fauna, property or other thing on that reserved land.

(4) A person must comply with a direction given under subregulation (3).

Penalty:

Fine not exceeding 20 penalty units.

(5) In this regulation –

"**recreational activity sign**" means a sign on reserved land regulating or prohibiting the playing or conduct of any game, sport or other recreational activity on any reserved land or any part of any reserved land.

16. Group activities

(1) Unless otherwise authorised by the Act, a person must not organise or conduct a group activity on any reserved land that involves or may –

- (a) cause damage to the environment, property or other thing on that reserved land; or
- (b) impact on the natural, or cultural, values of the reserved land; or
- (c) cause disturbance to the wildlife on that reserved land; or
- (d) cause significant inconvenience to any person on that reserved land; or
- (e) cause risk to the safety of any person on that reserved land.

Penalty:

Fine not exceeding 20 penalty units.

(2) In this regulation –

"group activity" includes any event, training, ceremony, competition and tournament that involves the organised use of a part of reserved land by a group of persons.

17. Limited access to certain places

(1) A person must not enter or remain in or on –

- (a) a restricted area; or
- (b) Macquarie Island Nature Reserve; or
- (c) any reserved land or part of any reserved land (other than a cave) if access to that reserved land or part of that reserved land is prohibited by –
 - (i) a sign displayed on the reserved land; or
 - (ii) a public notice published in a newspaper; or
- (d) a cave on reserved land if access is prohibited by –
 - (i) a sign displayed near the entrance of the cave; or
 - (ii) a public notice published in a newspaper.

Penalty:

Fine not exceeding 20 penalty units.

(2) Subregulation (1) does not apply if the person is accompanied by an authorised person.

Division 3 - Use of conveyances

18. Use of vehicles

(1) The managing authority may designate areas for the driving of vehicles on reserved land in the class of conservation area, regional reserve or nature recreation area.

(2) A person must not drive a vehicle on any reserved land except –

(a) on a road on that reserved land; or

(b) in a designated vehicle area.

Penalty:

Fine not exceeding 20 penalty units.

(3) A person who drives a vehicle in a designated vehicle area must comply with the conditions of that designated area.

Penalty:

Fine not exceeding 20 penalty units.

(4) The managing authority may erect vehicle control signs on any reserved land.

(5) A person must not contravene a vehicle control sign.

Penalty:

Fine not exceeding 20 penalty units.

(6) An authorised person may direct any person driving a vehicle on any reserved land 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 on that reserved land; or

(b) avoiding inconvenience, or risk of danger, to any person on that reserved land.

(7) A person driving a vehicle on any reserved land must comply with any direction given under subregulation (6).

Penalty:

Fine not exceeding 20 penalty units.

(8) In this regulation –

"designated vehicle area" means an area of reserved land designated under subregulation (1) as an area where the driving of vehicles is permitted;

"vehicle control sign" means a sign on reserved land prohibiting or regulating the entry, presence or activities of vehicles on reserved land.

19. Closure of roads

(1) The managing authority may close any road on any reserved land by –

- (a) erecting a barrier; or
- (b) displaying a sign or notice on the reserved land.

(2) A person must not drive a vehicle on a road on any reserved land if that road is closed.

Penalty:

Fine not exceeding 20 penalty units.

20. 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 reserved land or any part of the reserved land.

(2) Subject to any directions given by the managing authority, an authorised person may take charge of and remove, or tow away, any vehicle on any reserved land 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.

21. Use of bicycles

(1) The managing authority may designate areas for the riding of bicycles on reserved land in the class of conservation area, regional reserve, nature recreation area, state reserve or national park.

(2) A person must not ride a bicycle on any reserved land except on –

- (a) a road; or
- (b) a designated bicycle-riding area.

Penalty:

Fine not exceeding 20 penalty units.

(3) A person who rides a bicycle in a designated bicycle-riding area must comply with the conditions of that designated area.

Penalty:

Fine not exceeding 20 penalty units.

(4) The managing authority may erect bicycle control signs on any reserved land.

(5) A person must not contravene a bicycle control sign.

Penalty:

Fine not exceeding 20 penalty units.

(6) In this regulation –

"**bicycle control sign**" means a sign on reserved land prohibiting or regulating the entry, presence or use of bicycles on the reserved land;

"**designated bicycle-riding area**" means an area of reserved land designated under subregulation (1) as an area where the riding of bicycles is permitted;

"**ride**", in relation to a bicycle, includes to park, stand, use, take and be in charge of the bicycle.

22. Failure to stop vehicle or bicycle

(1) An authorised person may require a person driving a vehicle, or riding a bicycle, on any reserved land to stop the vehicle or bicycle if the authorised person –

(a) intends to give a direction under the regulations; or

(b) believes on reasonable grounds that the person driving, or any occupant of, the vehicle or any rider of the bicycle is committing or has committed an offence against the regulations.

(2) A person must comply with a direction given under this regulation.

Penalty:

Fine not exceeding 20 penalty units.

23. Use of vessels

(1) The managing authority, on any reserved land, may designate –

(a) areas where the use of vessels is permitted; and

(b) areas where the use of vessels is prohibited.

(2) A person who uses a vessel on a designated vessel area must comply with the conditions of that designated area.

Penalty:

Fine not exceeding 20 penalty units.

(3) A person must not use a vessel in a designated vessel-prohibited area.

Penalty:

Fine not exceeding 20 penalty units.

(4) The managing authority may erect vessel control signs on any reserved land.

(5) A person must not contravene a vessel control sign.

Penalty:

Fine not exceeding 20 penalty units.

(6) For the purpose of regulating the use of vessels on any water on any reserved land, an authorised person may give directions to any person –

(a) prohibiting a vessel from being taken on or being allowed to remain on the water; or

(b) requiring the removal of a vessel from the water; or

(c) necessary for the purpose of avoiding inconvenience, or risk of danger, to persons on that reserved land.

(7) A person using or intending to use a vessel on any reserved land must comply with a direction given under subregulation (6).

Penalty:

Fine not exceeding 20 penalty units.

(8) In this regulation –

"**designated vessel area**" means an area of reserved land designated under subregulation (1)(a) as an area where vessels are permitted;

"**designated vessel-prohibited area**" means an area of reserved land designated under subregulation (1)(b) as an area where vessels are prohibited;

"**use**", in relation to a vessel, includes to drive, take, park, and be in charge of, a vessel;

"**vessel control sign**" means a sign on reserved land –

(a) prohibiting or regulating the use of vessels on the water specified in the sign; or

(b) giving directions in respect of the use of vessels on the water specified in the sign.

24. Use of aircraft

A person must not –

(a) land an aircraft on, or take off in an aircraft from, any place on any reserved land, other than in an emergency; or

(b) drop any article from an aircraft onto any reserved land; or

(c) take an aircraft over any reserved land for the purpose of dropping an article onto that reserved land.

Penalty:

Fine not exceeding 20 penalty units.

Division 4 - Grant of authority

25. Authority generally

(1) A person is not guilty of an offence under the regulations if he or she –

(a) has been granted an authority that authorises the act or omission that constitutes the alleged offence; and

(b) was acting in accordance with the authority at the time the alleged offence took place.

(2) An authority –

(a) is to specify each act or omission that is being authorised under it; and

(b) may be granted subject to conditions.

26. Who may authorise in certain circumstances

(1) Subject to subregulation (2), the managing authority may grant an authority –

(a) in relation to any reserved land; and

(b) to a specified person, or a class or group of persons, or generally.

(2) However, only the Director may grant an authority in relation to any act or omission prohibited under regulation 6.

(3) A reference in this Division to the managing authority is taken to be a reference to the Director in respect of an authority granted in relation to any act or omission prohibited under regulation 6.

27. Application for authority

(1) A person may apply to the managing authority for an authority.

(2) The application is to –

(a) specify the act or omission to be authorised; and

(b) be accompanied by the fee authorised under regulation 32.

28. Granting or refusal to grant authority

(1) Except as otherwise provided in these regulations, authority for an act or omission is taken to be granted if –

(a) a written authority, specifying the act or omission authorised, is granted by the managing authority to –

(i) an individual; or

(ii) a class, or group, of persons; or

(b) the act or omission is permitted by the management plan; or

- (c) the act or omission is permitted in a designated area and is being undertaken in that area; or
- (d) on reserved land in the class of conservation area, regional reserve, nature recreation area, game reserve, private sanctuary or private nature reserve, the managing authority specifies the act or omission generally authorised by –
 - (i) displaying a sign on the reserved land in respect of which the authority is granted; or
 - (ii) publishing a public notice in a newspaper; or
- (e) a person is acting in accordance with a power or as authorised under the Act, subject to sections 27(6) and 35(1) of the Act.

(2) The managing authority may grant an authority subject to any conditions the managing authority considers appropriate.

(3) A person must comply with a condition of an authority granted to, or in respect of, that person.

Penalty:

Fine not exceeding 20 penalty units.

(4) The managing authority may refuse to grant an authority.

29. Game authorities

(1) A person must not take game on any reserved land without a game authority in respect of that reserved land.

Penalty:

Fine not exceeding 20 penalty units.

(2) A game authority may only be granted in relation to reserved land in the class of game reserve, conservation area or regional reserve.

(3) The taking of game under a game authority is subject to, and is to be in accordance with –

(a) the Wildlife Regulations 1999; and

(b) all relevant orders under section 30 of the Nature Conservation Act 2002.

(4) A person must not use a dog for flushing or retrieving game on reserved land unless –

(a) the use of the dog is specified in the game authority; and

(b) the dog is being used in accordance with that authority.

Penalty:

Fine not exceeding 20 penalty units.

30. Cancellation of authority

(1) The managing authority may cancel any authority granted to a person, or a class or group of persons, if –

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

(b) a person using the authority has been convicted of an offence under the Act or the regulations; or

(c) the managing authority reasonably believes that –

(i) the authority is not being used; or

(ii) the continuation of the authority would be contrary to the proper care, control and management of the reserved land in respect of which the authority may be used; or

(iii) the authority was issued on the basis of false or misleading information.

(2) A notice cancelling an authority –

(a) is to be served on the person 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, the authority ceases to have effect.

(4) A person holding a document that grants an authority must surrender the document to the managing authority as soon as practicable after the authority is cancelled.

Penalty:

Fine not exceeding 20 penalty units.

31. Suspension of authority

(1) The managing authority may suspend any authority granted to a person, or a class or group of persons, on any grounds specified in regulation 30 if satisfied that –

(a) those grounds are not so serious as to warrant cancellation of the authority; or

(b) the person is able to comply with any condition of the authority within any time the managing authority considers reasonable.

(2) A notice suspending the authority –

(a) is to be served on the person who was granted the authority; and

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

(3) The managing authority 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 was granted the authority must comply with that condition of suspension.

Penalty:

Fine not exceeding 20 penalty units.

32. Fee for grant of authority

(1) With the approval of the Minister, the managing authority may impose a fee for the grant of any of the following:

- (a) any authority to a specific person;
- (b) any authority, other than a general authority, to a class or group of persons.

(2) With the approval of the Minister, the managing authority may exempt any person, or class or group of persons, from all or part of the fee.

(3) A person must not purport to act under an authority unless –

- (a) the relevant fee has been paid; or
- (b) the person is exempted from paying the fee.

Penalty:

Fine not exceeding 20 penalty units.

PART 3 - Miscellaneous

33. Designated areas

(1) The managing authority may designate an area under the regulations by –

- (a) a public notice published in a newspaper; or
- (b) a sign on reserved land displayed in the area being designated.

(2) The designation of an area may permit, restrict or prohibit a specified activity or use and may be subject to one or more of the following conditions as the managing authority considers appropriate:

- (a) restrictions or measures to minimise impact on –
 - (i) the area; or
 - (ii) the natural and cultural values of the reserved land; or

- (iii) wildlife;
- (b) precautions to be observed in carrying out the activity or use;
- (c) the safety or convenience of any person;
- (d) any other matter the managing authority considers appropriate.

(3) A designated area may –

- (a) comprise all or part of a specified area or region, walking track, vehicular track or road, beach, or area of reserved land; and
- (b) be a declared area at all times or during the periods specified.

(4) A public notice used to designate an area is to specify –

- (a) that conditions may apply to the designated area; and
- (b) where details of the designated area and conditions may be found if those details are not contained in the notice.

(5) If practicable, the managing authority is to erect and maintain at least one sign at the entrance of the reserved land, or in the vicinity of the designated area, indicating –

- (a) that the area is a designated area and identifying the designated area; and
- (b) the activities that are permitted, or prohibited, in the area by virtue of the fact it is a designated area; and
- (c) where details of the designated area and conditions may be found if those details are not contained in the sign; and
- (d) any relevant period where the area is, or is not, a designated area.

(6) The managing authority may do one or more of the following:

- (a) amend or revoke any designated areas declared under subregulation (1);
- (b) add a condition to a designated area declared under subregulation (1);
- (c) amend or revoke any condition attached to a designated area declared under subregulation (1).

34. Admission fees

(1) With the approval of the Minister, the managing authority may impose fees for the following:

- (a) the admission of a person to any reserved land in the class of national park, State reserve, nature reserve, historic site or game reserve or any part of reserved land in any of those classes;
- (b) the admission of a vehicle to any reserved land or part of any reserved land if the management plan so provides.

(2) A person must not enter any reserved land or any part of any reserved land unless the person has paid each relevant admission fee.

Penalty:

Fine not exceeding 20 penalty units.

(3) A person driving, or in charge of, a vehicle must not take that vehicle onto any reserved land or part of any reserved land unless that person has paid each relevant admission fee.

Penalty:

Fine not exceeding 20 penalty units.

35. Camping fees

(1) With the approval of the Minister, the managing authority may impose fees for the use of reserved land for camping.

(2) In this regulation –

"**camping**" means residing temporarily, whether or not in a tent, caravan, cabin, vehicle, trailer or other structure.

36. Offence to use facility or convenience without paying

(1) The managing authority may charge a fee for the use of a facility or convenience that the managing authority provides and maintains on reserved land.

(2) A person who uses the facility or convenience must pay each relevant fee charged under subregulation (1), within the time and in the manner required by the managing authority.

Penalty:

Fine not exceeding 20 penalty units.

(3) In subregulations (1) and (2) –

"**facility**" includes a camping site, walking track, vehicle track and landing strip.

37. Collection of fees

(1) The managing authority may authorise a person to collect fees imposed by the managing authority in relation to any reserved land.

(2) A person authorised to collect fees may require a person driving a vehicle to stop the vehicle for the purpose of collecting each relevant fee.

(3) A person driving a vehicle must comply with any requirement under subregulation (2).

Penalty:

Fine not exceeding 20 penalty units.

(4) A person driving a vehicle must display a valid ticket, entry pass or other receipt issued in respect of any fee so that it is clearly visible through the windscreen of the vehicle.

Penalty:

Fine not exceeding 20 penalty units.

38. Authorised persons

(1) The Director may authorise any person to act as an authorised person in respect of any reserved land with the consent of the managing authority.

(2) The managing authority for any reserved land may authorise any person to act as an authorised person in respect of that reserved land.

(3) A person authorised under this regulation is a prescribed person for the purpose of section 60(4)(a) of the Act.

(4) A person must not restrict or obstruct an authorised person in the exercise of his or her powers under the regulations.

Penalty:

Fine not exceeding 20 penalty units.

39. Seizure of animals

(1) An authorised person may –

(a) seize any creature that is on any reserved land contrary to the regulations; or

(b) seize, destroy or kill any dog, cat or other animal, other than stock, that is not native to any reserved land –

(i) that is on that reserved land; and

(ii) not under the proper or effective control of any person; or

(c) seize any stock found on reserved land whose presence on that reserved land is, in the opinion of the authorised person, likely to cause injury to, or likely to disturb, the flora or fauna of that reserved land or any living creature on that reserved land.

(2) The reference to stock in subregulation (1)(b) does not include any goat or pig.

(3) Subregulation (1)(b) does not apply to a restricted animal, within the meaning of section 32 of the Nature Conservation Act 2002, that is on the reserved land as part of a program referred to in subsection (6) of that section and in respect of which a permission has been granted under that section.

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

40. Removal of unlawful structures

Subject to any directions given by the managing authority, an authorised person may pull down or remove any building, structure or other erection unlawfully erected or placed on any reserved land.

41. Removal of persons from reserved land

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

- (a) is intoxicated; or
- (b) is in a condition that would be likely to offend or annoy any other person; or
- (c) has committed or is committing a breach of the regulations.

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

- (a) refuse to leave the reserved land or that part of reserved land; or
- (b) fail to leave the reserved land or that part of reserved land; or
- (c) re-enter the reserved land or that part of reserved land within 24 hours.

Penalty:

Fine not exceeding 20 penalty units.

42. Prescribed offences

For the purposes of Part 5 of the Act –

- (a) an offence against a regulation specified in Column 2 of Schedule 1 is a prescribed offence; and
- (b) the penalty specified in Column 3 of that Schedule opposite the regulation is the penalty applicable to that offence.

43. Legislation rescinded

The legislation specified in Schedule 2 is rescinded.

SCHEDULE 1 - Prescribed Offences in relation to which an Infringement Notice may be issued

Regulation 42

Column 1 Item No.	Column 2 Provision	Column 3 Penalty (penalty units)
1.	<u>Regulation 4(5)</u>	1
2.	<u>Regulation 4(6)</u>	1
3.	<u>Regulation 4(7)</u>	1
4.	<u>Regulation 4(9)</u>	1
5.	<u>Regulation 7(1)</u>	1

6.	<u>Regulation 8(2)</u>	2
7.	<u>Regulation 8(3)</u>	1.5
8.	<u>Regulation 8(4)</u>	1.5
9.	<u>Regulation 8(5)</u>	1.5
10.	<u>Regulation 8(7)</u>	1.5
11.	<u>Regulation 9(2)</u>	1.5
12.	<u>Regulation 9(3)</u>	1.5
13.	<u>Regulation 9(4)</u>	1.5
14.	<u>Regulation 9(5)</u>	1.5
15.	<u>Regulation 9(7)</u>	1.5
16.	<u>Regulation 10(2)</u>	2
17.	<u>Regulation 11(2)</u>	2
18.	<u>Regulation 12(5)</u>	2
19.	<u>Regulation 13(2)</u>	1.5
20.	<u>Regulation 13(5)</u>	1.5
21.	<u>Regulation 14(2)</u>	1.5
22.	<u>Regulation 14(3)</u>	1.5
23.	<u>Regulation 14(5)</u>	1.5
24.	<u>Regulation 14(7)</u>	1.5
25.	<u>Regulation 15(2)</u>	1.5
26.	<u>Regulation 15(4)</u>	1.5
27.	<u>Regulation 16(1)</u>	1.5
28.	<u>Regulation 17</u>	1
29.	<u>Regulation 18(2)</u>	1.5
30.	<u>Regulation 18(3)</u>	1.5
31.	<u>Regulation 18(5)</u>	1.5
32.	<u>Regulation 18(7)</u>	1.5
33.	<u>Regulation 19(2)</u>	1.5
34.	<u>Regulation 21(2)</u>	1.5
35.	<u>Regulation 21(3)</u>	1.5
36.	<u>Regulation 21(5)</u>	1.5
37.	<u>Regulation 22(2)</u>	1.5
38.	<u>Regulation 23(2)</u>	1.5
39.	<u>Regulation 23(3)</u>	1.5
40.	<u>Regulation 23(5)</u>	1.5
41.	<u>Regulation 23(7)</u>	1.5
42.	<u>Regulation 28(3)</u>	1.5
43.	<u>Regulation 29(1)</u>	1
44.	<u>Regulation 29(4)</u>	1
45.	<u>Regulation 34(2)</u>	0.5
46.	<u>Regulation 34(3)</u>	0.5
47.	<u>Regulation 36(2)</u>	2
48.	<u>Regulation 37(3)</u>	0.5
49.	<u>Regulation 37(4)</u>	0.5

SCHEDULE 2 - Legislation rescinded

Regulation 43

National Parks and Reserved Land Regulations 1999 (No. 167 of 1999)

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

Notified in the *Gazette* on 21 December 2009.

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

Table Of Amendments

Citation	Serial Number	Date of commencement
National Parks and Reserved Land Regulations 2009	S.R. 2009, No. 169	22.12.2009
