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Crown Lands Regulations 2011

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Crown Lands Regulations 2011

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 .

21 November 2011

PETER G. UNDERWOOD

Governor

By His Excellency's Command,

BRIAN WIGHTMAN

Minister for Environment, Parks and Heritage

PART 1 - Preliminary

1. Short title

These regulations may be cited as the Crown Lands Regulations 2011 .

2. Commencement

These regulations take effect on the seventh day after the day on which their making is notified in the *Gazette*.

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 ;

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) a road or track constructed by, or on behalf of, the managing authority with a surface suitable for the use of vehicles; or
- (b) a 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 constructed to conceal a person;

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) A person must not drive a vehicle off a road in a public reserve except in accordance with an authority.

Penalty: Fine not exceeding 5 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 a public reserve must comply with each specified condition of the authority.

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 a 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) a prohibition or restriction contained in a sign or notice displayed under subregulation (1) ; and

(b) any instructions contained in a sign or notice displayed under subregulation (1) .

Penalty: Fine not exceeding 5 penalty units.

7. Directions by authorised persons

(1) An authorised person may direct a person driving a vehicle in a 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 must comply with a direction given to the person by an authorised person under subregulation (1)

.

Penalty: Fine not exceeding 5 penalty units.

8. Closure of roads

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

(a) erecting a barrier; or

(b) displaying a sign or notice.

(2) A person must not drive a vehicle on a road in a public reserve if that road is closed except in accordance with an authority.

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 a public reserve –
 - (a) prohibiting or restricting the use of vessels on that water; or
 - (b) giving directions with regard 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 a public reserve or for the purpose of avoiding inconvenience or risk of danger to persons in a 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 a public reserve must comply with –
 - (a) a prohibition or restriction contained in a sign or notice displayed under subregulation (1) ; and
 - (b) a direction contained in a sign or notice displayed under subregulation (1) ; and
 - (c) a direction given to the person by an authorised person under subregulation (2) .

Penalty: Fine not exceeding 5 penalty units.

11. Use of aircraft

A person must not, except in accordance with an authority –

- (a) land an aircraft on, or take off in an aircraft from, any place in a 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

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 a 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 displayed under subregulation (1) ; and
 - (b) any instructions contained in a sign or notice displayed under subregulation (1) .

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, in the opinion of the authorised person, is 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 a public reserve must comply with any prohibition or restriction contained in a sign or notice displayed under subregulation (2) .

Penalty: Fine not exceeding 5 penalty units.

- (4) An authorised person, for the purpose of regulating the use of any site or place in a public reserve for camping, may give directions to any person regarding –
- (a) the use of any site or place in a 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 to the person by an authorised person under subregulation (4) .

Penalty: Fine not exceeding 5 penalty units.

17. Fires

(1) Subject to subregulations (4) and (7), a person must not light a fire in a public reserve except in accordance with an authority.

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 a public reserve must comply with the specified conditions on the authority.

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 a 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 a public reserve, use or discard in a manner likely to cause a fire any match, burning or smouldering material or explosive or inflammable substance, except in accordance with this regulation.

Penalty: Fine not exceeding 5 penalty units.

(6) The managing authority may display any sign or notice in a 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 displayed under subregulation (6); or
- (b) a direction contained in a sign or notice displayed under subregulation (6).

Penalty: Fine not exceeding 5 penalty units.

18. Limited access to certain places

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

- (a) a 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) Subregulation (1) does not apply if the person –

- (a) enters or remains in or on a public reserve, or cave, in accordance with an authority; or
 - (b) is accompanied by an authorised person.
- (3) The managing authority may display any sign or notice in a public reserve prohibiting or restricting –
- (a) access to that public reserve; or
 - (b) access to a cave in that public reserve.
- (4) A person entering, or remaining in or on, a public reserve must comply with a prohibition or restriction contained in a sign or notice displayed under subregulation (3) .

Penalty: Fine not exceeding 5 penalty units.

Division 4 - Protection of public reserves

19. Restrictions relating to public reserves

- (1) A person must not, in a public reserve, except in accordance with an authority –
- (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) A person must not, in a public reserve, except in accordance with an authority –
- (a) *[Regulation 19 Subregulation (3) amended by No. 17 of 2017, s. 6, Applied: 16 Aug 2017]* remove, damage, deface or disturb any brick, glass, coin, masonry, ceramics, Aboriginal relic within the meaning of the Aboriginal Heritage 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, alter, tamper with or deface any building, fence, gate, fireplace, notice, structure or other work erected or placed in that public reserve.

Penalty: Fine not exceeding 5 penalty units.

(4) A person must not, in a public reserve, erect, place or modify any building or structure, other than a tent, except in accordance with an authority.

Penalty: Fine not exceeding 5 penalty units.

- (5) A person must not, in a public reserve, except in accordance with an authority –
- (a) erect, exhibit or display a notice or sign or a bill, poster or advertisement; or
 - (b) make or mark out a track or route; or
 - (c) erect a cairn, memorial or plaque.

Penalty: Fine not exceeding 5 penalty units.

(6) A person must not bring any plant into any public reserve or have a plant in possession in a public reserve, except in accordance with an authority.

Penalty: Fine not exceeding 5 penalty units.

- (7) A person must not, in a public reserve, except in accordance with an authority –
- (a) deposit or leave 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) A person must not, except in accordance with an authority –
- (a) bring a metal detector into a public reserve; or
 - (b) have a metal detector in possession in a public reserve.

Penalty: Fine not exceeding 5 penalty units.

- (9) A person must not, except in accordance with an authority –
- (a) use a chainsaw in a public reserve; or
 - (b) have a chainsaw in possession in a 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 a public reserve.

20. Protection of fauna

- (1) A person must not, in a public reserve, except in accordance with an authority –
- (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 a 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) 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), except in accordance with an authority.

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 a 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 subject to any conditions he or she thinks fit; 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, or body or organisation, subject to any conditions he or she thinks fit; or
 - (b) refuse to grant the application.
- (3) The bailiff or the ranger is to give written notification to the person, association, body or organisation that applied for an authorisation –
 - (a) that the application for an authority has been granted, the acts and omissions authorised under the authority and the conditions that may be attached to the authority; or
 - (b) that the application for an authority has been refused.

23. Authority taken to be granted

An authority is taken to have been granted, whether or not an application is made under regulation 21 , if –

- (a) a sign erected by the managing authority in a public reserve authorises the act or omission; 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 authorises the act or omission.

24. Cancellation of authority

- (1) A bailiff or a ranger, by written notice, may cancel an authority if –
 - (a) a person has contravened or failed to comply with a condition of the authority; or
 - (b) a person has been convicted of an offence under the Act.
- (2) A notice cancelling an authority under subregulation (1) –
 - (a) is to be served on the person who, or the association, body or organisation that, was granted the authority; and
 - (b) is to specify the grounds on which the authority is cancelled.
- (3) On the service of a notice under subregulation (1) –
 - (a) the authority ceases to have effect in respect of any person who, or any member of an association, body or organisation that, was granted the authorisation; 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 a specified condition of the authority within any time the bailiff or ranger considers reasonable.
- (2) A notice to suspend an authority under subregulation (1) –
 - (a) is to be served on the person who, or the association, body or organisation that, 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 a 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 a public reserve, or any part of a 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 another 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 in complying with subregulation (1) .

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 specified in Schedule 1 are payable in respect of the matters specified in that schedule in relation to the provisions 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;
- (c) the Manager, Crown Land Services;
- (d) Team Leader, Crown Land Services;
- (e) Senior Project Manager, Crown Land Services.

33. Legislation rescinded

The legislation specified in Schedule 2 is rescinded.

SCHEDULE 1 - Prescribed fees

Regulation 30

	Matter	Fee units
1.	Application for purchase of crown land under section 13(1) (a) if land is road reserve or minor adhesion (b) any other land	325 495
2.	Application to transfer land held under contract of sale under section 25(2)(b) – (a) consideration of \$60 000 or less (b) consideration of more than \$60 000	60 120
3.	Application to lease crown land under section 29(1)	660
4.	Application to assign lease under section 29(7)(c) – (a) consideration of \$60 000 or less (b) consideration of more than \$60 000	60 120
5.	Application for renewal of lease under section 29(4)	160
6.	Application for licence under section 40(1) , 41(1) , 42(1) or 42(5)	410
7.	Application for licence for access under section 40(1) , 42(2) or 42(5)	165
8.	Application for transfer of licence under section 41(4) or 42(3) – (a) consideration of \$60 000 or less (b) consideration of more than \$60 000	60 120
9.	Renewal of licence issued under section 40(1) , 42(1) or 42(5)	160
10.	Application for business licence under section 45B(2)(b)	105
11.	Application to renew a business licence under section 45G(2)(b)	70
12.	Application to transfer business licence under section 45H(2)(b)	105

SCHEDULE 2 - Legislation rescinded

Regulation 33

Crown Lands Regulations 2001 (No. 187 of 2001)

Displayed and numbered in accordance with the *Rules Publication Act 1953*.

Notified in the *Gazette* on 30 November 2011

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