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Crown Lands Regulations 2021

Version current from 30 November 2021 to date (accessed 28 April 2023 at 15:00)

Crown Lands Regulations 2021

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 .

8 November 2021

B. BAKER

Governor

By Her Excellency's Command,

J. PETRUSMA

Minister for Parks

PART 1 - Preliminary

1. Short title

These regulations may be cited as the Crown Lands Regulations 2021 .

2. Commencement

These regulations take effect on 30 November 2021.

3. Interpretation

In these regulations –

Act means the Crown Lands Act 1976 ;

authorised person, in relation to Crown land, means –

- (a) the Director-General; or
- (b) a bailiff; or
- (c) if the Crown land is a public reserve, the managing authority of the public reserve; or
- (d) a ranger;

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 or conveyance;

chainsaw includes any mechanical device that is capable of cutting timber;

drive includes ride, take, use and be in charge or control of a vehicle;

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

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

- (a) is capable of being used for the taking of any wildlife or any product of wildlife; or
- (b) is incapable of being so used because of –
 - (i) the absence of, or a defect in, a part of the implement, weapon, apparatus or material; or
 - (ii) the presence of an obstruction;

product of wildlife has the same meaning as in the Nature Conservation Act 2002 ;

ranger has the same meaning as in the National Parks and Reserves Management Act 2002 ;

road, in relation to Crown land, means –

- (a) a road or track constructed by, or on behalf of, an authorised person, in relation to the Crown land, with a surface suitable for the use of vehicles; or
- (b) a place set aside by an authorised person, in relation to the Crown land, for the parking of vehicles;

stock includes –

- (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, or used, to conceal a person;

vehicle has the same meaning as in the Traffic Act 1925 ;

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

wildlife has the same meaning as in the Nature Conservation Act 2002 .

4. Non-application of regulations

These regulations do not apply to Crown land that is 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) Except in accordance with an authority, a person must not, in a public reserve, drive a vehicle off a road.

Penalty: Fine not exceeding 5 penalty units.

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

(3) The holder of an authority to drive a vehicle, in a public reserve, off a road must comply with the authority.

Penalty: Fine not exceeding 5 penalty units.

6. Signs restricting driving or use of vehicles

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

(a) prohibiting or restricting the driving, or leaving, of vehicles in the public reserve; or

(b) giving instructions as to the use of a road, in the public reserve, by vehicles.

(2) A person must comply with a sign or notice displayed in a public reserve 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, a road or part of a road, or to remove the vehicle from a road or part of a road, for the purpose of –

(a) regulating the use of a road in the public reserve; or

(b) avoiding inconvenience, or risk of danger, to a person in the public reserve.

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

Penalty: Fine not exceeding 5 penalty units.

(3) A person is not guilty of an offence under these regulations in respect of failing to comply with a sign, or notice, displayed under these regulations if –

(a) an authorised person gives a direction under subregulation (1) that is inconsistent with the sign or notice; and

(b) the person has failed to comply with the sign or notice solely due to complying with the direction of the authorised person.

8. Closure of roads

(1) The managing authority of a public reserve may close a road in the 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.

Penalty: Fine not exceeding 5 penalty units.

(3) Subregulation (2) does not apply to a person driving a vehicle on a road, that is closed under this regulation, in accordance with an authority.

9. Removal of vehicles

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

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

- (a) a danger to a person, an animal or property; or
- (b) an unattended obstruction to traffic; or
- (c) unattended and abandoned.

10. Use of vessels

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

- (a) prohibiting or restricting the use of vessels on all, or part, of the water; or
- (b) giving directions with regard to the use of vessels on the water.

(2) For the purpose of regulating the use of vessels on water in a public reserve, or for avoiding inconvenience or risk of danger to other persons in the public reserve, an authorised person may give directions to a 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 water in a public reserve must comply with –

- (a) each sign or notice, displayed under this regulation, in respect of the water or public reserve; and
- (b) each direction given under this regulation in respect of the water.

Penalty: Fine not exceeding 5 penalty units.

11. Use of aircraft or flying devices

Except in accordance with an authority, a person must not –

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

Penalty: Fine not exceeding 5 penalty units.

Division 2 - Animals on public reserves

12. Prohibition on abandoning animals

A person who is the owner or keeper of an animal, that is not native to an area of a public reserve, must not abandon or release that animal in that area of the public reserve.

Penalty: Fine not exceeding 5 penalty units.

13. Signs restricting animals

(1) The managing authority of a public reserve may display a sign or notice in the public reserve –

- (a) prohibiting or restricting –

- (i) the taking of animals, that are not native to the public reserve, into the public reserve; or
- (ii) animals, that are not native to the public reserve, to remain in the public reserve; or
- (b) giving instructions as to –
 - (i) the taking of animals, that are not native to the public reserve, into the public reserve; or
 - (ii) allowing animals, that are not native to the public reserve, to remain in the public reserve.

(2) A person must comply with a sign or notice displayed in a public reserve in accordance with subregulation (1) .

Penalty: Fine not exceeding 5 penalty units.

14. Direction relating to animals

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

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

15. Seizure of animals

(1) An authorised person may –

- (a) seize an animal that is in a public reserve contrary to these regulations; or
- (b) seize stock found wandering in a public reserve whose presence in the public reserve is, in the opinion of the authorised person, likely to cause injury to, or to disturb, the flora or fauna of the public reserve or another living creature in the public reserve.

(2) Subregulation (1)(b) does not apply to stock kept in a public reserve under a valid private right.

Division 3 - Recreational activities

16. Camping

(1) The managing authority of a public reserve may establish designated areas for camping in the public reserve.

(2) The managing authority of a public reserve may display a sign or notice in the public reserve that permits, prohibits or restricts –

- (a) camping in all, or part, of the public reserve; or
- (b) the parking of a caravan, motorhome or similar vehicle in all, or part, of the public reserve.

(3) A person must not camp, or park a caravan, motorhome or similar vehicle, in a public reserve in contravention of this regulation or a sign or notice displayed in the public reserve under this regulation.

Penalty: Fine not exceeding 5 penalty units.

(4) For the purpose of regulating the use of a site or place in a public reserve for camping, an authorised person may give directions to a person in relation to –

- (a) the use of the site or place; or
- (b) the use, or occupation, of a building, hut, other structure, caravan or similar vehicle in the public reserve; or
- (c) the disposal of any item or matter arising from that use or occupation.

(5) A person must comply with a direction given to the person by an authorised person under this regulation.

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) Without limiting subregulation (1), an authority may specify one or more of the following conditions in relation to lighting a fire in a public reserve:

- (a) that the fire must not 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) The holder of an authority that relates to the lighting of fires in a public reserve must comply with the authority.

Penalty: Fine not exceeding 5 penalty units.

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

- (a) is required for cooking or warmth; and
- (b) is lit in an open space in a careful manner; and
- (c) is not left unattended unless it has been completely extinguished; and
- (d) is contained to ensure that it does not spread.

(5) A person must not use or discard, in a public reserve, one or more of the following items in a manner that is likely to cause a fire other than a fire in accordance with this regulation:

- (a) a match or lighter;
- (b) burning or smouldering material;
- (c) explosive material;
- (d) an inflammable substance.

Penalty: Fine not exceeding 5 penalty units.

(6) The managing authority of a public reserve may display a sign or notice in the public reserve –

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

(7) A person lighting a fire in a public reserve must comply with a sign or notice displayed in the public reserve in accordance with subregulation (6).

Penalty: Fine not exceeding 5 penalty units.

18. Limited access to certain places

(1) In this regulation –

electronically display, in relation to a notice, means a notice published on a website operated by or on behalf of the Department, while the notice is so published.

(2) The managing authority of a public reserve may –

- (a) display a sign or notice in the public reserve prohibiting or restricting access to all, or part, of the public reserve; or

(b) electronically display a notice prohibiting or restricting access to all, or part, of the public reserve.

(3) A person must not enter or remain in a public reserve, or a part of a public reserve, in respect of which a sign or notice is displayed under subregulation (2)(a) prohibiting access to the public reserve, or that part of the public reserve.

Penalty: Fine not exceeding 5 penalty units.

(4) Subregulation (3) does not apply to a person if the person is entering, or remaining in, a public reserve or part of a public reserve –

(a) in accordance with an authority; or

(b) while being accompanied by an authorised person.

(5) Except as otherwise specified in this regulation, a person must comply with a sign or notice displayed under subregulation (2)(a) in a public reserve in accordance with this regulation.

Penalty: Fine not exceeding 5 penalty units.

(6) Except as otherwise specified in this regulation, a person is to comply with a notice that is electronically displayed under subregulation (2)(b) .

Division 4 - Protection of public reserves

19. Restrictions relating to public reserves

(1) Except in accordance with an authority, a person must not, in a public reserve –

(a) take a growing or standing plant; or

(b) dam up, divert or pollute 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 collection or cutting up of firewood for a fire lit, or to be lit, in a public reserve in accordance with these regulations.

(3) Except in accordance with an authority, a person must not, in a public reserve –

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

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

(c) destroy, damage, alter, tamper with or deface a building, fence, gate, fireplace, notice, structure or other work erected or placed in the public reserve.

Penalty: Fine not exceeding 5 penalty units.

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

Penalty: Fine not exceeding 5 penalty units.

(5) Except in accordance with an authority, a person must not, in a public reserve –

(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) Except in accordance with an authority, a person must not bring any plant into a public reserve or have a plant in the person's possession in a public reserve.

Penalty: Fine not exceeding 5 penalty units.

(7) Except in accordance with an authority, a person must not, in a public reserve –

(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) Except in accordance with an authority, a person must not –

(a) bring a metal detector into a public reserve; or

(b) have a metal detector in the person's possession in a public reserve.

Penalty: Fine not exceeding 5 penalty units.

(9) Except in accordance with an authority, a person must not –

(a) use a chainsaw in a public reserve; or

(b) have a chainsaw in the person's possession in a public reserve.

Penalty: Fine not exceeding 5 penalty units.

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

20. Protection of fauna

(1) Except in accordance with an authority, a person must not, in a public reserve –

(a) take or have in the person's possession any wildlife or products of wildlife; or

(b) use or have in the person's 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) Except in accordance with an authority, a person must not have in the person's possession any wildlife or products of wildlife that have been taken 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 in a public reserve if the hunting equipment is contained within a vehicle that is moving on a road that does not terminate in the public reserve.

Division 5 - Authorities

21. Authorities

(1) A person, association, body or organisation may apply to the managing authority of a public reserve for an authority to be granted under this Part in respect of the public reserve.

(2) An application under subregulation (1) in respect of a public reserve –

(a) is to be in writing; and

(b) is to be in a form approved by the managing authority of the public reserve.

(3) On receipt of an application under subregulation (1) from a natural person, the managing authority may –

(a) grant the application subject to any conditions the managing authority thinks fit; or

(b) refuse to grant the application; or

(c) request further information in respect of the application and –

(i) grant the application under paragraph (a) ; or

(ii) refuse to grant the application under paragraph (b) .

(4) On receipt of an application under subregulation (1) from an association, body or organisation, the managing authority may –

(a) grant the application to all the members of that association, body or organisation, subject to any conditions the managing authority thinks fit; or

(b) refuse to grant the application; or

(c) request further information in respect of the application and –

(i) grant the application under paragraph (a) ; or

(ii) refuse to grant the application under paragraph (b) .

(5) If a managing authority grants an application under this regulation, the managing authority is to give written notification to the applicant that specifies –

(a) that the application has been granted; and

(b) that an authority has been issued to the person, association, body or organisation; and

(c) the acts or omissions that are authorised under the authority; and

(d) the conditions imposed in respect of the authority.

(6) If a managing authority refuses to grant an application under this regulation, the managing authority is to give written notification to the applicant that the application has been refused.

22. Authority taken to be granted in certain circumstances

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

(a) a sign is erected, by the managing authority of a public reserve, that authorises the act or omission in the public reserve; or

(b) a notice that authorises the act or omission in a public reserve –

(i) is prepared by the managing authority of the public reserve; and

(ii) is –

(A) published in a newspaper published in the State and circulating in the area in which the public reserve is situated; or

(B) available for viewing, by members of the public, without charge, at a website operated by or on behalf of the Department.

23. Cancellation of authority

(1) The managing authority of a public reserve may, by written notice in accordance with subregulation (2) , cancel an authority granted in respect of the public reserve under regulation 21 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 under subregulation (1) is to –
- (a) be served on the person who, or the association, body or organisation that, was granted the authority; and
 - (b) specify the grounds on which the authority is cancelled.
- (3) On the service of a notice under subregulation (2) –
- (a) the authority cancelled under the notice ceases to have effect; and
 - (b) the person who, or the association, body or organisation that, was served with the notice is to surrender, to the managing authority, the authority cancelled under the notice.
- (4) The managing authority of a public reserve may cancel an authorisation, under regulation 22 , of an act, or omission, in the public reserve –
- (a) if the authorisation is taken to be granted under regulation 22(a) , by removing the sign erected that authorises the act or omission; or
 - (b) if the authorisation is taken to be granted under regulation 22(b) (ii)(A), by publishing a notice, cancelling the authorisation, in a newspaper published in the State and circulating in the area in which the public reserve is situated; or
 - (c) if the authorisation is taken to be granted under regulation 22(b) (ii)(B), by removing the notice, that authorises the act or omission, from the website operated by or on behalf of the Department.

24. Suspension of authority

- (1) The managing authority of a public reserve may suspend an authority, granted under regulation 21 in respect of the public reserve, on a ground specified in regulation 23(1) if satisfied that –
- (a) the ground is not so serious as to warrant cancellation of the authority; or
 - (b) the person, association, body or organisation granted the authority is able to comply with a specified condition of the authority within any time that the managing authority 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; and
 - (c) is to specify the conditions to be complied with, or the requirements, for the suspension to be lifted.
- (3) The managing authority of a public reserve may suspend an authority granted under regulation 21 in respect of the public reserve –
- (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

25. Removal of persons

- (1) An authorised person may exclude or eject another person from all, or part, of a public reserve if the authorised person believes on reasonable grounds that the other 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 the person's 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 a public reserve, or any part of the public reserve, must not –

(a) refuse to leave the public reserve or that part; or

(b) fail to leave the public reserve or that part; or

(c) re-enter the public reserve, or that part, within the period, not exceeding 7 days, specified by the authorised person whether orally or in writing to the person being excluded or ejected.

Penalty: Fine not exceeding 5 penalty units.

26. Name and address

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

(2) A person must not refuse to comply with a requirement made of the person under 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.

Division 7 - Government House land

27. 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 the duty referred to in subregulation (1) , 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 the person's name and current residential address if, in the opinion of the bailiff, that person is –

(i) trespassing; or

(ii) creating a disturbance.

(3) A person must not –

(a) refuse or fail to leave Government House land when required to do so under subregulation (2)(a) ; or

(b) refuse or fail to state the person's name or current residential address when required to do so under subregulation (2)(b) ; or

(c) state a false name or residential address when required to state the person's name or current residential address under subregulation (2)(b) .

Penalty: Fine not exceeding 5 penalty units.

PART 3 - Miscellaneous

28. 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 –

- (a) published by the Westpac Banking Corporation (ABN 33007457141); and
- (b) in force on the day on which the notice referred to in that section is served on the lessee.

29. 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 who holds an office in the Department with one or more of the following in the title:

- (a) deputy secretary;
- (b) director;
- (c) general manager;
- (d) manager;
- (e) regional manager;
- (f) regional operations manager;
- (g) unit manager;
- (h) senior project manager;
- (i) team leader;
- (j) property officer;
- (k) ranger.

30. 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.

SCHEDULE 1 - Fees

Regulation 30

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

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

Notified in the *Gazette* on 17 November 2021

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