

TASMANIA

WELLINGTON PARK REGULATIONS 2019
STATUTORY RULES 2019, No. 13

CONTENTS

PART 1 – PRELIMINARY

1. Short title
2. Commencement
3. Interpretation

PART 2 – CARE, CONTROL AND MANAGEMENT

Division 1 – Natural resources

4. Flora and fauna
5. Water and other natural substances

Division 2 – Animals

6. Dogs
7. Horses
8. Other animals
9. Seizure of feral animals, &c.

Division 3 – Traffic

10. General traffic control
11. Use of cars, buses and trucks, &c.
12. Use of bicycles
13. Traffic directions

14. Removal of vehicles

15. Use of aircraft

Division 4 – Access

16. No-access signs

17. Limited access to certain places

Division 5 – Camping

18. Camping controls

19. Camping directions

Division 6 – Fires

20. Designated fireplaces

21. Fires generally

22. Fire safety signs

23. Fire safety directions

Division 7 – Recreational and other activities

24. General recreational activities

25. Directions by authorized officers

26. Activities requiring a permit

Division 8 – Conduct of persons

27. Offensive behaviour, &c.

28. Exclusion of persons engaging in offensive behaviour, &c.

Division 9 – General prohibitions

29. Cultural heritage

30. Structures

31. Notices

32. Unauthorised tracks

PART 3 – PERMITS

33. Application for permit

34. Determination of application

35. Issue of permit

36. Form of permit

- 37. Nature of permit
- 38. Compliance with conditions of permit
- 39. Compliance with directions
- 40. Cancellation of permit
- 41. Suspension of permit
- 42. Surrender of permit

PART 4 – MISCELLANEOUS

Division 1 – Offences

- 43. Noxious matter
- 44. Litter
- 45. Exotic plants
- 46. Metal detectors
- 47. Throwing stones, &c.

Division 2 – General provisions

- 48. Signs
- 49. Prescribed offences
- 50. Legislation rescinded

SCHEDULE 1 – APPLICATION FEE

SCHEDULE 2 – INFRINGEMENT NOTICE OFFENCES AND PENALTIES

SCHEDULE 3 – LEGISLATION RESCINDED

WELLINGTON PARK REGULATIONS 2019

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 *Wellington Park Act 1993*.

Dated 18 March 2019.

C. WARNER
Governor

By Her Excellency's Command,

WILLIAM E. F. HODGMAN
Minister for Parks

PART 1 – PRELIMINARY

1. Short title

These regulations may be cited as the *Wellington Park Regulations 2019*.

2. Commencement

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

3. Interpretation

In these regulations –

Act means the *Wellington Park Act 1993*;

Wellington Park Regulations 2019
Statutory Rules 2019, No. 13

r. 3

Part 1 – Preliminary

bicycle has the same meaning as in the *Road Rules*;

camping includes the overnight use of permanent and temporary structures and the overnight parking and use of campervans, caravans and other vehicles;

designated fireplace means a place designated as being suitable for use as a fireplace under regulation 20;

drive, in relation to a vehicle, includes to ride, take, use, and be in control of, a vehicle;

fauna means any wildlife or product of wildlife;

flora means any plant within the meaning of the *Nature Conservation Act 2002*;

GST has the same meaning as in the *A New Tax System (Goods and Services Tax) Act 1999* of the Commonwealth;

no-access sign means a sign prohibiting or regulating –

- (a) the entry, presence or use of vehicles in Wellington Park; or
- (b) the entry, presence or activities of people or animals in Wellington Park;

nominated representative means a person to whom a permit for a body of persons is issued;

Wellington Park Regulations 2019
Statutory Rules 2019, No. 13

Part 1 – Preliminary

r. 3

permit means a permit issued under Part 3;

possession has the meaning conveyed by section 3(6) of the *National Parks and Reserves Management Act 2002*;

recreational activity includes any pursuit, or activity, engaged in for enjoyment, relaxation or leisure;

road means –

- (a) a constructed road with a surface suitable for the use of motor cars; or
- (b) any place set aside by the Trust for the parking or standing of vehicles;

take includes attempt to take and assist in the taking of;

track includes –

- (a) a vehicular track; and
- (b) a trail or route that is suitable for bike riding, horse riding, walking or a similar activity;

traffic sign – see regulation 10(1);

use, of a vehicle, includes park, stand, ride, take, use, and be in charge of, a vehicle;

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

Wellington Park Regulations 2019
Statutory Rules 2019, No. 13

r. 3

Part 1 – Preliminary

vehicular track means a constructed trail, or a constructed track, with a surface suitable for the use of four-wheel-drive motor vehicles.

PART 2 – CARE, CONTROL AND MANAGEMENT

Division 1 – Natural resources

4. Flora and fauna

(1) In this regulation –

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

(a) is capable of being used for the taking of any fauna; 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.

(2) Except as authorised by a permit, a person must not, in Wellington Park –

(a) take any growing or standing flora; or

(b) take or have possession of any fauna; or

(c) use or have possession of any hunting equipment; or

(d) lay or set any trap or snare; or

Wellington Park Regulations 2019
Statutory Rules 2019, No. 13

r. 4

Part 2 – Care, Control and Management

- (e) deposit any fertiliser or pesticide or another chemical substance that may be poisonous to any flora or fauna; or
- (f) interfere with the nest, breeding place or habitation of any fauna; or
- (g) rouse or disturb any fauna.

Penalty: Fine not exceeding 20 penalty units.

- (3) A person must not, in Wellington Park, use or have possession of any chainsaw, saw or axe unless that person is –
 - (a) authorised to do so by a permit; or
 - (b) an authorized officer; or
 - (c) acting in the course of his or her employment with the Trust or a body which is represented on the Trust; or
 - (d) a member of the following services, lawfully performing a duty imposed on him or her by an Act, or in the exercise of a public duty:
 - (i) the State Emergency Service continued under the *Emergency Management Act 2006*;
 - (ii) the Tasmania Fire Service established by the *Fire Service Act 1979*; or

Wellington Park Regulations 2019
Statutory Rules 2019, No. 13

Part 2 – Care, Control and Management

r. 5

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- (e) acting under the direction of a person referred to in paragraph (a), (b), (c) or (d).

Penalty: Fine not exceeding 20 penalty units.

5. Water and other natural substances

Except as authorised by a permit, a person must not, in Wellington Park –

- (a) dam up, divert or pollute any water on or under the surface of land; or
- (b) take or collect any water for sale; or
- (c) interfere with, dig up, cut up, collect or remove any sand, gravel, clay, rock, mineral, timber, firewood, humus or other natural substance; or
- (d) remove, damage or deface any rock; or
- (e) remove, damage or deface any stalactite, stalagmite or other formation in a cave.

Penalty: Fine not exceeding 20 penalty units.

Division 2 – Animals

6. Dogs

- (1) In this regulation –

dog-control sign means a sign prohibiting or regulating the entry, presence or activities of dogs in Wellington Park;

Wellington Park Regulations 2019
Statutory Rules 2019, No. 13

r. 6

Part 2 – Care, Control and Management

dog-exercising trail means a road or track in Wellington Park on which the exercising of dogs is permitted under a management plan without a permit.

- (2) Except as authorised by a permit, a person must not take a dog into Wellington Park unless the dog is –
- (a) on a dog-exercising trail; or
 - (b) confined within a vehicle on a road.

Penalty: Fine not exceeding 20 penalty units.

- (3) Except as authorised by a permit, a person must not allow a dog that is owned or being kept by that person to be in Wellington Park unless the dog is –
- (a) accompanied by that person on a dog-exercising trail; or
 - (b) confined within a vehicle on a road.

Penalty: Fine not exceeding 20 penalty units.

- (4) A person who takes a dog into, or allows a dog that is owned or being kept by that person to be in, Wellington Park must –
- (a) if the dog is not confined within a vehicle, keep the dog on a lead; and
 - (b) remove from Wellington Park any faecal matter of that dog.

Penalty: Fine not exceeding 20 penalty units.

Wellington Park Regulations 2019
Statutory Rules 2019, No. 13

Part 2 – Care, Control and Management

r. 7

(5) The Trust may erect dog-control signs in Wellington Park.

(6) Except as authorised by a permit, a person must not contravene a dog-control sign.

Penalty: Fine not exceeding 20 penalty units.

(7) This regulation does not apply to –

(a) 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

(b) a dog that is an assistance animal as defined in section 9 of the *Disability Discrimination Act 1992* of the Commonwealth.

7. Horses

(1) In this regulation –

horse-control sign means a sign prohibiting or regulating the entry, presence or use of horses in Wellington Park;

horse trail means any road or track in Wellington Park on which a management plan allows horse riding to occur without a permit.

(2) Except as authorised by a permit, a person must not –

Wellington Park Regulations 2019
Statutory Rules 2019, No. 13

r. 8

Part 2 – Care, Control and Management

- (a) take a horse into Wellington Park except on a horse trail; or
- (b) allow a horse that is owned or being kept by that person to be in Wellington Park except when accompanied by that person on a horse trail.

Penalty: Fine not exceeding 20 penalty units.

- (3) The Trust may erect horse-control signs in Wellington Park.
- (4) Except as authorised by a permit, a person must not contravene a horse-control sign.

Penalty: Fine not exceeding 20 penalty units.

8. Other animals

- (1) This regulation applies to animals other than dogs and horses.
- (2) Except as authorised by a permit, a person must not –
 - (a) take an animal into Wellington Park; or
 - (b) allow an animal, owned or being kept by that person, to be in Wellington Park.

Penalty: Fine not exceeding 20 penalty units.

9. Seizure of feral animals, &c.

An authorized officer may –

Wellington Park Regulations 2019
Statutory Rules 2019, No. 13

Part 2 – Care, Control and Management

r. 10

-
- (a) seize any animal in Wellington Park that the authorized officer reasonably believes is –
- (i) in Wellington Park contrary to these regulations; or
 - (ii) causing or likely to cause a danger or inconvenience to any person in Wellington Park; and
- (b) seize, destroy or kill any animal in Wellington Park that the authorized officer reasonably believes is a feral animal, or a wild animal, within the meaning of the *Animal Health Act 1995* and is –
- (i) not under the proper and effective control of any person; or
 - (ii) causing or likely to cause injury or damage to, or the disturbance of, the fauna or flora of Wellington Park or any living thing kept in or on Wellington Park.

Division 3 – Traffic

10. General traffic control

- (1) In this regulation –

traffic sign means a sign prohibiting or regulating the entry, presence or use of vehicles in Wellington Park.

Wellington Park Regulations 2019
Statutory Rules 2019, No. 13

r. 10

Part 2 – Care, Control and Management

- (2) The Trust may erect traffic signs in Wellington Park.
- (3) A person must not contravene a traffic sign unless the person is –
 - (a) authorised to do so by a permit; or
 - (b) obeying a direction of an authorized officer under these regulations; or
 - (c) obeying a direction pursuant to rule 304 of the *Road Rules*.

Penalty: Fine not exceeding 20 penalty units.

- (4) Without limiting subregulation (2), the Trust, an authorized officer or a person authorised to do so by the Trust may close, or partly close, any road or vehicular track in Wellington Park to vehicular traffic in order to –
 - (a) regulate the use of that road or track; or
 - (b) ensure the safety or convenience of any person in Wellington Park.
- (5) The closure or part closure of a road or vehicular track under subregulation (4) may apply to all vehicles or it may be restricted to one or more kinds of vehicles.
- (6) The closure or part closure of a road or vehicular track under subregulation (4) may be done by means of a traffic sign or physical barrier, or both.

Wellington Park Regulations 2019
Statutory Rules 2019, No. 13

Part 2 – Care, Control and Management

r. 11

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- (7) Except as authorised by a permit, a person must not drive a vehicle in Wellington Park on a road or vehicular track, or a part of a road or vehicular track, that is closed to vehicular traffic of that kind under subregulation (4).

Penalty: Fine not exceeding 20 penalty units.

11. Use of cars, buses and trucks, &c.

- (1) Except as authorised by a permit, a person must not use a vehicle in Wellington Park other than on a road or vehicular track.

Penalty: Fine not exceeding 20 penalty units.

- (2) Subregulation (1) does not apply to the use of a bicycle.

12. Use of bicycles

- (1) In this regulation –

bicycle track means a track in respect of which a determination under subregulation (2) is in force.

- (2) The Trust may determine that a track in Wellington Park is suitable for use as a bicycle track.
- (3) The Trust may notify the existence of the bicycle track by means of –
- (a) traffic signs; and
 - (b) such other means as the Trust thinks fit.

Wellington Park Regulations 2019
Statutory Rules 2019, No. 13

r. 13

Part 2 – Care, Control and Management

(4) Except as authorised by a permit, a person must not use a bicycle in Wellington Park other than on –

- (a) a road; or
- (b) a bicycle track.

Penalty: Fine not exceeding 20 penalty units.

13. Traffic directions

(1) An authorized officer may, in order to –

- (a) regulate the use of any road or track in Wellington Park; or
- (b) ensure the safety or convenience of any person in Wellington Park –

direct the driver of a vehicle in Wellington Park not to drive the vehicle on, or allow it to remain on, any road or track in Wellington Park.

(2) An authorized officer may direct the driver of a vehicle in Wellington Park to stop the vehicle if the authorized officer –

- (a) intends to give the driver a direction under subregulation (1); or
- (b) reasonably believes that the driver has contravened these regulations.

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

Penalty: Fine not exceeding 20 penalty units.

14. Removal of vehicles

An authorized officer may take charge of and remove or tow away, or cause to be removed or towed away, from any road or track in Wellington Park, any vehicle in Wellington Park –

- (a) in order to –
 - (i) regulate the use of that road or track in Wellington Park; or
 - (ii) ensure the safety or convenience of any person in Wellington Park; or
- (b) if the authorized officer reasonably believes that the vehicle –
 - (i) is a danger; or
 - (ii) is an unreasonable obstruction to traffic; or
 - (iii) is unattended and has been –
 - (A) abandoned; or
 - (B) left in Wellington Park for an unreasonable period of time.

15. Use of aircraft

- (1) In this regulation –

Wellington Park Regulations 2019
Statutory Rules 2019, No. 13

r. 15

Part 2 – Care, Control and Management

aircraft means any machine or craft, whether piloted or unpiloted, that can derive support in the atmosphere from the reactions of the air, other than the reactions of the air against the earth's surface.

- (2) Subject to subregulation (3), a person must not launch or land an aircraft in Wellington Park except –
- (a) as authorised by a permit; or
 - (b) in an emergency.

Penalty: Fine not exceeding 20 penalty units.

- (3) A person may launch a hang-glider or paraglider in Wellington Park if the launching of that hang-glider or paraglider is in accordance with a management plan.
- (4) Except as authorised by a permit, a person must not –
- (a) drop any article from an aircraft onto Wellington Park; or
 - (b) take an aircraft over Wellington Park for the purpose of dropping any article.

Penalty: Fine not exceeding 20 penalty units.

Division 4 – Access

16. No-access signs

(1) In this regulation –

prescribed person means a person who is –

- (a) an authorized officer; or
- (b) a member of the following services, lawfully performing a duty imposed on him or her by an Act, or in the exercise of a public duty:
 - (i) the State Emergency Service continued under the *Emergency Management Act 2006*;
 - (ii) the Tasmania Fire Service established by the *Fire Service Act 1979*;
 - (iii) Ambulance Tasmania established by the *Ambulance Service Act 1982*; or
- (c) acting in the course of his or her employment with the Trust or a body which is represented on the Trust; or
- (d) a contractor who is performing work under a contract made with

Wellington Park Regulations 2019
Statutory Rules 2019, No. 13

r. 17

Part 2 – Care, Control and Management

the Trust or a body which is represented on the Trust.

- (2) The Trust or an authorized officer may erect no-access signs in Wellington Park.
- (3) The Trust may direct a person to erect a no-access sign in Wellington Park to ensure the safety of persons in Wellington Park.
- (4) A person must not contravene a no-access sign.
Penalty: Fine not exceeding 20 penalty units.
- (5) Subregulation (4) does not apply to a person who is –
 - (a) authorised by a permit to enter an area to which a no-access sign relates; or
 - (b) a prescribed person; or
 - (c) in the company of a prescribed person.

17. Limited access to certain places

- (1) A person must not enter or remain in or on –
 - (a) a restricted area; or
 - (b) an area of Wellington Park that the Trust has determined is closed in accordance with subregulation (3).
Penalty: Fine not exceeding 20 penalty units.
- (2) Subregulation (1) does not apply to a person who is –

Wellington Park Regulations 2019
Statutory Rules 2019, No. 13

Part 2 – Care, Control and Management

r. 17

- (a) authorised to do so by a permit; or
 - (b) an authorized officer; or
 - (c) acting in the course of his or her employment with the Trust or a body which is represented on the Trust; or
 - (d) a member of the following services, lawfully performing a duty imposed on him or her by an Act, or in the exercise of a public duty:
 - (i) the State Emergency Service continued under the *Emergency Management Act 2006*;
 - (ii) the Tasmania Fire Service established by the *Fire Service Act 1979*;
 - (iii) Ambulance Tasmania established by the *Ambulance Service Act 1982*; or
 - (e) accompanied by a person referred to in paragraph (a), (b), (c) or (d).
- (3) The Trust may determine that an area of Wellington Park is closed in the event of flood, fire, natural disaster or other emergency if, in the opinion of the Trust, such a closure is necessary because of the risk, or likely risk, to public safety.

Wellington Park Regulations 2019
Statutory Rules 2019, No. 13

r. 18

Part 2 – Care, Control and Management

- (4) The Trust must, as soon as practicable after making a determination under subregulation (3) –
- (a) publish notice of the determination on a website operated by, or on behalf of, the Trust; and
 - (b) erect no-access signs in respect of that area.
- (5) The Trust must ensure that notice of a determination under subregulation (3) remains on the website operated by, or on behalf of, the Trust for the duration of the period for which the notice has effect.
- (6) It is a defence in proceedings for an offence under subregulation (1), if the defendant establishes that the Trust did not comply with subregulation (4) or (5).

Division 5 – Camping

18. Camping controls

- (1) In this regulation –

camping sign means a sign prohibiting or regulating camping in Wellington Park.

- (2) Except as authorised by a permit, a person must not camp in Wellington Park other than at a place where camping is permitted under a management plan.

Penalty: Fine not exceeding 20 penalty units.

Wellington Park Regulations 2019
Statutory Rules 2019, No. 13

Part 2 – Care, Control and Management

r. 19

- (3) Except as authorised by a permit, a person must not camp in Wellington Park in association with horses, or 4-wheel-drive motor vehicles, other than at a place which the Trust has designated for that purpose.

Penalty: Fine not exceeding 20 penalty units.

- (4) The Trust may erect camping signs in Wellington Park.

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

Penalty: Fine not exceeding 20 penalty units.

19. Camping directions

- (1) An authorized officer may, in order to regulate camping in Wellington Park, direct a person in relation to –

(a) the use of any place for camping; and

(b) the disposal of any matter or thing at that place.

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

Penalty: Fine not exceeding 20 penalty units.

Division 6 – Fires

20. Designated fireplaces

- (1) The Trust may designate places in Wellington Park as being suitable for use as fireplaces.

Wellington Park Regulations 2019
Statutory Rules 2019, No. 13

r. 21

Part 2 – Care, Control and Management

- (2) The Trust may give notice of the designated places by means of –
- (a) fire safety signs under regulation 22; and
 - (b) such other means as the Trust thinks fit.

21. Fires generally

- (1) In this regulation –

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.
- (2) Except as authorised by a permit, a person must not light a fire in Wellington Park.

Penalty: Fine not exceeding 50 penalty units.

- (3) Subregulation (2) does not apply –

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

- (i) a fuel stove; or
 - (ii) a fire in a designated fireplace.
- (4) A person who lights a fire in Wellington Park or is a member of a party for whom a fire is lit –
- (a) must not leave the fire unattended before it has been extinguished; and
 - (b) must take all reasonable steps to prevent the fire from spreading.

Penalty: Fine not exceeding 50 penalty units.

22. Fire safety signs

- (1) In this regulation –

fire safety sign means a sign prohibiting or regulating the lighting, use, control or extinguishment of fires in Wellington Park.

- (2) The Trust or an authorized officer may erect fire safety signs in Wellington Park.
- (3) A fire safety sign is to be in a form approved by the Trust.
- (4) A person must not contravene a fire safety sign.

Penalty: Fine not exceeding 50 penalty units.

23. Fire safety directions

- (1) In this regulation –

Wellington Park Regulations 2019
Statutory Rules 2019, No. 13

r. 24

Part 2 – Care, Control and Management

manage, a fire, includes to use, maintain and extinguish the fire.

- (2) This regulation applies if an authorized officer reasonably believes that a person in Wellington Park –
- (a) is intending to light or leave any fire; or
 - (b) is in the process of lighting, managing or leaving any fire; or
 - (c) has lit, managed or left any fire; or
 - (d) is a member of a party of persons doing a thing referred to in paragraph (a), (b) or (c).
- (3) An authorized officer may give the person directions regarding the fire or the lighting of the fire.
- (4) The person must comply with a direction under subregulation (3).

Penalty: Fine not exceeding 20 penalty units.

Division 7 – Recreational and other activities

24. General recreational activities

- (1) In this regulation –

recreation sign means a sign prohibiting or regulating the playing or conduct of any game, sport or other recreational activity

in Wellington Park or any part of Wellington Park.

- (2) The Trust may erect recreation signs in Wellington Park.
- (3) Except as authorised by a permit, a person must not contravene a recreation sign.

Penalty: Fine not exceeding 20 penalty units.

25. Directions by authorized officers

- (1) An authorized officer may give a direction to a person engaged in an activity in Wellington Park in order to –
 - (a) regulate the playing, or engaging in, of a game, sport or other activity; or
 - (b) ensure the safety or convenience of any person (including that person) in Wellington Park; or
 - (c) avoid injury or damage, or risk of injury or damage, to any flora, fauna, property or other thing in Wellington Park.

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

Penalty: Fine not exceeding 20 penalty units.

26. Activities requiring a permit

- (1) The Trust may determine that an activity specified in the determination must not be

Wellington Park Regulations 2019
Statutory Rules 2019, No. 13

r. 27

Part 2 – Care, Control and Management

carried out in Wellington Park except as authorised by a permit.

- (2) The Trust must ensure that notice of a determination under subregulation (1) is displayed on a website operated by, or on behalf of, the Trust for the duration of the period for which the notice has effect.
- (3) If the Trust makes a determination under subregulation (1) in respect of an activity, a person must not carry out that activity in Wellington Park except as authorised by a permit.

Penalty: Fine not exceeding 20 penalty units.

- (4) It is a defence in proceedings for an offence under subregulation (3), if the defendant establishes that the Trust did not comply with subregulation (2).

Division 8 – Conduct of persons

27. Offensive behaviour, &c.

A person must not, in Wellington Park –

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

Penalty: Fine not exceeding 20 penalty units.

28. Exclusion of persons engaging in offensive behaviour, &c.

- (1) An authorized officer may direct a person to leave an area of Wellington Park if the authorized officer reasonably believes that the person –
- (a) is intoxicated; or
 - (b) is behaving in a violent, riotous, offensive or indecent manner; or
 - (c) is insulting or annoying other persons in Wellington Park.
- (2) A person must comply with a direction under subregulation (1).

Penalty: Fine not exceeding 20 penalty units.

Division 9 – General prohibitions

29. Cultural heritage

- (1) In this regulation –

Aboriginal relic has the same meaning as *relic* has in the *Aboriginal Heritage Act 1975*.

- (2) Except as authorised by a permit, a person must not remove, destroy, damage, disfigure or disturb any brick, glass, coin, masonry, ceramics, Aboriginal relic or any object or feature of architectural, archaeological, historical or scientific interest in Wellington Park.

Wellington Park Regulations 2019
Statutory Rules 2019, No. 13

r. 30

Part 2 – Care, Control and Management

Penalty: Fine not exceeding 50 penalty units.

30. Structures

- (1) Except as authorised by a permit, a person must not erect or place in Wellington Park –
 - (a) any building, structure (other than a tent), improvement or other works; or
 - (b) any cairn, memorial or plaque.

Penalty: Fine not exceeding 20 penalty units.

- (2) Except as authorised by a permit, a person must not remove, destroy, damage or disfigure any building, structure, improvement or other works erected or placed in Wellington Park.

Penalty: Fine not exceeding 20 penalty units.

- (3) The Trust or an authorized officer may pull down, dismantle or remove any building, structure, improvement or other works erected, or placed, unlawfully in Wellington Park.

31. Notices

- (1) Except as authorised by a permit or these regulations, a person must not –
 - (a) erect in Wellington Park any sign, notice, handbill, poster or advertisement; or
 - (b) remove, destroy, damage or disfigure any sign or notice erected, or displayed, lawfully in Wellington Park; or

Wellington Park Regulations 2019
Statutory Rules 2019, No. 13

Part 2 – Care, Control and Management

r. 32

- (c) give out, distribute, scatter or throw down in Wellington Park any handbill, notice, placard, advertisement, book, paper or pamphlet.

Penalty: Fine not exceeding 20 penalty units.

- (2) The Trust or an authorized officer may pull down, dismantle or remove any sign, notice, handbill, poster or advertisement erected, or displayed, unlawfully in Wellington Park.

32. Unauthorised tracks

Except as authorised by a permit, a person must not make or mark out any track or route in Wellington Park.

Penalty: Fine not exceeding 20 penalty units.

PART 3 – PERMITS

33. Application for permit

- (1) A person may apply to the Trust for a permit to carry out an activity that may, under these regulations, be carried out if authorised by a permit.
- (2) An application for a permit under subregulation (1) is to be –
 - (a) in a form approved by the Trust; and
 - (b) supported by such evidence or information as the Trust requires, either at the time of lodgment or subsequently; and
 - (c) accompanied by the fee specified in Schedule 1 in respect of that application.
- (3) The fee specified in Schedule 1 –
 - (a) is not payable if the applicant is a body represented on the Trust; and
 - (b) is exclusive of GST.
- (4) The Trust, at its discretion, may exempt a person from liability to pay an application fee for a permit under subregulation (2)(c).

34. Determination of application

- (1) The Trust may –

Wellington Park Regulations 2019
Statutory Rules 2019, No. 13

Part 3 – Permits

r. 34

- (a) refuse an application for a permit; or
 - (b) approve an application for a permit.
- (2) If the application is refused, the Trust is to notify the applicant of the refusal and the reasons for the refusal.
- (3) If the application is approved, the Trust is to issue the permit and may do so with or without conditions.
- (4) The conditions may relate to any one or more of the following:
- (a) the way in which the activity authorised by the permit is to be carried out;
 - (b) precautions to be observed in carrying out the activity;
 - (c) requirements for the supervision or control of the activity;
 - (d) records to be kept or notifications to be given in relation to the activity;
 - (e) the disposal of, or other dealings with, any fauna or flora;
 - (f) any other matter that the Trust considers appropriate.

Wellington Park Regulations 2019
Statutory Rules 2019, No. 13

r. 35

Part 3 – Permits

35. Issue of permit

- (1) If regulation 34(1)(b) applies and the applicant is an individual, the permit is to be issued to that individual.
- (2) If regulation 34(1)(b) applies and the applicant is a body of persons, the permit may be issued by any one or more of the following methods:
 - (a) by issuing the permit to a nominated representative of the body;
 - (b) by causing a public notice to be published in a daily newspaper circulating generally within the State;
 - (c) by erecting a sign in Wellington Park.

36. Form of permit

A permit may be in such form as the Trust determines but it must, at least –

- (a) identify the holder of the permit; and
- (b) specify the activity that it authorises; and
- (c) specify its expiry date or, if applicable, period of validity; and
- (d) specify its conditions, if any.

37. Nature of permit

A permit –

- (a) authorises the holder of the permit to carry out the activity specified in the permit (in accordance with the conditions, if any, of the permit); and
- (b) comes into force when it is issued or at such later time as the Trust specifies in the permit; and
- (c) continues in force for such period as the Trust specifies in the permit; and
- (d) is not renewable or transferable, unless the Trust specifies otherwise.

38. Compliance with conditions of permit

A person must not contravene a condition of a permit.

Penalty: Fine not exceeding 20 penalty units.

39. Compliance with directions

Nothing in these regulations is to be taken to prevent an authorized officer from giving a direction under these regulations to a permit holder.

40. Cancellation of permit

- (1) The Trust, by notice, may cancel a permit if –
 - (a) the conditions of the permit, if any, have been contravened in a material or sustained way; or

Wellington Park Regulations 2019
Statutory Rules 2019, No. 13

r. 41

Part 3 – Permits

- (b) the holder of the permit has been convicted of an offence under the Act or these regulations; or
 - (c) the Trust reasonably believes that –
 - (i) the permit is not being used; or
 - (ii) the continuation of the permit would be contrary to the proper care, control and management of Wellington Park; or
 - (iii) the permit was issued on the basis of false or misleading information.
- (2) The notice is to be served on –
- (a) if the permit is held by an individual, that individual; or
 - (b) if the permit is held by a body of persons, the nominated representative of the body.
- (3) The notice is to specify the reasons for the cancellation.
- (4) The cancellation takes effect on the service of the notice.

41. Suspension of permit

- (1) The Trust, by written notice, may suspend a permit on any ground specified in regulation 40 if satisfied that –

Wellington Park Regulations 2019
Statutory Rules 2019, No. 13

Part 3 – Permits

r. 41

- (a) the ground is not so serious as to warrant cancellation of the permit; or
 - (b) the holder of the permit has contravened a condition of the permit and he or she is able to comply, within a reasonable time, with that condition.
- (2) A notice under subregulation (1) –
- (a) is to specify the grounds on which the permit is suspended; and
 - (b) is to specify –
 - (i) that the permit is suspended for the period specified in the notice; or
 - (ii) that the permit is suspended until the fulfilment of any requirements specified in the notice; and
 - (c) may specify that the holder of the permit is to comply with a requirement specified in the notice.
- (3) The Trust may suspend a permit under subregulation (1) –
- (a) for the period specified in the notice; or
 - (b) until the fulfilment of any requirements specified in the notice.

Wellington Park Regulations 2019
Statutory Rules 2019, No. 13

r. 42

Part 3 – Permits

- (4) The holder of a permit must comply with a requirement specified in a notice under subregulation (2)(c) in relation to the permit .

Penalty: Fine not exceeding 20 penalty units.

42. Surrender of permit

- (1) The holder of a permit may, by notice to the Trust, surrender the permit at any time.
- (2) The surrender takes effect on –
- (a) the date of surrender, if any, specified in the notice; or
 - (b) if no date of surrender is specified, the day on which the Trust is given the notice.
- (3) The holder of a permit is not entitled to a refund, or to payment, of an amount of money, for surrendering the permit.

PART 4 – MISCELLANEOUS

Division 1 – Offences

43. Noxious matter

A person must not, in Wellington Park –

- (a) deposit or leave the carcass, or any part of the carcass, of any animal; or
- (b) deposit, discharge or leave any offal, filth, dung or other noxious or polluting matter or thing.

Penalty: Fine not exceeding 20 penalty units.

44. Litter

A person must not deposit or leave any litter in Wellington Park except in a receptacle that is provided for that purpose.

Penalty: Fine not exceeding 20 penalty units.

45. Exotic plants

- (1) In this regulation –

exotic plant means a plant that is not native to Wellington Park;

plant includes the seeds, spores, roots or any other part of a plant (whether attached to or detached from any other such part).

Wellington Park Regulations 2019
Statutory Rules 2019, No. 13

r. 46

Part 4 – Miscellaneous

- (2) Except as authorised by a permit, a person must not –
- (a) take an exotic plant into Wellington Park; or
 - (b) have possession of an exotic plant in Wellington Park; or
 - (c) plant, deposit or disperse an exotic plant in Wellington Park.

Penalty: Fine not exceeding 20 penalty units.

46. Metal detectors

Except as authorised by a permit, a person must not have possession of or use a metal detector in Wellington Park.

Penalty: Fine not exceeding 20 penalty units.

47. Throwing stones, &c.

A person must not throw or discharge any stone or other missile in Wellington Park if by so doing the person is likely to cause injury, damage, inconvenience or danger to –

- (a) any person, animal or other living thing in Wellington Park; or
- (b) any property in Wellington Park.

Penalty: Fine not exceeding 20 penalty units.

Division 2 – General provisions

48. Signs

(1) In this regulation –

control sign means any sign as authorised by or under these regulations.

(2) A control sign may be erected as a discrete sign or combined with any other control sign.

49. Prescribed offences

(1) For the purpose of section 71A of the Act –

(a) an offence against a provision of the Act specified in column 2 of the table in Part 1 of Schedule 2 is a prescribed offence; and

(b) an offence against a provision of the regulations specified in column 2 of the table in Part 2 of Schedule 2 is a prescribed offence.

(2) A penalty specified in column 3 of a table in Part 1 or 2 of Schedule 2 is the penalty payable by a person for the relevant infringement offence specified in column 2 of the relevant table.

50. Legislation rescinded

The legislation specified in Schedule 3 is rescinded.

Wellington Park Regulations 2019
Statutory Rules 2019, No. 13

sch. 1

SCHEDULE 1 – APPLICATION FEE

Regulation 33(2)

Column 1 Item no.	Column 2 Application	Column 3 Fee (fee units)
1.	Application for a permit for an activity that does not require an assessment under a management plan for the permit to be issued	100
2.	Application for a permit for an activity if, in respect of that activity – (a) an assessment is required under a management plan for the permit to be issued; and (b) a permit under the <i>Land Use Planning and Approvals Act 1993</i> is not required	200
3.	Application for a permit for an activity if, in respect of that activity – (a) an assessment is required under a management plan for the permit to be issued; and (b) a permit under the <i>Land Use Planning and Approvals Act 1993</i> is required	500

Wellington Park Regulations 2019
Statutory Rules 2019, No. 13

sch. 2

**SCHEDULE 2 – INFRINGEMENT NOTICE OFFENCES
AND PENALTIES**

Regulation 49

PART 1 – OFFENCES UNDER THE ACT

Column 1	Column 2	Column 3
Item no.	Provision	Penalty(penalty units)
1.	Section 31(6)	1
2.	Section 64(2)	1

PART 2 – OFFENCES UNDER THE REGULATIONS

Column 1	Column 2	Column 3
Item no.	Provision	Penalty(penalty units)
1.	Regulation 4(2)(a)	1
2.	Regulation 4(2)(b)	1
3.	Regulation 4(2)(c)	1
4.	Regulation 4(2)(d)	1
5.	Regulation 4(2)(e)	1
6.	Regulation 4(2)(f)	1
7.	Regulation 4(2)(g)	1
8.	Regulation 4(3)	1
9.	Regulation 5(a)	1
10.	Regulation 5(c)	1

Wellington Park Regulations 2019
Statutory Rules 2019, No. 13

sch. 2

Column 1	Column 2	Column 3
Item no.	Provision	Penalty(penalty units)
11.	Regulation 5(d)	1
12.	Regulation 5(e)	1
13.	Regulation 6(2)	1
14.	Regulation 6(3)	1
15.	Regulation 6(4)	1
16.	Regulation 6(6)	1
17.	Regulation 7(2)(a)	1
18.	Regulation 7(2)(b)	1
19.	Regulation 7(4)	1
20.	Regulation 8(2)(a)	1
21.	Regulation 8(2)(b)	1
22.	Regulation 10(3)	1.5
23.	Regulation 10(7)	1.5
24.	Regulation 11(1)	1.5
25.	Regulation 12(4)	1
26.	Regulation 13(3)	1.5
27.	Regulation 15(2)	1
28.	Regulation 15(4)	1
29.	Regulation 16(4)	1.5
30.	Regulation 17(1)	1

Wellington Park Regulations 2019
Statutory Rules 2019, No. 13

sch. 2

Column 1	Column 2	Column 3
Item no.	Provision	Penalty(penalty units)
31.	Regulation 18(2)	1
32.	Regulation 18(3)	1
33.	Regulation 18(5)	1
34.	Regulation 19(2)	1
35.	Regulation 21(2)	1.5
36.	Regulation 21(4)	1.5
37.	Regulation 22(4)	2
38.	Regulation 23(4)	2
39.	Regulation 24(3)	1
40.	Regulation 25(2)	1
41.	Regulation 26(3)	1
42.	Regulation 27(a)	1
43.	Regulation 27(b)	1
44.	Regulation 28(2)	1
45.	Regulation 29(2)	1
46.	Regulation 30(1)(a)	1
47.	Regulation 30(1)(b)	1
48.	Regulation 30(2)	1
49.	Regulation 31(a)	1
50.	Regulation 31(b)	2

Wellington Park Regulations 2019
Statutory Rules 2019, No. 13

sch. 2

Column 1	Column 2	Column 3
Item no.	Provision	Penalty(penalty units)
51.	Regulation 31(c)	1
52.	Regulation 32	1
53.	Regulation 38	1
54.	Regulation 41(4)	1
55.	Regulation 43(a)	1
56.	Regulation 43(b)	1
57.	Regulation 44	1
58.	Regulation 45(2)(a)	1
59.	Regulation 45(2)(b)	1
60.	Regulation 45(2)(c)	1
61.	Regulation 46	1
62.	Regulation 47(a)	1
63.	Regulation 47(b)	1

Wellington Park Regulations 2019
Statutory Rules 2019, No. 13

sch. 3

SCHEDULE 3 – LEGISLATION RESCINDED

Regulation 50

Wellington Park Regulations 2009 (No. 19 of 2009)

Wellington Park Regulations 2019
Statutory Rules 2019, No. 13

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

Notified in the *Gazette* on 27 March 2019.

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

EXPLANATORY NOTE

(This note is not part of the regulations)

These regulations –

- (a) provide for the care, control and management of Wellington Park; and
- (b) provide for the issue of permits; and
- (c) prescribe offences for which infringement notices may be issued; and
- (d) replace the *Wellington Park Regulations 2009*.