

South Australia

Wilderness Protection Regulations 2006

under the *Wilderness Protection Act 1992*

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Legislative history

1—Short title

These regulations may be cited as the *Wilderness Protection Regulations 2006*.

3—Interpretation

In these regulations, unless the contrary intention appears—

Aboriginal person means a person of Aboriginal descent who is accepted as a member by a group in the community who claim Aboriginal descent;

Act means the *Wilderness Protection Act 1992*;

aircraft includes a glider or balloon capable of carrying a person;

cave means a cave in a wilderness protection area or wilderness protection zone and includes any natural cavity in the earth's surface;

drive includes ride;

exotic plant means a plant that is not a native plant;

filming means taking moving or still pictures by any means;

motor vehicle has the same meaning as in the *Motor Vehicles Act 1959*;

protected animal has the same meaning as in the *National Parks and Wildlife Act 1972*;

take has the same meaning as in the *National Parks and Wildlife Act 1972*;

unprotected animal means an animal (including fish and invertebrates) that is not a protected animal;

vessel includes a boat, jet-ski, sailboard, raft, pontoon and hovercraft.

4—Qualifications of wardens

For the purposes of section 13(1) of the Act, a person has prescribed qualifications if the person—

- (a) has completed satisfactorily the training necessary for appointment as a police officer of the Commonwealth or a State or Territory of the Commonwealth; or
- (b) has completed satisfactorily the course run by the Director known as the "Basic Warden Training Course"; or
- (c) has completed satisfactorily at least 2 weeks full-time training (or the equivalent part-time training) with National Parks and Wildlife South Australia that, in the opinion of the Director, qualifies the person for appointment as a warden; or
- (d) is employed in the Australian Customs Service; or
- (e) is employed in a unit or department of another State or a Territory of the Commonwealth responsible for wildlife conservation.

5—Entry to wilderness protection areas and zones

A person must not enter or remain in a wilderness protection area or wilderness protection zone unless the appropriate entrance fee fixed by the Director has been paid in respect of his or her entry into the area or zone.

Maximum penalty: \$1 250.

Expiation fee: \$150.

6—Opening and closing of wilderness protection areas and zones

- (1) The Director may, by notice in the Gazette—
 - (a) give notice of the hours during which a wilderness protection area or wilderness protection zone is open to the public;
 - (b) vary or revoke a notice under paragraph (a).
- (2) The Director may close a wilderness protection area or wilderness protection zone, or part of such an area or zone—
 - (a) if a total fire ban is in force in an area that includes all or part of the area or zone, or the risk of uncontrolled fire in the area or zone is, in the Director's opinion, extreme; or
 - (b) if the staff necessary to patrol the area or zone are unavailable; or
 - (c) if it is, in the Director's opinion, in the interest of public safety to close the area or zone; or
 - (d) if the closure is in accordance with a plan of management for the area or zone.
- (3) A person must not, without the permission of the Director, enter or remain in a wilderness protection area or wilderness protection zone when the area or zone is closed to the public.

Maximum penalty: \$1 250.

Expiation fee: \$100.

- (4) A person must not, without the permission of the Director, enter or remain in a particular part of a wilderness protection area or wilderness protection zone when that part of the area or zone is closed to the public.

Maximum penalty: \$1 250.

Expiation fee: \$100.

7—Use of vehicles

- (1) A person must not, without the permission of the Director, drive or tow a vehicle in a wilderness protection area or wilderness protection zone except on a road or track set aside for that purpose by the Director.

Maximum penalty: \$1 250.

Expiation fee: \$150.

- (2) A person must not, without the permission of the Director, drive a vehicle in a wilderness protection area or wilderness protection zone—

- (a) at a speed exceeding the speed fixed by the Director as the speed limit; or
- (b) if no speed limit has been fixed by the Director—at a speed exceeding 40 kilometres per hour.

Maximum penalty: \$1 250.

Expiation fee: \$150.

- (3) A person must not leave a vehicle in a position that obstructs other vehicles from entering, leaving or proceeding along a road or track in a wilderness protection area or wilderness protection zone.

Maximum penalty: \$1 250.

Expiation fee: \$150.

- (4) A warden may remove, or cause to be removed, a vehicle left in contravention of subregulation (3) and the Director may recover the costs of removal from the owner of the vehicle as a debt due to the Director.

8—Use of aircraft

- (1) A person must not land an aircraft in a wilderness protection area or wilderness protection zone when using the aircraft for recreational purposes but may, with the permission of the Director, land an aircraft in such an area or zone when using the aircraft for any other purpose.

Maximum penalty: \$1 250.

Expiation fee: \$100.

- (2) Subregulation (1) is subject to any law of the Commonwealth to the contrary.

- (3) A person must not, without the permission of the Director, jump into a wilderness protection area or wilderness protection zone from an aircraft or use an aircraft for the purpose of dropping or lowering an object into such an area or zone.

Maximum penalty: \$1 250.

Expiation fee: \$150.

9—Use of vessels

A person must not, without the permission of the Director, launch, or use, a vessel on a lake, river or other body of water in a wilderness protection area or wilderness protection zone unless the water has been set aside by the Director for the use of vessels of that kind.

Maximum penalty: \$1 250.

Expiation fee: \$100.

10—Camping

- (1) A person must not, without the permission of the Director, camp in a wilderness protection area or wilderness protection zone except in an area set aside for that purpose by the Director.

Maximum penalty: \$1 250.

Expiation fee: \$100.

- (2) A person must not camp in a wilderness protection area or wilderness protection zone unless the appropriate camping fee fixed by the Director has been paid in respect of his or her use of the camping site.

Maximum penalty: \$1 250.

Expiation fee: \$100.

11—Display of certain receipts in vehicles

- (1) A person who enters a wilderness protection area or wilderness protection zone in a vehicle must ensure that the receipt for the entrance fee paid in respect of his or her entry into the area or zone is displayed in the vehicle in accordance with subregulation (3) continuously until he or she or the vehicle leaves the area or zone.
Maximum penalty: \$1 250.
Expiation fee: \$100.
- (2) A person who camps in a wilderness protection area or wilderness protection zone in or near a vehicle that he or she has travelled in to get to the camping site must ensure that the receipt for the camping fee paid in respect of his or her use of the camping site is displayed in the vehicle in accordance with subregulation (3) continuously while he or she is camping in or near the vehicle.
Maximum penalty: \$1 250.
Expiation fee: \$100.
- (3) For the purposes of this regulation a receipt is displayed in a vehicle only if—
 - (a) the receipt is displayed in a prominent position on the inside of the front windscreen of the vehicle; or
 - (b) where, because of the design of the vehicle, it is not possible to comply with paragraph (a)—the receipt is displayed in a prominent position in or on the vehicle,so that the receipt is facing outwards from the vehicle and can be easily seen and read by a person standing beside the vehicle.
- (4) This regulation does not apply to a person who enters, or camps in, a wilderness protection area or wilderness protection zone as the client of a person conducting a tour for fee or reward if the vehicle concerned is owned by, or is under the control of, the tour operator.

12—Fires

- (1) A person must not, without the permission of the Director, light, maintain or use a fire in a wilderness protection area or wilderness protection zone in contravention of a ban or restriction imposed by the Director.
Maximum penalty: \$1 250.
Expiation fee: \$150.
- (2) A person must not, without the permission of the Director, collect wood or other material in a wilderness protection area or wilderness protection zone, or use wood or other material collected from such an area or zone, to light or maintain a fire.
Maximum penalty: \$1 250.
Expiation fee: \$150.
- (3) A person who has lit, maintained or used a fire in a wilderness protection area or wilderness protection zone must not leave the fire unattended.
Maximum penalty: \$1 250.
Expiation fee: \$150.

13—Possession and use of chainsaws

- (1) Subject to subregulation (2), a person must not, without the permission of the Director, have control of, or carry or use a chainsaw in a wilderness protection area or wilderness protection zone.
- (2) A person may have control of, carry or use a chainsaw in a wilderness protection area or wilderness protection zone—
 - (a) in the course of exercising powers or performing obligations under an Act or statutory instrument; or
 - (b) for the purpose of fighting a bushfire or dealing with any other emergency.

14—Use of generators and alternators

- (1) Subject to subregulation (2), a person must not, without the permission of the Director, operate a generator or alternator in a wilderness protection area or wilderness protection zone except in an area set aside for that purpose by the Director.
Maximum penalty: \$1 250.
Expiation fee: \$100.
- (2) Subregulation (1) does not apply in relation to the use of a motor vehicle of a kind normally equipped with a generator or alternator.

15—Use of metal or mineral detectors

A person must not, without the permission of the Director, use a device for detecting metal or minerals in a wilderness protection area or wilderness protection zone except pursuant to a mining tenement and a proclamation under Part 3 Division 2 of the Act.
Maximum penalty: \$1 250.
Expiation fee: \$100.

16—Possession and use of firearms etc

- (1) Subject to this regulation, a person must not, without the permission of the Director—
 - (a) have control of, carry or use a firearm or other weapon; or
 - (b) have control of, carry or use fireworks or explosives,in a wilderness protection area or wilderness protection zone.
Maximum penalty: \$1 250.
Expiation fee: \$150.
- (2) Subregulation (1)(a) does not apply to an Aboriginal person in relation to a firearm or other weapon that he or she has control of, carries or uses for the purpose of taking animals in accordance with section 68D of the *National Parks and Wildlife Act 1972*.
- (3) Subregulation (1)(b) does not apply in relation to explosives that a person has control of, carries or uses pursuant to a mining tenement and a proclamation under Part 3 Division 2 of the Act.

17—Swimming and diving

A person must not swim or dive in any water in a wilderness protection area or wilderness protection zone except—

- (a) in an area set aside for that purpose by the Director; or
- (b) with the permission of the Director.

Maximum penalty: \$1 250.

Expiation fee: \$100.

18—Use of caves

A person must not, without the permission of the Director—

- (a) enter a cave except in the company of a warden or person assisting a warden; or
- (b) remove or displace a rock, mineral or fossil in a cave; or
- (c) disturb or interfere with a plant or animal (whether alive or dead) in a cave; or
- (d) touch or interfere with a karstcalcite formation (speleothem) in a cave; or
- (e) urinate or defecate in a cave; or
- (f) deposit organic or inorganic matter in a cave; or
- (g) disturb, touch or interfere with any Aboriginal art or artefact in a cave; or
- (h) use a paint, dye or marker in a cave, or release any substance into the waters of a cave; or
- (i) light a fire or burn any material in a cave; or
- (j) smoke a tobacco product in a cave; or
- (k) dive in the waters of a cave or sink hole.

Maximum penalty: \$1 250.

Expiation fee: \$150.

19—Regulation of certain recreational activities

- (1) A person must not, without the permission of the Director, engage in—

- (a) climbing rock faces; or
- (b) abseiling; or
- (c) sand boarding (sliding down a sandhill on a board or other thing),

in a wilderness protection area or wilderness protection zone except in an area set aside for that purpose by the Director.

Maximum penalty: \$1 250.

Expiation fee: \$100.

- (2) A person must not fly model planes or gliders in a wilderness protection area or wilderness protection zone.

Maximum penalty: \$1 250.

Expiation fee: \$100.

20—Protection of animals

- (1) A person must not, without the permission of the Director or other lawful authority, take, injure, molest or interfere with an unprotected animal in a wilderness protection area or wilderness protection zone.
Maximum penalty: \$1 250.
Expiation fee: \$100.
- (2) A person must not, without the permission of the Director, intentionally damage the nest or burrow of an animal in a wilderness protection area or wilderness protection zone.
Maximum penalty: \$1 250.
Expiation fee: \$100.
- (3) A person must not, without the permission of the Director or other lawful authority, feed an unprotected animal in a wilderness protection area or wilderness protection zone.
Maximum penalty: \$1 250.
Expiation fee: \$100.

21—Possession and use of devices for taking animals

- (1) Subject to this regulation, a person must not, without the permission of the Director, while in a wilderness protection area or wilderness protection zone, have control of, carry or use a device designed for the purpose of taking an animal.
Maximum penalty: \$1 250.
Expiation fee: \$150.
- (2) Subregulation (1) does not apply to an Aboriginal person in relation to a device that he or she has control of, carries or uses for the purpose of taking animals in accordance with section 68D of the *National Parks and Wildlife Act 1972*.

22—Seizure of animals etc

- (1) If an unprotected animal is in a wilderness protection area or wilderness protection zone—
 - (a) without the written permission of the Director; or
 - (b) with such permission but not under the control of any person,a warden or other person authorised by the Director may—
 - (c) capture and sell or otherwise dispose of the animal; or
 - (d) destroy the animal.
- (2) The costs of capturing and disposing of an animal or destroying an animal under subregulation (1) are a debt due by the owner of the animal to the Crown.
- (3) An animal that has been captured must not be surrendered to its owner until those costs have been paid.
- (4) If an animal is sold under this regulation, the Crown is entitled to the excess (if any) of the proceeds of the sale over the costs of capturing and selling the animal.

23—Plants

- (1) A person must not, without the permission of the Director, take an exotic plant that is growing in a wilderness protection area or wilderness protection zone.
Maximum penalty: \$1 250.
Expiation fee: \$100.
- (2) A person must not, without the permission of the Director, bring a plant into a wilderness protection area or wilderness protection zone unless the plant is dead and is brought into the area or zone as food for human consumption.
Maximum penalty: \$1 250.
Expiation fee: \$100.

24—Interference with earth etc

A person must not, without the permission of the Director or other lawful authority—

- (a) remove from a wilderness protection area or wilderness protection zone any—
 - (i) soil, rock, mineral or similar material; or
 - (ii) wood, mulch or other dead vegetation; or
 - (iii) fossil or archaeological remains; or
- (b) dig or otherwise intentionally disturb soil or similar material in a wilderness protection area or wilderness protection zone; or
- (c) intentionally disturb—
 - (i) wood, mulch or other dead vegetation in a wilderness protection area or wilderness protection zone; or
 - (ii) fossil or archaeological remains in a wilderness protection area or wilderness protection zone.

Maximum penalty: \$1 250.

Expiation fee: \$150.

25—Fossil and geomorphological sites

- (1) If, in the opinion of the Director, it is necessary or desirable in order to protect a fossil site or a site of geomorphological significance in a wilderness protection area or wilderness protection zone, the Director may, by notice in the Gazette, declare the site to be a fossil site of significance or a site of geomorphological significance.
- (2) A person who, intentionally and without the permission of the Director or other lawful authority, destroys, damages, or disturbs a site that is the subject of a declaration under subregulation (1) is guilty of an offence.
Penalty: \$15 000.
Expiation fee: \$1 500.

28—Littering

- (1) A person must not, in a wilderness protection area or wilderness protection zone—
- (a) deposit or leave litter or any bottle, broken glass, china, pottery, plastic article, rubbish, refuse or other waste material except in an area or receptacle provided for that purpose; or
 - (b) deposit, discharge or leave a noxious, offensive or polluting substance, matter or thing; or
 - (c) deposit or leave offal or a dead animal or dung; or
 - (d) deposit domestic garbage in a receptacle provided for litter; or
 - (e) wilfully break an article of glass, china, pottery, plastic or other brittle material; or
 - (f) deposit, discharge or leave a mineral, mineral waste or other industrial waste or by-product.

Maximum penalty: \$1 250.

Expiation fee: \$100.

- (2) Subregulation (1) is subject to the rights of a person pursuant to a mining tenement and a proclamation under Part 3 Division 2 of the Act.

29—Abandoned property

- (1) A person must not, without the permission of the Director, abandon or leave unattended for more than 24 hours a vehicle or other personal property in a wilderness protection area or wilderness protection zone.

Maximum penalty: \$1 250.

Expiation fee: \$100.

- (2) Subregulation (1) is subject to the rights of a person pursuant to a mining tenement and a proclamation under Part 3 Division 2 of the Act.
- (3) A vehicle or personal property abandoned or left unattended for more than 24 hours in a wilderness protection area or wilderness protection zone may be seized and impounded by a warden.
- (4) The Director may require the owner of a vehicle or personal property seized and impounded under this regulation to pay the cost of seizing, impounding and keeping the vehicle or personal property before returning the vehicle or personal property to the owner.
- (5) If, at the expiration of 1 month after the owner of a vehicle or personal property has been notified of its seizure or impounding, the owner has not paid to the Director the cost of seizing, impounding and keeping the vehicle or personal property, the Director may sell or otherwise dispose of the vehicle or personal property.
- (6) If the owner of a vehicle or personal property seized or impounded under this regulation is unknown or cannot be contacted, the Director may, after the expiration of 1 month after the vehicle or personal property has been seized or impounded, sell or otherwise dispose of the vehicle or personal property.

30—Disorderly behaviour etc

- (1) A person must not, in a wilderness protection area or wilderness protection zone, behave in a disorderly, offensive or indecent manner or use offensive or indecent language or create a disturbance.
Maximum penalty: \$1 250.
Expiation fee: \$150.
- (2) A person must not, in a wilderness protection area or wilderness protection zone, wilfully obstruct, disturb, interrupt or annoy any other person engaged in the proper use of the area or zone.
Maximum penalty: \$1 250.
Expiation fee: \$150.
- (3) A person must not, in a wilderness protection area or wilderness protection zone, throw, roll or discharge any stone, substance or missile to the danger of a person or animal in the area or zone.
Maximum penalty: \$1 250.
Expiation fee: \$150.
- (4) A person must not deface, paint, write, cut names or letters, or otherwise make marks or affix bills on trees, rocks, gates, fences, buildings, signs or other property in a wilderness protection area or wilderness protection zone.
Maximum penalty: \$1 250.
Expiation fee: \$150.

32—Other activities subject to Director's permission

- (1) A person must not, without the permission of the Director, use or cause to be used, a loud speaker or similar device or other noisy equipment in a wilderness protection area or wilderness protection zone.
Maximum penalty: \$1 250.
Expiation fee: \$100.
- (2) A person must not, without the permission of the Director, organise or cause to be organised or attend or participate in a public meeting, demonstration or gathering in a wilderness protection area or wilderness protection zone.
Maximum penalty: \$1 250.
Expiation fee: \$100.

33—Compliance with directions of warden

A person must not fail to comply with a reasonable direction or request given by a warden relating to—

- (a) use of a wilderness protection area or wilderness protection zone; or
- (b) conduct and behaviour in a wilderness protection area or wilderness protection zone; or

- (c) safety in a wilderness protection area or wilderness protection zone.

Maximum penalty: \$1 250.

Expiation fee: \$150.

34—Permission of Director

- (1) A permission granted by the Director under these regulations—
 - (a) must be in writing; and
 - (b) may be conditional; and
 - (c) may be varied or revoked by the Director at any time.
- (2) The permission may apply to a particular person or persons or may, if published in the Gazette, apply generally or to a particular class of persons.
- (3) If the Director grants permission subject to a condition, a person must not contravene or fail to comply with the condition.

Maximum penalty: \$1 250.

Expiation fee: \$100.

35—General defence

It is a defence to a charge of an offence against these regulations if the defendant proves that he or she acted in response to an emergency and that the action was reasonable in the circumstances.

Legislative history

Notes

- Please note—References in the legislation to other legislation or instruments or to titles of bodies or offices are not automatically updated as part of the program for the revision and publication of legislation and therefore may be obsolete.
- Earlier versions of these regulations (historical versions) are listed at the end of the legislative history.
- For further information relating to the Act and subordinate legislation made under the Act see the Index of South Australian Statutes or www.legislation.sa.gov.au.

Legislation revoked by principal regulations

The *Wilderness Protection Regulations 2006* revoked the following:

Wilderness Protection Regulations 1992

Principal regulations and variations

New entries appear in bold.

| Year | No | Reference | Commencement |
|-------------|------------|---------------------------------------|----------------------------|
| 2006 | 200 | <i>Gazette 17.8.2006 p2840</i> | 1.9.2006; r 2 |
| 2010 | 11 | <i>Gazette 28.1.2010 p356</i> | Pt 20 (r 25)—1.2.2010; r 2 |
| 2013 | 185 | <i>Gazette 18.7.2013 p3094</i> | 18.7.2013; r 2 |

Provisions varied

New entries appear in bold.

Entries that relate to provisions that have been deleted appear in italics.

| Provision | How varied | Commencement |
|--|---|------------------|
| <i>r 2</i> | <i>omitted by Legislation Revision and Publication Act 2002</i> | <i>1.2.2010</i> |
| r 5 | varied by 185/2013 r 4 | 18.7.2013 |
| r 10 | | |
| r 10(2) | varied by 185/2013 r 5 | 18.7.2013 |
| rr 26 and 27 | deleted by 185/2013 r 6 | 18.7.2013 |
| r 31 | deleted by 185/2013 r 7 | 18.7.2013 |
| <i>Sch 1 before deletion by 185/2013</i> | | |
| <i>cl 1</i> | | |
| <i>concession cardholder</i> | <i>varied by 11/2010 r 25</i> | <i>1.2.2010</i> |
| Sch 1 | deleted by 185/2013 r 8 | 18.7.2013 |
| <i>Sch 2</i> | <i>omitted by Legislation Revision and Publication Act 2002</i> | <i>1.2.2010</i> |

Historical versions

1.2.2010