Wellington Park Regulations 2009

I, the Governor in and over the State of Tasmania and its Dependencies in the Commonwealth of Australia, acting with the advice of the Executive Council, make the following regulations under the Wellington Park Act 1993.

23 March 2009

PETER G. UNDERWOOD
Governor

By His Excellency's Command,

MICHELLE O'BYRNE
Minister for Environment, Parks, Heritage and the Arts

PART 1 - Preliminary

1. Short title

These regulations may be cited as the Wellington Park Regulations 2009.

2. Commencement

These regulations take effect on 9 June 2009.

3. Interpretation

In these regulations –

*Act* means the Wellington Park Act 1993;

*authorised person* means a person appointed as an authorised person under regulation 44;

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

*fauna* means any wildlife, or product of wildlife, within the meaning of the Nature Conservation Act 2002;

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

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

*permit* means a permit under Part 3;

*possession* has the same meaning as in section 3(6) of the National Parks and Reserves Management Act 2002;

*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;

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

*vehicle* means a vehicle within the meaning of the *[Traffic Act 1925]*;

*vehicular track* means 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) Unless authorised to do so 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

(e) deposit any fertiliser, pesticide or other 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.

(2) 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 only by reason of –
(i) the absence of, or a defect in, a part; or

(ii) the presence of an obstruction.

5. Water and other natural substances

Unless authorised to do so by a permit, a person must not, in Wellington Park –

(a) dam up, divert or pollute any water on or under the surface; 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 any stalactite, stalagmite or other formation, in a cave.

Penalty:

Fine not exceeding 20 penalty units.

Division 2 - Animals

6. Dogs

(1) Unless authorised to do so by a permit, a person must not take a dog into Wellington Park except –

(a) on a dog-exercising trail; or

(b) confined within a vehicle on a road.

Penalty:

Fine not exceeding 20 penalty units.

(2) Unless authorised to do so by a permit, a person must not allow a dog owned or being kept by that person to be in Wellington Park except –

(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.

(3) A person who takes a dog into, or allows a dog 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.

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

(5) Unless authorised to do so by a permit, a person must not contravene a dog-control sign.

Penalty:

Fine not exceeding 20 penalty units.

(6) This regulation does not apply to a guide dog referred to in paragraph (a) or (b) of the definition of “guide dog” in section 2 of the Guide Dogs and Hearing Dogs Act 1967.

(7) In this regulation –

dog-control sign means a sign prohibiting or regulating the entry, presence or activities of dogs in Wellington Park;
dog-exercising trail means a road or track in Wellington Park on which the exercising of dogs is permitted under a management plan.

7. Horses

(1) Unless authorised to do so by a permit, a person must not –

(a) take a horse into Wellington Park except on a horse trail; or

(b) allow a horse owned or being kept by that person to be in Wellington Park except accompanied by that person on a horse trail.

Penalty:

Fine not exceeding 20 penalty units.

(2) The Trust may erect horse-control signs in Wellington Park.

(3) Unless authorised to do so by a permit, a person must not contravene a horse-control sign.

Penalty:

Fine not exceeding 20 penalty units.

(4) 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.

8. Other animals
(1) This regulation applies to animals other than dogs and horses.
(2) Unless authorised to do so by a permit, a person must not –

(a) take an animal to which this regulation applies into Wellington Park; or

(b) allow an animal to which this regulation applies, 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 –

(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 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) The Trust may erect traffic signs in Wellington Park.

(2) 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.
(3) Without limiting subregulation (1), the Trust or an authorized officer may 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.

(4) The closure may apply to all vehicles or it may be restricted to one or more kinds of vehicle.

(5) The closure or part closure may be done by means of a traffic sign or physical barrier, or both.

(6) Unless authorised to do so by a permit, a person must not drive a vehicle in Wellington Park on a road or vehicular track that is closed to vehicular traffic.

Penalty:

Fine not exceeding 20 penalty units.

(7) In this regulation—

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

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

(1) Unless authorised to do so by a permit, a person must not use a vehicle in Wellington Park except on a road or vehicular track.

Penalty:

Fine not exceeding 20 penalty units.

(2) In this regulation—

vehicle does not include bicycle.

12. Use of bicycles

(1) The Trust may determine that a track in Wellington Park is suitable for use as a bicycle track.

(2) 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.

(3) Unless authorised to do so by a permit, a person must not use a bicycle in Wellington Park except on—

(a) a road; or

(b) a bicycle track.
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 from any road or track in Wellington Park, or cause to be removed or towed away, 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 the vehicle is –

(i) a danger; or

(ii) an unreasonable obstruction to traffic; or

(iii) unattended and abandoned.
15. Use of aircraft

(1) Unless authorised to do so by a permit or in an emergency, a person must not land an aircraft in Wellington Park.

Penalty:

Fine not exceeding 20 penalty units.

(2) Unless authorised to do so 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) The Trust may erect no-access signs in Wellington Park.

(2) A person must not contravene a no-access sign unless the person is –

(a) authorised to do so by a permit; or

(b) in the company of an authorised person.

Penalty:

Fine not exceeding 20 penalty units.

(3) In this regulation –

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.

Division 5 - Camping

17. Camping controls

(1) Unless authorised to do so by a permit, a person must not camp in Wellington Park except at a place where camping is permitted under a management plan.

Penalty:

Fine not exceeding 20 penalty units.
(2) Unless authorised to do so by a permit, a person must not camp in Wellington Park in association with horses or 4-wheel-drive motor vehicles except at a place the Trust has designated for that purpose.

Penalty:
Fine not exceeding 20 penalty units.

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

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

Penalty:
Fine not exceeding 20 penalty units.

(5) In this regulation –

*camping* includes the parking and use of campervans, caravans and similar vehicles; *camping sign* means a sign prohibiting or regulating camping in Wellington Park.

18. 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.

(3) In this regulation –

*camping* and "camping sign" have the same meaning as in regulation 17.

Division 6 - Fires

19. Designated fireplaces

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

(2) The Trust may give notice of the designated fireplaces by means of –

(a) fire safety signs under regulation 20; and

(b) such other means as the Trust thinks fit.

(3) Unless authorised to do so by a permit, a person must not light a fire in Wellington Park except at a designated fireplace.
Penalty:

Fine not exceeding 50 penalty units.

(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.

(5) For the removal of doubt, subregulation (4) applies to a fire that is lit –

(a) at a designated fireplace; or

(b) at a place authorised by a permit.

20. Fire safety signs

(1) The Trust may erect, or may authorise the erection of, fire safety signs in Wellington Park.

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

Penalty:

Fine not exceeding 50 penalty units.

(3) In this regulation –

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

21. Fire safety directions

(1) 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).

(2) An authorized officer may give the person directions regarding the fire.

(3) The person must comply with a direction under subregulation (2).
Penalty:

Fine not exceeding 20 penalty units.

(4) In this regulation –

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

Division 7 - Games, sports and activities

22. General recreational activities

(1) The Trust may erect recreation signs in Wellington Park.
(2) Unless authorised to do so by a permit, a person must not contravene a recreation sign.

Penalty:

Fine not exceeding 20 penalty units.

(3) In this regulation –

recreation sign means a sign prohibiting or regulating the playing or conduct of any game, sport or other activity in Wellington Park or any part of Wellington Park.

23. Directions relating to recreational activities

(1) An authorized officer may give a direction to a person playing or engaged in any game, sport or other activity in Wellington Park in order to –

(a) regulate the playing or engaging in of that game, sport or other activity; or

(b) ensure the safety or convenience of any 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.

(3) In this regulation –

recreation sign has the same meaning as in regulation 22.

Division 8 - Conduct of persons

24. 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.

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

(1) An authorized officer may direct a person to leave Wellington Park or any part 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

26. Relics

(1) Unless authorised to do so by a permit, a person must not remove, destroy, damage, disfigure or disturb any brick, glass, coin, masonry, ceramics, Aboriginal relic or any object of architectural, archaeological, historical or scientific interest in Wellington Park.

Penalty:

Fine not exceeding 50 penalty units.

(2) In this regulation –

Aboriginal relic has the same meaning as "relic" has in section 2(3) of the Aboriginal Relics Act 1975.

27. Structures

(1) Unless authorised to do so 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:
(2) Unless authorised to do so 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) An authorized officer may pull down, dismantle or remove any building, structure, improvement or other works unlawfully erected or placed in Wellington Park.

28. Notices

Unless authorised to do so by a permit, 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 lawfully erected or displayed in Wellington Park; or

(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.

29. Unauthorised tracks

Unless authorised to do so 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

30. Application for permit

(1) Any person may apply to the Trust for a permit –

(a) to carry out an activity prohibited by or under these regulations; or

(b) to carry out an activity otherwise than as regulated by or under these regulations; or

(c) to provide a service that the Trust determines requires a permit; or

(d) for a scientific, recreational or other purpose.
The application 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 such fee, if any, as the Trust determines.

31. Determination of application

(1) The Trust may –

(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 or any combination of the following:

(a) the way in which the activity, service or purpose authorised by the permit is to be carried out or provided;

(b) precautions to be observed in carrying out or providing the activity, service or purpose;

(c) requirements for the supervision or control of the activity, service or purpose;

(d) records to be kept or notifications to be given in relation to the activity, service or purpose;

(e) the disposal of, or other dealings with, any fauna or flora;

(f) any other matter the Trust considers appropriate.

(5) A person must not contravene a condition of a permit.

Penalty:

Fine not exceeding 20 penalty units.

32. Issue of permit

(1) If regulation 31(1)(b) applies and the applicant is an individual, the permit is to be issued to that individual.

(2) If regulation 31(1)(b) applies and the applicant is a body of persons, the permit may be issued by any or any combination 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.

33. 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, service or purpose it authorises; and

(c) specify its expiry date or, if applicable, period of validity; and

(d) specify its conditions, if any.

34. Nature of permit

A permit –

(a) authorises the holder of the permit to carry out or provide the activity, service or other purpose 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.

35. Compliance with directions

The holder of a permit must comply with a direction given by an authorized officer under these regulations.

Penalty:

Fine not exceeding 20 penalty units.

36. 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
(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.

37. Suspension of permit

(1) The Trust, by notice, may suspend a permit on any ground specified in regulation 36 if satisfied that –

(a) the ground is not so serious as to warrant cancellation of the permit; or

(b) the holder of the permit is able to comply with a condition specified in the permit within a reasonable time.

(2) The notice is to specify –

(a) the grounds on which the permit is suspended; and

(b) the period for which the permit is suspended; and

(c) any condition on which the permit is suspended.

(3) The Trust may suspend a permit –

(a) for the period specified in the notice; and

(b) subject to any condition specified in the notice.

(4) A holder of a permit must not contravene a condition referred to in subregulation (3)(b).

Penalty:
38. 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) such date of surrender as is 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 permit has no surrender value.

PART 4 - Miscellaneous

39. 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.

40. Litter

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

Penalty:

Fine not exceeding 20 penalty units.

41. Exotic plants

(1) Unless authorised to do so 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.

(2) 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).

**42. Metal detectors**

Unless authorised to do so 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.

**43. 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.

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**Division 2 - General provisions**

**44. Authorised persons**

(1) The Trust may appoint any person as an authorised person.

(2) An authorised person is a prescribed person for the purpose of section 79(3) of the Act.

**45. Signs**

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

(2) In this regulation –
*control sign* means any camping sign, dog-control sign, fire safety sign, horse-control sign, no-access sign, recreation sign or traffic sign that the Trust may erect in Wellington Park pursuant to these regulations.

**46. Prescribed offences**

For the purpose of section 71A of the Act –
(a) an offence against a regulation specified in Column 2 of Schedule 1 is a prescribed offence; and

(b) the penalty specified in Column 3 of that Schedule in respect of that offence is the applicable penalty to that offence.

**SCHEDULE 1 - Infringement notice offences and penalties**

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<td>regulation 27(1)(b)</td>
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Displayed and numbered in accordance with the *Rules Publication Act 1953*.

Notified in the *Gazette* on 1 April 2009.

These regulations are administered in the Department of Environment, Parks, Heritage and the Arts.

**Table Of Amendments**

<table>
<thead>
<tr>
<th>Citation</th>
<th>Serial Number</th>
<th>Date of commencement</th>
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**CURRENT VIEW: 9 Jun 2009 - 1 Apr 2019**

**VIEW THE AS MADE VERSION**