**REGISTRATION/PERMISSION TO CONDUCT CERTAIN**

 **NON-COMMERCIAL ACTIVITIES**

 **THAT REQUIRE LAWFUL AUTHORITY**

**INFORMATION FOR APPLICANTS**

**This form is to be used by individuals, schools, community groups and organisations seeking to conduct certain non-commercial activities that require lawful authority under the *Conservation and Land Management Act 1984***

National parks and other conservation reserves in Western Australia protect our most significant landscapes, plants and animals. Our parks also protect social, cultural and spiritual values and are important community assets. The Department of Biodiversity, Conservation and Attractions, through the Parks and Wildlife Service, manages these special places on behalf of the community. The department encourages responsible, safe and sustainable access and use of our parks and reserves. This form assists the department to authorise access for conducting non-commercial activities in national parks, marine parks and other land and waters managed under the Conservation *and Land Management Act 1984* (CALM Act land).

**What is a non-commercial activity?**

A non-commercial activity is an activity undertaken without intent of gaining profit, reward or other consideration other than the recovery of costs, such as school activities, club events and weddings. A commercial activity or event requires a different authority, usually a licence, for which payment of charges and fees may apply. A separate application process is required for commercial activities, please visit the below link for more information.

<https://www.dbca.wa.gov.au/licences-and-permits/commercial-activities/commercial-events>

 **Why do I need permission?**

Under the *Conservation and Land Management Act 1984* and Conservation and Land Management Regulations 2002, permission is required to undertake certain activities that would otherwise be against the law. This permission is referred to as ‘lawful authority’. The department needs to assess the potential impacts of any proposed activity or event on an area and on other visitors to that area. These measures are put in place to protect the values of our precious parks and reserves.

Activities that require lawful authority include (but are not limited to):

* camping in areas that are not designated camping areas;
* lighting a camp fire;
* riding a bicycle other than on a road or a bicycle path;
* driving or using a vehicle other than on a road;
* intending to use an off-road vehicle that is not registered under the *Road Traffic Act 1974* (WA)
* landing or taking off in an aircraft (including helicopters);
* fossicking.

A comprehensive list of activities that require lawful authority is included in Appendix I.

**Safety**

As your safety is a primary concern for the department, this form may also provide details that will assist in the event of an evacuation or rescue in cases of wildfires, severe weather events or in situations where visitors need assistance in an emergency. By providing your location to the department and having the correct equipment to deal with the challenges presented in these areas, you will assist the department and emergency authorities to help you if necessary.

**Conducting led outdoor adventure activities with dependent participants**

The Australian Adventure Activity Standard (AAAS) and related Good Practice Guides (GPGs) provide a good-practice framework for safe and responsible planning and delivery of led outdoor adventure activities with dependent participants.

Organisations, groups and their leaders undertaking outdoor adventure activities should interpret and implement the AAAS to the specific needs of the participants, purpose and the complexity of each activity. The AAAS provide an excellent resource and industry best-practice for developing safe outdoor recreation activities and appropriate risk management framework.

For more information on the AAAS and GPGs, please visit the below link.

<https://australianaas.org.au/>

**What do I have to do to obtain lawful authority?**

You will need to complete this form and submit it to the local department office in the region where you wish to conduct the activity/activities. Department office contact details and locations are accessible via the below link.

<https://www.dbca.wa.gov.au/contact-us/office-locations>

**Who should fill out this form?**

If you are intending to conduct a non-commercial, organised educational or recreational activity or event that requires lawful authority from the department, either as an individual, group leader or as the event organiser, you need to complete this form. If your non-commercial activity/event is being organised by an organiser or contractor, this person should apply for permission.

**What is the cost?**

No charges apply to a non-commercial activity/event; however, the department may charge a fee to recover the costs of staff supervision, travel and any other applicable costs on a case-by-case basis.

**How to complete this form?**

**All applicants** need to complete Part A.

Organisations and community and other groups who owe a duty of care to the participants carrying out the activity will be required to demonstrate they have public risk insurance (Part B of this form).

Individuals conducting an activity by themselves or not as a leader of a group for which they have duty of care are NOT required to complete Part B.

**All applicants** need to complete the Deed Poll at Part C, **except state government schools or agencies.**

If you are unsure, please contact the relevant department office.

**What happens once I have completed the form?**

Please submit your completed form and attachments (such as maps, itineraries and deed poll) to the relevant department office in the region where you wish to conduct the activity/event. You will be notified in writing of the outcome of your application.

**This application needs to be received by the department a minimum of eight weeks prior to your activity/event being conducted**. If it is an activity/event that will be publicly advertised, this form needs to be submitted eight weeks prior to any advertising, or you risk not gaining approval in time. You should not advertise an activity or event until approval is given.

Where approval is sought to conduct an activity within a Public Drinking Water Source Area, the application will be referred to the Department of Water and Environmental Regulation for review.

**PART A**

 **APPLICANT’S DETAILS**

1. **NAME OF INDIVIDUAL/GROUP/ORGANISATION/SCHOOL**

Is the group/organisation incorporated? [ ] Yes [ ] No

If yes, an incorporated body, please provide certificate of incorporation.

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1. **CONTACT PERSON FOR THIS APPLICATION**

|  |
| --- |
| Surname       First Name       |
| Address             Postcode       |
| Telephone (W)       (H)      Mobile       Fax       |
| E-mail       |
| Position in group or organisation       |

1. **A) DETAILS OF ACTIVITY OR EVENT**

|  |
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| Name of activity or event (where applicable)       |
| Date and time of activity or event (i.e. period of approval sought)       |

 **B) PLEASE DESCRIBE THE ACTIVITIES PROPOSED, LOCATIONS, ROUTES, ETC.**

Note: Please attach relevant brochures, maps and itineraries. ![C:\Documents and Settings\luisal\Local Settings\Temporary Internet Files\Content.IE5\T2IH3V5W\MC900441311[1].png]()

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1. **A) CAMPING FEES AND PAYMENT**

|  |  |
| --- | --- |
| Are you camping?If Yes, method of payment: | [ ]  Yes [ ]  No [ ]  In person, at the district office [ ]  Self-registration (on site, if available) [ ]  Invoice (please supply address for invoicing in the space below, if same as in previous page, state ‘same as in previous page’):               |

**B) CAMPING RELATED DETAILS**

The information below will be used to invoice the school or organisation after the activity, unless otherwise advised. Please contact the office if these numbers change. Camping fees may apply for various campsites and are generally not waived. If applicable, a park entry fee waiver can be applied for through the department’s online form accessible at <https://exploreparks.dbca.wa.gov.au/fee-waivers>.

|  |  |  |  |
| --- | --- | --- | --- |
| No. of Between 16 and 6 years oldchildren Five years old and under  |            | Number of adults |        |
| Please provide location(s) of camping  | Dates |
|       |       |
|       |       |
|       |       |
|       |       |

1. **DETAILS OF ACTIVITY LEADERS, ASSISTANTS OR INSTRUCTORS (If applicable)**

|  |  |  |  |
| --- | --- | --- | --- |
| **Surname** | **Initials** | **Role** | **Qualifications/Experience** |
|  |  |  |  |
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1. **NUMBER OF PARTICIPANTS, SPECTATORS AND RELATED DETAILS (If applicable)**

To assist our planning, we would like to know the numbers of people you anticipate will participate in the organised activity or event.

|  |  |  |  |
| --- | --- | --- | --- |
| Number of participants |        | Number of officials |        |
|  |  |  |  |
| Number of support vehicles |        | Number of spectators expected |        |
|  |  |  |  |
| Will the media be involved? |        |
|  |  |

1. **EQUIPMENT REQUIREMENTS**

 Please list any special equipment, facilities or materials required to conduct the proposed activity or event:

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1. **EFFLUENT AND WASTE WATER DISPOSAL**

Will portable toilets and/or showers be used? If so, what is the proposed method of effluent and waste water disposal?

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1. **SAFETY EQUIPMENT AND REQUIREMENTS**

Indicate what steps have been taken to ensure the wellbeing of your members or participants (i.e. first aid kit, first aid training, fire extinguisher, life jackets, HF radio, notified the Local Emergency Management Committee).

If conducting a non-commercial event, additional supporting documentation may be required, including but not limited to:

* Event management plan
* Risk management plan
* Emergency response plan
* Traffic management plan where an event impacts on public roads within department managed lands.

Event participants are advised to refer to the Tourism WA [*event resources*](https://www.tourism.wa.gov.au/news-and-events/events-hub/event-resources#/) website for information related to organising events in WA.

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**PART B**

**PUBLIC RISK INSURANCE**

Organisations and community and other groups who owe a duty of care to the participants carrying out the activity are required to demonstrate they have public liability insurance (PLI) to the sum of not less than $10 million covering the proposed location and activities. Please complete the below table and attach a copy of your PLI certificate or currency when submitting this form. If you are unsure, please contact the appropriate [department office](https://www.dbca.wa.gov.au/contact-us/office-locations).

Individuals conducting an activity by themselves or not as a leader of a group for which they have duty of care are NOT required to complete Part B.

**Name of Insurer**

**Policy Number**

|  |  |  |
| --- | --- | --- |
| **Amount of Coverage**       (Must be a minimum of AUD$10 million) | **Expiry Date** |        |

**PART C**

**DEED POLL**

**This section needs to be completed by ALL applicants** **except state government schools or agencies. This page needs to be printed out, signed, witnessed and dated, then scanned and submitted as an attachment to this form. Please note: electronic or digital signatures cannot be accepted.**

|  |
| --- |
| I:       |

 (Name of Person / Company Pty Ltd / Incorporated association)

1. certify that to the best of my knowledge the information provided within this application is true and correct in every detail; and
2. do hereby agree to release and indemnify and keep released and indemnified the Chief Executive Officer of the Department of Biodiversity, Conservation and Attractions, the State of Western Australia, the Water Corporation, and each of their employees, contractors and agents (“**the Indemnified Parties**”) from and against all:
	1. claims, demands, actions, suits, and proceedings (whether under the law of contract, tort, a written law or otherwise); and
	2. damages, liabilities, losses, costs (including legal costs) and expenses, which may be made or brought against or suffered or incurred by the Indemnified Parties arising from, or in connection with, my activities on, use of, or presence on CALM Act land, except to the extent that any claims, actions, demands, suits, proceedings, damages, liabilities, losses or costs made or brought against, suffered or incurred by the Indemnified Parties are as a result of the Indemnified Parties’ negligence.

**Executed as a deed on** ………………………………………

 Date

Natural person

[ ] ……………………………………………………………………… ……………………………………………………..………………

Signature Name

……………………………………………………………………… ……………………………………………………..………………

Signature of witness Name

Company Pty Ltd

(executed in accordance with section 127(1) of the Corporations Act 2001 (Cth))

[ ]

……………………………………………………………………… ……………………………………………………..………………

Signature of director or secretary Name

……………………………………………………………………… ……………………………………………………..………………

Signature of director Name

……………………………………………………………………… ……………………………………………………..………………

Signature of witness Name

Incorporated Association

(executed in accordance with section 14(1)(b) of the Associations Incorporations Act 1987(WA)

[ ] ……………………………………………………………… ……………………………………………………..……

Signature of person with authority Name

to bind the Incorporated Association

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Signature of witness Name

Other Incorporated Entity

[ ]

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Signature of person with authority Name

to bind the Other Incorporated Entity

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Signature of witness Name

Government Entity

[ ] ……………………………………………………………… ……………………………………………………..……

Signature of person with authority Name

to bind the Government Entity

……………………………………………………………… ……………………………………………………..……

Signature of witness Name

**OFFICE USE ONLY**



CONSERVATION AND LAND MANAGEMENT REGULATIONS 2002 Regulation 4 (1)

**LAWFUL Authority TO CONDUCT**

**CERTAIN non-commercial ACTIVITIES**

This lawful authority is a written notice for the purposes of regulation 4(1) of the Conservation and Land Management Regulations 2002 (the regulations) and it grants lawful authority to the person named herein as the authority holder to undertake certain activities in the areas specified below, an act that would otherwise be unlawful under the regulations.

This authority is not valid without the signature of the Chief Executive Officer or a delegate of the CEO (Regional or District Manager/Regional Parks Manager) of the Department of Biodiversity, Conservation and Attractions.

The Chief Executive Officer of the Department of Biodiversity, Conservation and Attractions hereby grants to:

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|       |
| Lawful authority to conduct       activities in the following areas: |
|       |  |
| This lawful authority is issued subject to the provisions of the Conservation and Land Management Regulations 2002, the terms and conditions as set out in the next section “Conditions for Approval” and “Other Conditions to be observed” (if applicable).This lawful authority is valid for the period specified below: |
| Start date: |       | Expiry date: |       |
|  |  |  |  |
| \*Name:      | Signed: Date:       |

 \* Regional or District Manager as a Delegate of the CEO under Section 133(2) of the *Conservation and Land Management Act 1984*

Upon arrival to commence the activities listed above, please report to the following department officer:

|  |  |
| --- | --- |
| Name:       | Telephone:       |
| Email:       |

**OFFICE USE ONLY**

**CONDITIONS OF APPROVAL**

This application will need to be consistent with the conditions as outlined below:

1. **General**
	1. The Lawful Authority holder shall comply with all laws relating to the conduct of the permitted activity/event, including but not limited to the *Conservation and Land Management Act 1984*, the Conservation and Land Management Regulations 2002, the *Biodiversity Conservation Act 2016* and Biodiversity Conservation Regulations 2018.
	2. This Lawful Authority holder shall contact and obtain permission(s) from all other relevant authorities including but not limited to: local government/s; *Water* Corporation: Department of Water and Environmental Regulation: Police Department: Main Roads WA: Department of Transport: Western Power; and Forest Products Commission.
	3. The Lawful Authority holder acknowledges this approval is subject to compliance with other relevant State and Commonwealth legislation and by-laws which may include (but are not limited to) the *Bush Fires Act 1954*, the *Western Australian Marine Act 1982*, the *Fish Resources Management Act 1994* and the *Litter Act 1979*.
	4. When operating within a Public Drinking Water Source Area, the Lawful Authority holder must not cause contamination of waters and must comply with the *Metropolitan Water Supply Sewerage and Drainage Act 1909*, the *Country Areas Water Supply Act* *1947* and associated by-laws.
	5. The Lawful Authority holder shall notify the department’s District Manager/Regional Manager or his/her delegate immediately of any alteration to the nature and timing of the activities to be undertaken.
2. The Lawful Authority holder acknowledges and accepts that the relevant District Manager or his/her delegate has full on-site control of the activity/event while within CALM Act land and may alter the activities at any time if deemed necessary by the department. The department will endeavour to keep nominated routes and/or facilities available, however, alterations may be necessary due to unforeseen circumstances.
	1. The Lawful Authority holder acknowledges and accepts they do not have exclusive use of any area or facility for the approved activity/event, unless otherwise specified by the department.
	2. The Lawful Authority holder shall not represent themselves as an agent of the department or the CEO, or in any way purport to act for or on behalf of the department or the CEO in conducting the permitted activity/event.
	3. The Lawful Authority holder acknowledges and accepts any commercial passenger vehicle (e.g. bus or coach) or charter vessel used on CALM Act land must be licensed by the Department of Transport (DoT) and comply with relevant DoT conditions.
	4. The Lawful Authority holder acknowledges and accepts all refuse is to be removed from the site unless bins are provided.
	5. The Lawful Authority holder acknowledges and accepts firearms, snares, traps and bait are not to be carried on CALM Act land without lawful authority from the department.

l) The Lawful Authority holder acknowledges and accepts domestic pets are not permitted in national parks, conservation parks and nature reserves, except in designated areas or by lawful authority. Many areas of CALM Act land are baited with 1080 poison baits which can be fatal to domestic pets.

m) The Lawful Authority holder acknowledges and accepts no permanent or semi-permanent facilities or structures are to be erected without lawful authority from the department.

1. The Lawful Authority holder acknowledges and accepts park entry and camping fees must be paid where applicable.
2. The Lawful Authority holder acknowledges and accepts authority to conduct the approved activity/event cannot be transferred from one person, group or organisation to another.
3. **Safety**
4. Where applicable, the Lawful Authority holder shall:
5. provide appropriate safety equipment;
6. employ and use only experienced and competent guides/instructors;
7. provide an emergency response plan, risk management plan, event management plan and traffic management plan at least two weeks prior to an event if requested by the department; and
8. comply with the Australian Adventure Activity Standard and related Good Practice Guides if delivering led outdoor adventure activities with dependent participants.
9. The Lawful Authority holder acknowledges and accepts it is the authority holder’s duty to appropriately advise and caution participants about the potential hazards likely to be encountered on CALM Act land.
10. **Liability**
11. Unless otherwise specified in this application, the Lawful Authority holder shall at all times during the currency of this permit maintain a policy of public liability insurance for a sum of not less than $10 million. The applicant must sign the deed poll clause (Part C) of this form when applicable. Individuals conducting an activity by themselves not as a leader of a group for which they have duty of care, are not required to have public liability insurance (Part B).
12. **Reporting**
13. The Lawful Authority holder shall advise the department District or Regional Manager as soon as practicable of any problems encountered in conducting the approved activity/event or of any personal injuries or damage to property sustained as a consequence of undertaking the activity/event.

**Other Conditions to be observed**

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Attach additional pages if required.

Permission is granted to conduct the activity/event nominated in this application subject to the above-mentioned conditions of approval.

**Department of Biodiversity, Conservation and Attractions contact**

|  |  |
| --- | --- |
| Name |       |
| Office |       |
| Phone |       | Email |       |
| After Hours |       |

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| Invoiced  |       | Invoice No.       |
| Admin Officer |       | Date       |

**APPENDIX I**

**Activities that require Lawful Authority under CALM Regulations**

|  |  |
| --- | --- |
| **Regulation No.** | **Activity** |
| 12 (1) | Possession or use of firearms, spears, restricted devices etc. |
| 15 | Bringing and allowing an animal on to CALM Act land |
| 31(1) (a),(b),(c) & (4)  | Cause any significant damage or disturbance to a naturally occurring feature, damage or disturb any naturally occurring feature, remove any naturally occurring feature from CALM land (includes fossicking activities) |
| 33 (1) | Abseiling on CALM Act land (except in an abseiling area) |
| 34(1) | Placement of any structure on CALM Act land. |
| 38 (1) | Erecting any sign or notice on CALM Act land (unauthorised signs) |
| 39 (1)  | Lighting, kindling, maintaining or using, or assisting another person in lighting, kindling or maintaining, a campfire, barbeque or portable stove on CALM Act land; in a restricted area where that activity is prohibited under r. 5; or contravenes a restriction imposed on that activity under r. 5; or where flora and forest produce is in danger of being burnt or injured |
| 39 (2) | Lighting, kindling, maintaining or using, or assisting another person in lighting, kindling or maintaining, any fire within the boundaries or within 20 metres of any boundary of CALM Act land; or leave a fire described above without taking due precaution against its spreading or causing injury, if in either case any flora or forest produce is in danger of being burnt or injured |
| 49 | Being in a cave (cave means a cave or part of a cave which is on or under CALM Act land) and complying with the specified conditions and restrictions  |
| 50 | Cross country and other events - organising, promoting or conducting any event involving cross country running, orienteering, rogaining, cross country navigation exercises or equestrian events on CALM Act land |
| 51 (1) | Driving or using a vehicle (other than a bicycle) on CALM Act land other than on a road or in a designated area |
| 51A (1) | Bicycles - Riding a bicycle on CALM Act land other than on a road or bicycle path or in a designated area |
| 52 | Off- road vehicles into CALM Act land - under the *Control of vehicles (Off-road areas) Act 1978* |
| 53 | Car rallies etc. - organising, promoting or conducting a car rally, associated navigation exercise, mountain bike event or other race involving vehicles on or through CALM Act land |
| 58 | Races - organising, promoting or conducting a race involving vessels on or through CALM Act land |
| 60 (1) (a) & (b) | Anchoring vessels - in a restricted area if that activity is prohibited under Regulation 5, or contravening a restriction on the anchoring of vessels in a restricted area imposed under Regulation 5 |
| 65 | Launching, landing or making a touch down in an aircraft on CALM Act land (does not apply to an aircraft that is required to launch or touch down contrary to that subregulation to avoid or mitigate danger to human life or significant damage to property) |
| 66 | Camping controlled - camping on CALM Act land except in a camping area or on a vessel that is moored or anchored in accordance with these regulations |
| 105 (1) | Organised events and meetings - organising, advertising or holding a meeting, function or event on CALM Act land which is likely to involve or involves the attendance of more than 100 persons |