TASMANIA

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CROWN LANDS (MISCELLANEOUS AMENDMENTS) BILL 2026

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CONTENTS

PART 1 – PRELIMINARY

1. Short title
2. Commencement

PART 2 – CROWN LANDS ACT 1976 AMENDED

3. Principal Act
4. Section 45A amended (Trading without business licence prohibited)

PART 3 – NATIONAL PARKS AND RESERVES MANAGEMENT ACT 2002 AMENDED

5. Principal Act
6. Section 38 substituted
   38. Prohibition on certain activities without business licence
7. Section 41 amended (Issue of business licence)
8. Section 47 substituted
   47. Delegation
9. Section 79 amended (Service of notices)

PART 4 – REPEAL OF ACT

10. Repeal of Act

CROWN LANDS (MISCELLANEOUS AMENDMENTS) BILL 2026

(Brought in by the Deputy Premier, the Honourable Guy Barnett)

A BILL FOR

An Act to amend the *Crown Lands Act 1976* and the *National Parks and Reserves Management Act 2002*

Be it enacted by Her Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:

PART 1 – PRELIMINARY

1. Short title

This Act may be cited as the *Crown Lands (Miscellaneous Amendments) Act 2026*.

2. Commencement

This Act commences on the day on which this Act receives the Royal Assent.

PART 2 – CROWN LANDS ACT 1976 AMENDED

3. Principal Act

In this Part, the *Crown Lands Act 1976** is referred to as the Principal Act.

4. Section 45A amended (Trading without business licence prohibited)

Section 45A of the Principal Act is amended as follows:

(a) by omitting from subsection (1) "person, who is not the holder of a business licence in force under this Part," and substituting "person";

(b) by omitting from the penalty under subsection (1) "10" and substituting "20";

(c) by omitting subsection (2) and substituting the following subsections:

(2) Subsection (1) does not apply to a person in relation to an activity referred to in that subsection if –

(a) the person holds a lease or licence in force under Part IV or Part V that authorises the activity on

*No. 28 of 1976

the Crown land or assigned land; or

(b) the activity is carried on as part of an event, or other activity, under an agreement with the holder of a lease or licence in force under Part IV or Part V and the lease or licence authorises the event, or other activity, on the Crown land or assigned land; or

(c) the person holds a business licence authorising the activity on the Crown land or assigned land; or

(d) the activity is carried on as part of an event, or other activity, under an agreement with the holder of a business licence and the business licence authorises the event, or other activity, on the Crown land or assigned land.

(3) In this section –

event means an organised gathering of persons on

Crown land or assigned land for a particular purpose and includes a festival, market, sporting competition and other organised gathering at which goods or services may be offered or provided.

PART 3 – NATIONAL PARKS AND RESERVES MANAGEMENT ACT 2002 AMENDED

5. Principal Act

In this Part, the *National Parks and Reserves Management Act 2002** is referred to as the Principal Act.

6. Section 38 substituted

Section 38 of the Principal Act is repealed and the following section is substituted:

38. Prohibition on certain activities without business licence

(1) In this section –

event means an organised gathering of persons on reserved land for a particular purpose and includes a festival, market, sporting competition and other organised gathering at which goods or services may be offered or provided.

(2) A person must not on reserved land that is also Crown land –

(a) sell or hire out, offer or expose for sale or hiring out, or have in the person's possession for

*No. 62 of 2002

selling or hiring out, any article, material or other thing; or

(b) provide, offer to provide or hold themself out as willing to provide any service or facility for monetary or other consideration; or

(c) make, or cause to be made, any photographic image, video, film or other visual recording for, or with a view to, any monetary or other consideration, whether that consideration is provided to the person or to another person.

Penalty: Fine not exceeding 20 penalty units.

(3) Subsection (2) does not apply to a person in relation to an activity referred to in that subsection if –

(a) the person holds a lease or licence in force under section 48 that authorises the activity on the reserved land; or

(b) the activity is carried on as part of an event, or other activity, under an agreement with the holder of a lease or licence in force under section 48 and the lease or licence authorises the event, or other activity, on the reserved land; or

(c) the person holds a business licence that authorises the activity on the reserved land; or

(d) the activity is carried on as part of an event, or other activity, under an agreement with the holder of a business licence and the business licence authorises the event, or other activity, on the reserved land.

(4) Subject to subsection (6), subsection (2)(c) does not apply to the making of a photographic image, video, film or other visual recording –

(a) for posting, or intended posting, on a social media platform; or

(b) if, at the time at which the image or recording is made, the person does not intend or reasonably expect that the image or recording will be used for, or with a view to, any monetary or other consideration, whether that consideration is provided to the person or to another person; or

(c) as part of a group activity authorised by the managing authority in respect of the reserved land; or

(d) as part of an activity, or a class of activities, determined by the Minister.

(5) A determination under subsection (4)(d) –

(a) is to be in writing; and

(b) is to be published on a website maintained by, or on behalf of, the Department; and

(c) takes effect on the day on which it is published or on such later day as is specified in the determination.

(6) The exemptions in subsection (4) do not apply if the making of the photographic image, video, film or other visual recording –

(a) causes, or is likely to cause, damage to the environment, land or property on the reserved land; or

(b) causes, or is likely to cause, harm to the natural, cultural, recreational or social values of the reserved land; or

(c) causes, or is likely to cause, nuisance, harm or significant inconvenience to another person on the reserved land; or

(d) involves an activity away from a formed track, beach, rock surface or established camping or recreational area; or

(e) involves 3 or more persons participating in the activity, other than an activity that –

(i) is authorised by the managing authority in respect of the reserved land; or

(ii) is undertaken as part of an event or other activity authorised under the regulations; or

(f) involves the use of equipment that –

(i) cannot reasonably be carried to, or used at, the location by hand or on the body; or

(ii) requires the use of a vehicle or other motorised means to carry the equipment to, or use the equipment at, the location; or

(iii) requires a physical structure, other than a

tripod, on which to carry or mount it; or

(g) involves the use of an aircraft, including a remotely piloted aircraft or unmanned aircraft.

(7) For the purposes of subsection (6)(e), a person is taken to participate in the making of a photographic image, video, film or other visual recording only if the person is actively involved in the creation of the image or recording, including as a member of the crew, an actor or a subject of the image or recording.

7. Section 41 amended (Issue of business licence)

Section 41 of the Principal Act is amended by inserting after subsection (3) the following subsection:

(4) For the avoidance of doubt, a business licence does not authorise an act or omission that is prohibited by, or requires authorisation under, the regulations unless –

(a) the business licence expressly authorises the act or omission; and

(b) the authorisation is permitted under this Act and the regulations.

8. Section 47 substituted

Section 47 of the Principal Act is repealed and the following section is substituted:

47. Delegation

The Minister may delegate any of the Minister's functions or powers in relation to a business licence to –

(a) the managing authority for the reserved land, or part of the reserved land, in respect of which the business licence applies; or

(b) a State Service officer or State Service employee.

9. Section 79 amended (Service of notices)

Section 79 of the Principal Act is amended as follows:

(a) by omitting subsection (1) and substituting the following subsection:

(1) An infringement notice may be served on a person –

(a) by delivering it to the person; or

(b) by sending it by post to an address of the person; or

(c) if the person has consented to electronic service, by sending it by electronic means to an electronic address provided by the person for that purpose.

(b) by inserting in subsection (2) "also" after "may";

(c) by omitting subsection (4) and substituting the following subsection:

(4) A withdrawal notice may be served on a person –

(a) by delivering it to the person; or

(b) by sending it by post to an address of the person; or

(c) if the person has consented to electronic service, by sending it by electronic means to an electronic address provided by the person for that purpose.

PART 4 – REPEAL OF ACT

10. Repeal of Act

This Act is repealed on the first anniversary of the day on which it commenced.