CLAUSE NOTES

Crown Lands Miscellaneous Bill 2026

PART 1 PRELIMINARY

Clause 1 Short title

Provides that the Act may be cited as the *Crown Lands Miscellaneous Act 2026.*

Clause 2 Commencement

The Act commences upon Royal Assent.

PART 2 CROWN LANDS ACT 1976 AMENDED

Clause 3 Principal Act

The *Crown Lands Act 1976 (No.28 of 1976)* is referred to in this Part as the Principal Act.

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

Increases the fine to 20 penalty units proportionate to the offence.

Section 45(2) amends the circumstances in which a person trading on Crown land or assigned land does not need a business licence to undertake an activity prohibited by section 45A.

A business licence under section 45A is not required where there is an existing lease, licence or business licence in force that has authorised the activity on the Crown land or assigned land, held by the person who is trading.

A business licence under section 45A is not required for an activity that is part of an event or other activity on Crown land or assigned land that has been authorised under an existing lease, licence or business licence held by another person, if the person trading has the agreement of the holder of the existing lease, licence or business licence.

If the lease, licence or business licence does not authorise the event or other activity on Crown land or assigned land or the person trading does not have the agreement of the holder of an existing lease, licence or business licence, the person trading must obtain their own business licence to comply with section 45A.

The meaning of event is provided to clarify the circumstance where a person can trade at an event on Crown land or assigned land without a business licence.

PART 3 NATIONAL PARKS AND RESERVES MANAGEMENT ACT 2002

Clause 5 Principal Act

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

Clause 6 Section 38 substituted (Prohibition on certain activities without business licence)

Section 38(1) provides the meaning of event to clarify the circumstance where a person can trade at an event on reserved land without a business licence.

Section 38(2) outlines the activities that are prohibited on Crown land that is reserved land without a business licence.

Section 38(2) is updated by including contemporary references to ‘photographic image, video, film and visual recording’, and removing references to ‘cine’ and ‘television’.

Clarifies that the prohibition extends to the circumstance where another person obtains monetary or other consideration from the activities outlined in section 38(2)(c).

Increases the fine to 20 penalty units proportionate to the offence.

Section 38(3) amends the circumstances in which a person trading on reserved land does not need a business licence if undertaking an activity prohibited by section s38(2).

A business licence under section 38(2) is not required where there is an existing lease, licence or business licence in force that has authorised the activity on the reserved land, held by the person who is trading.

A business licence under section 38(2) is not required for an activity that is part of an event or other activity on reserved land that has been authorised under an existing lease, licence or business licence held by another person, if the person trading has the agreement of the holder of the existing lease, licence or business licence.

If the lease, licence or business licence does not authorise the event or other activity on Crown land or assigned land or the person trading does not have the agreement of the holder of an existing lease, licence

or business licence, the person trading must obtain their own business licence to comply with section 38(2).

Section 38(4) outlines the activities that are exempt from section 38(2) and a business licence is not required for, including images or recordings taken with the intent to post on social media platforms, taken without intent of receiving monetary gain or other consideration, is part of an authorised group event or for any other activity determined by the Minister – even if the photographic image, video, film or visual recording is ultimately used for a commercial purpose.

Section 38(5) clarifies that any other activity determined by the Minister must be in writing, published on the departmental website and takes effect on the day it is published, or on a day specified in the Minister's determination.

Section 38(6) outlines the thresholds that apply to the exemptions outlined in Section 38(4) that, if met, a business licence is required. These thresholds balance the need for reduced regulation and the protection of reserve values and other users.

Damage to the environment, land and property means physical damage and includes property belonging to the Crown or others such as buildings, facilities and infrastructure.

Natural, cultural, recreational or social values includes harm to both tangible and intangible reserve values arising from the image or film being taken or distributed.

Nuisance, harm or significant inconvenience includes the safety of other reserve users.

Away from a formed track, accessible area, beach or rock surface means not in proximity to and includes remote or difficult to access areas. Accessible areas include camping and modified areas easily accessible to visitors.

The cap of 3 or more people actively involved in the activity means people actively participating such as participating as crew, an actor, or subject. It does not apply to an authorised group activity.

Restricts the use of equipment that requires the use of a vehicle or motorised means to carry or use it, or a physical structure to carry or mount it, or the use of drone – except for a tripod that can be carried by hand or on the body.

Clause 7 **Section 41 amended (Issue of business licence)**

Clarifies that unless a business licence expressly authorises an act or omission in the *National Parks and Reserves Management Regulations,* an authority under the regulations is required.

Clause 8 **Section 47 substituted (Delegation)**

Empowers the Minister to delegate any of his or her functions and powers in relation to a business licence to the managing authority (the Director) or a State Service officer or State Service employee, to enable efficient administration.

Clause 9 **Section 79 amended (Service of Notices)**

Modernises the serving of an Infringement Notice and a Withdrawal Notice to include by post or by electronic means.

Clause 10 **Repeal of Act**

Repeals the Act on the first anniversary of the day it was commenced.