



Victoria Government Gazette

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Safety on Public Land Act 2004

DECLARATION OF PUBLIC SAFETY ZONES

The Secretary to the Department of Environment and Primary Industries, under section 4(1) of the **Safety on Public Land Act 2004** makes the following declaration of public safety zones to take effect from 23 December 2013.

1. Definitions and interpretation

- (a) For the purposes of this declaration:
- (i) 'buffer' means those areas of State forest that are within 150 metres from the boundary of any coupe;
 - (ii) 'coupe' means a specific area of State forest identified for the purposes of timber harvesting and regeneration in a Timber Release Plan or Wood Utilisation Plan;
 - (iii) 'the Act' means the **Safety on Public Land Act 2004**;
 - (iv) 'Timber Harvesting Operations' includes any of the following activities carried out by any person or body:
 - (A) felling or cutting of trees or parts of trees for the purposes of sale or processing and sale;
 - (B) taking or removing timber for the purposes of sale or processing and sale;
 - (C) delivering timber to a buyer or transporting timber to a place for collection by a buyer or sale to a buyer;
 - (D) any activities or works, including regeneration, burning or road works, ancillary to any of the activities referred to in paragraphs (A) to (C) above;
 - (v) 'Timber Release Plan' means any timber release plan prepared and published in accordance with the **Sustainable Forests (Timber) Act 2004** which applies from time to time during the period of this declaration;
 - (vi) 'Wood Utilisation Plan' means any wood utilisation plan that has been or is:
 - (A) prepared from time to time in accordance with the Code of Practice for Timber Production prepared from time to time under Part 5 of the **Conservation, Forests and Lands Act 1987**; and
 - (B) issued or published and applies from time to time during the period of this declaration.

2. Incorporation of spatial areas by reference

Pursuant to section 4(3) of the Act, this declaration incorporates as a matter any area of State forest described as a 'coupe' and:

- (a) specified in any Timber Release Plan or Wood Utilisation Plan; or
- (b) shown in any map approved in or under any Timber Release Plan or Wood Utilisation Plan.

3. Declaration of public safety zone and areas to which the declaration applies

The areas of State forest that are within any buffer or coupe are declared to be public safety zones and, pursuant to section 5(1)(a) of the Act, are the areas to which this declaration applies.

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4. Purpose for which the areas have been declared

Pursuant to section 5(1)(b) of the Act, the purposes for which the areas have been declared public safety zones are:

- (a) Timber Harvesting Operations; and
- (b) the maintenance of public safety.

5. Periods of the declaration

Pursuant to section 5(1)(c) of the Act, the period for which the areas have been declared public safety zones is the period from 23 December 2013 to 22 December 2014 inclusive.

6. Period during which access is prohibited

For the purposes of section 5(1)(d) of the Act, the period during which access to each public safety zone is prohibited is the period from commencement of Timber Harvesting Operations in that public safety zone to the cessation of Timber Harvesting Operations in that public safety zone, as determined by the following.

Timber Harvesting Operations:

- (a) commence or commenced in a public safety zone upon any of the following occurring or having occurred:
 - (i) a notice being displayed on or near that public safety zone in accordance with section 11(1) of the Act;
 - (ii) road works being or having been commenced into or in that public safety zone;
 - (iii) equipment, machinery or vehicles for timber harvesting operations being present in that public safety zone; and
- (b) cease upon a notice of the completion of Timber Harvesting Operations in that public safety zone being displayed on or near that public safety zone by an employee of the Department of Environment and Primary Industries or VicForests.

For the purposes of this declaration, Timber Harvesting Operations can commence and cease more than once in a public safety zone.

7. Activities prohibited

Pursuant to section 5(1)(e) of the Act, the activities that are prohibited in each public safety zone are:

- (a) being present or remaining in that public safety zone; or
- (b) causing any object or substance to enter into that public safety zone, during the period specified in clause 6 of this declaration.

8. Restriction applying to the public safety zones

The restriction applying to each public safety zone pursuant to section 5(1)(f) of the Act is the prohibition on access specified in clause 6 of this declaration.

9. Exempt persons or classes of person

Pursuant to section 5(2) of the Act, the following persons or classes of person are exempt from the operation of this declaration:

- (a) Persons undertaking Timber Harvesting Operations which are authorised operations within the meaning of section 45 of the **Sustainable Forests (Timber) Act 2004** including:
 - (i) VicForests and its officers, employees, agents and contractors;
 - (ii) persons who have an agreement with VicForests to harvest or sell timber resources and their officers, employees, agents and contractors;
 - (iii) holders of licences or permits under section 52 of the **Forests Act 1958** and their officers, employees, agents and contractors.

- (b) Persons undertaking Timber Harvesting Operations in accordance with an approved Plan of Utilization as defined in the **Forests (Wood Pulp Agreement) Act 1996**.
- (c) Holders of licences or permits granted under section 52 of the **Forests Act 1958** to thin, cut and remove timber, to cut forest produce specified in the licence, to dig forest produce specified in the licence or to take away forest produce specified in the licence and their employees, agents and contractors.
- (d) Holders of bee farm licences, bee range area licences and/or apiary occupation rights, granted under Subdivision 2 of Division 9 of Part 1 of the **Land Act 1958**, on Crown Land carrying out the activities authorised under those licences or in accordance with those occupation rights in a public safety zone, provided that:
 - (i) those activities do not interfere with Timber Harvesting Operations;
 - (ii) prior arrangements have been made with the Department of Environment and Primary Industries or VicForests to be in the area for the purpose of undertaking those activities; and
 - (iii) those persons abide by the occupational health and safety requirements established by the Department of Environment and Primary Industries, VicForests or the contractor conducting Timber Harvesting Operations in that public safety zone.
- (e) Employees, agents and contractors of the Department of Environment and Primary Industries engaged in carrying out their functions.
- (f) Employees, agents and contractors of the Country Fire Authority, WorkSafe Victoria, VicRoads, the Environment Protection Authority and the Victoria State Emergency Services engaged in carrying out their functions.
- (g) Members of Victoria Police engaged in carrying out their functions.
- (h) Environmental auditors appointed by the Department of Environment and Primary Industries under the **Environment Protection Act 1970**, in carrying out their functions as environmental auditors.
- (i) Audit observers selected by the Department of Environment and Primary Industries in carrying out their functions as audit observers when in the company of an environmental auditor under clause 9(h) above.
- (j) Holders of leases, licences, permits or other authorities (and employees, agents and contractors of such holders) under the **Mineral Resources (Sustainable Development) Act 1990**, **Geothermal Energy Resources Act 2005**, **Greenhouse Gas Geological Sequestration Act 2008** or the **Petroleum Act 1998** (other than holders of miners' rights and tourist fossicking authorities under the **Mineral Resources (Sustainable Development) Act 1990**), who are undertaking works associated with that lease, licence, permit or authority in a public safety zone, provided that:
 - (i) those works do not interfere with Timber Harvesting Operations;
 - (ii) prior arrangements have been made with the Department of Environment and Primary Industries or VicForests to be in the area for the purpose of undertaking those works; and
 - (iii) those persons abide by the occupational health and safety requirements established by the Department of Environment and Primary Industries, VicForests or the contractor conducting Timber Harvesting Operations in that public safety zone.

- (k) A person who is a member of a traditional owner group when that person is acting under and in accordance with an authorisation order given under section 84 of the **Traditional Owner Settlement Act 2010**.

The Seal of the Secretary to the Department of Environment and Primary Industries, (the corporation established under section 6 of the **Conservation, Forests and Lands Act 1987**) was affixed on 19 December 2013 by

ADAM FENNESSY
Secretary

Notes

1. Section 27 of the **Interpretation of Legislation Act 1984** provides: 'Where an Act confers power to make a subordinate instrument the power shall, unless the contrary intention expressly appears, be construed as including a power, exercisable in the same manner and subject to the same conditions or limitations (if any), to repeal or amend a subordinate instrument made in the exercise of that power.'
2. Timber Release Plans and maps approved in or under those plans are available on VicForests' website: www.vicforests.com.au. Wood Utilisation Plans and maps approved in or under those plans are available at the Department of Environment and Primary Industries regional office in Epsom. They are also available on the DEPI website: <http://www.depi.vic.gov.au>
3. The distance of 150 metres from the boundary of any coupe in the definition of 'buffer' in clause 1(a)(i) of this declaration derives from the WorkSafe Victoria Industry Standard, Safety in Forestry Operations: Harvesting and Haulage (July 2007).
4. Section 9 of the Act provides that, in addition to the above persons or classes of person exempted under section 5(2) of the Act, a public safety zone declaration does not apply to:
 - the Secretary;
 - an authorised officer;
 - a utility engaged in the carrying out of its functions in a State forest;
 - a transport authority engaged in the carrying out of its functions in a State forest; or
 - a person or class of person authorised under section 10 of the Act to be in the public safety zone.

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