



Victoria Government Gazette

No. S 68 Monday 4 March 2013
By Authority of Victorian Government Printer

National Parks Act 1975

Clause 2(6B) Of Schedule One AA

DETERMINATION OF CONDITIONS AND TIMES FOR FIREWOOD COLLECTION IN BARMAH NATIONAL PARK

Background

1. Clause 2(6A) of Schedule One AA to the **National Parks Act 1975** allows a person to cut and take away wood that has been previously felled in accordance with a licence granted under section 52 of the **Forests Act 1958** that expired on or before 30 June 2009 from any part of the designated area of Barmah National Park for use as firewood for domestic or camping purposes outside the park if it is cut and taken away in accordance with the conditions and the times determined by the Secretary.
2. Clause 2(6B) of Schedule One AA to the **National Parks Act 1975** enables the Secretary to determine the conditions and the times for the purposes of clause 2(6A).

Definitions

3. For the purposes of the determinations:
 - designated area** has the same meaning as in clause 2(7) of Schedule One AA of the **National Parks Act 1975**, being the land delineated and coloured blue on the plan lodged in the Central Plan Office and numbered LEGL./09-372;
 - firewood** means any of the sawlog harvesting residue;
 - firewood collection area** means any part of the designated area nominated in accordance with paragraph 6 of this determination;
 - firewood collection season** means any of the times determined by the Secretary under paragraph 4 and specified in paragraphs 21–25;
 - heavy machinery** means any heavy vehicle, hydraulic log splitter, saw bench, tractor, skid steer loader, skidder, bulldozer, forwarder, excavator or crane;
 - heavy vehicle** has the same meaning as in the **Road Safety Act 1986**;
 - impermeable surface** means any surface which would prevent fuel or oil from being absorbed into the ground if spilled and includes a tarpaulin, trailer or tray;
 - park** means Barmah National Park, being the park described in Part 46 of Schedule Two to the **National Parks Act 1975**;
 - sawlog harvesting residue** means wood that has been cut down in accordance with a licence granted under section 52 of the **Forests Act 1958** that expired on or before 30 June 2009;
 - Secretary** means the Secretary to the Department of Sustainability and Environment, being the body corporate established under Part 2 of the **Conservation, Forests and Lands Act 1987**;
 - watercourse** has the same meaning as in section 384 of the **Land Act 1958**.

Determinations

4. The Secretary determines the conditions specified in paragraphs 6–20 below for the purposes of clause 2(6A) of Schedule One AA to the **National Parks Act 1975**, as it applies to Barmah National Park.
5. The Secretary determines the times specified in paragraphs 21–25 below, subject to paragraph 26, for the purposes of clause 2(6A) of Schedule One AA to the **National Parks Act 1975**, as it applies to Barmah National Park.

SPECIAL

Conditions

Where and for what purposes can the firewood be cut and taken away

6. Subject to paragraphs 7, 8, 12 and 13, a person may only cut and take away firewood in Barmah National Park, for the domestic or camping purposes outside the park of the person collecting the firewood, if the person cuts and takes away the firewood during a firewood collection season from those parts of the designated area nominated to be firewood collection areas by either the Regional Director Northern Victoria, Parks Victoria or the Regional Director North East, Department of Sustainability and Environment, for one or more firewood collection seasons.
7. Paragraph 6 only takes effect once notice of any nomination made under paragraph 6 is advertised by publication in the Government Gazette.
8. Paragraph 6 ceases to have effect in relation to a particular firewood collection area if notice of the revocation of a firewood collection area is advertised in the Government Gazette.

What wood can be cut and taken away

9. A person must not cut and take away firewood from a firewood collection area during a firewood collection season unless it is sawlog harvesting residue.

Who can cut and take away the firewood

10. A person may cut and take away firewood from a firewood collection area during a firewood collection season for domestic or camping purposes outside the park only if:
 - (a) the person is a resident of the Shire of Campaspe, the Shire of Moira or the City of Greater Shepparton; or
 - (b) the person is, or is eligible to be, a member of the Yorta Yorta Nation Aboriginal Corporation.

How much firewood can be cut and taken away

11. Subject to paragraphs 12 and 13, a person must not cut and take away more than 2 cubic metres of firewood in a day in one or more firewood collection areas during a firewood collection season.
12. A person must not cut and take away firewood in one or more firewood collection areas in a day during a firewood collection season if the amount, together with any firewood cut and taken away on the same day from one or more firewood collection areas as defined in the **Forests Act 1958** and the **Crown Land (Reserves) Act 1978**, is more than 2 cubic metres.
13. A person must not cut and take away firewood in one or more firewood collection areas during one or more firewood collection seasons in any financial year if the amount, together with any firewood cut and taken away from one or more firewood collection areas as defined in the **Forests Act 1958** and the **Crown Land (Reserves) Act 1978** in the same financial year, is more than 16 cubic metres.
14. A person must not cut and take away firewood from a firewood collection area during a firewood collection season on behalf of another person unless that person has nominated in writing the first mentioned person to cut and take away the firewood on his or her behalf. Paragraph 13 applies to the amount of wood that a nominating person may authorise someone else to collect on their behalf.

When during a day can the firewood be cut and taken away

15. A person must not cut and take away firewood from a firewood collection area during a firewood collection season earlier than 30 minutes before dawn or later than 30 minutes after dusk.

How can the firewood be cut and taken away

16. A person must not cut and take away firewood from a firewood collection area during a firewood collection season within 20 metres of a watercourse.

17. A person must not bring heavy machinery (including a heavy vehicle) into a firewood collection area during a firewood collection season.
18. A person must not use heavy machinery (including a heavy vehicle) in a firewood collection area during a firewood collection season.
19. A person must not in a firewood collection area during a firewood collection season tow or winch firewood along the ground.
20. A person must not fill a chainsaw in a firewood collection area during a firewood collection season with fuel or oil unless the chainsaw is located on an impermeable surface.

Times

21. The date on which this determination is published in the Government Gazette or 1 March 2013 (whichever is the latter) to 30 June 2013 (inclusive).
22. 1 September 2013 to 30 November 2013 (inclusive).
23. 1 March 2014 to 30 June 2014 (inclusive).
24. 1 September 2014 to 30 November 2014 (inclusive).
25. 1 March 2015 to 30 June 2015 (inclusive).
26. The times determined in paragraphs 21 to 25 inclusive do not apply if the commencement date or the end date of a 'firewood collection season' within the meaning of the **Forests Act 1958** is varied by a determination made under section 57T of that Act, such that:
 - (a) if a variation is made which applies to all firewood collection areas in Victoria, the variation will apply to the firewood collection areas in the park; or
 - (b) if a variation is made which applies to firewood collection areas within a region in which the park is located, the variation will apply to the firewood collection areas in the park.

Note: Under section 57T of the **Forests Act 1958**, the Secretary may vary the end date or the commencement date of a firewood collection season if the Secretary considers that the variation is necessary because of a condition, or likely condition, of fire danger that poses risk, or is likely to pose risk, to public safety.

Notes

1. It is an offence under section 44A of the **National Parks Act 1975** to cut or take away fallen or felled trees in a park.
2. Clause 2(6C) of Schedule One AA to the **National Parks Act 1975** provides that a person who acts under and in accordance with a determination under clause 2(6A) of Schedule One AA to the **National Parks Act 1975** does not commit an offence under that Act or the regulations under that Act.

By authority, the seal of the Secretary to the
Department of Sustainability and Environment
was affixed to this determination on 28 February 2013

(L.S.)

by GREG WILSON
Secretary

bluestar * **PRINT**

The *Victoria Government Gazette* is published by Blue Star Print with the authority of the Government Printer for the State of Victoria

© State of Victoria 2013

This publication is copyright. No part may be reproduced by any process except in accordance with the provisions of the Copyright Act.

Address all enquiries to the Government Printer for the State of Victoria

Level 2, 1 Macarthur Street
Melbourne 3002
Victoria Australia

How To Order**Mail Order****Victoria Government Gazette**

Level 5, 460 Bourke Street
Melbourne 3000
PO Box 1957 Melbourne 3001
DX 106 Melbourne

**Telephone**

(03) 8523 4601

**Fax**

(03) 9600 0478

email

gazette@bluestargroup.com.au

**Retail & Mail Sales****Victoria Government Gazette**

Level 5, 460 Bourke Street
Melbourne 3000
PO Box 1957 Melbourne 3001

**Telephone**

(03) 8523 4601

**Fax**

(03) 9600 0478

**Retail Sales****Victorian Government Bookshop**

Level 20, 80 Collins Street
Melbourne 3000

**Telephone**

1300 366 356

**Fax**

(03) 9208 3316

Price Code A