



Victoria Government Gazette

No. S 400 Friday 23 December 2016
By Authority of Victorian Government Printer

Crown Land (Reserves) Act 1978

CROWN LAND (RESERVES) (ANGLESEA HEATH) REGULATIONS 2016

TABLE OF PROVISIONS

Regulation

PART 1 – PRELIMINARY

- 1 Objectives
- 2 Authorising provision
- 3 Commencement
- 4 Expiry
- 5 Definitions
- 6 Application of Regulations

PART 2 – ADMINISTRATION OF ANGLESEA HEATH

- 7 Areas set aside as restricted or prohibited access areas
- 8 Determination of the Minister
- 9 Permits
- 10 Permits – Alcoa of Australia Limited
- 11 Directions to leave

PART 3 – USE AND CONTROL OF ANGLESEA HEATH

- 12 Poisons, firearms, snares and traps
- 13 Protection of flora
- 14 Introducing flora
- 15 Interfering with rocks or similar natural objects
- 16 Digging or removal of material
- 17 Interfering with structure etc.
- 18 Pathways
- 19 Lighting or maintaining fires
- 20 Dangerous or disturbing activities
- 21 Advertising and soliciting
- 22 Conduct of commercial activities or trades and business
- 23 Use of soap and detergents
- 24 Camping
- 25 Hygiene
- 26 Dogs, horses and other animals
- 27 Fishing
- 28 Organised events
- 29 Engaging in sport or recreational activity
- 30 Aircraft
- 31 Research or scientific study
- 32 Possession of liquor and glass containers and bottles

SPECIAL

Crown Land (Reserves) Act 1978**CROWN LAND (RESERVES) (ANGLESEA HEATH) REGULATIONS 2016**

I, Lily D'Ambrosio, Minister for Energy, Environment and Climate Change, make the following Regulations.

Dated 22 December 2016

HON. LILY D'AMBROSIO MP

Minister for Energy, Environment and Climate Change

PART 1 – PRELIMINARY**1 Objectives**

The objectives of these Regulations are to provide for the –

- (a) care, protection and management of Anglesea Heath; and
- (b) preservation of good order and the safety of persons in the Anglesea Heath; and
- (c) use of any improvements, services or facilities in Anglesea Heath.

2 Authorising provision

These Regulations are made under section 13 of the **Crown Land (Reserves) Act 1978**.

3 Commencement

These Regulations come into operation on the day on which they are published in the Government Gazette.

4 Expiry

These Regulations expire on the day that is 10 years after the day on which they come into operation.

5 Definitions

In these Regulations –

Act means the **Crown Land (Reserves) Act 1978**;

aircraft includes an aeroplane, helicopter, glider, hot air balloon, hang glider, paraglider and parachute;

Anglesea Heath means the land shown hatched on the plan lodged in the Central Plan Office and numbered LEGL./16-493;

building includes structure, temporary building and temporary structure;

camp means –

- (a) to erect, occupy or use a tent or any similar form of accommodation including a swag; or
- (b) to erect, park, occupy or use a caravan, camper van or other movable form of accommodation or temporary structure –

for the purposes of accommodation;

contractor includes any sub-contractor of a contractor;

damage includes to alter, cut or deface;

fauna means any animal or part of any animal that is indigenous to Victoria excluding humans and fish;

flora means a plant or part of a plant in any stage of biological development, whether the plant or part of a plant is vascular or non-vascular and whether alive or dead;

firewood means dead plant material not attached to a standing plant, shrub or tree;

indigenous fish means any kind or species of fish that is indigenous to Victoria;

parking area means any area set aside under regulation 8 for the parking of vehicles;

Parks Victoria means the body corporate established by Part 2 of the **Parks Victoria Act 1998**;

prohibited access area means an area set aside by a determination of the Minister under regulation 7(1)(a);

restricted access area means an area set aside by a determination of the Minister under regulation 7(1)(b);

take means –

- (a) in relation to flora, to kill, injure or disturb any live flora, or to remove or collect all or any part of any flora, whether alive or dead; and
- (b) in relation to fauna and other animals, to kill, injure or disturb any fauna or other animal or to remove any fauna or other animal whether alive or dead; and

traditional owner group means a traditional owner group within the meaning of the **Traditional Owner Settlement Act 2010**, in relation to which the State has entered into a recognition and settlement agreement under section 4 of that Act;

vehicle has the same meaning as in the **Road Safety Act 1986**.

6 Application of Regulations

These Regulations do not apply to –

- (a) a person employed under Part 3 of the **Public Administration Act 2004**, or an employee of Parks Victoria who is acting in the course of his or her duties;
- (b) an authorised officer who is acting in the course of his or her duties;
- (c) a contractor, agent, volunteer or other person carrying out any work for or acting on the authority or instruction of the Minister or an employee of the Minister who is acting in the course of his or her duties;
- (d) 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 Part 6 of the **Traditional Owner Settlement Act 2010**.

PART 2 – ADMINISTRATION OF ANGLESEA HEATH

7 Areas set aside as restricted or prohibited access areas

- (1) The Minister may, by determination, set aside a specified area in Anglesea Heath as being –
 - (a) a prohibited access area; or
 - (b) a restricted access area.
- (2) A person must not enter or be in a prohibited access area, unless that person does so under and in accordance with a permit issued by the Minister.
Penalty: 5 penalty units
- (3) A person must not enter or be in a restricted access area unless that person does so –
 - (a) in accordance with the determination of the Minister under which the area is set aside; or
 - (b) under and in accordance with a permit issued by the Minister.
Penalty: 5 penalty units
- (4) The Minister may issue a permit to a person to enter or be in a prohibited access area or a restricted access area.

8 Determination of the Minister

- (1) In a determination by the Minister made under these Regulations relating to the nature or use of an area of Anglesea Heath, the Minister may specify conditions on the use of that area.

- (2) If the Minister has made a determination under these Regulations, the Minister must cause signs or notices to be erected or displayed at or near the main entrances to an area indicating –
 - (a) if appropriate that it is a prohibited access area or a restricted access area; and
 - (b) if appropriate, details of any specific use that the Minister has determined is permitted, prohibited or restricted in that area; and
 - (c) any conditions on the use of the area specified under subregulation (1)
- (3) The Minister may revoke or amend a determination made under these Regulations.
- (4) If the Minister revokes or amends a determination under subregulation (3), he or she must –
 - (a) in the case of revocation, remove any notice of the revoked determination displayed in accordance with subregulation (2); or
 - (b) in the case of amendment, cause notice providing details of the amendment to be displayed at each of the places where a notice of the original determination is displayed under subregulation (2).

9 Permits

- (1) A permit issued by the Minister, under these Regulations authorises the holder of the permit to use an improvement, service or facility or to enter or be in an area of Anglesea Heath –
 - (a) for the purpose specified in the permit; and
 - (b) for the period specified in the permit subject to any terms and conditions specified in the permit.
- (2) A permit issued by the Minister under these Regulations must be in writing.
- (3) The Minister may cancel a permit at any time –
 - (a) if the holder of the permit has –
 - (i) breached the conditions of the permit; or
 - (ii) otherwise breached these Regulations; or
 - (b) if the continuation of the permit is likely to be detrimental to, or interfere with, the management and protection of the natural environment, features, or visitors in Anglesea Heath; or
 - (c) for the purposes of management of Anglesea Heath.
- (4) If a permit is cancelled under subregulation (3), the Minister must cause the holder of the permit to be notified in writing of the cancellation of the permit within a reasonable time after the cancellation.
- (5) The cancellation of a permit under subregulation (3) comes into effect when the holder of the permit received notice of that cancellation in accordance with subregulation (4).
- (6) A person must not interfere with or obstruct the entry or use by the holder of a permit and his or her invitees of any improvement, service, facility or area of Anglesea Heath that is the subject of the permit.

Penalty: 5 penalty units

10 Permits – Alcoa of Australia Limited

The Minister may permit an employee of Alcoa of Australia Limited or a contractor, agent, volunteer or other person carrying out any work for or acting on the authority or instruction of Alcoa of Australia Limited to do anything or undertake any activity prohibited or regulated under these Regulations.

11 Directions to leave

- (1) An authorised officer may, in the interests of safety of persons using Anglesea Heath, direct a person –
 - (a) to leave Anglesea Heath or an area of Anglesea Heath; or
 - (b) to remain in Anglesea Heath or an area of Anglesea heath.
 - (2) If an authorised officer reasonably believes that a person has contravened any of these Regulations, the authorised officer may direct the person to leave Anglesea Heath or any area of Anglesea Heath.
 - (3) A person to whom a direction is given under subregulation (1) or (2) must comply with that direction.
- Penalty: 5 penalty units

PART 3 – USE AND CONTROL OF ANGLESEA HEATH**12 Poisons, firearms, snares and traps**

- (1) A person must not, in Anglesea Heath, possess, carry or use –
 - (a) poison; or
 - (b) a firearm; or
 - (c) a bow, spear gun, spear; or
 - (d) a trap, snare, or net (that is not authorised for fishing under the **Fisheries Act 1995** or the Fisheries Regulations 2009) or similar equipment.

Penalty: 5 penalty units
- (2) Subregulation (1) does not apply to a person who keeps any equipment referred to in subregulation (1) concealed, and, if appropriate, unloaded in a vehicle which is lawfully in transit through Anglesea Heath.

13 Protection of flora

- (1) A person must not, in Anglesea Heath, fell, pick, take, destroy or damage any flora.

Penalty: 5 penalty units
- (2) Subregulation (1) does not apply to a person –
 - (a) engaged in a sport or recreational activity in accordance with a determination made or permit issued under these Regulations; or
 - (b) acting under and in accordance with a permit issued under subregulation (3); or
 - (c) collecting firewood for the purposes of lighting or maintaining a fire in accordance with regulation 19 if –
 - (i) the person is collecting the firewood in an area that is set aside by a determination made under subregulation (4); and
 - (ii) the person is acting in accordance with that determination.
- (3) The Minister may issue a permit to a person authorising the holder to fell, pick, take, destroy or damage flora in Anglesea Heath.
- (4) The Minister may, by determination, set aside a specified area of Anglesea Heath as an area in which firewood may be collected.

14 Introducing flora

- (1) A person must not knowingly bring, plant or introduce any flora in or into Anglesea Heath.

Penalty: 5 penalty units

- (2) Subregulation (1) does not apply to a person –
 - (a) who brings firewood into an area that has been set aside by a determination made under subregulation (3) in accordance with that determination; or
 - (b) acting under and in accordance with a permit issued under subregulation (4).
- (3) The Minister may, by determination, set aside a specified area of Anglesea Heath as an area into which firewood may be brought.
- (4) The Minister may issue a permit to a person to bring, plant or introduce flora in or into Anglesea Heath.

15 Interfering with rocks or similar natural objects

- (1) A person must not, in Anglesea Heath, intentionally excavate, remove, destroy, damage or interfere with any rock or similar natural object.
Penalty: 5 penalty units
- (2) Subregulation (1) does not apply to a person acting under and in accordance with a permit issued under subregulation (3).
- (3) The Minister may issue a permit to a person authorising the holder to excavate, remove, destroy, damage or interfere with any rock or similar natural object in Anglesea Heath.

16 Digging or removal of material

- (1) A person must not dig or remove from Anglesea Heath or knowingly take into Anglesea Heath any gravel, shell, grit, sand, soil or other similar material.
Penalty: 5 penalty units
- (2) Subregulation (1) does not apply to a person –
 - (a) acting in accordance with a determination made under these Regulations; or
 - (b) acting under and in accordance with a permit issued under subregulation (3); or
 - (c) acting in accordance with regulation 25.
- (3) The Minister may issue a permit to a person authorising the holder to dig or remove from Anglesea Heath or take into Anglesea Heath any gravel, shell, grit, sand, soil or other similar material.

17 Interfering with structure etc.

A person must not, in Anglesea Heath, destroy, damage, remove, displace or interfere with anything constructed, erected or provided in Anglesea Heath.

Penalty: 5 penalty units

18 Pathways

- (1) The Minister may, by determination, set aside a specified area of Anglesea Heath as a pathway.
- (2) A person must not use an area set aside as a pathway unless the person does so in accordance with –
 - (a) the determination made under subregulation (1) setting the area aside; and
 - (b) any signs or notices erected by the Minister on or near the pathway; and
 - (c) any markings caused by the Minister to be made on the pathway.Penalty: 5 penalty units
- (3) A person must not use a pathway or an area adjacent to a pathway in a manner that will obstruct, hinder or prevent any other person using the pathway or an area adjacent to the pathway in accordance with these Regulations.
Penalty: 5 penalty units

- (4) A person must, in Anglesea Heath, remain on a pathway if the Minister has erected a sign or notice on or immediately adjacent to that pathway requiring persons to remain on that pathway.

Penalty: 5 penalty units

- (5) Subregulations (2) and (4) do not apply to a person –
- (a) acting under and in accordance with a permit issued under these Regulations; or
- (b) acting in accordance with a determination made under these Regulations.

19 Lighting or maintaining fires

- (1) The Minister may, by determination, set aside a specified area of Anglesea Heath as an area in which a fire may be lit or maintained.
- (2) A person must not light or maintain a fire in Anglesea Heath.
- Penalty: 5 penalty units
- (3) Subregulation (2) does not apply to a person who lights or maintains a fire in Anglesea Heath during a time or period when the lighting of fires is not prohibited under any Act or regulations, and the person –
- (a) does so in a public fireplace; or
- (b) is acting in accordance with a determination made under subregulation (1); or
- (c) is acting under and in accordance with a permit issued under subregulation (5).
- (4) A person who lights or maintains a fire in accordance with a determination made under subregulation (1) or a permit issued under subregulation (5) must ensure that –
- (a) the ground and airspace within a distance of 3 metres from the outer perimeter and uppermost point of the fire are clear of flammable material; and
- (b) if the fire is in a commercial appliance –
- (i) the fuel used in the appliance is of a type that the appliance has been designed and manufactured to use; and
- (ii) the fire is contained in the appliance; and
- (iii) the appliance is placed in a stable position when the fire is alight; and
- (c) the fire is extinguished before he or she leaves the place of the fire.
- (5) The Minister may issue a permit to a person authorising the holder to light or maintain a fire.
- (6) For the purpose of the regulation, **fire** includes a fire lit or maintained in a barbeque or other cooking or heating appliance that uses solid, liquid or gaseous fuel.

20 Dangerous or disturbing activities

- (1) A person must not in Anglesea Heath, in a manner that is likely to cause danger or unreasonable disturbance to persons, flora, fauna or other animals or property –
- (a) throw an object; or
- (b) play a game; or
- (c) engage in any other activity.
- Penalty: 5 penalty units
- (2) Subregulation (1) does not apply to a person –
- (a) acting in accordance with a determination made under regulation 29(1)(a); or
- (b) acting under and in accordance with a permit issued under regulation 29(5).

21 Advertising and soliciting

- (1) A person must not do any of the following in Anglesea Heath –
 - (a) solicit or collect money or
 - (b) display any advertising; or
 - (c) hand out or disseminate any advertising, commercial or promotional material.Penalty: 5 penalty units
- (2) Subregulation (1) does not apply to a person acting under and in accordance with a permit issued under subregulation (3).
- (3) The Minister may issue a permit to a person authorising the holder to solicit or collect money, display advertising or hand out or disseminate advertising, commercial or promotional material in Anglesea Heath.

22 Conduct of commercial activities or trades and business

- (1) A person must not, in Anglesea Heath –
 - (a) sell, trade or hire any goods or services or advertise, offer or display any goods or services for sale, trade or hire; or
 - (b) take any photograph, film, video or audio recording or make any television or radio broadcast for commercial purposes; or
 - (c) offer or display any vehicle for hire or carry passengers for reward; or
 - (d) undertake any other commercial activity.Penalty: 5 penalty units
- (2) Subregulation (1) does not apply to a person acting under and in accordance with a permit issued under subregulation (4).
- (3) Subregulation (1)(c) does not apply to a person operating a commercial passenger vehicle within the meaning of the definition of **commercial passenger vehicle** in section 86(1) of the **Transport (Compliance and Miscellaneous) Act 1983**.
- (4) The Minister may issue a permit to a person authorising the holder to sell, trade or hire any goods or services or advertise, offer or display any goods or services for sale, trade or hire; or take any photograph, film, video or audio recording or may any television or radio broadcast for commercial purposes; or offer or display any vehicle for hire or carry passengers for reward; or undertake any other commercial activity in Anglesea Heath.

23 Use of soap and detergents

A person must not use or dispose of any soap, detergent or similar substance in Anglesea Heath within 50 metres of any river, stream, creek, reservoir, lake, dam, bore, well, spring or other water body.

Penalty: 5 penalty units

24 Camping

- (1) The Minister may, by determination, set aside an area of Anglesea Heath as an area in which a person may camp.
- (2) A person must not camp in Anglesea Heath, unless that person does so –
 - (a) in an area set aside for camping by determination under subregulation (1) and in accordance with that determination; or
 - (b) under and in accordance with a permit issued under subregulation (3).Penalty: 5 penalty units
- (3) The Minister may issue a permit to a person authorising the holder to camp in Anglesea Heath.

- (4) If a determination made under subregulation (1) does not limit the period for which a person may camp in the area subject to that determination, it is a condition of that determination for the purposes of regulation 8(1) that a person must not camp in that area for more than 28 consecutive nights.
- (5) A person who camps in Anglesea Heath in accordance with a determination made under subregulation (1) or under and in accordance with a permit issued under subregulation (3) must maintain his or her campsite in a clean and tidy condition.

25 Hygiene

A person must not leave behind or deposit faeces in Anglesea Heath unless the person does so by burying those faeces 100 metres or more away from any river, stream, creek, well, spring, dam, lake, reservoir, bore or waterbody.

Penalty: 5 penalty units

26 Dogs, horses and other animals

- (1) The Minister may, by determination, set aside a specified area of Anglesea Heath as an area in which dogs, horses or other animals are permitted subject to any conditions specified in the determination.
 - (2) A person must not bring a dog, horse or other animal into Anglesea Heath or allow a dog, horse or other animal to remain in Anglesea Heath, unless that person does so –
 - (a) in an area set aside for dogs, horses or other animals by determination under subregulation (1) and in accordance with that determination; or
 - (b) under and in accordance with a permit issued under subregulation (4).
- Penalty: 2 penalty units
- (3) Subregulation (2) does not apply to a person who has a dog, horse or other animal in Anglesea Heath if –
 - (a) the dog, horse or other animal is confined in a vehicle; or
 - (b) the animal is bait for fishing purposes.
 - (4) The Minister may issue a permit to a person authorising the holder to bring a dog, horse or other animal into Anglesea Heath or an area of Anglesea Heath or to allow a dog, horse or other animal to remain in Anglesea Heath.

27 Fishing

- (1) A person must not take, catch or remove from or fish in an area of Anglesea Heath that has been set aside by a determination made under subregulation (3).
Penalty: 5 penalty units
- (2) Subregulation (1) does not apply to a person who fishes in an indigenous fish preservation area using equipment that is specified in the determination made under subregulation (3) setting that area aside as an indigenous fish preservation area in accordance with that determination.
- (3) The Minister may, by determination set aside a specified area of Anglesea Heath as an indigenous fish preservation area or an area in which fishing is prohibited.

28 Organised events

- (1) A person must not, in Anglesea Heath, conduct –
 - (a) an entertainment or show; or
 - (b) a festival, tour, carnival, fete, or public meeting; or
 - (c) a demonstration, training class or similar event; or
 - (d) an animal show or competition; or
 - (e) a wedding or similar ceremony.
- Penalty: 5 penalty units

- (2) Subregulation (1) does not apply to a person –
 - (a) acting under and in accordance with a permit issued under subregulation (4); or
 - (b) acting in accordance with a determination made under subregulation (5).
- (3) A person must not, in Anglesea Heath, conduct a private event that is not a wedding or similar ceremony for 30 or more persons unless the person does so under and in accordance with a permit issued under subregulation (4).
Penalty: 5 penalty units
- (4) The Minister may issue a permit to a person authorising the holder to conduct an activity, event or function referred to in subregulation (1) or (3) in Anglesea Heath.
- (5) The Minister may, by determination, set aside a specified area of Anglesea Heath as an area in which one or more of the activities referred to in subregulation (1) may be conducted.

29 Engaging in sport or recreational activity

- (1) The Minister may, by determination, set aside a specified area of Anglesea Heath where –
 - (a) one or more sports or recreational activities may be conducted; or
 - (b) the conduct of one or more sports or recreational activities is prohibited.
- (2) A person must not engage in a sport or recreational activity in an area of Anglesea Heath set aside under a determination made under subregulation (1)(a) in contravention of that determination.
Penalty: 5 penalty units
- (3) A person must not interfere with or prevent the conduct of a sport or recreational activity to which a determination made under subregulation (1)(a) relates in an area of Anglesea Heath set aside by that determination.
Penalty: 5 penalty units
- (4) A person must not engage in a sport or recreational activity in an area of Anglesea Heath set aside under subregulation (1)(b) unless the person does so under and in accordance with a permit issued under subregulation (5).
Penalty: 5 penalty units
- (5) The Minister may issue a permit to a person authorising the holder to engage in a sport or recreational activity in an area of Anglesea Heath where such activity is prohibited.

30 Aircraft

- (1) The Minister may, by determination, set aside an area of Anglesea Heath as an area in which a person may launch or land, or deliver anything by an aircraft or a specified class of aircraft.
- (2) A person must not, in Anglesea Heath –
 - (a) launch or land an aircraft; or
 - (b) deliver anything by aircraft.
Penalty: 5 penalty units
- (3) Subregulation (2) does not apply to a person –
 - (a) in an area set aside by a determination made under subregulation (1) and acting in accordance with that determination; or
 - (b) acting under and in accordance with a permit issued under subregulation (4).
- (4) The Minister may issue a permit to a person authorising the holder to launch or land an aircraft or to deliver anything by aircraft in Anglesea Heath.

31 Research or scientific study

- (1) A person must not in Anglesea Heath conduct any formal research or scientific study.
Penalty: 5 penalty units
- (2) Subregulation (1) does not apply to a person acting under and in accordance with a permit issued under subregulation (3).
- (3) The Minister may issue a permit to a person authorising the holder to conduct formal research or scientific study in Anglesea Heath.

32 Possession of liquor and glass containers and bottles

- (1) A person must not possess liquor in an area of Anglesea Heath that has been set aside as an area in which the possession or consumption of liquor is prohibited under subregulation (3).
Penalty: 5 penalty units
- (2) A person must not possess or carry a glass bottle, glass container or glass utensil in an area of Anglesea Heath that has been set aside under subregulation (3) as an area in which such a bottle, container or utensil must not be possessed or carried.
Penalty: 5 penalty units
- (3) The Minister may, by determination, set aside a specified area of Anglesea Heath as an area of Anglesea Heath in which liquor may not be possessed or consumed or in which a bottle, container or utensil may not be possessed or carried.

NOTES

In addition to these Regulations, the following laws also apply to activities within Anglesea Heath –

Aboriginal Heritage Act 2006

The **Aboriginal Heritage Act 2006** provides for the recognition, protection and conservation of Aboriginal cultural heritage in Victoria.

Fishing

Fishing is governed by the **Fisheries Act 1995** and Regulations under that Act, and failure to adhere to that legislation may result in the imposition of penalties under that Act and those Regulations.

Litter

The depositing of litter in Anglesea Heath is prohibited under the **Environment Protection Act 1970** and may result in the imposition of penalties under that Act.

Motor Vehicles

Under the Land Conservation (Vehicle Control) Regulations 2013, motor vehicles are prohibited within Anglesea Heath except on a road, in a parking area or in an area declared to be a free access area. A contravention may result in the imposition of penalties under those Regulations.

Fire

The **Country Fire Authority Act 1958** regulates the lighting of fires in the open air and failure to adhere to that legislation may result in the imposition of penalties.

Wildlife

The taking, hunting or destroying of wildlife, including game, is regulated under the **Wildlife Act 1975** and Regulations under that Act. A person who fails to comply with the requirements of that legislation is liable to the imposition of penalties under that Act and those Regulations.

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 2016

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**Retail &
Mail Sales****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

Price Code A