



# Victoria Government Gazette

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## Crown Land (Reserves) Act 1978

### CROWN LAND (RESERVES) (BRICKWORKS BILLABONG) REGULATIONS 2018

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

Dated 24 October 2018

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 –

- (a) the care, protection and management of the reserve; and
- (b) the safety of persons in the reserve.

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 –

**camp** means –

- (a) to erect, occupy or use a tent, tarpaulin or any similar kind of shelter or temporary structure for accommodation; or
- (b) to occupy or use a swag or sleeping bag for accommodation; or
- (c) to occupy or use a vehicle or vessel for accommodation;

**emergency** has the same meaning as in the **Emergency Management Act 2013**;

**emergency activity** has the same meaning as in the **Emergency Management Act 1986**;

**emergency services agency** has the same meaning as in the **Emergency Management Act 1986**;

**firearm** has the same meaning as in the **Firearms Act 1996**;

**litter** has the same meaning as in the **Environment Protection Act 1970**;

**properly constructed fireplace** means a facility constructed of stone, metal, concrete or other non-flammable material in a manner which contains the perimeter of a fire;

**reserve** means Crown Allotment 2075 shown hatched on the plan lodged in the Central Plan Office and numbered LEGL. /18-271;

**solid fuel** includes –

- (a) vegetation, wood, coal, coke;
- (b) manufactured solid combustible material made from vegetation, wood, coal or coke, including but not limited to, paper, cardboard, sawdust or coal or coke by-products;

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

**volunteer emergency worker** has the same meaning as in the **Emergency Management Act 1986**;

**SPECIAL**

*waterway* means any bay, river, stream, well, spring, creek, lake, lagoon, swamp, marsh, dam, bore or other water body.

**6. Application of Regulations to permit, lease or licence holders etc.**

These Regulations do not apply to a person who is acting under and in accordance with the terms and conditions of any permit, lease, licence or other authority granted under the Act, or agreement entered into under the Act, or another Act governing Crown land to the extent that the activities authorised by the permit, lease, licence or authority are inconsistent with these Regulations.

**7. Application of Regulations to employees etc.**

These Regulations do not apply to any of the following persons if that person is carrying out their duties or functions as –

- (a) an employee of the land manager;
- (b) an authorised officer;
- (c) a police officer or a protective services officer within the meaning of the **Victoria Police Act 2013**;
- (d) a contractor, agent, volunteer or other person carrying out any work for or acting on the authority or instruction of the land manager;
- (e) a person employed under Part 3 of the **Public Administration Act 2004** who is carrying out a duty or function under a relevant law within the meaning of the **Conservation, Forests and Lands Act 1987**;
- (f) an operational staff member within the meaning of the **Ambulance Services Act 1986**;
- (g) an officer, employee or volunteer emergency worker of an emergency services agency when engaged in an emergency activity or the discharge of a responsibility, function or other role in relation to an emergency.

**PART 2 – LITTER AND CAMPFIRES**

**8. Litter**

(1) A person who camps in the reserve must maintain the camping area free of litter.

Penalty: 10 penalty units

(2) A person who camps in the reserve must, before vacating, clear the camping area of –

- (a) all litter; and
- (b) any equipment for which that person is responsible.

Penalty: 10 penalty units

**9. Campfires or barbeques using solid fuel**

A person must not, in the reserve, light or maintain a campfire or barbeque using solid fuel unless –

- (a) that person does so at a time and during a period when the lighting of fires is not prohibited under any Act; and
- (b) that person does so –
  - (i) in a properly constructed fireplace; or
  - (ii) in a trench at least 30 centimetres deep; and
- (c) 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
- (d) the area of the campfire or barbeque is not more than one square metre; and
- (e) all dimensions of any piece of the solid fuel that is being used in the campfire or barbeque are not more than one metre.

Penalty: 20 penalty units

**10. Campfires or barbeques using liquid fuel, gaseous fuel or chemical solid fuel**

A person must not, in the reserve, light or maintain a campfire or barbeque using liquid fuel, gaseous fuel or chemical solid fuel unless –

- (a) that person does so at a time and during a period when the lighting of fires is not prohibited under any Act; and
- (b) the fire is contained in an appliance designed and commercially manufactured to use that fuel; and
- (c) the appliance when alight is placed in a stable position; and
- (d) the ground and airspace within a distance of 1.5 metres of the appliance are clear of flammable material.

Penalty: 20 penalty units

**11. Leaving campfires or barbeques unattended**

A person who is in charge of a campfire or barbeque in the reserve, must not –

- (a) be outside the line of sight of the campfire or barbeque; or
- (b) be more than 50 metres from the perimeter of the campfire or barbeque.

Penalty: 20 penalty units

**12. Extinguishment of campfires and barbeques**

- (1) A person who has lit, kindled, maintained or used a campfire or barbeque in the reserve, must not leave the place of the campfire or barbeque unless –

- (a) the fire is completely extinguished; or
- (b) another person remains at the place of the fire.

Penalty: 20 penalty units

- (2) A person who has lit, kindled, maintained or used a campfire or barbeque in the reserve, or is in charge of a campfire or barbeque in the reserve, must extinguish the fire immediately when requested to do so by an authorised officer.

Penalty: 20 penalty units

**PART 3 – HYGIENE****13. Appropriate disposal of human waste**

- (1) A person must not, in the reserve, deposit or leave behind faeces unless –
  - (a) if toilet facilities are provided and readily available, that person does so in those facilities; or
  - (b) if toilet facilities are not provided or are not readily available, that person does so by burying those faeces 100 metres or more away from any waterway.

Penalty: 10 penalty units

- (2) A person must situate any portable toilet facilities brought into the reserve 100 metres or more away from any waterway.

Penalty: 15 penalty units

- (3) A person who has brought a portable toilet facility into the reserve must –

- (a) when emptying that facility, bury the contents 100 metres or more away from any waterway; or
- (b) remove the contents from the reserve.

Penalty: 15 penalty units

**14. Areas where use of soap and detergents prohibited**

A person must not, in the reserve, use or dispose of any soap, detergent or similar substance within 50 metres of any waterway, unless that person does so in toilets, showers or other facilities provided in the reserve for that purpose.

Penalty: 10 penalty units

**PART 4 – USE OF FIREARMS IN THE RESERVE**

**15. Firearms**

A person must not, in the reserve, possess, carry or use a firearm, bow or cross-bow unless that person keeps the firearm, bow or cross-bow (concealed and unloaded) in a vehicle that is in transit through the reserve.

Penalty: 20 penalty units

## Notes

### Penalty Units

These Regulations provide for penalties by reference to penalty units within the meaning of section 110 of the **Sentencing Act 1991**. The amount of the penalty is to be calculated, in accordance with section 7 of the **Monetary Units Act 2004**, by multiplying the number of penalty units applicable by the value of a penalty unit.

The value of a penalty unit for the financial year commencing 1 July 2018 is \$161.19. The amount of the calculated penalty may be rounded to the nearest dollar.

The value of a penalty unit for future financial years is to be fixed by the Treasurer under section 5 of the **Monetary Units Act 2004**. The value of a penalty unit for a financial year must be published in the Government Gazette and a Victorian newspaper before 1 June in the preceding financial year.

### Other relevant legislation

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

#### Aboriginal Sites and Relics

Aboriginal heritage (including Aboriginal objects, places and remains) is protected under the Aboriginal and Torres Strait Islander Heritage Protection Act 1984 (Commonwealth) and the **Aboriginal Heritage Act 2006** (Victoria). A contravention of this legislation may also result in the imposition of penalties.

#### Domestic Animals

The responsible ownership of dogs and cats is regulated by the **Domestic Animals Act 1994** and Regulations made under that Act. Failure to adhere to that legislation may result in the imposition of penalties.

#### Fires

The **Forests Act 1958**, the **Forests (Fire Protection) Regulations 2014** and the **Country Fire Authority Act 1958** also limit the lighting of fires in certain areas.

A person who fails to comply with the **Forests Act 1958**, the **Forests (Fire Protection) Regulations 2014** and the **Country Fire Authority Act 1958** may be liable to the imposition of penalties.

#### Firearms

The possession, carriage and use of firearms are regulated under the **Firearms Act 1996**. A contravention of that Act may result in the imposition of penalties.

#### Fishing

Fishing is regulated by the **Fisheries Act 1995** and Regulations made under that Act. Failure to adhere to that legislation may result in the imposition of penalties.

#### Litter

The depositing of litter is regulated under the **Environment Protection Act 1970** and may result in the imposition of penalties.

#### Motor vehicles

Under the Land Conservation (Vehicle Control) Regulations 2013, the use or operation of a motor vehicle is not permitted within the reserve except on a road, in a parking area, adjacent to a road, or in an area declared as an off-road access area or a restricted access area where that class of vehicle is permitted. A contravention of those requirements may result in the imposition of penalties.

#### Historic Places and Objects

All archaeological sites and relics are protected under the **Heritage Act 1995**. A contravention of that Act 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 made under that Act. A person who fails to comply with the requirements of that legislation may be liable to the imposition of penalties.

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