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Crown Land (Reserves) Act 1978

CROWN LAND (RESERVES) (PHILLIP ISLAND NATURE PARK) REGULATIONS 2021

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

Dated 26 November 2021

HON. LILY D'AMBROSIO MP
Minister for Energy, Environment and Climate Change

Crown Land (Reserves) Act 1978

CROWN LAND (RESERVES) (PHILLIP ISLAND NATURE PARK) REGULATIONS 2021

TABLE OF PROVISIONS

Regulation

PART 1 – PRELIMINARY

- 1 Objectives
- 2 Authorising provision
- 3 Commencement
- 4 Expiry
- 5 Revocation
- 6 Definitions
- 7 Application of Regulations to permit, lease or licence holders etc.
- 8 Offences do not apply to certain persons acting in the course of powers, duties or functions or employment
- 9 Application of these Regulations to traditional owner groups

PART 2 – DETERMINATIONS, PERMITS AND FEES

- 10 Set aside determination
- 11 Publication of set aside determinations
- 12 Offence not to comply with the conditions of determinations setting areas aside
- 13 Signs
- 14 Permits
- 15 Cancellation of permits
- 16 Fees

PART 3 – ADMINISTRATION OF ACCESS TO PARKS

- 17 Opening hours of the Park
- 18 Temporary closure of the Park
- 19 Areas where access is prohibited or restricted
- 20 Crossing area by way other than identified track prohibited
- 21 Power to give directions
- 22 Protection of Aboriginal Cultural Heritage

SPECIAL

PART 4 – PROTECTION OF NATURAL FEATURES

- 23 Interference with vegetation prohibited
- 24 Introduction of vegetation prohibited
- 25 Interference with rocks or natural features prohibited
- 26 Digging, removal or bringing of material prohibited
- 27 Interference with animals or nests prohibited
- 28 Fishing
- 29 Research or scientific study

PART 5 – VEHICLES, VESSELS AND AIRCRAFT

- 30 Vehicles
- 31 Vessels
- 32 Aircraft

PART 6 – CAMPING AND CAMPFIRES

- 33 Camping
- 34 Lighting, kindling or maintaining fires
- 35 Appropriate disposal of human waste
- 36 Areas where use of soap and detergents prohibited
- 37 Areas where glass bottles, containers or utensils prohibited
- 38 Areas where possession or consumption of liquor prohibited

PART 7 – RESTRICTIONS ON BRINGING ANIMALS INTO PARKS

- 39 Dogs prohibited in specified circumstances
- 40 Horses
- 41 Other animals
- 42 Animals must be under control
- 43 Appropriate disposal of animal waste

PART 8 – USE OF HUNTING EQUIPMENT IN PARKS

- 44 Flashlights, spotlights and torches
- 45 Poisons, firearms, weapons and traps

PART 9 – RECREATION, SAFETY AND AMENITY

- 46 Umbrellas and shading devices
- 47 Dangerous or disturbing activities
- 48 Buildings, signs and structures
- 49 Engaging in sport or recreational activity
- 50 Organised events
- 51 Advertising and soliciting
- 52 Conduct of commercial activities or trades and businesses
- 53 Operating disturbing devices or equipment

NOTES

PART 1 – PRELIMINARY**1 Objectives**

The objectives of these Regulations are to provide for –

- (a) the care, protection and management of flora and animals in Phillip Island Nature Park; and
- (b) the preservation of good order and decency in Phillip Island Nature Park; and
- (c) the setting aside of areas in Phillip Island Nature Park in which specified activities are permitted, restricted or prohibited; and
- (d) the safety of persons in Phillip Island Nature Park; and
- (e) the conditions of use of any improvements, services or facilities in Phillip Island Nature Park; and
- (f) the issuing of permits in relation to the use of the whole or any part of Phillip Island Nature Park; and
- (g) the imposition of fees for the use of any improvements, services or facilities in Phillip Island Nature Park or permits for the use of the whole or any part of Phillip Island Nature Park; and
- (h) the setting aside of areas in Phillip Island Nature Park for the protection of Aboriginal cultural heritage.

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 Revocation

The Crown Land (Reserves) (Phillip Island Nature Park) Regulations 2010 made on 13 May 2010 and published in Government Gazette, No. S 179, 17 May 2010, pages 1–20; and the Crown Land (Reserves) (Phillip Island Nature Park) Amendment Regulations 2010 made on 15 November 2010 and published in Government Gazette, No. S468, 16 November 2010, pages 1–2; and the Crown Land (Reserves) (Phillip Island Nature Park) Amendment Regulations 2013 made on 27 February 2013 and published in Government Gazette, No. S 64, 28 February 2013, pages 1–2; and the Crown Land (Reserves) (Phillip Island Nature Park) Amendment Regulations 2020 made on 14 May 2020 and published in Government Gazette, No. S 239, 15 May 2020, pages 1–2; and the Crown Land (Reserves) (Phillip Island Nature Park) Amendment Regulations 2021 made on 30 April 2021 and published in Government Gazette, No. S 203, 5 May 2021, pages 1–2 are revoked.

6 Definitions

In these Regulations –

aboriginal cultural heritage has the same meaning as in the **Aboriginal Heritage Act 2006**;
agreed activity has the same meaning as in section 79 of the **Traditional Owner Settlement Act 2010**;

aircraft, whether piloted or remote controlled, includes the following –

- (a) an aeroplane;
- (b) a drone;
- (c) a helicopter (including a multi-rotor helicopter);

- (d) a glider;
- (e) a hot air balloon;
- (f) a hang glider;
- (g) a paraglider;
- (h) a parachute;

animal means any animal except any human, fish or bait worm, whether vertebrate or invertebrate, in any stage of biological development and whether alive or dead;

assistance animal has the same meaning as in the **Disability Discrimination Act 1992** of the Commonwealth;

assistance dog has the same meaning as in the **Equal Opportunity Act 2010**;

authorised officer has the same meaning as in the **Conservation, Forests and Lands Act 1987**;

bait worm means an aquatic annelid worm that is collected from the intertidal zone of the Park and used as bait for fishing within the Park;

camp means to use or have present in an area, for accommodation purposes, whether occupied or not –

- (a) equipment including a tent, sleeping bag, swag, tarpaulin or any form of accommodation, shelter or temporary or permanent structure; or
- (b) a vehicle, vessel or any other moveable form of accommodation, whether or not it is in a condition that enables it to be moved;

cultural heritage has the same meaning as in the **Heritage Act 2017**;

damage includes to alter, cut or deface;

drive, in relation to a vehicle, has the same meaning as in the **Road Safety Act 1986**;

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**;

extinguish means to cause the fuel of a fire to be cool to the touch by completely burning out the fuel or by the application of water;

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

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

fish has the same meaning as in the **Fisheries Act 1995**;

fishing bait has the same meaning as in the **Fisheries Act 1995**;

horse includes any animal capable of being ridden or carrying a load;

liquid fuel, gaseous fuel or chemical fuel includes any manufactured fuel which can be ignited;

liquor has the same meaning as in the **Liquor Control Reform Act 1998**;

miner's right has the same meaning as in the **Mineral Resources (Sustainable Development) Act 1990**;

operate includes –

- (a) in respect of an aircraft, to launch, fly, control or land an aircraft or deliver anything by aircraft;
- (b) in respect of a vessel, to facilitate or control the movement or navigation of a vessel, or to launch, land, moor, secure, anchor, load or unload a vessel;

park, in relation to a vehicle, includes leaving a vehicle standing, whether or not the vehicle is attended;

plant means any algae, fungi, non-vascular or vascular plant including any tree, bush, shrub or herb in any stage of biological development and whether alive or dead but does not include –

- (a) food for human or animal consumption;
- (b) plant-based manufactured objects;

take means –

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

temporary structure includes –

- (a) a structure;
- (b) a marquee;
- (c) a shade sail or similar structure;
- (d) an inflatable castle or similar inflatable device –

that is not permanently affixed to land;

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

the Park means Phillip Island Nature Park, the land shown cross hatched on plans marked LEGL./99-44, LEGL./99-191, LEGL./99-192, LEGL./99-193 lodged in the Central Plan Office, and Crown Allotment 2120, Parish of Phillip Island, deemed to be temporarily reserved for public purposes under subsection 4(1) and 15(7) of the **Crown Land (Reserves) Act 1978**.

tourist fossicking authority has the same meaning as in Part 5 of the **Mineral Resources (Sustainable Development) Act 1990**;

traditional owner group has the same meaning as in the **Traditional Owner Settlement Act 2010**;

traditional owner group agreement means an agreement under Part 6 of the **Traditional Owner Settlement Act 2010**;

traditional owner group entity has the same meaning as in the **Traditional Owner Settlement Act 2010**;

vehicle means a conveyance that is designed to be propelled or drawn by any means, whether or not the vehicle is capable of being propelled or drawn, and includes a bicycle or other pedal-powered vehicle, trailer whether towed by a vehicle or animal, golf cart, tram-car and air-cushion vehicle but does not include any of the following –

- (a) a railway locomotive or railway rolling stock;
- (b) an aircraft;
- (c) a wheelchair, motorised wheelchair, or other device designed or used for the conveyance of persons with a disability or injury;
- (d) a pram, stroller or other device designed or used for the conveyance of children;

vessel has the same meaning as in the **Marine Safety Act 2010**;

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

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

Any provision in these Regulations that provides for an offence does not apply to a person 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.

8 **Offences do not apply to certain persons acting in the course of powers, duties or functions or employment**

The following persons do not commit an offence against these Regulations when acting in the course of the person's duties or functions or exercising a power for that purpose –

- (a) the land manager or an employee of the land manager;

- (b) an authorised officer;
- (c) a police officer or 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 exercising a power or carrying out a duty or function under –
 - (i) the **Conservation, Forests and Lands Act 1987** or regulations made under that Act; or
 - (ii) an Act or part of an Act (as the case requires) specified in Schedule 1 to the **Conservation, Forests and Lands Act 1987**; or
 - (iii) regulations made under an Act or part of an Act (as the case requires) specified in Schedule 1 to the **Conservation, Forests and Lands Act 1987**; or
 - (iv) the **Water Act 1989** or regulations made under that Act;
- (f) a person employed by a public entity within the meaning of the **Public Administration Act 2004** who is exercising a power or carrying out a duty or function under –
 - (i) the **Conservation, Forests and Lands Act 1987** or regulations made under that Act; or
 - (ii) an Act or part of an Act (as the case requires) specified in Schedule 1 to the **Conservation, Forests and Lands Act 1987**; or
 - (iii) regulations made under an Act or part of an Act (as the case requires) specified in Schedule 1 to the **Conservation, Forests and Lands Act 1987**; or
 - (iv) the **Water Act 1989** or regulations made under that Act;
- (g) an operational staff member within the meaning of the **Ambulance Services Act 1986**;
- (h) 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;
- (i) an authorised officer or aboriginal heritage officer within the meaning of the **Aboriginal Heritage Act 2006**.

9 Application of these Regulations to traditional owner groups

- (1) If a traditional owner group entity has entered into a traditional owner group agreement, any provision of these Regulations that provides for an offence to conduct or carry out an activity or do any thing that is an agreed activity (other than a regulation specified in subregulation (2)) does not apply to a member of the traditional owner group –
 - (a) who is bound by the traditional owner group agreement; and
 - (b) who conducts or carries out the agreed activity to which the offence relates in accordance with the traditional owner group agreement and on land to which that agreement applies.
- (2) For the purpose of subregulation (1) the following regulations are specified –
 - (a) regulation 12;
 - (b) regulation 18(7);
 - (c) regulation 21;
 - (d) regulation 24(1);
 - (e) regulation 27(3);
 - (f) regulation 29(1);

- (g) regulation 30;
- (h) regulation 32;
- (i) regulations 33(3) and (4);
- (j) regulation 34 (except with respect to smoking ceremonies);
- (k) regulation 35;
- (l) regulation 36;
- (m) regulation 37;
- (n) regulation 38;
- (o) regulation 39;
- (p) regulation 40;
- (q) regulation 41;
- (r) regulation 42;
- (s) regulation 43;
- (t) regulation 44;
- (u) regulation 45(1);
- (v) regulation 46;
- (w) regulation 47;
- (x) regulation 48(4) and (5);
- (y) regulation 49;
- (z) regulation 51;
- (za) regulation 52; and
- (zb) regulation 53.

PART 2 – DETERMINATIONS, PERMITS AND FEES

10 Set aside determination

- (1) If the land manager is authorised to make a set aside determination under these Regulations, the determination must be in writing.
- (2) A set aside determination under these Regulations may specify –
 - (a) that it applies to the whole or a specified area of the Park that has been set aside under the determination; and
 - (b) that it applies on specified days, times or periods; and
 - (c) that it applies to a class of person, vehicle, vessel or aircraft; and
 - (d) in the case of an activity or conduct that is required or restricted, the conditions subject to which that activity or conduct must be carried out; and
 - (e) any conditions subject to which that activity or conduct specified in the set aside determination must or must not be carried out.
- (3) If the land manager makes a set aside determination, the land manager must cause signs or notices informing the public of the determination to be displayed in accordance with regulation 12.
- (4) In these Regulations, *set aside determination* means a determination made under any of the following regulations –
 - (a) regulation 19(1);
 - (b) regulation 20(1);
 - (c) regulation 22(1);

- (d) regulation 23(2);
- (e) regulation 27(5)
- (f) regulation 28(1);
- (g) regulation 30(3);
- (h) regulation 31(2);
- (i) regulation 32(2);
- (j) regulation 33(5);
- (k) regulation 37(1);
- (l) regulation 38(1);
- (m) regulation 39(1);
- (n) regulation 40(3);
- (o) regulation 41(3);
- (p) regulation 42(2);
- (q) regulation 44(1);
- (r) regulation 49(1); and
- (s) regulation 50(2).

11 Publication of set aside determinations

- (1) The land manager must, as soon as practicable after making a set aside determination under these Regulations, cause the determination to be published –
 - (a) in the Government Gazette; and
 - (b) on its internet site.
- (2) If the land manager amends or revokes a set aside determination made under these Regulations, the land manager must cause, as soon as practicable after doing so, publication of the amended determination or a notice of the revocation –
 - (a) in the Government Gazette; and
 - (b) on its internet site.

12 Offence not to comply with the conditions of determinations setting areas aside

A person entering or engaging in an activity in an area subject to a set aside determination, other than a determination made under regulations 19, 22, 27, 28, 30, 37, 38, 39, 44 and 49, must comply with any conditions specified in the determination applying to that area.

Penalty: 10 penalty units

Note: There are separate offences for failing to comply with conditions specified in a set aside determination under regulations 19, 22, 27, 28, 30, 37, 38, 39, 44 and 49.

13 Signs

- (1) The land manager must cause a sign or notice required under these Regulations to be displayed in a place and manner that is likely to be seen by any person affected by a determination under these Regulations.
- (2) A sign or notice required by these Regulations must –
 - (a) indicate the area of the Park that is temporarily closed or set aside by the determination under these Regulations; and
 - (b) if applicable, state the activities that are prohibited, restricted or permitted by the determination; and
 - (c) if applicable, state any conditions specified in the determination.

- (3) If the land manager revokes or amends a determination made under these Regulations, the land manager must cause any sign or notice that has been displayed under these Regulations to be removed or amended as soon as practicable to reflect the revocation or amendment of that determination.

14 Permits

- (1) A permit issued under these Regulations must be in writing.
- (2) A permit issued under these Regulations must specify –
 - (a) the purpose the permit; and
 - (b) the period the permit; and
 - (c) in the case of an activity or conduct that is being permitted, the conditions subject to which that activity or conduct must be carried out; and
 - (d) in the case of a permit for related to entry or use, the conditions for that entry or use.

15 Cancellation of permits

- (1) The land manager may cancel a permit issued under these Regulations at any time –
 - (a) if the land manager reasonably believes that the holder of the permit has –
 - (i) contravened the permit; or
 - (ii) otherwise contravened these Regulations; or
 - (b) if the land manager reasonably believes that 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 the Park; or
 - (c) for the purposes of management of the Park.
- (2) The cancellation of a permit under subregulation (1) does not take effect until the holder of the permit is given notification in writing of that cancellation.
- (3) If a person has paid a fee for a permit under these Regulations and that permit is not issued, or the permit is subsequently cancelled under subregulation (1)(b) or (c), the person who paid the fee or to whom the permit was issued (as may be applicable) may apply in writing to the land manager, for a pro rata refund of the fee.
- (4) Upon receipt of an application under subregulation (3), the land manager may refund the remaining portion of the fee, calculated from the time at which the cancellation becomes effective until the time the permit would have expired.

16 Fees

- (1) The land manager may impose and recover reasonable fees for or in respect of any of the following –
 - (a) entry to the Park or an area of the Park;
 - (b) the use of any improvement, service or facility in the Park;
 - (c) the issuing of a permit under these Regulations.
- (2) The land manager must publish any fee imposed under subregulation (1) on its internet site.
- (3) A person must not enter or use an area of the Park or enter or use an improvement, service or facility in the Park without paying the appropriate fee, if any, imposed by the land manager under subregulation (1).
Penalty: 5 penalty units
- (4) The land manager may grant an exemption from, or a reduction, waiver or refund of, in whole or in part, any fee imposed under subregulation (1).

PART 3 – ADMINISTRATION OF ACCESS TO PARKS**17 Opening hours of the Park**

- (1) The land manager may determine the times and days on which the whole or any part of the Park is available for use by the public.
- (2) A person must not enter or be in the Park or part of the Park outside the times and days determined by the land manager to be the times and days when the Park or part of the Park is open to the public.
Penalty: 5 penalty units
- (3) The land manager must cause to be erected signs indicating the times and days on which the Park or part of the Park is open to the public.
- (4) Subregulation (2) does not apply to a person who is acting under and in accordance with a permit issued under subregulation (5).
- (5) The land manager may issue a permit to a person to enter or be in the Park outside the time or days when the Park or that part of the Park is open to the public.

18 Temporary closure of the Park

- (1) The land manager may, by written determination, temporarily close the Park or an area of the Park to the public –
 - (a) in the event of flood, fire, natural disaster or other emergency; or
 - (b) in anticipation of flood, fire, natural disaster or other emergency.
- (2) The land manager must not make a determination under subregulation (1) unless the land manager considers the determination is necessary because of risk, or likely risk, to public safety within the Park.
- (3) The land manager must, as soon as practicable after making a determination under subregulation (1) –
 - (a) cause publication of a notice of the determination –
 - (i) in the Government Gazette; and
 - (ii) on its internet site; and
 - (b) cause signs or notices informing the public of the determination to be erected or displayed in accordance with regulation 13(1).
- (4) A determination made under subregulation (1) remains in force for 14 days after it is made, unless revoked earlier by the land manager under subregulation (5).
- (5) If the land manager considers the risk, or likely risk, that led to the determination being made under subregulation (1) no longer applies to the Park or area of the Park specified in the determination, the land manager must revoke the determination.
- (6) The land manager must, as soon as practicable after a determination has been revoked under subregulation (5) –
 - (a) cause a notice of the revocation to be published –
 - (i) in the Government Gazette or in a newspaper or newspapers generally circulating in the Melbourne metropolitan area and in the locality to which the notice relates; and
 - (ii) on its internet site; and
 - (b) cause the signs and notices referred to in subregulation (3)(b) to be removed.
- (7) A person must not enter or remain in the Park or an area of the Park to which a determination under subregulation (1) applies.

Penalty: 20 penalty units

19 Areas where access is prohibited or restricted

- (1) The land manager by determination may set aside an area of the Park –
 - (a) as an area to which access is prohibited; or

- (b) as an area to which access is restricted.
- (2) The land manager must not make a determination under subregulation (1) unless the land manager considers that the determination is necessary for the purposes of –
 - (a) the care, protection and management of the Park; or
 - (b) the preservation of good order and decency in the Park; or
 - (c) the safety of persons in the Park.
- (3) A person, other than a person to whom a permit has been issued under subregulation (5), must not enter or remain in an area of the Park set aside under subregulation (1)(a).
Penalty: 10 penalty units
- (4) A person, other than a person to whom a permit has been issued under subregulation (5), must not enter or remain in an area set aside under subregulation (1)(b) unless the person does so in accordance with the determination under which the area is set aside.
Penalty: 10 penalty units
- (5) The land manager may issue a permit authorising a person to enter and remain in an area set aside under subregulation (1).

20 Crossing area by way other than identified track prohibited

- (1) The land manager by determination may set aside an area of the park as a track for walking or riding.
- (2) A person must not, in the Park, leave a track set aside for walking or riding under subregulation (1).
Penalty: 5 penalty units
- (3) The land manager may issue a permit authorising a person to engage in an activity prohibited by subregulation (1).

21 Power to give directions

- (1) An authorised officer or an employee of the land manager may direct a person –
 - (a) to leave the Park or an area of the Park; or
 - (b) to remain in the Park or an area of the Park.
- (2) A direction given under subregulation (1)(a) may include a direction not to re-enter the Park or an area of the Park for a specified period not exceeding 24 hours.
- (3) An authorised officer or employee of the land manager must not give a direction under subregulation (1) unless the authorised officer or employee reasonably considers the direction is necessary for any of the following purposes –
 - (a) to prevent a contravention of these Regulations;
 - (b) to prevent the continuing contravention of these Regulations;
 - (c) for the safety of persons within the Park;
 - (d) for the care, protection or management of the Park.
- (4) A person to whom a direction is given under subregulation (1) must comply with that direction.
Penalty: 20 penalty units
- (5) If a direction is given under subregulation (1) and includes a direction to not re-enter the Park or an area of the Park within 24 hours, a person must comply with that direction.
Penalty: 20 penalty units

22 Protection of Aboriginal Cultural Heritage

- (1) The land manager by determination may set aside an area of the park as an area for the protection of Aboriginal cultural heritage or suspected Aboriginal cultural heritage.

- (2) A person must not enter or use an area set aside under subregulation (1) unless the person does so in accordance with the determination.
Penalty: 20 penalty units

PART 4 – PROTECTION OF NATURAL FEATURES

23 Interference with vegetation prohibited

- (1) A person must not, in the Park, fell, pick, take, destroy or damage any plant unless the person does so –
- (a) for the purpose of collecting firewood for use within the Park, in an area set aside under subregulation (2); or
 - (b) under and in accordance with a permit issued under subregulation (3) or regulation 28(2); or
 - (c) while engaged in a sport or recreational activity in accordance with these Regulations.

Penalty: 20 penalty units

- (2) The land manager by determination may set aside an area of the Park as an area where collecting firewood for the purposes of lighting, kindling or maintaining a fire within the Park in accordance with regulation 34 is permitted.
- (3) The land manager may issue a permit authorising a person to engage in an activity prohibited by subregulation (1).
- (4) A person who collects firewood in an area of the Park set aside under subregulation (2) must not –
- (a) remove the firewood from the Park; or
 - (b) cut or take more than 1/4 cubic meters of firewood in a day; or
 - (c) sell the firewood to another person; or
 - (d) cut or take away fallen or felled trees that are visibly hollow; or
 - (e) cut or take away fallen or felled trees growing moss or fungi; or
 - (f) tow or winch fallen or felled trees along the ground.

Penalty: 20 penalty units

24 Introduction of vegetation prohibited

- (1) A person must not, in the Park, knowingly bring in, introduce or plant any plant, whether whole, seeds or cuttings unless the person brings firewood into the Park for the purposes of lighting or maintaining a fire in accordance with regulation 34 or does so in accordance with a permit issued under subregulation (2).

Penalty: 20 penalty units

- (2) The land manager may issue a permit authorising a person to introduce or plant any plant, whether whole, seeds or cuttings to the Park.

25 Interference with rocks or natural features prohibited

- (1) A person must not, in the Park, excavate, remove, destroy, damage, deface or move any rock or natural features unless the person does so under and in accordance with a permit issued under subregulation (2) or regulation 29(2).

Penalty: 20 penalty units

- (2) The land manager may issue a permit authorising a person to excavate, remove, destroy, damage, deface or move any rock or natural feature in the Park.

26 Digging, removal or bringing of material prohibited

- (1) A person must not, in the Park, dig or remove from the Park any gravel, shell, grit, sand, soil or other similar material unless the person does so –
- (a) to bury faeces in accordance with regulation 35; or

- (b) in accordance with a miner's right or tourist fossicking authority issued to the person; or
- (c) to collect bait worms or fish, and only digs to the minimum extent necessary; or
- (d) under and in accordance with a permit issued under regulation 29(2).

Penalty: 10 penalty units

- (2) A person must not knowingly bring into the Park any gravel, shell, grit, sand, soil or other similar material.

Penalty: 10 penalty units

27 Interference with animals or nests prohibited

- (1) A person must not, in the Park, disturb, harass, hunt, capture, take, kill or injure any animal unless the person does so under and in accordance with a permit issued under regulation 29(2).

Penalty: 20 penalty units

- (2) A person must not, in the Park, destroy, damage or disturb the nest, bower, display mound, lair or burrow of any animal unless the person does so under and in accordance with a permit issued under regulation 29(2).

Penalty: 20 penalty units

- (3) A person must not, in the Park, unless the person does so under and in accordance with a permit issued under regulation 29(2) –

- (a) feed, offer food or offer any object as food to any animal, if the animal is not lawfully brought into the Park; or
- (b) permit or allow food to be taken from the possession of the person by any animal.

Penalty: 10 penalty units

- (4) Subregulation (3) does not apply to a person –

- (a) who feeds or offers food to an animal in accordance with the determination under subregulation (5); and
- (b) who feeds or offers food to an animal the person brought into the Park.

- (5) The land manager may, by determination, set aside a specified area of the Park as an area in which specified species of animal may be fed or offered specified types of food.

28 Fishing

- (1) The land manager by determination may set aside an area of the Park –

- (a) as an area where taking or attempting to take fish is prohibited; or
- (b) as an area where taking or attempting to take fish is restricted.

- (2) A person must not, in the Park, take, or attempt to take, fish in an area set aside under subregulation (1)(a).

Penalty: 10 penalty units

- (3) A person must not, in the Park, take, or attempt to take, fish in an area set aside under subregulation (1)(b) unless the person does so in accordance with the determination under which the area is set aside.

Penalty: 10 penalty units

29 Research or scientific study

- (1) A person must not, in the Park, conduct any research, investigation, scientific study or visitor survey unless the person does so under and in accordance with a permit issued under subregulation (2).

Penalty: 20 penalty units

- (2) The land manager may issue a permit authorising a person to conduct any research, investigation, scientific study or visitor survey in the Park.
- (3) Without limiting regulation 14(1), a permit issued under subregulation (2) may include conditions relating to –
 - (a) the purpose of the research, investigation or scientific study; or
 - (b) the amount and type of plant, animal or geological sample that may be taken; or
 - (c) interactions with visitors to the Park; or
 - (d) the provision of a copy of any report prepared as a result of the research, investigation or scientific study to the land manager.

PART 5 – VEHICLES, VESSELS AND AIRCRAFT

30 Vehicles

- (1) A person must not drive a vehicle or a class of vehicle in the Park unless the person does so –
 - (a) on a road; or
 - (b) under and in accordance with a determination made under subregulation (3) or
 - (c) under and in accordance with a permit under subregulation (4).

Penalty: 10 penalty units

- (2) A person must not park a vehicle or a class of vehicle in the Park unless the person does so under and in accordance with a determination made under subregulation (3).

Penalty: 10 penalty units

- (3) The land manager, by determination, may set aside an area of the Park as an area where a person may engage in an activity prohibited by subregulations (1) and (2).
- (4) The land manager may issue a permit to a person to drive or park a vehicle or class of vehicle in any area of the Park.
- (5) A person must not park a vehicle in the Park in a manner that –
 - (a) obstructs other vehicles; or
 - (b) contravenes any sign or notice erected by the land manager.

Penalty: 10 penalty units

- (6) A person must not park a vehicle in the Park in a manner that is likely to –
 - (a) damage any flora or destroy or injure any animal; or
 - (b) damage or destroy any natural or cultural feature.

Penalty: 10 penalty units

- (7) An authorised officer or an employee of the land manager may, in the interests of safety of persons using the Park, and the care, protection and management of the Park, direct the driver of a vehicle to remove that vehicle from the Park or an area of the Park.
- (8) A person to whom a direction is given under subregulation (7) must comply with that direction.

Penalty: 10 penalty units

- (9) An authorised officer or an employee of the land manager may give directions to a driver of a vehicle as to the –
 - (a) movement;
 - (b) direction;
 - (c) speed;

- (d) stopping; or
 - (e) parking –
of the vehicle in the Park.
- (10) A person driving a vehicle in the Park must comply with any direction of an authorised officer or an employee of the land manager under subregulation (9).
Penalty: 10 penalty units

31 Vessels

- (1) A person must not, in the Park, operate a vessel unless the person does so –
- (a) in an area of the Park set aside under subregulation (2); or
 - (b) under and in accordance with a permit issued under subregulation (3).
- Penalty: 10 penalty units
- (2) The land manager by determination may set aside an area of the Park as an area where operating vessels or a class of vessels is permitted.
- (3) The land manager may issue a permit authorising a person to operate a vessel or class of vessel in the Park.

32 Aircraft

- (1) A person must not, in the Park, operate an aircraft unless the person does so –
- (a) in an area of the Park set aside under subregulation (2); or
 - (b) under and in accordance with a permit issued under subregulation (3).
- Penalty: 10 penalty units
- (2) The land manager by determination may set aside an area of the Park as an area where operating aircraft or a specified class of aircraft is permitted.
- (3) The land manager may issue a permit authorising a person to operate an aircraft or class of aircraft in the Park.

PART 6 – CAMPING AND CAMPFIRES

33 Camping

- (1) A person must not, in the Park, camp unless the person does so –
- (a) in an area of the Park set aside under subregulation (2); or
 - (b) under and in accordance with a permit issued under subregulation (3).
- Penalty: 10 penalty units
- (2) The land manager by determination may set aside an area of the Park as an area where camping is permitted.
- (3) The land manager may issue a permit to a person authorising the holder to camp in the Park.
- (4) A person who camps on a site in an area of the Park must maintain the site free of litter.
Penalty: 10 penalty units
- (5) A person who camps on a site in an area of the Park must, before vacating the site, clear from the site –
- (a) all litter; and
 - (b) any equipment for which the person is responsible.
- Penalty: 10 penalty units

34 Lighting, kindling or maintaining fires

- (1) A person must not, in the Park, light, kindle or maintain a fire in the open air unless the person does so in accordance with a permit issued under subregulation (2).
Penalty: 20 penalty units

- (2) The land manager may issue a permit authorising a person to engage in an activity prohibited by subregulation (1).
- (3) In this regulation *fire* includes a fire lit, kindled or maintained in a barbecue or other cooking or heating device that uses solid, liquid or gaseous fuel.

35 Appropriate disposal of human waste

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

Penalty: 10 penalty units

Note: The **Interpretation of Legislation Act 1984** provides that *waterway* has the same meaning as the **Water Act 1989**.

36 Areas where use of soap and detergents prohibited

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

Penalty: 10 penalty units

37 Areas where glass bottles, containers or utensils prohibited

- (1) The land manager by determination may set aside an area of the Park –
 - (a) as an area where possessing or carrying a glass bottle, glass container or glass utensil is prohibited; or
 - (b) as an area where possessing or carrying a glass bottle, glass container or glass utensil is restricted.

- (2) A person must not, in the Park, possess or carry a glass bottle, glass container or glass utensil in an area of the Park set aside under subregulation (1)(a).

Penalty: 5 penalty units

- (3) A person must not, in the Park, possess or carry a glass bottle, glass container or glass utensil in an area of the Park set aside under subregulation (1)(b) unless the person does so in accordance with the determination under which the area is set aside.

Penalty: 5 penalty units

- (4) A person does not commit an offence against subregulation (2) or (3) if the glass bottle, glass container or glass utensil contains, or is used to administer, medication for the person or another person in the person's care.

38 Areas where possession or consumption of liquor prohibited

- (1) The land manager by determination may set aside an area of the Park –
 - (a) as an area where possessing or consuming liquor is prohibited; or
 - (b) as an area where possessing or consuming liquor is restricted.

- (2) A person must not, in the Park, possess or consume liquor in an area of the Park set aside under subregulation (1)(a).

Penalty: 5 penalty units

- (3) A person must not, in the Park, possess or consume liquor in an area of the Park set aside under subregulation (1)(b) unless the person does so in accordance with the determination under which the area is set aside.

Penalty: 5 penalty units

PART 7 – RESTRICTIONS ON BRINGING ANIMALS INTO PARKS**39 Dogs prohibited in specified circumstances**

- (1) The land manager by determination may set aside an area of the Park –
 - (a) as an area where dogs are prohibited; or
 - (b) as an area where dogs are restricted.
- (2) The land manager must not make a determination under subregulation (1) unless the land manager considers that the determination is necessary for the purposes of –
 - (a) the care, protection and management of the Park; or
 - (b) the preservation of good order and decency in the Park; or
 - (c) the safety of persons in the Park.
- (3) A person must not bring a dog into or allow a dog to enter an area of the Park set aside under subregulation (1)(a).
Penalty: 5 penalty units
- (4) A person must not bring a dog into or allow a dog to enter an area of the Park set aside under subregulation (1)(b) unless the person does so in accordance with the determination under which the area is set aside.
Penalty: 5 penalty units
- (5) A person does not commit an offence against subregulation (3) or (4) if the dog –
 - (a) is the person's assistance dog; or
 - (b) is confined in a vehicle that is in transit through the Park; or
 - (c) enters the Park or an area of the Park under and in accordance with a permit issued under regulation 49(4) or 50(3).

40 Horses

- (1) A person must not ride, drive or lead a horse into the Park or allow a horse to enter or remain in the Park unless the person does so –
 - (a) in an area of the Park set aside under subregulation (3); or
 - (b) under and in accordance with a permit issued under regulation 49(4) or 50(3).
Penalty: 10 penalty units
- (2) Subregulation (1) does not apply if the horse –
 - (a) is the person's assistance animal; or
 - (b) is confined in a vehicle that is in transit through the Park.
- (3) The land manager by determination may set aside an area of the Park as an area where horses are permitted.

41 Other animals

- (1) A person must not bring an animal into the Park or allow an animal to enter or remain in the Park unless the person does so –
 - (a) in an area of the Park set aside under subregulation (3); or
 - (b) under and in accordance with a permit issued under regulation 49(4) or 50(3).
Penalty: 10 penalty units
- (2) Subregulation (1) does not apply if the animal –
 - (a) is the person's assistance animal; or
 - (b) is confined in a vehicle that is in transit through the Park; or
 - (c) is not alive and is fishing bait brought into the Park to be used for fishing purposes.

- (3) The land manager by determination may set aside an area of the Park as an area where animals are permitted.
- (4) In this regulation, *animal* does not include a dog or a horse.

42 Animals must be under control

- (1) The owner of an animal, or if another person has the care and control of the animal, the person in charge of an animal must not allow the animal to remain in the Park unless –
 - (a) the person ensures that the animal is under the immediate control of the person at all times; and
 - (b) the person ensures that –
 - (i) the animal is restrained by means of a leash, chain or cord, not exceeding 8 metres; or
 - (ii) the animal remains in an area of the Park set aside under subregulation (2).
 Penalty: 5 penalty units
- (2) The land manager by determination may set aside an area of the Park as an area where animals are permitted to be off-lead or unbridled.

43 Appropriate disposal of animal waste

A person who brings an animal into the Park must –

- (a) collect and remove from the Park any faeces deposited by that animal; or
- (b) ensure that any faeces deposited by that animal are placed in a receptacle provided in the Park for that purpose.

Penalty: 10 penalty units

PART 8 – USE OF HUNTING EQUIPMENT IN PARKS

44 Flashlights, spotlights and torches

- (1) The land manager, by determination, may set aside an area of the Park –
 - (a) as an area where the carriage or use of a flashlight, spotlight or torch is prohibited; or
 - (b) as an area where the carriage or use of a flashlight, spotlight or torch is restricted.
- (2) A person other than a person to whom a permit has been issued under subregulation (4) must not carry or use a flashlight, spotlight or torch in an area set aside under subregulation (1)(a).

Penalty: 10 penalty units
- (3) A person other than a person to whom a permit has been issued under subregulation (4) must not carry or use a flashlight, spotlight or torch in an area set aside under subregulation (1)(b) unless the person does so in accordance with the determination under which the area is set aside.

Penalty: 10 penalty units
- (4) The land manager may issue a permit to a person to carry or use a flashlight, spotlight or torch in an area set aside under subregulation (1).

45 Poisons, firearms, weapons and traps

- (1) A person must not, in the Park, possess, carry or use any poison unless the person keeps the poison in a vehicle that is in transit through the Park.

Penalty: 20 penalty units

- (2) A person must not, in the Park, possess, carry or use a firearm, bow, cross-bow, spear gun, spear, hunting knife or similar weapon unless –
- (a) the person keeps the firearm, bow, cross-bow or similar weapon in a vehicle or vessel; or
 - (b) the person does so under and in accordance with a permit issued under regulation 29(2), 49(4), 50(3) or 52(2); or
 - (c) the weapon is a spear or spear gun possessed, carried, or used by a person currently undertaking spear-fishing activity.

Penalty: 20 penalty units

- (3) A person must not, in the Park, possess, carry or use a trap, snare, net or similar equipment unless the person –
- (a) keeps the trap, snare, net or similar equipment concealed in a vehicle or vessel; or
 - (b) uses a recreational dip net, landing net, recreational hoop net, gaff or similar equipment to take or attempt to take fish and is acting in accordance with regulation 28 and the **Fisheries Act 1995**; or
 - (c) does so in accordance with a permit issued under regulation 29(2).

Penalty: 20 penalty units

PART 9 – RECREATION, SAFETY AND AMENITY

46 Umbrellas and shading devices

A person who uses an umbrella or device for providing shade or weather protection in the Park must ensure that the device is –

- (a) held or controlled by hand in a safe manner; or
- (b) securely anchored in a manner that ensures it cannot cause damage or injury to persons or property.

Penalty: 5 penalty units

47 Dangerous or disturbing activities

- (1) A person must not, in the Park, engage in any activity in a manner that causes, or is likely to cause, danger to any person or animal.

Penalty: 20 penalty units

- (2) A person must not, in the Park, engage in any activity in a manner that causes, or is likely to cause, unreasonable disturbance to any person or animal.

Penalty: 10 penalty units

48 Buildings, signs and structures

- (1) A person must not, in the Park, erect, construct or place any building or similar structure, that is not a temporary structure, on, over or under the land.

Penalty: 10 penalty units

- (2) A person must not, in the Park, erect, construct or place any temporary structure on, over or under the land unless the person does so –

- (a) by using an umbrella or device for providing shade or weather protection in accordance with regulation 46; or
- (b) in accordance with regulation 33; or
- (c) under and in accordance with a permit issued under subregulation (6) or regulations 29(2), 49(4), 50(3) or 52(2).

Penalty: 5 penalty units

- (3) A person must not, in the Park, erect, construct or place any sign or similar structure on, over or under the land unless the person does so under and in accordance with a permit issued under subregulation (6) or 29(2), 49(4), 50(3) or 52(2).
Penalty: 5 penalty units
- (4) A person must not, in the Park, enter, occupy or use the whole or any part of any building or similar structure provided for public use, unless the person does so –
(a) in accordance with the purpose for which the building or similar structure is provided; or
(b) under and in accordance with a permit issued under subregulation (6) or regulations 29(2), 49(4), 50(3) or 52(2).
Penalty: 10 penalty units
- (5) A person must not, in the Park, destroy, remove, damage, displace, deface or interfere with any thing constructed, erected or provided in the Park by or on behalf of the land manager.
Penalty: 20 penalty units
- (6) The land manager may issue a permit authorising a person to engage in an activity prohibited by subregulation (2), (3) or (4).
- (7) Without limiting regulation 14(1), a permit issued under subregulation (6) may include conditions relating to any of the following –
(a) the type of temporary structure, sign or similar structure that is permitted to be erected, constructed or placed;
(b) the method for erecting, constructing, placing;
(c) removing a temporary structure, sign or similar structure;
(d) the purpose for which a building or temporary structure may be used or occupied;
(e) the number of people who may use or occupy a building or temporary structure.

49 Engaging in sport or recreational activity

- (1) The land manager by determination may set aside an area of the Park –
(a) as an area where sport or recreational activity is prohibited;
(b) as an area where sport or recreational activity is restricted.
- (2) A person must not conduct, organise or engage in a sport or recreational activity in an area of the Park set aside under subregulation (1)(a) unless the person is acting under and in accordance with a permit issued under subregulation (4).
Penalty: 10 penalty units
- (3) A person must not conduct, organise or engage in a sport or recreational activity in an area of the Park set aside under subregulation (1)(b) unless the person does so –
(a) in accordance with the determination under which the area is set aside; or
(b) under and in accordance with a permit issued under subregulation (4).
Penalty: 10 penalty units
- (4) The land manager may issue a permit authorising a person to conduct, organise or engage in a sport or recreational activity in an area of the Park set aside under subregulation (1).
- (5) A determination made under subregulation (1) may specify that it applies to a type of sport or recreational activity.

50 Organised events

- (1) A person must not, in the Park, conduct or organise an event or function that involves 20 or more persons, unless the person does so –
(a) in an area of the Park set aside under subregulation (2); or

- (b) under and in accordance with a permit issued under subregulation (3).
Penalty: 10 penalty units
- (2) The land manager by determination may set aside an area of the Park as an area where conducting or organising an event or function that involves 20 or more persons is permitted.
- (3) The land manager may issue a permit authorising a person to conduct or organise an event or function that involves 20 or more persons.
- (4) Without limiting regulation 14(1), a permit issued under subregulation (3) may include conditions relating to –
 - (a) the purpose of the event or function; and
 - (b) the number of people permitted to attend the event or function; and
 - (c) the type and size of any structure that may be used as part of the event or function; and
 - (d) the number and type of additional portable toilets required to be supplied by the applicants to service the event, function or activity.
- (5) In this regulation an *event or function* includes –
 - (a) entertainment or a show; or
 - (b) a festival, rave party, fete, or public meeting; or
 - (c) a demonstration, training class or similar event; or
 - (d) a car rally, fishing competition or other competitive event; or
 - (e) a wedding or other ceremony; or
 - (f) a sport or recreational event.

51 Advertising and soliciting

- (1) A person must not, in the Park, solicit or collect money unless the person does so under and in accordance with a permit issued under subregulation (3).
Penalty: 10 penalty units
- (2) A person must not, in the Park, distribute or display any advertising, hand bill, pamphlet, or other commercial or promotional material unless the person does so under and in accordance with a permit issued under subregulation (3).
Penalty: 10 penalty units
- (3) The land manager may issue a permit authorising a person to engage in an activity prohibited by subregulation (1) or (2).

52 Conduct of commercial activities or trades and businesses

- (1) A person must not, in the Park, conduct any commercial activity unless the person does so under and in accordance with a permit issued under subregulation (2).
Penalty: 20 penalty units
- (2) The land manager may issue a permit authorising a person to engage in an activity prohibited by subregulation (1).
- (3) In this regulation *commercial activity* includes –
 - (a) selling, trading or hiring goods or services; or
 - (b) advertising or offering goods or services for sale, trade or hire; or
 - (c) taking a photograph, film, video or audio recording for commercial purposes; or
 - (d) making a television or radio broadcast for commercial purposes.

53 Operating disturbing devices or equipment

- (1) A person must not, in the Park, use or operate any device or equipment that produces noise or lighting that is likely to cause inconvenience, nuisance or disturbance to another person or to any animal.
Penalty: 10 penalty units
- (2) Subregulation (1) does not apply if the person is –
 - (a) using or operating a device or equipment for necessary medical purposes; or
 - (b) lawfully and reasonably operating a vehicle or vessel; or
 - (c) using or operating a device or equipment under and in accordance with a permit issued under subregulation (3).
- (3) The land manager may issue a permit authorising a person to engage in an activity prohibited by subregulation (1).

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 2021 is \$181.74. 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 Park –

Aboriginal Heritage

Areas and objects that are of particular significance to Aboriginal Australians in accordance with Aboriginal tradition are protected under the **Aboriginal and Torres Strait Islander Heritage Protection Act 1984** (Commonwealth) and Aboriginal cultural heritage and Aboriginal intangible heritage in Victoria is protected under the **Aboriginal Heritage Act 2006**. A contravention of either Act may 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 limits 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 2017** 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 a park 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.

Heritage Places and Objects

Places and objects of State cultural heritage are protected under the **Heritage Act 2017**. 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 any 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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