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Crown Land (Reserves) Act 1978

CROWN LAND (RESERVES) (BELFAST COASTAL RESERVE) REGULATIONS 2020

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Crown Land (Reserves) Act 1978**CROWN LAND (RESERVES) (BELFAST COASTAL RESERVE) REGULATIONS 2020**

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

Dated 30 August 2020

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 land; and
- (b) the preservation of good order and decency on the land; and
- (c) the setting aside of areas on the land in which specified activities are permitted, restricted or prohibited; and
- (d) the safety of persons on the land; and
- (e) the conditions of use of any improvements, services or facilities on the land; and
- (f) the issuing of permits in relation to the use of the whole or any part of the land.

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 after 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) (Belfast Coastal Reserve) Regulations 2017 made by the Minister for Energy, Environment and Climate Change on 16 July 2017 and published in Government Gazette, No. G 32, 10 August 2017, pages 1699 to 1703, are **revoked**.

6 Definitions

In these Regulations –

agreed activity has the same meaning as in section 79 of the **Traditional Owner Settlement Act 2010**;

aircraft means a piloted or remote-controlled machine or device capable of flight and includes, but is not limited to, the following –

- (a) an aeroplane;
- (b) a drone;
- (c) a glider;
- (d) a hang glider;
- (e) a helicopter (including a multi-rotor helicopter);
- (f) a hot air balloon;
- (g) a parachute;
- (h) a paraglider;

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 reserve and used as bait for fishing within the reserve.

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;

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

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**;

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;

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

operate includes –

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

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; or
- (b) plant-based manufactured objects;

racehorse means a horse trained or kept, or intended to be trained, for racing for a commercial benefit, but excludes a horse permanently retired from such activity;

reserve means the land shown hatched on the plan lodged in the Central Plan Office and numbered LEGL./17-373;

temporary structure includes a structure, a marquee, shade sail or similar structure or an inflatable castle or similar inflatable device that is not permanently affixed to land;

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

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 capable of being so propelled or drawn, and includes a bicycle or other pedal-powered vehicle, trailer whether towed by a vehicle or animal, tram-car and air-cushion vehicle but does not include –

- (a) a railway locomotive or railway rolling stock; or
- (b) an aircraft; or
- (c) a wheelchair, motorised wheelchair, pram, stroller or other non-motorised device for the conveyance of children or disabled or injured people; or
- (d) a hand-drawn trolley used for carrying recreational equipment;

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**;

waterway means any sea, bay, river, stream, well, spring, creek, lake, lagoon, swamp, marsh, dam, bore or other water body, or a natural channel in which water regularly flows, whether or not the flow is continuous.

7 **Application of Regulations to holders of a permit, lease, licence or other authority**

These Regulations do not apply to a person who is acting 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 **Application of Regulations to certain persons acting in the course of their duties**

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 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) a person employed by a public entity within the meaning 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**;
- (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.

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 of these regulations (other than a regulation specified in subregulation (2)) that provide for an offence to carry out an agreed activity under that agreement do not apply to a member of the traditional owner group –
 - (a) who is bound by the agreement; and
 - (b) who carries out the agreed activity to which the offence relates in accordance with the agreement and on land to which the agreement applies.

- (2) For the purpose of subregulation (1) the following regulations are specified –
- (a) regulation 10;
 - (b) regulation 14;
 - (c) regulation 15;
 - (d) regulation 16;
 - (e) regulation 18;
 - (f) regulation 22(3);
 - (g) regulation 23;
 - (h) regulation 25;
 - (i) regulation 26;
 - (j) regulation 31(2) (except in relation to smoking ceremonies);
 - (k) regulation 32;
 - (l) regulation 33;
 - (m) regulation 34;
 - (n) regulation 35;
 - (o) regulation 37;
 - (p) regulation 40;
 - (q) regulation 41(1);
 - (r) regulation 43(4).

PART 2 – COMMON PROVISIONS FOR DETERMINATIONS AND PERMITS

10 Set aside determinations

- (1) A set aside determination may specify –
- (a) that it applies to the whole or a specified area of the reserve; 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) any conditions an activity is subject to.
- (2) A set aside determination must be in writing.
- (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 this regulation, **set aside determination** means the following –
- (a) regulation 15(1);
 - (b) regulation 25(3);
 - (c) regulation 25(4);
 - (d) regulation 26(1);
 - (e) regulation 28(1);
 - (f) regulation 29(2);
 - (g) regulation 34(1);
 - (h) regulation 35(1);
 - (i) regulation 36(2);
 - (j) regulation 37(2);
 - (k) regulation 38(4);
 - (l) regulation 45(1);
 - (m) regulation 46(2).

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

A person entering an area or engaging in an activity specified under a set aside determination under these Regulations, other than a set aside determination made under regulation 15, 26, 28, 34, 35, and 45 must comply with any conditions included in the set aside determination applying to that area.

Penalty: 10 penalty units

Note

There are separate offences for failing to observe conditions contained in a set aside determination under regulations 15, 26, 28, 34, 35, and 45.

12 Signs and notices

- (1) A sign or notice required under these Regulations must –
 - (a) be displayed in a place and manner that is reasonably likely to be seen by any person affected by the determination; and
 - (b) indicate the reserve or the area of the reserve that is set aside by the determination or temporarily closed; and
 - (c) where applicable, state the activities that are prohibited, restricted or permitted by the determination; and
 - (d) state any conditions specified in the determination.
- (2) If the land manager revokes or amends a determination made under these Regulations, any sign or notice that has been displayed under these Regulations must be removed or amended to reflect the revocation or amendment of that determination.

13 Permits

- (1) A permit issued under these Regulations authorises the holder of the permit to enter and use an area of the reserve specified in the permit –
 - (a) for the purpose specified in the permit; and
 - (b) for the period specified in the permit; and
 - (c) subject to any terms and conditions in respect of that entry or use that are specified in the permit.
- (2) A permit issued under these Regulations must be in writing.
- (3) A permit holder must produce the permit when requested by an authorised officer.
Penalty: 10 penalty units
- (4) The land manager may cancel a permit issued under these Regulations at any time –
 - (a) if the holder of the permit has –
 - (i) failed to comply with the conditions of the permit; or
 - (ii) failed to comply with 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 the reserve; or
 - (c) for the purposes of management of the reserve.

- (5) The cancellation of a permit under subregulation (4) does not take effect until the holder of the permit is given notification of that cancellation.
- (6) If a person has paid a fee for a permit under these Regulations and that permit is subsequently cancelled under subregulation (4)(b) or (c), the person to whom the permit was issued may apply in writing to the land manager, for a pro rata refund of the fee.
- (7) Upon receipt of an application under subregulation (6), 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.

PART 3 – ADMINISTRATION OF ACCESS TO THE RESERVE

14 Temporary closure of the reserve

- (1) The land manager may, by written determination, temporarily close the reserve or an area of the reserve 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 the safety of persons within the reserve.
- (3) The land manager must, as soon as practicable after making a determination under subregulation (1) –
 - (a) publish notice of the determination –
 - (i) in the Government Gazette; and
 - (ii) on the website of the land manager; and
 - (b) cause signs or notices informing the public of the determination to be erected or displayed in accordance with regulation 12.
- (4) A determination made under subregulation (1) remains in force for 14 days after it is made.
- (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 reserve or area of the reserve specified in the determination, the land manager must revoke the determination.
- (6) The land manager must, as soon as practicable after a determination made under subregulation (1) has been revoked under subregulation (5) publish notice of the revocation –
 - (a) in the Government Gazette; and
 - (b) on the website of the land manager.
- (7) A person must not enter or remain in the reserve or an area of the reserve to which a determination under subregulation (1) applies.
Penalty: 20 penalty units

15 Areas where access is prohibited or restricted

- (1) The land manager by determination may set aside an area of the reserve –
 - (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 reserve; or
 - (b) the preservation of good order and decency in the reserve; or
 - (c) the safety of persons in the reserve.

- (3) In the reserve or an area of the reserve to which a determination under subregulation (1)(a) applies, a person other than a person to whom a permit has been issued under subregulation (5) must not –
- (a) enter or remain in the area; or
 - (b) allow an animal, that a person is in charge of, to enter or remain in the area.
- Penalty: 10 penalty units
- (4) In the reserve or an area of the reserve to which a determination under subregulation (1)(b) applies, a person other than a person to whom a permit has been issued under subregulation (5) or acting in accordance with the determination under which the area is set aside must not –
- (a) enter or remain in the area; or
 - (b) allow an animal, that a person is in charge of, to enter or remain in area.
- Penalty: 10 penalty units
- (5) For the purposes of subregulation (3) or (4), the land manager may issue a permit authorising a person, or an animal that a person is in charge of, to enter and remain in an area set aside under subregulation (1).

16 Power to give directions

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

PART 4 – PROTECTION OF NATURAL FEATURES

17 Interference with vegetation prohibited

- (1) A person in the reserve must not fell, pick, take, destroy or damage any plant unless that person does so in accordance with a permit issued under subregulation (2) or regulation 24(2).
- Penalty: 20 penalty units
- (2) For the purposes of subregulation (1), the land manager may issue a permit authorising a person to engage in an activity prohibited by subregulation (1).

18 Introduction of vegetation prohibited

- (1) A person in the reserve must not knowingly bring in, introduce or plant any plant, whether whole, seeds or cuttings unless in accordance with a permit issued under subregulation (2).
- Penalty: 20 penalty units
- (2) For the purposes of subregulation (1), the land manager may issue a permit authorising a person to engage in an activity prohibited by subregulation (1).

19 Interference with rocks prohibited

A person in the reserve must not excavate, remove, destroy, damage, deface or move any rock unless that person does so in accordance with a permit issued under regulation 17(2), 18(2), 20(2) or 24(2).

Penalty: 20 penalty units

20 Interference with cultural heritage prohibited

(1) A person in the reserve must not excavate, remove, destroy, damage, deface, or move any cultural heritage unless that person does so in accordance with a permit issued under subregulation (2) or regulation 24(2).

Penalty: 20 penalty units

(2) For the purposes of subregulation (1), the land manager may issue a permit authorising a person to excavate, remove or otherwise disturb cultural heritage.

21 Digging, removal or bringing of material prohibited

(1) A person in the reserve must not dig or remove from the reserve any gravel, shell, grit, sand, soil or other similar material unless that person does so –

(a) to collect bait worms or fish, and only digs to the minimum extent necessary; or

(b) in accordance with a permit issued under regulation 17(2), 18(2), 20(2) or 24(2).

Penalty: 20 penalty units

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

Penalty: 20 penalty units

22 Interference with animals and nests prohibited

(1) A person in the reserve must not disturb, harass, hunt, capture, take, kill or injure any animal unless that person does so in accordance with a permit issued under regulation 24(2) or 45(4).

Penalty: 20 penalty units

(2) A person in the reserve must not destroy, damage or disturb the nest, bower, display mound, lair or burrow of any animal unless that person does so in accordance with a permit issued under regulation 24(2).

Penalty: 20 penalty units

(3) A person in the reserve must not –

(a) feed, offer food or offer any object as food to any animal that a person is not in charge of; or

(b) permit or allow food to be taken from the possession of that person by any animal that a person is not in charge of.

Penalty: 15 penalty units

23 Determination of an area of the reserve for the protection of breeding habitat

(1) The land manager may, by written determination, temporarily determine an area of the reserve for the protection of breeding habitat.

(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 an animal breeding habitat within the reserve.

- (3) The land manager must, as soon as practicable after making a determination under subregulation (1) –
 - (a) publish notice of the determination –
 - (i) in the Government Gazette; and
 - (ii) on the website of the land manager; and
 - (b) cause signs or notices informing the public of the determination to be erected or displayed in accordance with regulation 12.
- (4) A determination made under subregulation (1) remains in force for 8 months after it is made.
- (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 reserve or area of the reserve specified in the determination, the land manager must revoke the determination.
- (6) The land manager must, as soon as practicable after a determination made under subregulation (1) has been revoked under subregulation (5) publish notice of the revocation –
 - (a) in the Government Gazette; and
 - (b) on the website of the land manager.
- (7) In an area of the reserve to which a determination under subregulation (1) applies, the land manager may designate by the erection and display of signs, an area or areas in which access by the public, or an animal in the charge of a member of the public is prohibited.
- (8) In an area of the reserve designated under subregulation (7) a person must not –
 - (a) enter or remain in the area designated by the erection and display of signs; or
 - (b) allow an animal that a person is in charge of to enter or remain in the area designated by the erection and display of signs.

Penalty: 20 penalty units

24 Research or scientific study

- (1) A person in the reserve must not conduct any formal research, investigation or scientific study unless that person is acting in accordance with a permit issued under subregulation (2).
Penalty: 8 penalty units
- (2) For the purposes of subregulation (1), the land manager may issue a permit authorising a person to conduct any formal research, investigation or scientific study in the reserve.
- (3) Without limiting regulation 13(1), a permit issued under subregulation (2) may include conditions relating to –
 - (a) the purpose of the formal research, investigation or scientific study; or
 - (b) the amount and type of plant, animal or geological sample that may be taken; or
 - (c) the disturbance of Victorian cultural heritage; or
 - (d) interactions with visitors to the reserve; or
 - (e) the provision of a copy of any report prepared as a result of the formal research, investigation or scientific study to the land manager.

PART 5 – VEHICLES, VESSELS AND AIRCRAFT

25 Vehicles

- (1) A person in the reserve must not operate a vehicle unless that person does so –
 - (a) on a road; or
 - (b) in an area of the reserve set aside under subregulation (3) or subregulation (4).
Penalty: 20 penalty units

- (2) A person in the reserve must not park a vehicle unless that person does so in an area of the reserve set aside under subregulation (4).
Penalty: 15 penalty units
- (3) For the purposes of subregulation (1)(b), the land manager by determination may set aside an area of the reserve as an area where operating a vehicle other than on a road is permitted.
- (4) For the purposes of subregulation (1)(b) or (2), the land manager by determination may set aside an area of the reserve as an area where parking a vehicle is permitted.

26 Road closures to some or all vehicles

- (1) The land manager by determination may set aside a road in the reserve –
 - (a) as an area where operating vehicles or a class of vehicles is prohibited; or
 - (b) as an area where operating vehicles or a class of vehicles is restricted.
- (2) A person other than a person to whom a permit has been issued under subregulation (4) must not, operate a vehicle of a prohibited class on a road set aside under subregulation (1)(a).
Penalty: 20 penalty units
- (3) A person other than a person to whom a permit has been issued under subregulation (4) must not, operate a vehicle on a road set aside under subregulation (1)(b) unless that person does so in accordance with the determination under which the area is set aside.
Penalty: 20 penalty units
- (4) For the purposes of subregulation (2) or (3), the land manager may issue a permit to a person to operate a vehicle or class of vehicle in an area set aside under subregulation (1).

27 One-way roads or tracks

- (1) The land manager may erect signs or notices in the reserve that specify the direction of movement of vehicles in the reserve.
- (2) A person in charge of a vehicle in the reserve must not operate that vehicle in contravention of signs or notices erected in accordance with subregulation (1).
Penalty: 10 penalty units

28 Vessels

- (1) The land manager by determination may set aside an area in the reserve –
 - (a) as an area where operating a vessel or a class of vessel is prohibited; or
 - (b) as an area where operating a vessel or a class of vessel is restricted.
- (2) A person other than a person to whom a permit has been issued under subregulation (4) must not operate a vessel or a class of vessel in an area set aside by a determination under subregulation (1)(a).
Penalty: 20 penalty units
- (3) A person other than a person to whom a permit has been issued under subregulation (4) must not operate a vessel or a class of vessel in an area set aside under subregulation (1)(b) unless that person does so in accordance with the determination under which the area is set aside.
Penalty: 20 penalty units
- (4) For the purposes of subregulation (2) or (3), the land manager may issue a permit to a person to operate a vessel or a vessel of a class in an area set aside under subregulation (1).

29 Aircraft

- (1) A person in the reserve must not operate an aircraft unless that person does so –
 - (a) in an area of the reserve set aside under subregulation (2); or
 - (b) in accordance with a permit issued under subregulation (3).

Penalty: 20 penalty units

- (2) For the purposes of subregulation (1)(a), the land manager by determination may set aside an area of the reserve as an area where operating an aircraft or a class of aircraft is permitted.
- (3) For the purposes of subregulation (1)(b), the land manager may issue a permit authorising a person to operate an aircraft or a class of aircraft in the reserve.

PART 6 – CAMPING AND CAMPFIRES**30 Camping**

A person must not camp in the reserve.

Penalty: 10 penalty units

31 Campfires and barbeques

- (1) A person in the reserve must not light or maintain a campfire or other solid-fuel fire unless that person does so in accordance with a permit issued under subregulation (3) or regulation 47(2).

Penalty: 20 penalty units

- (2) A person in the reserve must not light or maintain a campfire or barbeque using liquid fuel or gaseous fuel unless that person does so at a time and during a period when the lighting of fires is not prohibited under any Act and that person –
 - (a) does so in accordance with a permit issued under subregulation (3) or regulation 47(2); or
 - (b) ensures that –
 - (i) the ground and airspace within a distance of 1.5 metres from the outer perimeter and uppermost point of the fire are clear of flammable material; and
 - (ii) the fire is contained in an appliance designed and commercially manufactured to use that fuel; and
 - (iii) the appliance when alight is placed in a stable position.

Penalty: 20 penalty units

- (3) For the purposes of subregulation (1) or (2)(a), the land manager may issue a permit authorising a person to engage in an activity prohibited by subregulation (1) or subregulation (2).

32 Appropriate disposal of human waste

A person in the reserve must not deposit or leave behind faeces unless if toilet facilities are provided, that person does so in those facilities.

Penalty: 15 penalty units

33 Areas where use of soap and detergents prohibited

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

Penalty: 10 penalty units

34 Areas where glass bottles, containers or utensils prohibited

- (1) The land manager by determination may set aside an area of the reserve –
 - (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 in the reserve must not possess or carry a glass bottle, glass container or glass utensil in an area of the reserve set aside subregulation (1)(a).
Penalty: 5 penalty units
- (3) A person in the reserve must not possess or carry a glass bottle, glass container or glass utensil in an area set aside under subregulation (1)(b) unless that person does so in accordance with the determination under which the area is set aside.
Penalty: 5 penalty units
- (4) In this regulation, **glass bottle, glass container or glass utensil** does not include a glass bottle, glass container or glass utensil containing medication or designed to administer medication.

35 Areas where possession or consumption of liquor prohibited

- (1) The land manager by determination may set aside an area of the reserve –
 - (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 in the reserve must not possess or consume liquor in an area of the reserve set aside under subregulation (1)(a).
Penalty: 5 penalty units
- (3) A person in the reserve must not possess or consume liquor in an area of the reserve set aside under subregulation (1)(b) unless that 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 THE RESERVE**36 Dogs**

- (1) A person in the reserve must not bring a dog or allow a dog to enter an area of the reserve unless that person does so –
 - (a) in an area of the reserve set aside under subregulation (2); or
 - (b) in accordance with a permit issued under subregulation (3) or regulation 45(4).
Penalty: 10 penalty units
- (2) For the purposes of subregulation (1)(a), the land manager by determination may set aside an area of the reserve as an area where bringing a dog or allowing a dog to enter the reserve is permitted.
- (3) For the purposes of subregulation (1)(b), the land manager may issue a permit authorising a person to engage in an activity prohibited by subregulation (1).
- (4) A person does not commit an offence against subregulation (1) if the dog is confined in a vehicle or vessel that is in transit through the reserve.
- (5) In this regulation, **dog** does not include an assistance dog.

37 Dogs must be under control

- (1) A person in charge of a dog must not allow a dog to remain in the reserve unless –
 - (a) that person ensures that the dog is under the immediate control of that person at all times; and

- (b) that person ensures that –
 - (i) the dog is restrained by means of a leash, chain or cord; or
 - (ii) the dog remains in an area of the reserve set aside under subregulation (2).

Penalty: 10 penalty units

- (2) The land manager by determination may set aside an area of the reserve as an area where dogs are permitted to be off-lead.

38 Recreational horse riding and racehorses

- (1) A person must not train, ride or lead a racehorse in the reserve unless that person is acting in accordance with a licence issued under section 17B of the Act for that specified purpose.

Penalty: 20 penalty units

- (2) A person must not ride, drive or lead a horse that is not a racehorse into the reserve, or allow a horse that is not a racehorse to enter or remain in the reserve unless that person has effective control of the horse and does so –

- (a) in an area of the reserve set aside under subregulation (4); or
- (b) in accordance with a permit issued under regulation 45(4) or 47(2).

Penalty: 20 penalty units

- (3) Subregulation (2) does not apply to a person if the horse is confined in a vehicle that is in transit through the reserve.

- (4) For the purposes of subregulation (2)(a), the land manager by determination may set aside an area of the reserve as an area where a horse that is not a racehorse is permitted.

- (5) In this regulation, **horse** does not include an assistance animal.

39 Other animals

- (1) A person must not bring an animal into the reserve or allow an animal that a person is in charge of to enter or remain in the reserve.

Penalty: 15 penalty units

- (2) Subregulation (1) does not apply to a person –

- (a) if the animal is confined in a vehicle or vessel that is in transit through the reserve; or
- (b) if the animal is brought into or remains in the reserve in accordance with a permit issued under regulation 24(2), 45(4) or 47(2); or
- (c) if the animal is not alive and is fishing bait brought into the reserve to be used for fishing purposes.

- (3) In this regulation, **animal** does not include a dog, horse or assistance animal.

40 Appropriate disposal of animal waste

A person who brings an animal into the reserve must –

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

Penalty: 10 penalty units

PART 8 – USE OF HUNTING EQUIPMENT IN THE RESERVE

41 Poisons, firearms, weapons and traps

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

Penalty: 20 penalty units

- (2) A person in the reserve must not possess, carry or use a firearm, bow, cross-bow, spear gun, spear, hunting knife or similar weapon unless –
- that person keeps the firearm, bow, cross-bow, spear gun, spear, hunting knife or similar weapon in a vehicle or vessel; or
 - that person does so in accordance with a permit issued under regulation 24(2), 45(4), 47(2) or 49(2); or
 - 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 in the reserve must not possess, carry or use a trap, snare, net or similar equipment unless that person –
- keeps the trap, snare, net or similar equipment in a vehicle or vessel; or
 - uses a recreational dip net, landing net, recreational hoop net, gaff or similar equipment to take or attempt to take fish in accordance with the **Fisheries Act 1995**; or
 - does so in accordance with a permit issued under subregulation 24(2).

Penalty: 20 penalty units

PART 9 – RECREATION, SAFETY AND AMENITY

42 Dangerous or disturbing activities

A person in the reserve must not engage in any activity in a manner that causes, or is likely to cause, a danger or unreasonable disturbance to any person.

Penalty: 10 penalty units

43 Buildings, signs and structures

- (1) A person in the reserve must not 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 in the reserve must not erect or place any temporary structure on, over or under the land unless that person does so –
- by using an umbrella or device for providing shade or weather protection in accordance with regulation 44; or
 - in accordance with a permit issued under subregulation (6) or regulations 24(2), 45(4), 47(2) or 49(2).

Penalty: 10 penalty units

- (3) A person in the reserve must not erect, construct or place any sign or similar structure on, over or under the land unless that person does so in accordance with a permit issued under subregulation (6) or regulations 24(2), 45(4), 47(2) or 49(2).

Penalty: 10 penalty units

- (4) A person in the reserve must not enter, occupy or use the whole or any part of any building or similar structure provided for public use, unless that person does so –
- in accordance with the purpose for which the building or similar structure is provided; or
 - in accordance with a permit issued under subregulation (6) or regulations 24(2), 45(4), 47(2) or 49(2).

Penalty: 10 penalty units

- (5) A person in the reserve must not move, displace or interfere with anything constructed, erected or provided in the reserve by or on behalf of the land manager.

Penalty: 20 penalty units

- (6) For the purposes of subregulation (3) or (4), the land manager may issue a permit authorising a person to engage in an activity or use an improvement, service or facility in a manner prohibited by subregulations (2), (3) or (4).
- (7) Without limiting regulation 13(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 or placing a temporary structure, sign or similar structure;
 - (c) the method for removing a temporary structure, sign or similar structure;
 - (d) the purpose for which a building or temporary structure may be used or occupied; or
 - (e) the number of people who may use or occupy a building or temporary structure.

44 Umbrellas and shading devices

A person who uses an umbrella or device for providing shade or weather protection in the reserve 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

45 Engaging in sport or recreational activity

- (1) The land manager by determination may set aside an area of the reserve –
 - (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 reserve set aside under subregulation (1)(a) unless that person does so 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 reserve set aside under subregulation (1)(b) unless that person does so –
 - (a) in accordance with the determination under which the area is set aside; or
 - (b) in accordance with a permit issued under subregulation (4).

Penalty: 10 penalty units

- (4) For the purposes of subregulation (2), the land manager may issue a permit authorising a person to engage in a sport or recreational activity in an area of the reserve set aside under subregulation (1) that is otherwise prohibited under regulation 22, 36(1), 38(2), 39(1), 41(2), 43(2), 43(3), or 43(4).

46 Hang gliding and similar activities

- (1) A person in the reserve must not hang glide, paraglide or engage in any other similar activity unless that person does so –
 - (a) in an area of the reserve set aside under subregulation (2); or
 - (b) in accordance with a permit issued under subregulation (3).

Penalty: 10 penalty units

- (2) For the purposes of subregulation (1)(a), the land manager by determination may set aside an area of the reserve as an area where hang gliding, paragliding or a similar activity is permitted.
- (3) For the purposes of subregulation (1)(b), the land manager may issue a permit authorising a person to hang glide, paraglide or carry out any similar activity.

47 Organised events or functions

- (1) A person in the reserve must not conduct or organise an event or function that involves 30 or more persons, unless that person does so in accordance with a permit issued under subregulation (2).
Penalty: 10 penalty units
- (2) For the purposes of subregulation (1), the land manager may issue a permit authorising a person to conduct or organise an event or function that involves 30 or more persons.
- (3) Without limiting regulation 13(1), a permit issued under subregulation (2) 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.
- (4) In this regulation, an **event or function** is –
 - (a) an entertainment or 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 sporting or recreational event.

48 Advertising and soliciting

- (1) A person in the reserve must not solicit or collect money unless that person does so in accordance with a permit issued under subregulation (3) or regulation 49(2).
Penalty: 20 penalty units
- (2) A person in the reserve must not distribute or display any advertising, hand bill, pamphlet, or other commercial or promotional material unless that person does so in accordance with a permit issued under subregulation (3) or regulation 49(2).
Penalty: 20 penalty units
- (3) For the purposes of subregulation (1) or (2), the land manager may issue a permit authorising a person to engage in an activity prohibited by subregulation (1) or (2).

49 Conduct of commercial activities or trades and businesses

- (1) A person in the reserve must not conduct any commercial activity unless that person does so in accordance with a permit issued under subregulation (2).
Penalty: 20 penalty units
- (2) For the purposes of subregulation (1), 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.

50 Operating annoying or disturbing devices or equipment

- (1) A person in the reserve must not 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) lawfully and reasonably operating a vehicle or vessel; or
 - (b) using or operating a device or equipment in accordance with a permit issued under subregulation (3) or regulation 47(2) or 49(2).
- (3) For the purposes of subregulation (1)(b), the land manager may issue a permit authorising a person to use or operate any device or equipment prohibited under subregulation (1).
- (4) In this regulation, **device or equipment** does not include a device or equipment operated or used for a medical purpose.

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 2020 is \$165.22. 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 may 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 of the Commonwealth and the **Aboriginal Heritage Act 2006**. 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 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.

Historic Places and Objects

All archaeological sites and relics are protected under the **Heritage Act 2017**. A contravention of that Act 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 a 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.

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 result in the imposition of penalties.

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