

Wildlife (State Game Reserves) Regulations

Exposure Draft

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Victoria

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PART 1—PRELIMINARY

Division 1—General

1 Objective

The objective of these Regulations is to provide for—

- (a) the management of State Game Reserves established under the **Wildlife Act 1975**; and
- (b) the preservation of wildlife and wildlife habitat within State Game Reserves with particular emphasis on indigenous game species; and
- (c) the hunting, taking or destroying of certain game species within State Game Reserves during open seasons; and

(d) the safety, enjoyment and recreation of visitors to State Game Reserves.

2 Authorising provision

These Regulations are made under section 87 of the **Wildlife Act 1975**.

3 Commencement

These Regulations come into operation on 29 October 2014.

4 Revocation

The Wildlife (State Game Reserve) Regulations 2004¹ are **revoked**.

5 Definitions

In these Regulations—

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

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

blind or hide means a temporary artificial structure, shelter or cover (other than a tree stand) erected for the purpose of concealment to facilitate the hunting, watching or taking of wildlife;

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;

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

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

flora means—

- (a) any plant-life that is indigenous to Victoria whether vascular or non-vascular, in any stage of biological development; or
- (b) any other living thing generally classified as flora (other than a manufactured wooden object);

game bird has the same meaning as it has in the Wildlife (Game) Regulations 2012²;

game duck means any species of waterfowl specified in Schedule 11 to the Wildlife (Game) Regulations 2012;

gundog means any dog from a breed listed in Part 1 of Schedule 5 to the Wildlife (Game) Regulations 2012;

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

manufactured wooden object includes a wooden vessel, a wooden fishing rod and a wooden walking stick;

motorised wheelchair means a wheelchair that is built to be propelled by a motor that forms part of the wheelchair and which is capable of a speed of not more than 10 kilometres per hour;

nest box means an artificial structure or box designed to harbour birds during their nesting period at any particular point in time;

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

prohibited access area means an area set aside by the Secretary under regulation 9(1)(a);

public fireplace means a fireplace provided in a reserve for the general use of visitors;

reserve means a State Wildlife Reserve that has been further classified by Order of the Governor in Council as a State Game Reserve under section 15 of the Act;

restricted access area means an area set aside by the Secretary under regulation 9(1)(b);

Secretary means the body corporate established by Part 2 of the **Conservation, Forests and Lands Act 1987**;

take in relation to an animal, means—

- (a) to gain possession or control of an animal by any means; or
- (b) to cause, permit or assist in gaining possession or control of an animal by any means;

the Act means the **Wildlife Act 1975**;

tree stand means a portable platform used to hunt, watch or take wildlife;

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, tram-car and aircushion 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 device for the conveyance of children or disabled or injured persons;

wheelchair means a chair with wheels that is designed or intended to be used for the conveyance of a disabled or injured person.

Division 2—Application of Regulations

6 Application of Regulations to parties to certain agreements etc.

A person acting under and in accordance with the terms and conditions of any agreement entered into under the Act, or a lease or licence granted over or in relation to a reserve, is not subject to these Regulations to the extent that the activities authorised by that agreement, lease or licence are inconsistent with these Regulations.

7 Application of Regulations to employees etc.

An offence under these Regulations does not apply to a person if that person—

- (a) is acting as a servant of the Crown or Parks Victoria; or
- (b) is acting under and in accordance with a contract with—
 - (i) the Crown or Parks Victoria; or
 - (ii) a person who is a servant or agent of the Crown or Parks Victoria; or

- (c) is acting under the direction of a person while that person is acting as a servant or agent of the Crown or Parks Victoria; or
- (d) is an authorised officer acting in the course of his or her duties.

8 Exemptions for members of a traditional owner group

- (1) The following regulations do not apply to a person who is a member of a traditional owner group when that person is acting in accordance with a natural resource agreement entered into under the **Traditional Owner Settlement Act 2010** or under and in accordance with an authorisation order made under section 82, 83, 85 or 86 of that Act—
 - (a) regulation 13(1);
 - (b) regulation 15(2);
 - (c) regulation 27(3);
 - (d) regulation 28(1);
 - (e) regulation 29(1);
 - (f) regulation 30(1) and (2);
 - (g) regulation 33(1);
 - (h) regulation 41(1).
- (2) Regulations 33(1) and 40(1) do not apply to a person who is a member of a traditional owner group in relation to which the State has entered into a recognition and settlement agreement under the **Traditional Owner Settlement Act 2010** when that person is acting in accordance with the traditional owner rights recognised in the agreement.

PART 2—ACCESS TO RESERVES

9 Areas where access is prohibited or restricted

- (1) The Secretary may make a determination setting aside an area in a reserve—
 - (a) as an area to which access is prohibited; or
 - (b) as an area to which access is restricted.
- (2) The Secretary must not make a determination under subregulation (1) unless the Secretary considers that the determination is necessary for the purposes of—
 - (a) the protection or management of flora, wildlife and associated habitat; or
 - (b) the control or management of animals (other than wildlife) and associated habitat; or
 - (c) the protection of structures (including buildings), bridges, dams, weirs, facilities, amenities, tracks and trails and other assets; or
 - (d) the planting of trees, shrubs, grass or other vegetation; or
 - (e) the re-establishment of vegetation; or
 - (f) the reclamation of land; or
 - (g) public safety.

10 Offence to enter prohibited or restricted access area

- (1) A person must not enter into, or remain in, a prohibited access area.

Penalty: 10 penalty units.

- (2) A person must not enter into, or remain in, a restricted access area unless the person does so in accordance with the determination of the Secretary under which the area is set aside.

Penalty: 10 penalty units.

- (3) Subregulation (1) does not apply to a person who enters into, or remains in, the area under and in accordance with a permit issued by the Secretary under subregulation (5).
- (4) Subregulation (2) does not apply to a person who enters into, or remains, in the area under and in accordance with a permit issued by the Secretary under subregulation (6).
- (5) For the purposes of subregulation (3), the Secretary may issue a permit to a person authorising the person to enter into, or remain in, a prohibited access area.
- (6) For the purposes of subregulation (4), the Secretary may issue a permit to a person authorising the person to enter into, or remain in, a restricted access area other than in accordance with the determination of the Secretary under which the area is set aside.

11 Request to leave

- (1) An authorised officer, if he or she reasonably believes that a person in a reserve has contravened the Act or any regulation under the Act, to the extent that the offence relates to an activity within a reserve, may direct the person to leave the reserve.
- (2) An authorised officer, for the reason of safety of persons using a reserve, may direct a person to leave the reserve or a part of the reserve.
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Part 2—Access to Reserves

- (3) A person to whom a direction is given under subregulation (1) or (2) must comply with that direction.

Penalty: 10 penalty units.

12 Gates

A person must not, in a reserve, leave any gate open unless the gate is already open.

Penalty: 5 penalty units.

PART 3—PROTECTION OF ANIMALS AND FISH

13 Interfering with animals

- (1) A person must not, in a reserve, disturb, harass, remove, hunt, capture, take, kill or injure or otherwise destroy or interfere with any animal.

Penalty: 20 penalty units.

- (2) A person must not, in a reserve, destroy, disturb or interfere with the nest, bower, display mound, lair or burrow of any animal.

Penalty: 20 penalty units.

- (3) Subregulation (1) does not apply to a person—

- (a) who is in an area of a reserve that has not been set aside by the Secretary under subregulation (4) and who, being the holder of a game licence—

- (i) that allows the hunting, taking or destroying of game birds is hunting, taking or is in possession of game ducks; or
- (ii) that allows the hunting, taking or destroying of deer, is hunting, taking or is in possession of Hog Deer in a reserve listed in Schedule 1; or
- (iii) that allows the hunting, taking or destroying of game birds, is hunting, taking or is in possession of Stubble Quail in a reserve listed in Schedule 2; or
- (iv) that allows the hunting, taking or destroying of deer, is hunting, taking or in possession of Sambar Deer in a reserve listed in Schedule 3; or
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- (b) who engages in an activity referred to in that subregulation in relation to an animal that is not wildlife under and in accordance with a permit issued by the Secretary under subregulation (5).
- (4) The Secretary may make a determination setting aside an area in a reserve as an area in which hunting is prohibited.
- (5) For the purposes of subregulation (3)(b), the Secretary may issue a permit to a person authorising the person to engage in an activity referred to in subregulation (1) in relation to an animal that is not wildlife.

14 Feeding animals restricted

- (1) A person must not, in a reserve, feed, offer food to or offer any object as food to an animal.
Penalty: 15 penalty units.
 - (2) A person must not, in a reserve, permit or allow food to be taken from the possession of the person by an animal.
Penalty: 15 penalty units.
 - (3) Subregulation (1) does not apply—
 - (a) in relation to an animal brought lawfully into a reserve; or
 - (b) to a person acting under and in accordance with a permit issued by the Secretary under subregulation (4).
 - (4) For the purposes of subregulation (3)(b), the Secretary may issue a permit to a person authorising the person to engage in an activity referred to in subregulation (1).
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Part 3—Protection of Animals and Fish

15 Fishing

- (1) The Secretary may make a determination setting aside an area of a reserve as an area in which fishing is prohibited.
- (2) A person must not fish in an area of a reserve that has been set aside by the Secretary under subregulation (1).

Penalty: 10 penalty units.

**PART 4—RESTRICTIONS ON BRINGING ANIMALS INTO
RESERVES**

**Division 1—Restrictions on animals other than dogs
or horses**

16 Animals other than dogs or horses

- (1) In this regulation, *animal* does not include a dog or a horse.
 - (2) A person must not bring an animal into a reserve or allow an animal to remain in a reserve.
Penalty: 20 penalty units.
 - (3) If an animal is found in a reserve and is not under the immediate control of any person, the owner of the animal or if another person apparently has the care and control of the animal, that other person, is guilty of an offence and liable to a penalty of not more than 20 penalty units.
 - (4) Subregulation (2) does not apply to a person who brings an animal into a reserve or allows an animal to remain in a reserve if—
 - (a) the animal is brought into the reserve to be used as bait for fishing; or
 - (b) the animal is confined to a vehicle, which is in transit through the reserve, by a route that is usually open to the public for that purpose; or
 - (c) the animal is brought into, or allowed to remain in, the reserve under and in accordance with a permit issued by the Secretary under subregulation (5).
 - (5) For the purposes of subregulation (4)(c), the Secretary may issue a permit to a person authorising the person to bring an animal into a
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reserve or to allow an animal to remain in a reserve.

Division 2—Restrictions on dogs

17 Dogs prohibited except in specified circumstances

(1) Subject to subregulation (2), a person must not bring a dog into a reserve.

Penalty: 20 penalty units.

(2) A person may bring a dog into a reserve if—

(a) the dog is the person's assistance dog; or

(b) the dog is brought into an area of the reserve that is set aside under regulation 22; or

(c) the dog is confined to a vehicle, which is in transit through the reserve, by a route that is usually open to the public for that purpose; or

(d) the dog is brought into the reserve under and in accordance with a permit issued by the Secretary under subregulation (3).

(3) For the purposes of subregulation (2)(d), the Secretary may issue a permit to a person authorising the person to bring a dog into an area of a reserve, or to allow a dog to remain in an area of a reserve other than an area that has been set aside under regulation 22.

18 Dogs must be under control

A person must not allow a dog to remain in a reserve unless—

(a) the person has brought the dog into the reserve in a circumstance referred to in regulation 17(2); and

- (b) the dog is under the immediate control of the person at all times.

Penalty: 20 penalty units.

19 Gundogs

Regulation 17(1) does not apply to a person if the person—

- (a) is the holder of a game licence that allows the hunting, taking or destroying of game ducks or Stubble Quail; and
- (b) during the period commencing 48 hours before the first day of the open season for game ducks or Stubble Quail and ending 48 hours after the last day of the open season for game ducks or Stubble Quail, brings a gundog into or allows a gundog to remain in, a reserve listed in Schedule 2 for the purposes of flushing or retrieving game ducks or Stubble Quail; and
- (c) ensures at all times that the gundog is—
 - (i) under his or her effective control; and
 - (ii) restrained from causing danger or unreasonable disturbance to other persons or to wildlife.

20 Owner or carer guilty if dog found at large

- (1) Subject to subregulation (2), if a dog is found in a reserve and it is not under the immediate control of a person, the owner of the dog is guilty of an offence and liable to a penalty of not more than 20 penalty units.
 - (2) If a person other than the owner of the dog has care and control of the dog—
 - (a) that other person is guilty of the offence against subregulation (1); and
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- (b) the owner of the dog is not guilty of the offence against subregulation (1).

21 Owner or carer to collect and remove dog faeces

A person who brings a dog into a reserve, or who allows a dog to remain in a reserve must—

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

Penalty: 10 penalty units.

22 Areas for dogs

The Secretary may make a determination setting aside an area of a reserve as an area into which dogs may be brought or in which dogs may be allowed to remain.

Division 3—Restrictions on horses

23 Horses prohibited except in specified circumstances

- (1) A person must not bring a horse into a reserve.

Penalty: 20 penalty units.

- (2) Subregulation (1) does not apply to a person if—
 - (a) the person brings the horse into an area of a reserve set aside under regulation 26; or
 - (b) the horse is confined in a vehicle that is in transit; or
 - (c) the person brings the horse into the reserve under and in accordance with a permit issued by the Secretary under subregulation (3).
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- (3) For the purposes of subregulation (2)(c), the Secretary may issue a permit to a person authorising the person to bring a horse into an area of a reserve other than an area of a reserve that has been set aside under regulation 26.

24 Horses must be under control

A person must not allow a horse to remain in a reserve unless—

- (a) the person has brought the horse into the reserve in a circumstance referred to in regulation 23(2); and
- (b) the horse is under the immediate control of the person at all times.

Penalty: 20 penalty units.

25 Owner or carer guilty if horse found at large

- (1) Subject to subregulation (2), if a horse is found in a reserve and it is not under the immediate control of a person, the owner of the horse is guilty of an offence and liable to a penalty of not more than 20 penalty units.
- (2) If a person other than the owner of the horse has care and control of the horse—
 - (a) that other person is guilty of the offence against subregulation (1); and
 - (b) the owner of the horse is not guilty of the offence against subregulation (1).

26 Areas for horses

The Secretary may make a determination setting aside an area of a reserve as an area into which horses may be brought or allowed to remain.

PART 5—USE OF HUNTING EQUIPMENT IN RESERVES

27 Use and carriage of poisons and traps

- (1) In this regulation, *trap* includes a snare, net (that is not designed to be used for fishing) or similar equipment.
- (2) A person must not, in a reserve, possess, carry or use any poison.
Penalty: 20 penalty units.
- (3) A person must not, in a reserve, possess, carry or use any trap.
Penalty: 20 penalty units.
- (4) Subregulations (1) and (2) do not apply to a person who is acting under and in accordance with a permit issued by the Secretary under subregulation (5).
- (5) For the purposes of subregulation (4), the Secretary may issue a permit to a person authorising the person to possess or carry any poison or trap and to use that poison or trap in relation to an animal that is not wildlife.

28 Possession or carriage of firearms or bows in reserves

- (1) A person must not, in a reserve, possess or carry a firearm or bow.
Penalty: 20 penalty units.
- (2) Subregulation (1) does not apply to a person who—
 - (a) is in an area of a reserve that has not been set aside by the Secretary under regulation 13(4) and who, being the holder of a game licence—

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Part 5—Use of Hunting Equipment in Reserves

- (i) that allows the hunting, taking or destroying of game birds, is possessing or carrying a firearm for the purpose of taking or destroying game ducks, during the period commencing 48 hours before the first day of the open season for game ducks and ending 48 hours after the last day of the open season for game ducks; or
 - (ii) that allows the hunting, taking or destroying of deer, is possessing or carrying a firearm or bow for the purpose of taking or destroying Hog Deer in a reserve listed in Schedule 1, during the period commencing 48 hours before the first day of the open season for Hog Deer and ending 48 hours after the last day of the open season for Hog Deer; or
 - (iii) that allows the hunting, taking or destroying of game birds, is possessing or carrying a firearm for the purpose of taking or destroying Stubble Quail in a reserve listed in Schedule 2, during the period commencing 48 hours before the first day of the open season for Stubble Quail and ending 48 hours after the last day of the open season for Stubble Quail; or
 - (iv) that allows the hunting, taking or destroying of deer, is in possession of, or is carrying, a firearm or bow for the purpose of taking or destroying Sambar Deer in a reserve listed in Schedule 3 during the period commencing on 1 May and ending on 30 November in each year; or
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- (b) possesses or carries a firearm or bow under and in accordance with a permit issued by the Secretary under subregulation (3).
- (3) For the purposes of subregulation (2)(b), the Secretary may issue a permit to a person authorising the person to possess or carry a firearm or bow in a reserve.

29 Use of firearms or bows

- (1) A person must not, in a reserve, use a firearm or bow.

Penalty: 20 penalty units.

- (2) Subregulation (1) does not apply to a person who—
 - (a) is in an area of a reserve that has not been set aside by the Secretary under regulation 13(4) and who, being the holder of a game licence—
 - (i) that allows the hunting, taking or destroying of game birds, is using a firearm for the purpose of taking or destroying game ducks during the open season for game ducks; or
 - (ii) that allows the hunting, taking or destroying of deer, is using a firearm or bow for the purpose of taking or destroying Hog Deer in a reserve listed in Schedule 1 during the open season for Hog Deer; or
 - (iii) that allows the hunting, taking or destroying of game birds, is using a firearm for the purpose of taking or destroying Stubble Quail in a reserve listed in Schedule 2 during the open season for Stubble Quail; or

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Part 5—Use of Hunting Equipment in Reserves

- (iv) that allows the hunting, taking or destroying of deer, is using a firearm or bow for the purpose of taking or destroying Sambar Deer in a reserve listed in Schedule 3 during the period commencing on 1 May and ending on 30 November in each year; or
 - (b) uses a firearm or bow under and in accordance with a permit issued by the Secretary under subregulation (3).
- (3) For the purposes of subregulation (2)(b), the Secretary may issue a permit to a person authorising the person to use a firearm or bow in a reserve in relation to an animal that is not wildlife.
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PART 6—PROTECTION OF NATURAL FEATURES

30 Protection of flora

- (1) A person must not, in a reserve, cut, fell, pick, remove, uproot or damage any tree, plant or other flora.

Penalty: 20 penalty units.

- (2) A person must not, in a reserve, be in possession of any flora taken from that reserve.

Penalty: 20 penalty units.

- (3) Subregulations (1) and (2) do not apply to a person who cuts or takes away fallen or felled trees in an area set aside by the Secretary under regulation 31.

31 Areas for collecting firewood for campfires

For the purposes of section 21AA(3)(b) of the Act, the Secretary may make a determination setting aside an area of a reserve in which—

- (a) firewood may be brought into the area; or
- (b) fallen or felled trees may be cut and taken away for use as firewood within the area.

Note

Regulation 47 prohibits the lighting and maintaining of fires in reserves in certain circumstances.

32 Introducing flora

- (1) A person must not knowingly bring in or plant any flora in a reserve.

Penalty: 20 penalty units.

- (2) Subregulation (1) does not apply to flora—
 - (a) that is firewood; and
 - (b) that is brought into an area set aside under regulation 31.

33 Interfering with rocks or natural objects

- (1) A person must not, in a reserve, damage, deface, remove or otherwise interfere with any rock or similar natural object.

Penalty: 20 penalty units.

- (2) Subregulation (1) does not apply to a person who—
 - (a) collects or arranges rocks or stones for the purpose of encircling a fire that is lit and maintained in accordance with regulation 47; or
 - (b) engages in an activity referred to in that subregulation under and in accordance with a permit issued by the Secretary under subregulation (3).
- (3) For the purposes of subregulation (2)(b), the Secretary may issue a permit to a person authorising the person to engage in an activity referred to in subregulation (1).

34 Gravel, shell, grit, sand, soil and other material

- (1) A person must not knowingly take into, or remove from, a reserve any gravel, shell, grit, sand, soil or other similar material.

Penalty: 20 penalty units.

- (2) A person must not, in a reserve, dig any gravel, shell, grit, sand, soil or other similar material.

Penalty: 20 penalty units.

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Part 6—Protection of Natural Features

- (3) Subregulation (2) does not apply to a person who digs for the purpose of burying faeces in accordance with regulation 49(b).
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PART 7—RECREATION, SAFETY AND AMENITY

35 Tower Hill State Game Reserve

- (1) A person must not, in the Tower Hill State Game Reserve, discharge a firearm on or within 100 metres of Wagon Bay.

Penalty: 10 penalty units.

- (2) A person must not, in the Tower Hill State Game Reserve, discharge a firearm on or within 100 metres of Fairy Island.

Penalty: 10 penalty units.

- (3) A person must not, in the Tower Hill State Game Reserve, discharge a firearm in or within 100 metres of any building.

Penalty: 10 penalty units.

- (4) Despite anything to the contrary in regulations 28 and 29 or in the Wildlife (Game) Regulations 2012, a person must not, in the Tower Hill State Game Reserve, possess, carry or use a firearm at any time after 9 a.m. and before 5 p.m. on any day during an open season for game ducks.

Penalty: 10 penalty units.

36 Noisy devices or equipment

- (1) A person must not, in a reserve, use or operate any device or equipment that produces noise that disturbs another person or that disturbs or harasses wildlife.

Penalty: 10 penalty units.

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

- (a) is using the device or equipment for necessary medical purposes; or

- (b) is operating a vehicle or vessel lawfully; or
 - (c) is discharging a firearm or using a duck or game caller while engaged in lawful hunting; or
 - (d) is engaging in an activity referred to in that subregulation under and in accordance with a permit issued by the Secretary under subregulation (3).
- (3) For the purposes of subregulation (2)(d), the Secretary may issue a permit to a person authorising the person to engage in an activity referred to in subregulation (1).

37 Engaging in sport or recreational activity

- (1) The Secretary may make a determination setting aside an area of a reserve as an area in which engaging in a sport or recreational activity is prohibited.
- (2) A person must not engage in a sport or recreational activity in an area of a reserve set aside under subregulation (1).
- Penalty: 10 penalty units.
- (3) Subregulation (2) does not apply to a person who is acting under and in accordance with a permit issued by the Secretary under subregulation (4).
- (4) For the purposes of subregulation (3), the Secretary may issue a permit to a person authorising the person to engage in a sport or recreational activity in an area set aside under subregulation (1).

38 Organised events

- (1) A person must not, in a reserve, conduct an organised entertainment, sporting or recreational event.
- Penalty: 20 penalty units.
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- (2) Subregulation (1) does not apply to a person who is acting under and in accordance with a permit issued by the Secretary under subregulation (3).
- (3) For the purposes of subregulation (2), the Secretary may issue a permit to a person authorising the person to engage in an activity referred to in subregulation (1).

39 Rallies, festivals and public meetings

- (1) A person must not, in a reserve, conduct a rally, festival, show, tour, fete or public meeting.
Penalty: 20 penalty units.
- (2) Subregulation (1) does not apply to a person who is acting under and in accordance with a permit issued by the Secretary under subregulation (3).
- (3) For the purposes of subregulation (2), the Secretary may issue a permit to a person authorising the person to engage in an activity referred to in subregulation (1).

40 Demonstrations and similar events

- (1) A person must not, in a reserve, conduct a demonstration, training class or similar event.
Penalty: 20 penalty units.
 - (2) Subregulation (1) does not apply to a person who is acting under and in accordance with a permit issued by the Secretary under subregulation (3).
 - (3) For the purposes of subregulation (2), the Secretary may issue a permit to a person authorising the person to engage in an activity referred to in subregulation (1).
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41 Commercial activities

- (1) A person must not, in a reserve, conduct a commercial activity or offer for sale or hire any article or service.

Penalty: 20 penalty units.

- (2) Subregulation (1) does not apply to a person who is acting under and in accordance with a permit issued by the Secretary under subregulation (3).
- (3) For the purposes of subregulation (2), the Secretary may issue a permit to a person authorising the person to engage in an activity referred to in subregulation (1).

42 Advertising material

- (1) A person must not, in a reserve, distribute or display any handbills, pamphlets, books, papers or advertising matter or erect or leave any advertising placards or notices.

Penalty: 20 penalty units.

- (2) Subregulation (1) does not apply to a person who is acting under and in accordance with a permit issued by the Secretary under subregulation (3).
- (3) For the purposes of subregulation (2), the Secretary may issue a permit to a person authorising the person to engage in an activity referred to in subregulation (1).

43 Public address of a commercial nature

- (1) A person must not, in a reserve, use any amplifier, public address system, loud hailer or any similar device to deliver an address of a commercial nature.

Penalty: 20 penalty units.

- (2) Subregulation (1) does not apply to a person who is acting under and in accordance with a permit issued by the Secretary under subregulation (3).
- (3) For the purposes of subregulation (2), the Secretary may issue a permit to a person authorising the person to engage in an activity referred to in subregulation (1).

44 Commercial filming and photography

- (1) A person must not, in a reserve, take photographs, film or videos for commercial purposes.
Penalty: 20 penalty units.
 - (2) Subregulation (1) does not apply to a person who is acting under and in accordance with a permit issued by the Secretary under subregulation (3).
 - (3) For the purposes of subregulation (2), the Secretary may issue a permit to a person authorising the person to engage in an activity referred to in subregulation (1).
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PART 8—CAMPING AND CAMP FIRES

45 Areas where camping is prohibited

- (1) The Secretary may make a determination setting aside an area of a reserve in which camping is prohibited.
- (2) A person must not camp in an area that has been set aside under subregulation (1).

Penalty: 10 penalty units.

46 Restrictions on camping

- (1) A person must not, in a reserve, camp less than 20 metres away from any river, stream, well, spring, creek, lake, lagoon, swamp, marsh, dam, bore or watercourse.

Penalty: 10 penalty units.

- (2) A person must not, in a reserve, camp in the reserve for more than 42 consecutive nights.

Penalty: 10 penalty units.

- (3) A person who camps in a reserve must maintain the site free of litter.

Penalty: 10 penalty units.

- (4) A person who camps in a reserve must, before vacating the site, clear from the site all litter and personal equipment for which the person is responsible.

Penalty: 10 penalty units.

47 Lighting, kindling or maintaining fires restricted

- (1) A person must not, in a reserve, light, kindle or maintain a fire in the open air.

Penalty: 20 penalty units.

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Part 8—Camping and Camp Fires

- (2) Subregulation (1) does not apply to a person who lights, kindles or maintains a fire in a reserve at a time and during a period when the lighting of fires in that reserve is not prohibited under any Act and the person does so—
- (a) in a public fireplace; or
 - (b) in an area that is set aside by the Secretary under subregulation (5) and in accordance with that determination.
- (3) A person who lights, kindles or maintains a fire in accordance with subregulation (2)(a) or (2)(b) must ensure that—
- (a) the ground and airspace within a distance of 3 metres from the outer perimeter and uppermost point of the fire are clear of inflammable material; and
 - (b) if the fire is in a commercial appliance—
 - (i) the fuel used in the appliance is of a type that the appliance has been designed and manufactured to use; and
 - (ii) the fire is contained in the appliance; and
 - (iii) when the fire is alight, the appliance is placed in a stable position.

Penalty: 20 penalty units.

- (4) A person who is in charge of a fire in a reserve must extinguish that fire—
- (a) immediately at the request of an authorised officer; or
 - (b) before leaving the fire.

Penalty: 20 penalty units.

- (5) The Secretary may make a determination setting aside an area of a reserve as an area in which fires of a specified type may be lit, kindled or maintained.

48 Use of soaps and detergents

A person who uses any soap, detergent or other similar substance in a reserve must not dispose of that soap, detergent or substance less than 50 metres away from any river, stream, well, spring, creek, lake, lagoon, swamp, marsh, dam, bore or watercourse.

Penalty: 10 penalty units.

49 Hygiene

A person must not, in a reserve, leave behind or deposit faeces unless—

- (a) if the person is in an area in which toilet facilities are provided and readily available, the person does so in those facilities; or
- (b) if the person is not in an area in which toilet facilities are provided and readily available, the person does so by burying those faeces at least 50 metres away from any river, stream, well, spring, creek, lake, lagoon, swamp, marsh, dam, bore or watercourse.

Penalty: 10 penalty units.

PART 9—VEHICLES, VESSELS AND AIRCRAFT

50 Road and track closures to some or all vehicles

- (1) The Secretary may make a determination setting aside an area of a reserve as an area—
 - (a) to which the entry of vehicles or a class of vehicles is prohibited; or
 - (b) to which the entry of vehicles or a class of vehicles is restricted.
- (2) A determination under subregulation (1) may except a class of vehicles from any prohibition or restriction contained in the determination.

51 Entering or parking in closed road or track

- (1) A person must not use or operate a vehicle in an area set aside by a determination under regulation 50 in contravention of the determination.
Penalty: 20 penalty units.
- (2) A person must not park or leave a vehicle standing in an area set aside by a determination under regulation 50 in contravention of the determination.
Penalty: 20 penalty units.

52 One-way roads or tracks

- (1) The Secretary may erect a notice or sign in a reserve that specifies the direction of movement of vehicles in a reserve.
 - (2) A person in charge of a vehicle in a reserve must not operate that vehicle in contravention of a notice or sign referred to in subregulation (1).
Penalty: 10 penalty units.
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53 Parking restrictions

- (1) The Secretary may erect a notice or sign in a reserve that specifies that vehicles or a class of vehicles—
 - (a) may be parked or left standing subject to restrictions; or
 - (b) may not be parked or left standing.
- (2) A person must not park or leave a vehicle standing in contravention of a sign or notice referred to in subregulation (1).

Penalty: 10 penalty units.

Note

The Land Conservation (Vehicle Control) Regulations 2013³ make further provision for the parking of vehicles in reserves. They contain offences relating to operating vehicles off-road, obstructing other vehicles and causing damage to land with vehicles.

54 Vessels

- (1) The Secretary may make a determination setting aside an area of a reserve as an area in which any of the following is prohibited or restricted, either for all vessels or for those vessels that are specified in the determination—
 - (a) the launching of vessels;
 - (b) the landing of vessels;
 - (c) the loading and unloading of vessels;
 - (d) the mooring of vessels;
 - (e) the anchoring of vessels;
 - (f) the operating of vessels.

- (2) A person must not, in a reserve, launch, land, load, unload, moor, anchor, or operate a vessel, in contravention of a determination of the Secretary under subregulation (1).

Penalty: 20 penalty units.

55 Aircraft

- (1) A person must not, in a reserve, launch or land any aircraft.

Penalty: 10 penalty units.

- (2) Subregulation (1) does not apply to a person who launches or lands an aircraft—

(a) in an area set aside by a determination of the Secretary under subregulation (5)(a) and in accordance with that determination; or

(b) under and in accordance with a permit issued by the Secretary under subregulation (6).

- (3) A person must not, in a reserve, deliver anything by an aircraft.

Penalty: 10 penalty units.

- (4) Subregulation (3) does not apply to a person who delivers anything by an aircraft—

(a) in an area set aside by a determination of the Secretary under subregulation (5)(b) and in accordance with that determination; or

(b) under and in accordance with a permit issued by the Secretary under subregulation (7).

- (5) The Secretary may make a determination setting aside an area of a reserve as an area in which a person may—

(a) launch or land an aircraft or a class of aircraft specified in the determination; or

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Part 9—Vehicles, Vessels and Aircraft

- (b) deliver anything by an aircraft or a class of aircraft specified in the determination.
 - (6) For the purposes of subregulation (2)(b), the Secretary may issue a permit to a person authorising a person to engage in an activity referred to in subregulation (1) in an area other than an area set aside under subregulation (5)(a).
 - (7) For the purposes of subregulation (4)(b), the Secretary may issue a permit to a person authorising a person to engage in an activity referred to in subregulation (3) in an area other than an area set aside under subregulation (5)(b).
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PART 10—BUILDINGS, STRUCTURES, BLINDS AND HIDES

Division 1—Buildings and structures

56 Offence to occupy buildings and other structures

- (1) A person must not, in a reserve, occupy, use or enter a building or other structure (that is not a blind or hide) that is not provided for use by the public.

Penalty: 10 penalty units.

- (2) A person who occupies, uses or enters a building or structure in a reserve that is provided for use by the public must not occupy, use or enter the building or structure for a purpose other than the purpose for which the building or structure is provided.

Penalty: 10 penalty units.

- (3) A person who occupies, uses or enters a building or structure in a reserve that is provided for use by the public must not exclude, or attempt to exclude, other persons from occupying, using or entering the building or structure.

Penalty: 10 penalty units.

- (4) Subregulation (1) does not apply to a person who—

- (a) is camping in accordance with these Regulations; or
(b) is acting in accordance with a permit issued by the Secretary under regulation 38(3) or 39(3).

57 Offence to interfere with signs, buildings and other structures

- (1) A person must not, in a reserve, remove, displace, deface or interfere with any sign, fence, building or other structure.

Penalty: 20 penalty units.

- (2) A person must not, in a reserve, construct or erect any sign, fence, building, bridge, fish-access facility, dam, weir, drain or other structure (that is not a blind or hide) or use any water pump.

Penalty: 10 penalty units.

- (3) Subregulation (2) does not apply to a person who—

(a) is acting under and in accordance with a permit issued by the Secretary under subregulation (4); or

(b) is camping in accordance with these Regulations; or

(c) is acting in accordance with regulation 38, 39, 40, 41, 42, 43 or 44; or

(d) erects a sign in accordance with Division 2 of this Part; or

(e) erects a tree stand in accordance with Division 2 of this Part; or

(f) constructs a nest box for the purpose of providing habitat for breeding birds.

- (4) For the purposes of subregulation (3)(a), the Secretary may issue a permit to a person authorising the person to engage in an activity referred to in subregulation (2).

Division 2—Blinds, hides and tree stands

58 Areas where blinds, hides or tree stands are prohibited

- (1) The Secretary may make a determination setting aside an area of a reserve as an area in which erecting a blind, hide or tree stand is prohibited.
- (2) A person must not erect a blind, hide or tree stand in an area of a reserve that is set aside under subregulation (1).

Penalty: 10 penalty units.

59 Areas where blinds, hides or tree stands are restricted

- (1) The Secretary may make a determination setting aside an area of a reserve as an area in which erecting a blind, hide or tree stand is restricted.
- (2) A person must not erect a blind, hide or tree stand in an area of a reserve in contravention of the determination referred to in subregulation (1).

Penalty: 10 penalty units.

60 Requirements for the use and construction of blinds, hides or tree stands

- (1) A person must not, in a reserve, erect a blind or hide unless the blind or hide is erected for the purpose of hunting game ducks or Hog Deer or for observing wildlife.

Penalty: 10 penalty units.

- (2) A person must not, in a reserve, erect a tree stand unless the tree stand is erected for the purpose of hunting, watching or taking wildlife.

Penalty: 10 penalty units.

- (3) A person who is erecting a blind or hide in a reserve must erect the blind or hide so that the height of the blind or hide does not exceed 2 metres and the floor area of the blind or hide does not exceed 6 square metres.

Penalty: 10 penalty units.

- (4) A person must not fix a sign to a blind or hide that is erected in a reserve if the sign extends above the height of the blind or hide.

Penalty: 10 penalty units.

- (5) A person must not, in a reserve, remove, displace, deface or interfere with a blind, hide or tree stand unless the person erected the blind or hide, or is assisting a person who erected the blind or hide.

Penalty: 10 penalty units.

61 Requirement to dismantle blind, hide or tree stand

- (1) If an authorised officer considers it necessary, he or she may—
- (a) direct a person who has erected a blind, hide or tree stand in a reserve to dismantle it within a reasonable time specified by the authorised officer; or
 - (b) take any necessary steps to have the blind, hide or tree stand dismantled.
- (2) A person who is given a direction by an authorised officer under subregulation (1) must comply with that direction.

Penalty: 10 penalty units.

**PART 11—COMMON PROVISIONS FOR DETERMINATIONS
AND PERMITS**

62 Determinations setting areas aside

- (1) In a determination of the Secretary under these Regulations setting aside an area, the Secretary may specify conditions under which the use of the area to which the determination relates may or may not be carried out.
 - (2) If the Secretary has made a determination setting aside an area under these Regulations in which a particular use of an area is restricted or prohibited, the Secretary must cause signs or notices to be erected or displayed at or near the entrance to the area indicating—
 - (a) the area that has been set aside under the determination; and
 - (b) the nature of the determination; and
 - (c) in the case of a use that is restricted by the determination, the conditions under which the use that is restricted may be carried out in the area so set aside.
 - (3) The Secretary may amend or revoke a determination made under these Regulations.
 - (4) If the Secretary amends a determination made under these Regulations, the Secretary must ensure that the details of the amendment are included on any signs or notices erected under subregulation (2).
 - (5) If the Secretary revokes a determination made under these Regulations, the Secretary must ensure that any signs or notices erected under subregulation (4) relating to that determination are removed.
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63 Offence not to comply with conditions of determinations setting areas aside

A person entering or engaging in conduct or an activity in an area set aside by a determination under these Regulations (other than a determination under regulation 9(1)(b), 50, 54(1) or 59(1)) must comply with any conditions specified in the determination.

Penalty: 10 penalty units.

64 Issuing of permits

- (1) A permit issued under these Regulations authorises the holder to enter and use an area of a 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.

65 Cancellation of permits

- (1) The Secretary may cancel a permit issued under these Regulations at any time—
 - (a) if the holder of the permit has—
 - (i) contravened the conditions of the permit; or
 - (ii) contravened 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, flora, wildlife, features or visitors in a reserve or the control or

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management of animals (other than wildlife)
within a reserve.

- (2) Before cancelling a permit, the Secretary must—
 - (a) notify the holder that it is proposed to cancel the permit; and
 - (b) allow the holder of the permit an opportunity to make either oral or written submissions about the proposed cancellation.
- (3) For the purposes of subregulation (2)(b), the holder of the permit must make any submission within the period specified in the notice, which must not be less than 14 days after the date the notice is issued.
- (4) In deciding whether or not to cancel a permit, the Secretary must have regard to any submission made under subregulation (2)(b) within the period specified in the notice.
- (5) On cancellation of a permit under subregulation (1), the Secretary must notify the holder of the permit of the cancellation of the permit within 7 days after the cancellation.
- (6) The cancellation of a permit under subregulation (1) comes into effect when the holder of the permit is given notice of that cancellation in accordance with subregulation (5).

66 Offence not to comply with a permit

The holder of a permit issued under these Regulations must comply with any terms and conditions of that permit.

Penalty: 10 penalty units.

SCHEDULES

SCHEDULE 1

Regulations 13(3), 28(2) and 29(2)

STATE GAME RESERVES WHERE HUNTING HOG DEER IS PERMITTED

<i>Title of Reserve</i>	<i>Parish where Reserve is situated</i>
Jack Smith Lake	Woodside, Darriman
Lake Coleman	Dulungalong
Clydebank Morass	Nuntin
Dowd Morass	Glencoe
Heart Morass	Sale
Ewing Morass	Tildesley East, Waygara, Newmerella

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SCHEDULE 2

Regulations 13(3), 19, 28(2) and 29(2)

**STATE GAME RESERVES WHERE HUNTING STUBBLE
QUAIL IS PERMITTED**

<i>Title of Reserve</i>	<i>Parish where Reserve is situated</i>
Mansfield	Carag Carag
Gaynor Swamp	Burramboot East
Wallenjoe Swamp	Carag Carag
Rowan Swamp	Karrabumet, Bungeet
Jack Smith Lake	Woodside, Darriman
Lake Coleman	Dulungalong
Jones Bay	Broadlands
Macleod Morass	Bairnsdale
Clydebank Morass	Nuntin
Dowd Morass	Glencoe
Blond Bay	Goon Nure
Lake Connewarre	Connewarre, Moolap, Bellarine
Heart Morass	Sale
Hateleys Lake	Arapiles
Bow Lake	Jilpanger
Darlot Swamp	Longerenong

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SCHEDULE 3

Regulations 13(3), 28(2) and 29(2)

**STATE GAME RESERVES WHERE HUNTING SAMBAR
DEER IS PERMITTED**

<i>Title of Reserve</i>	<i>Parish where Reserve is situated</i>
Ewing Morass	Tildesley East, Waygara, Newmerella

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ENDNOTES

¹ Reg. 4: S.R. No. 147/2004.

² Reg. 5 def. of *game bird*: S.R. No. 99/2012 as amended by
S.R. Nos 161/2012 and 53/2014.

³ Reg. 53 (Note): S.R. No. 3/2013.

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 2014 is \$147.61.

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.