

Authorised Version No. 001
National Parks Regulations 2013

S.R. No. 115/2013

Authorised Version as at
23 September 2013

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PART 1—PRELIMINARY

Division 1—General

1 Objectives

The objectives of these Regulations are—

- (a) to provide for the management and control of parks and to regulate or prohibit certain conduct in relation to parks, so as to promote—
 - (i) the preservation and protection of parks, flora, fauna and indigenous fish in parks and various other features of, and facilities in, parks;
 - (ii) the protection of designated water supply catchment areas and other water supply catchment areas;
 - (iii) the safety, enjoyment, recreation and education of visitors to parks;
- (b) to prescribe penalties for contravention of requirements in relation to occupation sites;
- (c) to prescribe travelling allowances for members of the National Parks Advisory Council and advisory committees;
- (d) to prescribe an area in Cape Howe Marine National Park in which a prescribed class of boat is prohibited;

- (e) to prescribe the conditions for Ministerial approvals under section 45B of the Act;
- (f) to prescribe other matters necessary or required to be prescribed under the Act.

2 Authorising provisions

These Regulations are made under sections 32AA, 37 and 48 of the **National Parks Act 1975**.

3 Commencement

These Regulations come into operation on 23 September 2013.

4 Revocations

The following Regulations are **revoked**—

- (a) the National Parks (Park) Regulations 2003¹;
- (b) the National Parks (Cape Howe Marine National Park) Regulations 2006².

5 Definitions

(1) In these Regulations—

Aboriginal person means a person belonging to the indigenous peoples of Australia and any descendants of those peoples;

Aboriginal tradition means any tradition, observance, custom or belief that is part of the body of traditions, observances, customs or beliefs—

- (a) of Aboriginal people generally or of a particular community or group of Aboriginal people; and
- (b) that relate to particular persons, areas, objects or relationships;

additional water supply catchment area means an area set aside under regulation 90;

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

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**;

Australian Defence Force means the Defence Force within the meaning of Part III of the Defence Act 1903 of the Commonwealth;

camp means—

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

fauna has the same meaning as it has in the **Flora and Fauna Guarantee Act 1988** but does not include fish;

fire includes any barbecue other than an electric barbecue;

Fishery Access Licence means an access licence within the meaning of section 38 of the **Fisheries Act 1995**;

flora has the same meaning as it has in the **Flora and Fauna Guarantee Act 1988**;

game licence has the same meaning as it has in the **Wildlife Act 1975**;

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

hunt has the same meaning as it has in the **Wildlife Act 1975**;

in transit means, in relation to a vehicle in a park, a vehicle that is in transit through the park by a route that is usually open to the public for that purpose;

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

indigenous fish preservation area means an area set aside by the Secretary under regulation 28;

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

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

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;

occupation permit means a permit granted under section 21(1)(a) of the Act to occupy an occupation site;

occupation site means a building, camping place or other facility erected set apart or provided in a park in relation to which the Secretary may grant a permit under section 21(1)(a) of the Act;

open season has the same meaning as it has in the **Wildlife Act 1975**;

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

prohibited access area means an area set aside by the Secretary under regulation 20(1)(a);

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

skiing includes snowboarding;

snow season means—

- (a) the period commencing on 1 June in a year and ending on 31 October in that year; or
- (b) if the Secretary has declared an alternative period under regulation 99, the period so declared;

the Act means the **National Parks Act 1975**;

timber has the same meaning as it has in the **Forests Act 1958**;

traditional owner means an Aboriginal person who is a member of a traditional owner group;

traditional owner group means—

- (a) 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**; or
- (b) in the case of a traditional owner group in relation to which there is no recognition and settlement agreement in force, a traditional owner group within the meaning of paragraph (b) or (c) of the definition of *traditional owner group* in the **Traditional Owner Settlement Act 2010**;

vegetation means any alga, fungus or flora or part of an alga, fungus or flora, in any stage of biological development and whether alive or dead;

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 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 device for the conveyance of children or disabled or injured persons;

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

website means, in relation to a park specified in a determination under regulation 15—

- (a) if there is in force an agreement between the Secretary and Parks Victoria under section 16A of the Act for the management of the park specified in the determination by Parks Victoria, the website of Parks Victoria at www.parks.vic.gov.au; or
- (b) in any other case, the website of the Department of Environment and Primary Industries at www.depi.vic.gov.au;

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

- (2) In these Regulations, a park specified in Column 1 of the following table means the park described in the Part of the Schedule to the Act specified in the corresponding entry of Column 2 of that table.

<i>Column 1</i>	<i>Column 2</i>
<i>Name of Park</i>	<i>Part number and Schedule number</i>
Cape Conran Coastal Park	Part 2A of Schedule Three
Cape Howe Marine National Park	Part 2 of Schedule Seven
Gippsland Lakes Coastal Park	Part 6 of Schedule Three
Great Otway National Park	Part 31 of Schedule Two
Kinglake National Park	Part 10 of Schedule Two
Lake Albacutya Park	Part 8 of Schedule Three
Lysterfield Park	Part 10 of Schedule Three
Point Hicks Marine National Park	Part 9 of Schedule Seven
Point Nepean National Park	Part 44 of Schedule Two
Yarra Ranges National Park	Part 39 of Schedule Two

6 Meaning of *park*

In these Regulations, except where otherwise expressly provided, a reference to **park** includes a reference to—

- (a) any park within the meaning of the Act;
- (b) any land managed under section 32AA of the Act;

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- (c) a part of a road that—
- (i) is bounded on each side by a park; and
 - (ii) is not a freeway or an arterial road within the meaning of the **Road Management Act 2004** or is a freeway or arterial road within the meaning of that Act which has by notice published in the Government Gazette been declared by the Roads Corporation to be a part of a road to which a regulation under section 48 of the Act may apply.

Note

In addition to the land referred to in this regulation, certain land managed by the Secretary under sections 19AA, 19A, 19B, 19C, 19D and 19E of the Act may also be subject to these Regulations.

An Order under section 19F of the Act may also make certain land subject to these Regulations.

Division 2—Application of Regulations

7 Application of Regulations to permit holders etc.

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

8 Application of Regulations to employees etc.

- (1) These Regulations, other than Division 1 and this Division of this Part and regulations 16, 18, 47, 98 and 105, do not apply to a person if that person—
- (a) is acting as a servant or agent of the Crown or Parks Victoria; or

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- (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.
- (2) In subregulation (1), a reference to a servant or agent of the Crown includes a servant or agent of a managing water authority when acting in the course of his or her employment in relation to a designated water supply catchment area.

9 Exemption for traditional owners

A traditional owner is exempt from these Regulations, other than the following provisions, when undertaking an Aboriginal tradition—

- (a) regulation 16;
- (b) regulation 17;
- (c) regulation 18;
- (d) regulation 19;
- (e) regulation 21;
- (f) regulation 30(1);
- (g) regulation 86;
- (h) regulation 87;
- (i) regulation 88;
- (j) regulation 91;
- (k) regulation 92;
- (l) regulation 104;

- (m) regulation 105;
- (n) regulation 106;
- (o) regulation 115;
- (p) regulation 118;
- (q) regulation 121;
- (r) regulation 124.

Division 3—Common provisions for determinations and permits

10 Determinations setting areas aside

- (1) If, under a set aside power, the Secretary is authorised to make a determination to set aside an area as an area in which an activity or conduct is permitted, required, restricted or prohibited, the Secretary may include in the determination any conditions subject to which the activity or conduct must or must not be carried out.
- (2) If, under a set aside power, the Secretary makes a determination setting aside an area as an area in which an activity or conduct is required, restricted or prohibited, the Secretary must erect or display signs or notices 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 an activity or conduct that is required or restricted, the conditions subject to which that activity or conduct must be carried out.

(3) In this regulation, *set aside power* means the following—

- (a) regulation 20(1);
- (b) regulation 25(1);
- (c) regulation 28(1);
- (d) regulation 35;
- (e) regulation 39;
- (f) regulation 49(1);
- (g) regulation 50;
- (h) regulation 58(1);
- (i) regulation 59(1);
- (j) regulation 60(1);
- (k) regulation 61(1);
- (l) regulation 65(1);
- (m) regulation 66(1);
- (n) regulation 70(1);
- (o) regulation 72(1);
- (p) regulation 74;
- (q) regulation 78(1);
- (r) regulation 82;
- (s) regulation 86(2);
- (t) regulation 90;
- (u) regulation 93(1);
- (v) regulation 97(1);
- (w) regulation 101(1);
- (x) regulation 103(1);
- (y) regulation 104(1);
- (z) regulation 109;

- (za) regulation 116;
- (zb) regulation 119;
- (zc) regulation 122.

11 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 20, 58, 59, 60, 61, 66, 86, 93, 101 or 103, must comply with any conditions included in the determination applying to that area.

Penalty: 10 penalty units.

Note

There are separate offences for failing to observe conditions contained in a determination setting an area aside under regulations 20, 58, 59, 60, 61, 66, 86, 93, 101 and 103.

12 Issuing of permits

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

13 Cancellation of a permit

- (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, features, or visitors in a park; or
 - (c) for the purposes of park management.
- (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 making a decision as to 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.

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- (6) The cancellation of a permit under subregulation (1) comes into effect when the holder of the permit is notified of that cancellation in accordance with subregulation (5).

14 Offence not to comply with terms and conditions of 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.

PART 2—ACCESS TO PARKS

15 Temporary closure of park

- (1) The Secretary by determination may temporarily close a park to the public—
 - (a) in the event of flood, fire, natural disaster or other emergency; or
 - (b) in anticipation of flood, fire, natural disaster or other emergency.
- (2) The Secretary must not make a determination under subregulation (1) unless the Secretary considers the determination is necessary because of risk, or likely risk, to public safety within a park.
- (3) The Secretary 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; and
 - (b) as far as practicable, display signs or notices setting out details of the determination in such a place and manner that the signs or notices are reasonably likely to be seen by persons entering the park.
- (4) A determination made under subregulation (1) remains in force for 7 days after it is made, unless revoked earlier by the Secretary under subregulation (5).
- (5) If the Secretary considers the risk, or likely risk, that led to the determination being made under subregulation (1) no longer applies to the park specified in the determination, the Secretary must revoke the determination.

(6) The Secretary must, as soon as practicable after a determination has been revoked under subregulation (5)—

(a) publish notice of the revocation—

(i) in the Government Gazette; and

(ii) on the website; and

(b) remove the signs or notices referred to in subregulation (3)(b).

16 Directions to leave closed park

An authorised officer may direct a person to leave a park to which a determination under regulation 15 applies.

17 Offence to disobey park closure

A person must not enter or remain in a park to which a determination under regulation 15 applies.

Penalty: 20 penalty units.

18 Directions regarding safety

An authorised officer may, for reasons of safety of persons using a park, direct a person—

(a) to leave the park or part of a park; or

(b) to remain in part of a park which appears to be safe.

19 Offence to disobey safety direction

A person to whom a direction is given under regulation 18 must comply with that direction.

Penalty: 20 penalty units.

20 Areas where access is prohibited or restricted

- (1) The Secretary by determination may set aside an area of a park—
 - (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 the determination is necessary for the purposes of—
 - (a) the preservation, protection or management of the park; or
 - (b) public safety within a park.

21 Offence to enter prohibited or restricted access area

- (1) A person other than a person to whom a permit has been issued under regulation 22 must not enter or remain in an area set aside under regulation 20(1)(a).

Penalty: 10 penalty units.

- (2) A person other than a person to whom a permit has been issued under regulation 22 must not enter or remain in an area set aside under regulation 20(1)(b) unless that person does so in accordance with the determination under which the area is set aside.

Penalty: 10 penalty units.

22 Permits to enter caves within restricted or prohibited access areas

The Secretary may issue a permit to a person to enter and remain in an area set aside under regulation 20(1)(a) or (b) that is or includes a cave.

PART 3—PROTECTION OF ANIMALS AND FISH

23 Interfering with animals restricted

- (1) A person other than a person acting in accordance with a permit under regulation 24 must not, in a park, disturb, harass, remove, hunt, capture, take, kill, injure or otherwise destroy or interfere with any animal.

Penalty: 20 penalty units.

- (2) A person other than a person acting in accordance with a permit under regulation 24 must not, in a park, destroy, disturb or interfere with the nest, bower, display mound, lair or burrow of any animal.

Penalty: 20 penalty units.

Note

Regulations 111, 113 and 114 provide that a person does not commit an offence against regulation 23(1) when engaging in certain hunting activities in particular parks, subject to certain conditions.

24 Permits to interfere with animals other than fauna

- (1) The Secretary may issue a permit to a person to engage in an activity prohibited by regulation 23 in relation to an animal other than fauna.
- (2) A permit issued under subregulation (1) may include a condition that authorises the holder to do any of the following in connection with the activity authorised under the permit—
- (a) possess, carry or use a specified poison;
 - (b) possess, carry or use a specified trap, net, snare or similar equipment;
 - (c) bring a dog or a horse into the park.

25 Areas for collection of bait

- (1) The Secretary by determination may set aside an area of a park as an area for the collection of animals for use as bait.
- (2) A person does not commit an offence against regulation 23(1) or (2) by collecting animals for use as bait for fishing in an area set aside under subregulation (1), if the person is using a hand-operated bait pump.
- (3) In this regulation, *park* means any park, or part of a park, other than—
 - (a) a marine national park; or
 - (b) a marine sanctuary; or
 - (c) an indigenous fish preservation area.

26 Offering food etc. to animals prohibited

- (1) A person must not, in a park, feed, offer food or offer any object as food to any animal.

Penalty: 10 penalty units.

- (2) A person does not commit an offence against subregulation (1) by feeding, offering food or offering any object as food to any animal that the person has brought into the park in accordance with Part 5.

27 Allowing animals to take food prohibited

- (1) A person must not, in a park, permit or allow food in the person's possession to be taken by any animal.

Penalty: 10 penalty units.

- (2) A person does not commit an offence against subregulation (1) by permitting or allowing food in the person's possession to be taken by any animal that the person has brought into the park in accordance with Part 5.

Note

Part 5 allows certain animals to be brought into parks in certain circumstances.

28 Areas for indigenous fish preservation

- (1) The Secretary by determination may set aside an area of a park as an area for the preservation of indigenous fish.

Note

An area set aside under subregulation (1) is defined in regulation 5 as an *indigenous fish preservation area*.

- (2) A determination under subregulation (1) may specify a type of fishing equipment by which a person may take or attempt to take fish in an indigenous fish preservation area.
- (3) If a determination under subregulation (1) specifies a type of fishing equipment for the purposes of subregulation (2), the Secretary must erect or display a sign or notice at or near the indigenous fish preservation area indicating the type of fishing equipment that may be used to take or attempt to take fish in that area.
- (4) In this regulation, *park* means any park other than—
- (a) a marine national park; or
 - (b) a marine sanctuary.

29 Fishing in preservation areas restricted

(1) Subject to subregulation (2), a person must not take or attempt to take fish in an indigenous fish preservation area.

Penalty: 20 penalty units.

(2) A person may take or attempt to take fish in an indigenous fish preservation area if the person is using a type of fishing equipment that is specified in a determination under regulation 28 in relation to that area.

Notes

- 1 These Regulations do not restrict fishing in areas other than indigenous fish preservation areas, Lysterfield Park (see regulation 107) or water supply catchment areas (see regulation 92).
- 2 Section 45A of the Act prohibits fishing in marine national parks and marine sanctuaries.

PART 4—HUNTING AND FISHING EQUIPMENT

30 Poisons and traps prohibited

- (1) Subject to regulation 31(1), a person must not possess, carry or use any poison in a park.

Penalty: 20 penalty units.

- (2) Subject to regulation 31(2) and (3), a person must not possess, carry or use any trap, snare, net or similar equipment in a park other than a marine national park or marine sanctuary.

Penalty: 20 penalty units.

Note

Section 45A(2A) of the Act restricts the use of recreational fishing equipment (which includes traps, snares, nets and similar equipment) in marine national parks and marine sanctuaries.

- (3) A person must not possess or carry any trap, snare, net or similar equipment in a marine national park or marine sanctuary.

Penalty: 20 penalty units.

31 Circumstances under which poisons and traps may be possessed, carried or used

- (1) A person may possess, carry or use any poison that the person is authorised to possess, carry or use by a permit issued by the Secretary under regulation 24(1).

- (2) A person may possess, carry or use any of the following in a relevant area—

- (a) a recreational dip net to collect bait for fishing in marine or estuarine waters seaward of the high water mark;
- (b) a landing net to land captured fish;
- (c) a recreational hoop net in marine and estuarine waters seaward of the high water mark;

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- (d) between one and three recreational hoop nets to take yabbies.
- (3) A person may possess, carry or use a trap, snare, net or similar equipment if the person is authorised to possess, carry or use the trap, snare, net or other equipment by a permit issued by the Secretary under regulation 24(1).
- (4) In this regulation, *relevant area* means any park, or part of a park, other than—
- (a) a marine national park; or
 - (b) a marine sanctuary; or
 - (c) an indigenous fish preservation area.
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**PART 5—RESTRICTIONS ON BRINGING ANIMALS INTO
PARKS**

Division 1—Restrictions on dogs

32 Dogs prohibited except in specified circumstances

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

Penalty: 15 penalty units.

- (2) A person may bring a dog into a park if—
- (a) the dog is the person's assistance dog; or
 - (b) the person brings the dog into an area of the park set aside under regulation 35; or
 - (c) the dog is confined in a vehicle that is in transit; or
 - (d) the person brings the dog into the park in accordance with a permit issued under regulation 24(1); or
 - (e) in the case of either of the following, the dog is confined in or on a vessel—
 - (i) a marine national park or marine sanctuary; or
 - (ii) land specified in Schedule Four to the Act that is covered by water.

Note

Regulations 111, 113 and 114 provide that a person does not commit an offence against regulation 32(1) when engaging in certain hunting activities in particular parks, subject to certain conditions.

33 Dogs must be under control

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

- (a) the person has brought the dog into the park in accordance with regulation 32(2), 111, 113 or 114; and
- (b) the dog is under the immediate control of a person at all times.

Penalty: 15 penalty units.

34 Owner or carer guilty if dog found at large

- (1) Subject to subregulation (2), if a dog is found in a park and it is not under the immediate control of a person, the owner of the dog is guilty of an offence.

Penalty: 15 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
 - (b) the owner of the dog is not guilty of the offence against subregulation (1).

35 Areas for dogs

The Secretary by determination may set aside an area of a park as an area into which dogs may be brought.

Division 2—Restrictions on horses

36 Horses prohibited except in specified circumstances

- (1) Subject to subregulation (2), a person must not bring a horse into a park.

Penalty: 15 penalty units.

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- (2) A person may bring a horse into a park if—
- (a) the person brings the horse into an area of the park set aside under regulation 39; or
 - (b) the horse is confined in a vehicle that is in transit; or
 - (c) the person brings the horse into the park in accordance with a permit issued under regulation 24(1).

37 Horses must be under control

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

- (a) the person has brought the horse into the park in accordance with regulation 36(2); and
- (b) the horse is under the immediate control of a person at all times.

Penalty: 15 penalty units.

38 Owner or carer guilty if horse found at large

- (1) Subject to subregulation (2), if a horse is found in a park and it is not under the immediate control of a person, the owner of the horse is guilty of an offence.

Penalty: 15 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).

39 Areas for horses

The Secretary by determination may set aside an area of a park as an area into which horses may be brought.

Division 3—Restrictions on cats

40 Cats prohibited except in specified circumstances

(1) Subject to subregulation (2), a person must not bring a cat into a park.

Penalty: 20 penalty units.

(2) A person may bring a cat into a park if—

- (a) the cat is confined in a vehicle that is in transit; or
- (b) in the case of either of the following, the cat is confined in or on a vessel—
 - (i) a marine national park or marine sanctuary; or
 - (ii) land specified in Schedule Four to the Act that is covered by water.

41 Cats must be under control

A person must not allow a cat to remain in a park unless—

- (a) the person has brought the cat into the park in accordance with regulation 40(2); and
- (b) the cat is under the immediate control of a person at all times.

Penalty: 20 penalty units.

42 Owner or carer guilty if cat found at large

- (1) Subject to subregulation (2), if a cat is found in a park and it is not under the immediate control of a person, the owner of the cat is guilty of an offence.

Penalty: 20 penalty units.

- (2) If a person other than the owner of the cat has care and control of the cat—
- (a) that other person is guilty of the offence against subregulation (1); and
 - (b) the owner of the cat is not guilty of the offence against subregulation (1).

Division 4—Other animals

43 Meaning of *animal* in this Division

In this Division, *animal* means any live animal, whether vertebrate or invertebrate, in any stage of biological development, but does not include a human, dog, horse, cat or fish.

44 Animals prohibited except in specified circumstances

- (1) Subject to subregulation (2), a person must not bring any animal into a park.

Penalty: 10 penalty units.

- (2) A person may bring an animal into a park if—
- (a) the animal is confined in a vehicle that is in transit; or
 - (b) in the case of either of the following, the animal is confined in or on a vessel—
 - (i) a marine national park or marine sanctuary; or
 - (ii) land specified in Schedule Four to the Act that is covered by water.

45 Animals must be under control

A person must not allow an animal to remain in a park unless—

- (a) the person has brought the animal into the park in accordance with regulation 44(2); and
- (b) the animal is under the immediate control of a person at all times.

Penalty: 10 penalty units.

46 Owner or carer guilty if animal found at large

- (1) Subject to subregulation (2), if an animal is found in a park and it is not under the immediate control of a person, the owner of the animal is guilty of an offence.

Penalty: 10 penalty units.

- (2) If a person other than the owner of the animal has care and control of the animal—
 - (a) that other person is guilty of the offence against subregulation (1); and
 - (b) the owner of the animal is not guilty of the offence against subregulation (1).

Division 5—Seizure or destruction of certain animals

47 Authorised officer may seize or destroy animals found at large

- (1) An authorised officer may seize a live animal other than fauna and deliver it to a member of staff of the municipal council within whose municipal district the park is situated or other appropriate person or body or persons if that authorised officer is satisfied on reasonable grounds that—

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- (a) the live animal has been brought into or allowed to enter or to remain in a park in contravention of these Regulations; and
- (b) the animal has been found at large.
- (2) If an authorised officer has made reasonable attempts to seize an animal referred to in subregulation (1) and has been unable to do so, an appropriate authorised officer may shoot or otherwise destroy the animal speedily and humanely.
- (3) In subregulation (2), ***appropriate authorised officer*** means an authorised officer who is authorised under section 37(1) of the Act to use a gun in a park.
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PART 6—PROTECTION OF NATURAL FEATURES

Division 1—Vegetation

48 Interference with vegetation prohibited

A person must not cut, fell, pick, remove, take, damage or destroy any vegetation in a park.

Penalty: 20 penalty units.

49 Areas for collecting firewood for campfires

(1) For the purposes of section 44A(3)(b) of the Act, the Secretary by determination may set aside an area of a park where fallen or felled trees may be cut and taken away for use as firewood within the park.

(2) A person does not commit an offence against regulation 48 by cutting or taking away fallen or felled trees in an area set aside under subregulation (1) for use as firewood within the park.

Note

Regulation 86 prohibits the lighting and maintaining of fires in parks in certain circumstances.

50 Areas for introducing firewood into parks

The Secretary by determination may set aside an area of a park where firewood may be brought into the park for use as firewood within the area.

Note

Regulation 86 prohibits the lighting and maintaining of fires in parks in certain circumstances.

51 Introduction of vegetation prohibited

(1) Subject to subregulation (2), a person must not knowingly bring vegetation into a park.

Penalty: 20 penalty units.

- (2) A person may bring vegetation into a park if—
- (a) the vegetation is a manufactured wooden object; or
 - (b) the vegetation—
 - (i) is firewood; and
 - (ii) is brought into an introduced firewood area.

- (3) In this regulation—

firewood means timber or wood products that are—

- (a) free of chemical additives; and
- (b) otherwise suitable for burning as firewood;

introduced firewood area means an area set aside under regulation 50;

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

52 Planting vegetation prohibited

A person must not plant any vegetation in a park.

Penalty: 20 penalty units.

Division 2—Rocks and archaeological remains

53 Interfering with rocks or similar natural objects prohibited

A person must not damage, deface, remove or otherwise interfere with any rock or similar natural object in a park.

Penalty: 20 penalty units.

54 Interfering with archaeological or historical remains prohibited

A person must not excavate, remove, damage, deface, or otherwise interfere with any archaeological or historical remains or relics in a park.

Penalty: 20 penalty units.

Division 3—Soil and other materials

55 Digging or removal of material prohibited

- (1) A person must not dig or remove from a park any gravel, shell, grit, sand, soil or other similar material.

Penalty: 20 penalty units.

- (2) A person does not commit an offence against subregulation (1) by—
- (a) depositing or burying faeces in accordance with regulation 87; or
 - (b) using a hand-operated bait pump to take bait for fishing in accordance with regulation 25(2).

56 Introduction of material prohibited

A person must not knowingly bring into a park any gravel, shell, grit, sand, soil or other similar material.

Penalty: 20 penalty units.

Division 4—Marine waters

57 Meaning of *marine waters*

In this Division, *marine waters* means—

- (a) waters within a park; or
- (b) waters that are—
 - (i) adjacent to and within 300 metres of a boundary of a park; and
 - (ii) not waters under the control of a port management body, local port manager or waterway manager within the meaning of the **Marine Safety Act 2010**.

58 Areas where bathing prohibited or restricted

- (1) The Secretary by determination may set aside specified marine waters in which bathing is prohibited or restricted.
- (2) A person must not bathe in an area set aside by a determination under subregulation (1) in a manner that contravenes the determination.

Penalty: 10 penalty units.

59 Areas where spears or spear guns prohibited or restricted

- (1) The Secretary by determination may set aside specified marine waters in which the possession of hand held spears or spear guns is prohibited or restricted.
- (2) A person must not possess a hand held spear or spear gun in an area set aside by a determination under subregulation (1) in a manner that contravenes the determination.

Penalty: 10 penalty units.

60 Areas where surfing etc. prohibited or restricted

- (1) The Secretary by determination may set aside specified marine waters as waters in which the use of surf skis, surf boards, body boards, skiffle boards, kite boards, windsurfers or other similar devices is prohibited or restricted.
- (2) A person must not use a surf ski, surf board, body board, skiffle board, kite board, windsurfer or other similar device in an area set aside by a determination under subregulation (1) in a manner that contravenes the determination.

Penalty: 10 penalty units.

61 Areas where scuba diving etc. prohibited or restricted

- (1) The Secretary by determination may set aside specified marine waters as waters in which the use of underwater breathing equipment is prohibited or restricted.
- (2) A person must not use underwater breathing equipment in an area subject to a determination under subregulation (1) in a manner that contravenes the determination.

Penalty: 10 penalty units.

Division 5—Miscellaneous

62 Hazardous behaviour in caves prohibited

- (1) A person must not smoke in any cave in a park.
Penalty: 10 penalty units.
- (2) A person must not perform any act in a cave in a park that may be hazardous to any person or to the preservation of the cave.

Penalty: 10 penalty units.

63 Hazardous substances in caves prohibited

A person must not carry into any cave in a park any substance, material or article that may be hazardous to any person or to the preservation of the cave.

Penalty: 10 penalty units.

64 Crossing area by way other than an identified track prohibited

A person must not, in a park, leave a track identified for walking or riding if the Secretary has erected a sign or notice on that track requiring persons to remain on the track, unless the person is authorised to do so by a permit issued under these Regulations.

Penalty: 5 penalty units.

Note

Regulations 111, 113 and 114 provide that a person does not commit an offence against regulation 64 when engaging in certain hunting activities in particular parks, subject to certain conditions.

PART 7—RECREATION, SAFETY AND AMENITY

Division 1—Sports and events

65 Areas where sport or recreation prohibited

- (1) The Secretary by determination may set aside an area of a park as an area in which sport or similar recreational activities are prohibited.
- (2) Subject to regulation 67, a person must not engage in a sport or similar recreational activity in any area of a park set aside under subregulation (1).

Penalty: 10 penalty units.

66 Areas where sport or recreation restricted

- (1) The Secretary by determination may set aside an area of a park as an area in which sport or other recreational activities are restricted.
- (2) Subject to regulation 67, a person must not engage in a sport or a recreational activity in any area of a park subject to a determination under subregulation (1) in a manner that contravenes the determination.

Penalty: 10 penalty units.

67 Permits for sport and recreation

- (1) The Secretary may issue a permit to a person to engage in an activity that is prohibited or restricted by a determination made under regulation 65(1) or 66(1).
- (2) A person may engage in an activity that is otherwise prohibited or restricted under a determination made under regulation 65(1) or 66(1) if the person is—
 - (a) authorised to engage in the activity by a permit issued under subregulation (1); or

- (b) participating in an event conducted by a person who is authorised to engage in the activity by a permit issued under regulation 69.

68 Organised events restricted

- (1) A person must not conduct or organise an event or function in a park that involves 30 or more persons, if that event or function is—
 - (a) entertainment or a show; or
 - (b) a festival, 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.

Penalty: 10 penalty units.

- (2) A person does not commit an offence against subregulation (1) by conducting or organising an event or function involving 30 or more people if the person is authorised to do so by a permit issued under regulation 69.

69 Permits for organised events

The Secretary may issue a permit to a person to engage in an activity that is prohibited by regulation 68(1).

70 Areas for snow sports

- (1) The Secretary by determination may set aside an area of a park as an area for—
 - (a) skiing; or
 - (b) tobogganing.

- (2) A person must not enter or remain in an area of a park set aside by the Secretary for skiing unless the person does so for the purpose of skiing.

Penalty: 5 penalty units.

- (3) A person must not enter or remain in an area of a park set aside by the Secretary for tobogganing unless the person does so for the purpose of tobogganing.

Penalty: 5 penalty units.

Division 2—Public safety

71 Dangerous activities prohibited

A person must not, in a park, throw an object, play a game or engage in any other similar activity in a manner that is likely to cause danger to other persons or to animals.

Penalty: 20 penalty units.

72 Areas where glass bottles, containers or utensils prohibited

- (1) The Secretary by determination may set aside an area of a park as an area where a person must not possess or carry a glass bottle, glass container or glass utensil.
- (2) A determination under subregulation (1) does not apply to the possession or carrying by a person of any glass bottle, glass container or glass utensil that contains, or is used to administer, medication for the person or another person under the person's care.
- (3) A person must not, contrary to a determination under subregulation (1), possess or carry a glass bottle, glass container or glass utensil in an area of a park set aside under that subregulation.

Penalty: 5 penalty units.

Division 3—Amenity

73 Operating annoying or disturbing devices or equipment prohibited

- (1) A person must not, in a park, use or operate any device or equipment that produces noise that is likely to cause inconvenience or nuisance to another person.

Penalty: 10 penalty units.

- (2) A person does not commit an offence against subregulation (1) by—
- (a) using or operating a device or equipment that produces noise in an area of a park set aside under regulation 74; or
 - (b) using or operating a device or equipment that produces noise for necessary medical purposes; or
 - (c) lawfully and reasonably entering or leaving an area in a vehicle or vessel; or
 - (d) using or operating a device or equipment that produces noise that the person is authorised to use or operate by a permit issued under regulation 69 or 75.

74 Areas where noisy devices and equipment may be operated

The Secretary by determination may set aside an area of a park as an area in which a person may use or operate specified devices or equipment that produce noise, even if the noise is likely to cause inconvenience or nuisance to another person.

75 Permits to operate noisy devices and equipment

The Secretary may issue a permit to a person to use or operate any specified device or equipment that produces noise, even if the noise is likely to cause inconvenience or nuisance to another person.

76 Advertising, soliciting, public speaking etc. restricted

- (1) Subject to subregulation (2), a person must not, in a park—
- (a) solicit or collect money; or
 - (b) display a sign for the purposes of advertising; or
 - (c) hand out or disseminate any advertising or commercial or promotional material, including pamphlets or handbills.

Penalty: 10 penalty units.

- (2) A person does not commit an offence against subregulation (1) by engaging in an activity referred to in that subregulation, if the person is authorised to do so by a permit issued under regulation 77.
- (3) A person must not deliver any address in a park in such a manner that the address is likely to disturb or annoy other park visitors.

Penalty: 10 penalty units.

77 Permits for advertising and soliciting

The Secretary may issue a permit to a person to engage in an activity referred to in regulation 76(1).

78 Areas where liquor prohibited

- (1) The Secretary by determination may set aside an area of a park as an area where a person must not possess liquor.
- (2) A person must not possess liquor in an area of a park that has been set aside under subregulation (1).

Penalty: 20 penalty units.

PART 8—BUILDINGS AND STRUCTURES

79 Erection or construction of buildings, structures etc. prohibited

- (1) A person must not erect, construct or install a building or other structure (whether temporary or otherwise) in a park.

Penalty: 10 penalty units.

- (2) A person does not commit an offence against subregulation (1) by—
- (a) camping in accordance with Division 1 of Part 9; or
 - (b) conducting an activity that the person is authorised to conduct by a permit issued under regulation 67(1), 69, 77 or 112(1).

80 Entry, occupation and use of buildings or structures restricted

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

Penalty: 5 penalty units.

- (2) A person who occupies, uses or enters a building or structure in a park 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: 5 penalty units.

- (3) A person who occupies, uses or enters a building or structure in a park 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: 5 penalty units.

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- (4) A person does not commit an offence against subregulation (1), (2) or (3) by occupying, entering or using a building or structure in accordance with a permit issued under regulation 67(1), 69 or 112(1).

81 Interfering with structures etc. prohibited

- (1) A person must not remove, cut, displace, damage, deface or interfere with any thing constructed or erected in a park.

Penalty: 20 penalty units.

- (2) A person does not commit an offence against subregulation (1) by carrying out an activity referred to in that subregulation in relation to a thing that the person has constructed or erected when—
- (a) camping in accordance with Division 1 of Part 9; or
 - (b) conducting an activity that the person is authorised to conduct by a permit issued under regulation 67(1), 69, 77 or 112(1).
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PART 9—CAMPING AND CAMP FIRES

Division 1—Dispersed camping

82 Areas for dispersed camping

The Secretary by determination may set aside an area of a park other than an occupation site as an area for camping.

83 Dispersed camping must be in areas set aside

A person must not camp in a park, other than—

- (a) in an area set aside under regulation 82; or
- (b) at an occupation site.

Penalty: 10 penalty units.

Note

Camping at occupation sites is controlled under section 21 of the Act and regulation 85.

84 Restrictions on dispersed camping

(1) A person who camps in an area of a park set aside under regulation 82 must not camp—

- (a) within 20 metres of any river, stream, well, spring, creek, dam, bore or watercourse; or
- (b) within 20 metres landward of the high water mark.

Penalty: 10 penalty units.

(2) If, in a determination under regulation 82, no limitation has been placed on the period for which a person may camp in an area, a person must not camp in the area for more than 42 consecutive nights.

Penalty: 10 penalty units.

- (3) A person who camps on a site within an area of a park set aside under regulation 82 must maintain the site free of litter.

Penalty: 10 penalty units.

- (4) A person who camps on a site within an area of a park set aside under regulation 82 must, before vacating the site, clear from the site all litter and personal equipment for which the person is responsible.

Penalty: 10 penalty units.

Division 2—Occupation sites

85 General requirements for occupation sites

- (1) A person must not occupy an occupation site unless the person does so under and in accordance with an occupation permit.

Penalty: 10 penalty units.

- (2) A person who occupies an occupation site must maintain the site free of litter.

Penalty: 10 penalty units.

- (3) A person who occupies an occupation site must, before vacating the site, clear from the occupation site all litter and personal equipment for which the person is responsible.

Penalty: 10 penalty units.

Division 3—Camp fires

86 Lighting or maintaining fires restricted

- (1) A person must not light or maintain a fire in a park.

Penalty: 20 penalty units.

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- (2) The Secretary by determination may set aside an area of a park as an area in which a person may light or maintain a fire in a place other than a public fireplace.
- (3) A person does not commit an offence against subregulation (1) by lighting or maintaining a fire in a park—
- (a) at a time and during a period when the lighting of fires in that park is not prohibited under any Act; and
 - (b) if the person lights or maintains the fire—
 - (i) in a public fireplace; or
 - (ii) in an area that is set aside by a determination under subregulation (2), if the person acts in accordance with the determination; or
 - (iii) in or on a vessel in an area of the park that is seaward of the low water mark.
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PART 10—HYGIENE AND WASTE

Division 1—Provisions for all areas

87 Appropriate disposal of human waste

- (1) In a park, other than in an area referred to in subregulation (2), a person must not 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 or readily available, the person does so by burying those faeces 100 metres or more away from any river, stream, creek, well, spring, dam, lake, reservoir, bore or water body.

Penalty: 20 penalty units.

- (2) A person must not, except in a facility provided for the purpose, leave behind or deposit faeces in—
- (a) a designated water supply catchment area; or
 - (b) an additional water supply catchment area; or
 - (c) an area in a marine national park or a marine sanctuary that is seaward of the low water mark; or
 - (d) an area of land specified in Schedule Four to the Act that is—
 - (i) covered with water; and
 - (ii) seaward of the low water mark.

Penalty: 20 penalty units.

88 Using soap or detergent near rivers, ocean etc.

- (1) A person who uses any soap, detergent or similar substance in a park must not dispose of the soap, detergent or similar substance unless the person does so—
- (a) at least 50 metres away from any river, stream, well, spring, creek, dam, bore or watercourse; and
 - (b) at least 50 metres landward of the high water mark.

Penalty: 10 penalty units.

- (2) A person does not commit an offence against subregulation (1) by disposing of any soap, detergent or similar substance in an area of a park that is seaward of the low water mark.

Note

Regulation 92 may also affect the disposal of soap, detergents or similar substances in designated water supply catchment areas or additional water supply catchment areas.

Division 2—Special provisions for water supply catchments

89 Definitions

In this Division—

water body means the water in any river, stream, creek, spring, watercourse, waterway, artificial channel, reservoir, dam or other waterworks;

water supply catchment means any area of a park that is—

- (a) an additional water supply catchment area; or
- (b) a designated water supply catchment area.

90 Additional water supply catchment areas

The Secretary by determination may set aside an area of a park, other than a designated water supply catchment area, as an area for the protection of a water supply catchment.

91 Pollution of and interference with water in water supply catchments—general offence

- (1) A person must not do anything in a water supply catchment that is likely to pollute any water body.

Penalty: 20 penalty units.

- (2) A person does not commit an offence against subregulation (1) in respect of conduct that constitutes an offence against regulation 92.

92 Pollution of and interference with water in water supply catchments—specific offences

- (1) A person must not, in a water supply catchment, touch, or allow any part of his or her body to come into contact with, any water body.

Penalty: 20 penalty units.

- (2) A person must not, in a water supply catchment, wash anything in or near any water body.

Penalty: 20 penalty units.

- (3) A person must not, in a water supply catchment, allow any animal to enter any water body.

Penalty: 20 penalty units.

- (4) A person must not, in a water supply catchment, throw or convey any litter into any water body.

Penalty: 20 penalty units.

- (5) A person must not, in a water supply catchment, throw or convey any thing likely to pollute water, other than litter, into any water body.

Penalty: 20 penalty units.

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- (6) A person must not, in a water supply catchment, permit to flow or be thrown or conveyed any litter or other thing likely to pollute water into any water body.

Penalty: 20 penalty units.

- (7) A person must not, in a water supply catchment, take or attempt to take fish by any means from any water body.

Penalty: 20 penalty units.

Note

Regulations 115, 118 and 121 restrict entering and remaining in designated water supply catchment areas in Kinglake National Park, Yarra Ranges National Park and Great Otway National Park.

PART 11—VEHICLES, VESSELS AND AIRCRAFT

Division 1—Vehicles

93 Road and track closures to some or all vehicles

- (1) The Secretary by determination may set aside a road or track in a park as an area—
 - (a) to which the entry of vehicles or a class of vehicles is prohibited;
 - (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.

94 Entering or parking in closed road or track prohibited

- (1) A person must not use or operate a vehicle in an area set aside by a determination under regulation 93 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 93 in contravention of the determination.

Penalty: 20 penalty units.

95 One-way roads or tracks

- (1) The Secretary may erect a notice or sign in a park that specifies the direction of movement of vehicles in the park.

- (2) A person in charge of a vehicle in a park must not operate that vehicle in contravention of a notice or sign referred to in subregulation (1).

Penalty: 10 penalty units.

Note

The Land Conservation (Vehicle Control) Regulations 2013 make further provision for the use of vehicles in parks. They contain offences relating to operating vehicles off road, obstructing other vehicles and causing damage to land with vehicles.

96 Parking restrictions

- (1) The Secretary may erect a notice or sign in a park 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 2013 make further provision for the parking of vehicles in parks.

97 Areas in which wheel chains must be carried during snow season

- (1) The Secretary by determination may set aside an area of a park as an area in which wheel chains must be carried during the snow season.
- (2) A person must not use a vehicle in an area of a park set aside under subregulation (1) unless—
- (a) the vehicle is carrying wheel chains capable of being fitted to at least two driving wheels of the vehicle; or

(b) the person is a day visitor to the park and a determination under regulation 100(1) is in force in relation to—

(i) that park; and

(ii) the vehicle or class of vehicle that the person is using.

Penalty: 20 penalty units.

98 Requirement to fit wheel chains

(1) During the snow season in an area of a park set aside under regulation 97(1), an authorised officer, for reasons of safety or for the control or protection of the park, may direct a person using a vehicle to properly fit wheel chains to at least two driving wheels of that vehicle, unless—

(a) the person is a day visitor to the park; and

(b) a determination under regulation 100(1) is in force in respect of that vehicle or class of vehicle.

(2) A person who is given a direction by an authorised officer under subregulation (1) must comply with that direction.

Penalty: 20 penalty units.

99 Snow season

The Secretary by determination may declare any period in any year specified in the determination to be the snow season in relation to a park.

Note

The default *snow season* is defined in regulation 5.

100 Days on which wheel chains are not required for day visitors

- (1) The Secretary may determine that day visitors to a park are not required to carry wheel chains on a specified day, if the Secretary is satisfied that it is appropriate to do so having regard to public safety considerations including—
 - (a) the general condition of the roads; and
 - (b) the extent of any snow or ice on the roads; and
 - (c) the latest available weather forecasts.
- (2) The Secretary may make a determination under subregulation (1) on the day specified in the determination or on the day before that day in relation to either—
 - (a) all vehicles, when entering or remaining in an area set aside under regulation 97(1); or
 - (b) those classes of vehicle that are specified in the determination, when entering or remaining in an area set aside under regulation 97(1).
- (3) The Secretary must erect or display signs or notices adjacent to roads within the park—
 - (a) informing the public of a determination made under subregulation (1); and
 - (b) providing any details of the vehicles or classes of vehicles to which the determination relates; and
 - (c) in such a place and manner that those signs and notices are reasonably likely to be seen by any person affected by a determination under subregulation (1).

Division 2—Vessels

101 Areas where using vessels restricted or prohibited

- (1) The Secretary by determination may set aside an area of a park as an area in which any of the following is prohibited or restricted, either for all vessels or for those classes of 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 launch, land, load, unload, moor, anchor or operate a vessel in an area of a park to which a determination under subregulation (1) applies in contravention of the determination.
Penalty: 20 penalty units.

Division 3—Aircraft

102 Using aircraft prohibited

- (1) A person must not, in a park—
 - (a) launch or land an aircraft; or
 - (b) deliver anything by an aircraft.
Penalty: 20 penalty units.
- (2) A person does not commit an offence against subregulation (1) by launching or landing an aircraft or delivering anything by an aircraft—
 - (a) in accordance with a determination under regulation 103(1); or

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- (b) if the person is authorised to do so by a permit issued under regulation 103(2).

103 Areas where aircraft may be used

- (1) The Secretary by determination may set aside an area of a park as an area in which a person may, in relation to an aircraft or a class of aircraft specified in the determination—
- (a) launch or land the aircraft; or
 - (b) deliver anything by the aircraft.
- (2) The Secretary may issue a permit to a person authorising the person to—
- (a) launch or land an aircraft in a park; or
 - (b) deliver anything by an aircraft in a park.
-

PART 12—POINT NEPEAN NATIONAL PARK

104 Areas of unexploded ordnance

- (1) The Secretary by determination may set aside an area of Point Nepean National Park as an area in which dangerous or unexploded ordnance is known or suspected to be present.
- (2) A person who is not a member of the Australian Defence Force must not enter any area set aside under subregulation (1).

Penalty: 10 penalty units.

105 Requirement to leave dangerous areas

- (1) An authorised officer may, for the purpose of ensuring the safety of the public, direct a person not to enter, or to leave, any area in Point Nepean National Park that is—
 - (a) not set aside under regulation 104; and
 - (b) where dangerous or unexploded ordnance is known or suspected to be present.
- (2) A person must not, while in Point Nepean National Park, enter or remain in an area in contravention of a direction of an authorised officer under subregulation (1).

Penalty: 10 penalty units.

106 Signs etc. must be obeyed

- (1) The Secretary may erect a notice or sign in Point Nepean National Park that specifies that entry to any of the following areas is prohibited—
 - (a) any shaft, underground tunnel or magazine, building or fortification;
 - (b) any area to which access is restricted because of use or intended use by the Australian Defence Force.

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- (2) A person must not enter an area contrary to any sign or notice erected under subregulation (1).

Penalty: 10 penalty units.

- (3) A person must not climb or breach any fence or locked gate or remove any grille at any area referred to in subregulation (1).

Penalty: 10 penalty units.

PART 13—LYSTERFIELD PARK

107 Fishing prohibited

A person must not take or attempt to take fish from waters within Lysterfield Park.

Penalty: 5 penalty units.

108 Swimming prohibited

A person must not swim or bathe in Lysterfield Park, other than in an area set aside under regulation 109.

Penalty: 5 penalty units.

109 Areas where swimming may be allowed

The Secretary by determination may set aside an area of Lysterfield Park as an area for swimming or bathing.

PART 14—HUNTING IN SPECIFIC PARKS

110 Definitions

In this Part—

appropriate authorisation means—

- (a) an authorisation under section 37 of the Act to carry a gun in the park; and
- (b) in relation to hog deer, wild duck or stubble quail—
 - (i) a game licence under section 22A of the **Wildlife Act 1975**; or
 - (ii) an authorisation to hunt, take or destroy wildlife under section 28A(1)(d) or (h) of the **Wildlife Act 1975**; and
- (c) a longarm licence under the **Firearms Act 1996**;

Cape Conran duck hunting area means that part of Cape Conran Coastal Park that is shown hatched on the plan lodged in the Central Plan Office and numbered LEGL./13-031;

Gippsland Lakes duck and stubble quail hunting area means those parts of the Gippsland Lakes Coastal Park that are shown hatched and cross-hatched on the plan lodged in the Central Plan Office and numbered LEGL./13-032;

Gippsland Lakes hog deer hunting area means—

- (a) those parts of the Gippsland Lakes Coastal Park that are shown cross-hatched on the plan lodged in the Central Plan Office and numbered LEGL./13-032; and

- (b) those parts of the Gippsland Lakes Coastal Park on the northern side of Lake Reeve between the high water mark of the lake and the park boundary;

hunting duck means—

- (a) hunting, taking or destroying wild duck during the open season for wild duck; or
(b) being in possession of a dog during the 48 hour period immediately before the commencement of the open season for wild duck; or
(c) using a dog for the purposes of flushing or retrieving wild duck during the open season for wild duck;

hunting hog deer means hunting, taking or destroying hog deer during the open season for hog deer;

hunting stubble quail means—

- (a) hunting, taking or destroying stubble quail during the open season for stubble quail; or
(b) being in possession of a dog during the 48 hour period immediately before the commencement of the open season for stubble quail; or
(c) using a dog for the purposes of flushing or retrieving stubble quail during the open season for stubble quail;

Lake Albacutya hunting area means that part of Lake Albacutya Park shown hatched on the plan lodged in the Central Plan Office and numbered LEGL./13-033.

111 Gippsland Lakes Coastal Park—hunting duck, hog deer and stubble quail

- (1) A person does not commit an offence against regulation 23(1), 32(1) or 64 by hunting duck or hunting stubble quail in the Gippsland Lakes duck and stubble quail hunting area if the person is acting in accordance with appropriate authorisation.
- (2) A person does not commit an offence against regulation 23(1) by hunting hog deer in the Gippsland Lakes hog deer hunting area if the person is acting in accordance with appropriate authorisation.

112 Gippsland Lakes Coastal Park—construction of hides

- (1) The Secretary may issue a permit to a person to cut vegetation in the Gippsland Lakes duck and stubble quail hunting area for the purpose of establishing a duck hide.
- (2) A person who is hunting duck and acting in accordance with appropriate authorisation does not commit an offence against regulation 48 by clearing vegetation if the person is authorised to do so by a permit issued under subregulation (1).

113 Cape Conran Coastal Park—hunting duck

A person does not commit an offence against regulation 23(1), 32(1) or 64 by hunting duck in the Cape Conran duck hunting area if the person is acting in accordance with appropriate authorisation.

114 Lake Albacutya Park—hunting duck, rabbits, foxes or cats

- (1) A person does not commit an offence against regulation 23(1), 32(1) or 64 by hunting duck in the Lake Albacutya hunting area if the person is acting in accordance with appropriate authorisation.
 - (2) A person does not commit an offence against regulation 23(1), 32(1) or 64 by hunting, taking or destroying rabbits, foxes or cats in the Lake Albacutya hunting area if the person is acting in accordance with appropriate authorisation.
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**PART 15—PROTECTION OF DESIGNATED WATER
SUPPLY CATCHMENT AREAS**

Division 1—Great Otway National Park

**115 Access to designated water supply catchment area
prohibited**

- (1) A person must not enter or remain in the designated water supply catchment area in Great Otway National Park.

Penalty: 20 penalty units.

- (2) A person does not commit an offence against subregulation (1) by entering or remaining in the designated water supply catchment area if the person is—
- (a) in a part set aside under regulation 116; or
 - (b) authorised to do so by a permit issued under regulation 117.

116 Areas where access may be allowed

The Secretary by determination may set aside part of the designated water supply catchment area in Great Otway National Park as an area for the purposes of a walking track, picnic area, cycling or for other purposes.

Note

Regulation 92 restricts the activities that may be carried out in a designated water supply catchment area.

**117 Permits to access the designated water supply
catchment area**

The Secretary may issue a permit to a person to enter or remain in a part of the designated water supply catchment area in Great Otway National Park.

Division 2—Kinglake National Park

118 Access to designated water supply catchment area prohibited

- (1) A person must not enter or remain in the designated water supply catchment area in Kinglake National Park.

Penalty: 20 penalty units.

- (2) A person does not commit an offence against subregulation (1) by entering or remaining in the designated water supply catchment area if the person is—
- (a) in a part set aside under regulation 119; or
 - (b) authorised to do so by a permit issued under regulation 120; or
 - (c) subject to any relevant prohibited access area, on any part of Board Road that is in the designated water supply catchment area.
- (3) In this regulation, **Board Road** means the area shown marked as such on the plan numbered N.P. 8B lodged in the Central Plan Office.

119 Areas where access may be allowed

The Secretary by determination may set aside part of the designated water supply catchment area in Kinglake National Park as an area for the purposes of a walking track, picnic area or for other purposes.

Note

Regulation 92 restricts the activities that may be carried out in a designated water supply catchment area.

120 Permits to access the designated water supply catchment area

The Secretary may issue a permit to a person to enter or remain in a part of the designated water supply catchment area in Kinglake National Park.

Division 3—Yarra Ranges National Park

121 Access to designated water supply catchment area prohibited

- (1) A person must not enter or remain in the designated water supply catchment area in Yarra Ranges National Park.
Penalty: 20 penalty units.
- (2) A person does not commit an offence against subregulation (1) by entering or remaining in the designated water supply catchment area if the person is—
 - (a) in a part set aside under regulation 122; or
 - (b) authorised to do so by a permit issued under regulation 123; or
 - (c) on the part of the Maroondah Highway that is in the designated water supply catchment area; or
 - (d) on the part of the Marysville–Woods Point Road that is in the designated water supply catchment area; or
 - (e) subject to any relevant prohibited access area, on the parts of the following roads that are in the designated water supply catchment area—

- (i) Maroondah Catchment: Road 9 (between Road 10 to the gate beyond Road 37); or
 - (ii) O'Shannassy Catchment: the road known as Lake Mountain Road and Road 8 (from the Marysville–Woods Point Road to the gate beyond Road 9).
- (3) In subregulation (2)(e), each reference to a specific road is a reference to the area shown marked as such on the plan numbered N.P. 102A lodged in the Central Plan Office.

122 Areas where access may be allowed

The Secretary by determination may set aside part of the designated water supply catchment area in Yarra Ranges National Park for the purposes of a walking track, picnic area or for other purposes.

Note

Regulation 92 restricts the activities that may be carried out in a designated water supply catchment area.

123 Permits to access the designated water supply catchment area

The Secretary may issue a permit to a person to enter or remain in a part of the designated water supply catchment area in Yarra Ranges National Park.

Division 4—Managing water authority infrastructure

124 Interference with structures and installations prohibited

A person must not interfere with any structure or installation under the control and management of a managing water authority in a designated water supply catchment area.

Penalty: 20 penalty units.

Note

Agreements under section 32I of the Act may authorise a managing water authority (as defined in section 3(1) of the Act) to manage and control any property in a relevant designated water supply catchment area.

Regulation 7 provides that a person acting under and in accordance with the terms and conditions of any agreement entered into under the Act is not subject to these Regulations to the extent that the activities authorised by the agreement are inconsistent with these Regulations.

**PART 16—APPROVALS FOR POINT HICKS MARINE
NATIONAL PARK**

125 Definition

In this Part, *the Park* means Point Hicks Marine National Park.

126 Conditions of Minister's approval

For the purposes of section 45B(3) of the Act, the prescribed conditions are—

- (a) the approval remains in force for a period of 12 months commencing on the date it is given;
- (b) before each occasion on which the person to whom the approval has been given enters the Park, he or she must notify the Minister as to—
 - (i) the number of the Fishery Access Licence under which the priority species carried on the boat has been caught; and
 - (ii) his or her intention to enter the Park;
- (c) on each occasion on which the person to whom the approval has been given leaves the Park he or she must notify the Minister, as soon as practicable after leaving the Park as to—
 - (i) the number of the Fishery Access Licence under which any priority species carried on the boat has been caught; and
 - (ii) his or her departure from the Park;

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- (d) the boat in respect of which the approval has been given—
- (i) must not remain stationary in any part of the Park except that part shown hatched and bounded by the thick black line on the plan in Schedule 1;
 - (ii) must travel by the shortest practicable route on entering the Park, from its point of entry on the boundary of the park to the boundary of the area shown hatched and bounded by the thick black line on the plan in Schedule 1;
 - (iii) must travel by the shortest practicable route when leaving the Park, from the point of exit on the boundary of the area shown hatched and bounded by the thick black line on the plan in Schedule 1, to the boundary of the Park.

127 Method of notifying the Minister

For the purposes of regulation 126(b) and (c), notification to the Minister may be given by telephone, on the telephone number specified by the Minister for that purpose.

**PART 17—ACCESS TO CAPE HOWE MARINE NATIONAL
PARK**

128 Definitions

In this Part—

commercial fishing vessels means vessels used or intended to be used for catching fish or other living resources of the sea or seabed for profit or reward, other than vessels used or intended to be used—

- (a) to take fish from the Iron Prince and Gunshot Reefs area in accordance with—
 - (i) an Abalone Fishery (Eastern Zone) Access Licence within the meaning of regulation 12(c) of the Fisheries Regulations 2009³;
 - (ii) a Rock Lobster Fishery (Eastern Zone) Access Licence within the meaning of regulation 12(r) of the Fisheries Regulations 2009;
 - (iii) an Ocean Fishery Access Licence within the meaning of regulation 12(m) of the Fisheries Regulations 2009;
 - (iv) a statutory fishing right within the meaning of the Fisheries Management Act 1991 of the Commonwealth;
- (b) to take fish from the Iron Prince and Gunshot Reefs area from a developing fishery in accordance with a general permit issued under section 49 of the **Fisheries Act 1995**;

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- (c) to conduct research, study or an investigation of matters that relate to the objects of the Act, where the research, study or investigation—
 - (i) has been promoted by the Secretary under section 20 of the Act; and
 - (ii) is being carried out in accordance with any terms and conditions determined by the Secretary under that section;
 - (d) in accordance with a permit granted under section 21A of the Act;

Iron Prince and Gunshot Reefs area means the area shown unhatched and bounded by the black line between points D, E, C and B in Schedule 2.

129 Prescribed area and prohibition on being in charge of certain boats

For the purposes of section 45A(4) of the Act—

- (a) the prescribed area is all of Cape Howe Marine National Park; and
- (b) the prescribed class of boats is commercial fishing vessels.

**PART 18—NATIONAL PARKS ADVISORY COUNCIL AND
ADVISORY COMMITTEES**

**130 Travelling allowances for members of the National
Parks Advisory Council and members of advisory
committees**

(1) For the purposes of sections 13(4) and 14(5) of the Act, the prescribed travelling allowances for a member of the Council or a member of an advisory committee are—

- (a) if a member uses his or her private vehicle for travel, for a vehicle with an engine capacity specified in Column 1 of Table 1, an amount calculated by multiplying the number of kilometres travelled by the rate specified in the corresponding entry of Column 2 of Table 1;

TABLE 1

<i>Column 1</i>	<i>Column 2</i>
<i>Type of vehicle</i>	<i>Rate per kilometre travelled</i>
Motor car with an engine capacity of more than 2600 cc	75·0 cents
Motor car with an engine capacity of 1601 cc to 2600 cc	74·0 cents
Motor car with an engine capacity of less than 1601 cc	63·0 cents

- (b) if a member is absent from his or her usual place of residence or work at any location other than a location described in Table 3 because of travel, an amount for a meal or accommodation in accordance with Table 2;

TABLE 2

<i>Meals/Accommodation</i>	<i>Capital city</i>	<i>Outside capital city</i>
Breakfast (absent between 7.00 a.m. and 9.30 a.m.)	\$24.35	\$21.80
Lunch (absent between 12.00 p.m and 3.00 p.m.)	\$27.35	\$24.90
Dinner (absent between 5.00 p.m. and 7.00 p.m.)	\$46.70	\$22.90
Bed and incidentals (absent overnight)	\$173.00	\$109.00

- (c) if a member is absent from his or her usual place of residence or work at any location described in Table 3 because of travel—
- (i) an amount for a meal in accordance with Table 2; and
 - (ii) an amount for accommodation in accordance with Table 3.

TABLE 3

<i>Town/City</i>	<i>Accommodation</i>
Bright	\$136.00
Castlemaine	\$133.00
Echuca	\$123.00
Geelong	\$136.00
Ararat, Bairnsdale, Bendigo, Hamilton, Horsham, Mildura, Portland, Seymour, Swan Hill or Warrnambool	\$127.00

- (2) Subregulation (1) does not apply to the Director.

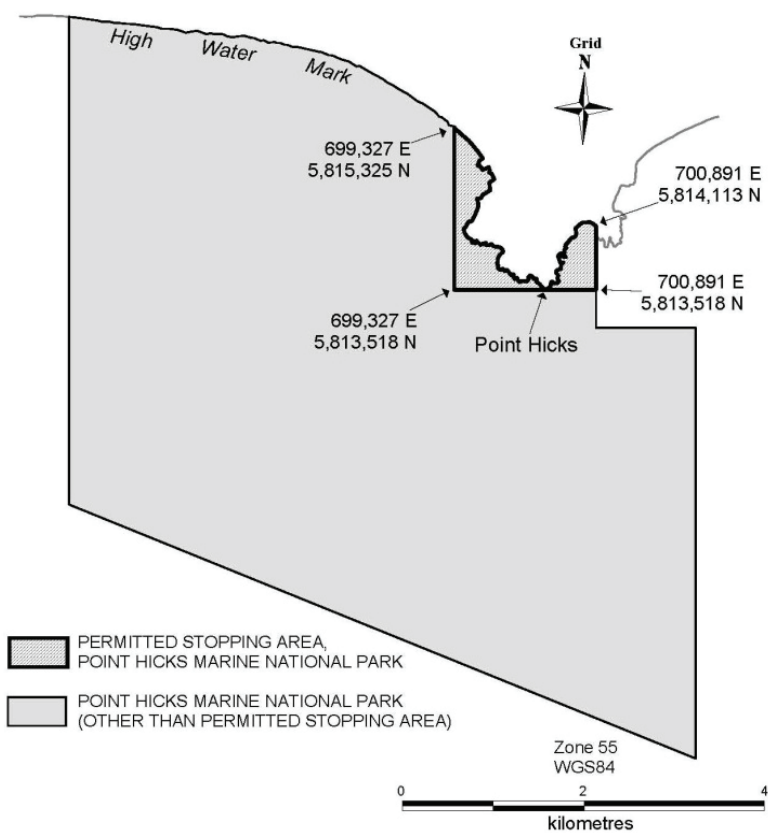
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SCHEDULES

SCHEDULE 1

Regulation 126

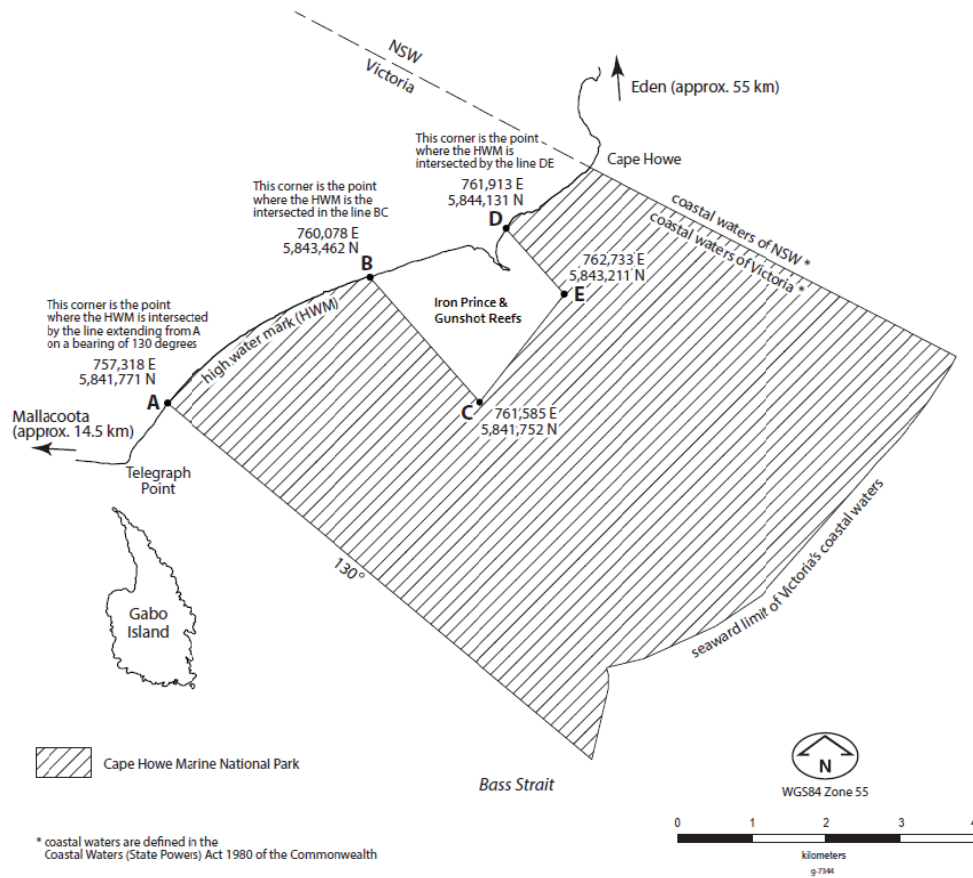
POINT HICKS MARINE NATIONAL PARK PERMITTED STOPPING AREA



SCHEDULE 2

Regulation 128

IRON PRINCE AND GUNSHOT REEFS AREA WITHIN CAPE
HOWE MARINE NATIONAL PARK



ENDNOTES

1. General Information

The National Parks Regulations 2013, S.R. No. 115/2013 were made on 17 September 2013 by the Lieutenant-Governor, as the Governor's Deputy, with the advice of the Executive Council under sections 32AA, 37 and 48 of the **National Parks Act 1975**, No. 8702/1975 and came into operation on 23 September 2013: regulation 3.

The National Parks Regulations 2013 will sunset 10 years after the day of making on 17 September 2023 (see section 5 of the **Subordinate Legislation Act 1994**).

2. Table of Amendments

There are no amendments made to the National Parks Regulations 2013 by statutory rules, subordinate instruments and Acts.

Endnotes

3. Explanatory Details

¹ Reg. 4(a): S.R. No. 74/2003 as amended by S.R. No. 148/2011.

² Reg. 4(b): S.R. No. 49/2006.

³ Reg. 128 def. of *commercial fishing vessels* (a)(i): S.R. No. 2/2009 as amended by S.R. Nos 19/2009, 118/2010 and 18/2013.