

**Authorised Version No. 003**  
**Water Industry (Reservoir Parks Land)**  
**Regulations 2014**

**S.R. No. 171/2014**

Authorised Version incorporating amendments as at  
12 September 2018

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**Part 1—Preliminary**

**1 Objectives**

The objectives of these Regulations are—

- (a) to regulate camping and the use of fire on reservoir parks land; and
- (b) to provide for fees for camping at a specified campsite on certain reservoir parks land.

**2 Authorising provisions**

These Regulations are made under sections 136 and 184 of the **Water Industry Act 1994**.

**3 Commencement**

These Regulations come into operation on 29 October 2014.

**4 Definitions**

In these Regulations—

**ANZAC Day** has the same meaning as in section 6(h) of the **Public Holidays Act 1993**;

**camp** means—

- (a) to erect, occupy or use a tent, tarpaulin or 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;

***eligible person*** has the same meaning as in section 3 of the **State Concessions Act 2004**;

***fireplace*** means a facility constructed of stone, metal, concrete or other non-flammable material that is for the lighting and maintaining of fires;

***Labour Day*** has the same meaning as in section 6(d) of the **Public Holidays Act 1993**;

***Melbourne Cup Day*** has the same meaning as in section 6(j) of the **Public Holidays Act 1993**;

***off-peak season*** means the period commencing on 1 May and ending on 31 October in each year (excluding any days that are part of peak season or shoulder season);

***Parks Victoria*** has the same meaning as in the **Parks Victoria Act 2018**;

Reg. 4 def. of  
*Parks Victoria*  
substituted by  
S.R. No.  
127/2018  
reg. 5.

***peak season*** means the following periods—

(a) Friday and Saturday nights during the period commencing on the last Friday in October each year and ending at the end of February of the following year;

(b) the Sunday and Monday nights immediately before Melbourne Cup Day;

- (c) the Friday, Saturday and Sunday nights immediately before Labour Day;
- (d) if ANZAC Day falls on a Friday, the Thursday night immediately before ANZAC Day, ANZAC Day and the Saturday immediately following ANZAC Day;
- (e) if ANZAC Day falls on a Monday, the Friday, Saturday and Sunday nights immediately before ANZAC Day;
- (f) the period between the end of school term one and the beginning of school term two in each year;
- (g) the period between the end of school term four and the beginning of school term one in the following year;

***school term*** means a term defined by the Minister administering the **Education and Training Reform Act 2006** under that Act or regulations under that Act;

***shoulder season*** means the following periods—

- (a) the period commencing on 1 November each year and ending on 30 April of the following year (excluding any days that are part of peak season);
- (b) the period between the end of school term three and the beginning of school term four;

***specified campsite*** means an individual campsite within a campground on reservoir parks land that is provided and managed by Parks Victoria for the purpose of camping;

***the Act*** means the **Water Industry Act 1994**;

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

***Upper Yarra Reservoir Park*** means the land delineated by heavy black lines on the plan lodged in the Central Plan Office and numbered LEGL./11-099, excluding the area shown as excluded on that plan.

**5 Exemption—members of a traditional owner group**

Regulation 6 does not apply to a person who is a member of a traditional owner group and who is acting under and in accordance with an authorisation order given under section 83 of the **Traditional Owner Settlement Act 2010**.

## **Part 2—Fees for use of facilities**

### **6 Fees for use of certain facilities**

- (1) A person must not use a facility in reservoir parks land for which a fee is payable under this regulation unless the person has paid the fee to Parks Victoria.

Reg. 6(1)  
amended by  
S.R. No.  
127/2018  
reg. 6.

Penalty: 5 penalty units.

- (2) The fee payable for the overnight use by up to 6 persons of a specified campsite at the Upper Yarra Reservoir Park is—

(a) during the peak season, 2.06 fee units; or

Reg. 6(2)(a)  
amended by  
S.R. No.  
5/2016  
reg. 3(a).

(b) during the off-peak season, 1.85 fee units; or

Reg. 6(2)(b)  
amended by  
S.R. No.  
5/2016  
reg. 3(b).

(c) during the shoulder season, 1.96 fee units.

Reg. 6(2)(c)  
amended by  
S.R. No.  
5/2016  
reg. 3(c).

- (3) The fee payable under subregulation (2) by an eligible person is subject to a 10 per cent discount.

## **Part 3—Camping**

### **7 Camping**

- (1) A person must not camp on reservoir parks land, other than in a specified campsite.

Penalty: 10 penalty units.

- (2) A person must not camp in a specified campsite for more than 30 consecutive nights.

Penalty: 10 penalty units.

- (3) A person who books a specified campsite for overnight use must not allow more than 6 persons to use the campsite overnight.

Penalty: 5 penalty units.

### **8 Use of soap and detergents**

A person must not use or dispose of any soap, detergent or similar substance on reservoir parks land within 50 metres of any sea, river, stream, creek, well, spring, dam, lake, reservoir, bore or other body of water, except in toilets, showers or other facilities provided for that purpose.

Penalty: 10 penalty units.

### **9 Hygiene**

A person must not deposit or leave behind faeces in reservoir parks land unless—

- (a) if toilet facilities are provided and readily available, the person does so in the toilet facilities provided; or

- (b) if toilet facilities are not provided or are not readily available, the person does so by burying those faeces 100 metres or more away from any sea, river, stream, creek, well, spring, dam, lake, reservoir, bore or other body of water.

Penalty: 10 penalty units.

## **Part 4—Fires and barbeques**

### **10 Fires and barbeques**

- (1) A person must not light or maintain a fire or barbeque on reservoir parks land, except in accordance with subregulation (2).

Penalty: 20 penalty units.

- (2) A person may light or maintain a fire or barbeque if—

(a) the person does so at a time and during a period when the lighting of fires is not prohibited under any Act; and

(b) the person does so—

(i) in a fireplace or barbeque constructed for that purpose; or

(ii) in accordance with subregulation (3), in an appliance designed and commercially manufactured to use liquid or gaseous fuel.

- (3) For the purposes of subregulation (2)(b)(ii), the person using the appliance must ensure that—

(a) the appliance is lit and maintained using fuel intended to be used in that appliance; and

(b) when alight, the appliance is placed in a stable position; and

(c) the ground and airspace within a distance of 3 metres of the appliance is clear of flammable material.

Penalty: 20 penalty units.

## **11 Extinguishment of fires and barbeques**

A person who has lit or maintained a fire or barbeque on reservoir parks land must extinguish the fire or barbeque before leaving the place of the fire or barbeque.

Penalty: 20 penalty units.

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## Endnotes

### 1 General information

See [www.legislation.vic.gov.au](http://www.legislation.vic.gov.au) for Victorian Bills, Acts and current authorised versions of legislation and up-to-date legislative information.

The Water Industry (Reservoir Parks Land) Regulations 2014, S.R. No. 171/2014 were made on 21 October 2014 by the Lieutenant-Governor, as the Governor's Deputy, with the advice of the Executive Council under sections 136 and 184 of the **Water Industry Act 1994**, No. 121/1994 and came into operation on 29 October 2014: regulation 3.

The Water Industry (Reservoir Parks Land) Regulations 2014 will sunset 10 years after the day of making on 21 October 2024 (see section 5 of the **Subordinate Legislation Act 1994**).

### INTERPRETATION OF LEGISLATION ACT 1984 (ILA)

#### Style changes

Section 54A of the ILA authorises the making of the style changes set out in Schedule 1 to that Act.

#### References to ILA s. 39B

Sidenotes which cite ILA s. 39B refer to section 39B of the ILA which provides that where an undivided regulation, rule or clause of a Schedule is amended by the insertion of one or more subregulations, subrules or subclauses the original regulation, rule or clause becomes subregulation, subrule or subclause (1) and is amended by the insertion of the expression "(1)" at the beginning of the original regulation, rule or clause.

#### Interpretation

As from 1 January 2001, amendments to section 36 of the ILA have the following effects:

- **Headings**

All headings included in a Statutory Rule which is made on or after 1 January 2001 form part of that Statutory Rule. Any heading inserted in a Statutory Rule which was made before 1 January 2001, by a Statutory Rule made on or after 1 January 2001, forms part of that Statutory Rule. This includes headings to Parts, Divisions or Subdivisions in a Schedule; Orders; Parts into which an Order is divided; clauses; regulations; rules; items; tables; columns; examples; diagrams; notes or forms. See section 36(1A)(2A)(2B).

- **Examples, diagrams or notes**

All examples, diagrams or notes included in a Statutory Rule which is made on or after 1 January 2001 form part of that Statutory Rule. Any examples, diagrams or notes inserted in a Statutory Rule which was made before 1 January 2001, by a Statutory Rule made on or after 1 January 2001, form part of that Statutory Rule. See section 36(3A).

- **Punctuation**

All punctuation included in a Statutory Rule which is made on or after 1 January 2001 forms part of that Statutory Rule. Any punctuation inserted in a Statutory Rule which was made before 1 January 2001, by a Statutory Rule made on or after 1 January 2001, forms part of that Statutory Rule. See section 36(3B).

- **Provision numbers**

All provision numbers included in a Statutory Rule form part of that Statutory Rule, whether inserted in the Statutory Rule before, on or after 1 January 2001. Provision numbers include regulation numbers, rule numbers, subregulation numbers, subrule numbers, paragraphs and subparagraphs. See section 36(3C).

- **Location of "legislative items"**

A "legislative item" is a penalty, an example or a note. As from 13 October 2004, a legislative item relating to a provision of a Statutory Rule is taken to be at the foot of that provision even if it is preceded or followed by another legislative item that relates to that provision. For example, if a penalty at the foot of a provision is followed by a note, both of these legislative items will be regarded as being at the foot of that provision. See section 36B.

- **Other material**

Any explanatory memorandum, table of provisions, endnotes, index and other material printed after the Endnotes does not form part of a Statutory Rule. See section 36(3)(3D)(3E).

Water Industry (Reservoir Parks Land) Regulations 2014  
S.R. No. 171/2014  
Endnotes

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## 2 Table of Amendments

This publication incorporates amendments made to the Water Industry (Reservoir Parks Land) Regulations 2014 by statutory rules, subordinate instruments and Acts.

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Water Industry (Reservoir Parks Land) Amendment Regulations 2016,  
S.R. No. 5/2016

*Date of Making:* 23.2.16

*Date of Commencement:* 23.2.16

Water Industry (Reservoir Parks Land) Amendment Regulations 2018,  
S.R. No. 127/2018

*Date of Making:* 11.9.18

*Date of Commencement:* 12.9.18; reg. 3

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### **3 Amendments Not in Operation**

There are no amendments which were Not in Operation at the date of this publication.

## 4 Explanatory details

### Fee Units

These Regulations provide for fees by reference to fee units within the meaning of the **Monetary Units Act 2004**.

The amount of the fee is to be calculated, in accordance with section 7 of that Act, by multiplying the number of fee units applicable by the value of a fee unit.

The value of a fee unit for the financial year commencing 1 July 2018 is \$14.45. The amount of the calculated fee may be rounded to the nearest 10 cents.

The value of a fee 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 fee unit for a financial year must be published in the Government Gazette and a Victorian newspaper before 1 June in the preceding financial year.

### Penalty Units

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

The value of a penalty unit for the financial year commencing 1 July 2018 is \$161.19.

The amount of the calculated penalty may be rounded to the nearest dollar.

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