

Authorised Version No. 004
Forests (Recreation) Regulations 2010

S.R. No. 30/2010

Authorised Version incorporating amendments as at
12 September 2018

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Part 1—Preliminary

1 Objectives

The objectives of these Regulations are to—

- (a) regulate camping, recreation grounds and roads in State forests;
- (b) provide for the management and care of forest reserves and forest parks by the Secretary, Parks Victoria or a committee by—
 - (i) restricting or prohibiting access to areas by persons and vehicles; and
 - (ii) setting aside areas for specific purposes in particular for prohibiting or regulating particular activities; and
 - (iii) prescribing offences;

Reg. 1(b)
amended by
S.R. No.
123/2018
reg. 5(1)(a)(b).

Reg. 1(b)(iii)
amended by
S.R. No.
123/2018
reg. 5(1)(c).

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Reg. 1(b)(iv)
revoked by
S.R. No.
123/2018
reg. 5(1)(d).

- (c) prescribing fees for entry or use of land activities in a forest reserve.

Reg. 1(c)
inserted by
S.R. No.
123/2018
reg. 5(2).

2 Authorising provisions

These Regulations are made under sections 50(5), 99 and 99A of the **Forests Act 1958**.

3 Commencement

These Regulations come into operation on 25 May 2010.

4 Revocations

The Regulations listed in Schedule 1 are **revoked**.

5 Definitions

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;

alpine bog means any permanently wet site along drainage lines and valley floors, its vegetation primarily consisting of Sphagnum moss, and usually including Spreading Rope-rush, Matted Nertera, Alpine Astelia and Mountain Gentian;

ambulance service has the same meaning as in the **Ambulance Services Act 1986**;

animal means any animal except any human or non-indigenous fish and whether vertebrate or invertebrate in any stage of biological development;

bore has the same meaning as in the **Water Act 1989**;

Brataualung Forest Park means all those portions of reserved forest set aside and declared to be a forest park under section 50 of the Act by Orders published on page 1030 of the Government Gazette dated 10 May 2018 and page 1411 of the Government Gazette dated 21 June 2018;

Reg. 5 def. of
***Brataualung
Forest Park***
inserted by
S.R. No.
123/2018
reg. 6(a)

camp means—

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

car means a vehicle having seats for up to 9 people;

commercial activity means one or more of the following—

- (a) to offer for sale or hire any thing or service for profit;
- (b) film or take photographs for profit;
- (c) conduct an organised entertainment or sporting or recreational function for profit;
- (d) conduct a rally, festival, tour or fete for profit;

- (e) hold a public meeting or similar event for profit;
- (f) deliver any address or use any amplifier, public address system, loud hailer or any similar device for profit; or
- (g) distribute or display any handbills, pamphlets, books, paper or advertising matter or put up or leave any placards or notices for profit;

committee means, in relation to any land set aside under section 50(1) of the Act, a committee of management appointed under section 50(3)(a) of the Act for the land;

dam has the same meaning as in the **Water Act 1989**;

Delatite Arm Reserve means the land set aside and declared to be the Delatite Arm Reserve under section 50 of the Act by Order published on page 2818 in the Government Gazette on 29 October 2009;

emergency activity has the same meaning as in the **Emergency Management Act 1986**;

emergency services agency has the same meaning as in the **Emergency Management Act 1986**;

fauna means any animal or part of any animal that is indigenous to Victoria;

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

fish includes any kind of species of fish indigenous to Victoria;

fixed fireplace means a fixed facility constructed of stone, metal, concrete or other non-flammable material provided by a committee for the purposes of lighting and maintaining fires;

flora means a plant or part of a plant in any stage of biological development, whether the plant or part of the plant is vascular or non-vascular and whether alive or dead, if the plant is indigenous to Victoria;

forest park has the same meaning as in the **Crown Land (Reserves) Act 1978**;

forest reserve means any of the following—

- (a) Delatite Arm Reserve;
- (b) Murrindindi Scenic Reserve;
- (c) Sylvia Falls Scenic Reserve;
- (d) Steavenson Falls Scenic Reserve;
- (e) You Yangs Regional Park;
- (f) Thomson River Forest Reserve;
- (g) Tarago Forest Reserve;
- (h) Brataualung Forest Park;
- (i) Gunyah Rainforest Reserve;

Reg. 5 def. of
forest reserve
amended by
S.R. No.
123/2018
reg. 6(b).

gundog has the same meaning as in the Wildlife (Game) Regulations 2001;

Gunyah Rainforest Reserve means the land set aside and declared to be the Gunyah Rain Forest Reserve under section 50 of the Act by Order published on page 2014 of the Government Gazette dated 29 July 1987;

Reg. 5 def. of
*Gunyah
Rainforest
Reserve*
inserted by
S.R. No.
123/2018
reg. 6(a).

large bus means a motor vehicle having seats for 30 or more people;

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

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

managing body means—

(a) for land managed by a committee, the committee; or

(b) for all other land, the land manager;

Melbourne Water Corporation has the same meaning as in the **Water Act 1989**;

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

Murrindindi Scenic Reserve means the land set aside and declared to be the Murrindindi Scenic Reserve under section 50 of the Act by Order published on page 276 of the Government Gazette dated 28 January 1981, as amended by Order published on page 1219 of the Government Gazette dated 14 May 2009;

open season, in relation to Sambar Deer, means the open season for Sambar Deer under Part 1 of Schedule 3 of the Wildlife (Game) Regulations 2001;

pack animal means a donkey, mule, camel, llama or alpaca;

Reg. 5 def. of *managing body* substituted by S.R. No. 123/2018 reg. 6(c).

Reg. 5 def. of *Parks Victoria* revoked by S.R. No. 123/2018 reg. 6(e).

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recreation ground includes any area within
100 metres of any visitor facilities provided;

scent-trailing hound has the same meaning as in
the Wildlife (Game) Regulations 2001;

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Reg. 5 def. of
Secretary
revoked by
S.R. No.
123/2018
reg. 6(e).

small bus means a motor vehicle with seats for
more than 9 people but less than 30 people;

Steavenson Falls Scenic Reserve means the land
set aside and declared to be the Steavenson
Falls Scenic Reserve under section 50 of the
Act by Order published on page 2470 of the
Government Gazette dated 17 September
2009;

Reg. 5 def. of
Steavenson
Falls Scenic
Reserve
amended by
S.R. No.
123/2018
reg. 6(d).

Sylvia Falls Scenic Reserve means the land set
aside and declared to be the Sylvia Falls
Scenic Reserve under section 50 of the Act
by Order published on page 4464 of the
Government Gazette on 19 December 1984;

Tarago Forest Reserve means the land set aside
and declared to be the Tarago Forest Reserve
under section 50 of the Act by Order
published on page 2470 of the Government
Gazette dated 17 September 2009;

Reg. 5 def. of
Tarago Forest
Reserve
inserted by
S.R. No.
123/2018
reg. 6(a).

* * * * *

Reg. 5 def. of
Tarago River
Forest
Reserve
revoked by
S.R. No.
123/2018
reg. 6(e).

the Act means the **Forests Act 1958**;

Thomson River Forest Reserve means the land set aside and declared to be the Thomson River Forest Reserve under section 50 of the Act by Order published on page 234 in the Government Gazette on 1 February 1984, as amended by Order published on page 860 of the Government Gazette dated 21 March 1990, as amended by Order published on page 2471 of the Government Gazette dated 17 September 2009;

tourist fossicking authority means a tourist fossicking authority under Part 5 of the **Mineral Resources (Sustainable Development) Act 1990**;

Traditional Owner means an Aboriginal person who is a member of a family or clan group that is recognised as having responsibility under Aboriginal tradition for an area or areas of land;

vehicle has the same meaning as in the **Road Safety Act 1986**, but does not include a wheel chair, motorised wheel chair, pram, stroller or other similar device for the conveyance of disabled or injured persons;

Reg. 5 def. of
VicForests
revoked by
S.R. No.
123/2018
reg. 6(e).

* * * * *

visitor facilities include infrastructure such as picnic tables, toilets, fireplaces, information shelters and carparks;

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

waterway has the same meaning as in the **Water Act 1989**;

Yarra Tributaries Forest Reserve means the land set aside and declared to be the Yarra Tributaries Forest Reserve under section 50 of the Act by Order published on page 2470 of the Government Gazette dated 17 September 2009;

You Yangs Regional Park means the land set aside and declared to be the You Yangs Regional Park under section 50 of the Act by Order published on page 2212 of the Government Gazette dated 12 August 1992.

6 Exemption—Aboriginal tradition

- (1) Subject to subregulation (2), nothing in these regulations is intended to affect a Traditional Owner's ability to undertake an Aboriginal tradition.
- (2) Subregulation (1) does not apply to regulations 14, 19, 25, 34, 39(1)(c), 47 and 50(1)(c).
- (3) This regulation does not apply to the Yarra Tributaries Forest Reserve.

Note

For undertaking Aboriginal Tradition in the Yarra Tributaries Forest Reserve see regulation 54.

Part 2—State forests

7 Offence to obstruct road or track in State forest

- (1) A person must not in a State forest construct or place any object, device or other thing that—
- (a) obstructs, or is intended to obstruct, passage on a road or track constructed or maintained by the Secretary or Parks Victoria; or
 - (b) damages, or is intended to damage, a road or track constructed or maintained by the Secretary or Parks Victoria or a vehicle on that road or track.

Reg. 7(1)(a)
amended by
S.R. No.
123/2018
reg. 7.

Reg. 7(1)(b)
amended by
S.R. No.
123/2018
reg. 7.

Penalty: 20 penalty units.

- (2) A person must not in a State forest dig a hole, pit or trench in a road or track constructed or maintained by the Secretary or Parks Victoria.

Reg. 7(2)
amended by
S.R. No.
123/2018
reg. 7.

Penalty: 20 penalty units.

- (3) A person must not in a State forest obstruct a road or track constructed or maintained by the Secretary or Parks Victoria in a manner that prevents safe passage on such a road or track.

Reg. 7(3)
amended by
S.R. No.
123/2018
reg. 7.

Penalty: 20 penalty units.

- (4) Subregulations (1), (2) and (3) do not apply to—
- (a) the Secretary when carrying out the duties or functions of the Secretary; or
 - (b) an authorised officer when acting in the course of his or her duties; or
 - (c) Parks Victoria and Melbourne Water Corporation when carrying out their duties or functions; or

- (d) an employee of the Secretary, Parks Victoria or Melbourne Water Corporation when acting in the course of his or her employment; or
- (e) a contractor of the Secretary or Parks Victoria when acting under the contract; or
- (f) an employee or contractor of VicForests who is acting in accordance with an approved Timber Release Plan made under the **Sustainable Forests (Timber) Act 2004**; or
- (g) a volunteer authorised by the Secretary or Parks Victoria when acting in accordance with the authorisation; or
- (h) a person who is acting in accordance with a licence or permit under section 52 of the Act and any employee, agent or contractor of any such person who is acting in accordance with the terms of their employment, agency or contract and with the terms of the lease or licence; or
- (i) an officer or employee of the ambulance service when acting in the course of his or her duties; or
- (j) an officer or employee or volunteer emergency worker of an emergency services agency when engaged in an emergency activity.

Reg. 7(4)(e)
amended by
S.R. No.
123/2018
reg. 7.

Reg. 7(4)(g)
amended by
S.R. No.
123/2018
reg. 7.

8 Camping and occupation and use of recreation grounds in State forests

- (1) A person must not camp in any State forest unless the person does so more than 20 metres from any alpine bog, dam, bore or waterway.

Penalty: 10 penalty units.

- (2) A person who occupies or uses a site to camp, or who occupies or uses a recreation ground, in a State forest must remove all litter for which they are responsible from that site or recreation ground before leaving it.

Penalty: 5 penalty units.

- (3) A person who camps in any State forest or who occupies or uses a recreation ground in any State forest must not use or dispose of any soap, detergent or similar substance within 50 metres of any alpine bog, dam, bore or waterway.

Penalty: 5 penalty units.

- (4) If a person is camping in any State forest or occupying or using a recreation ground in any State forest and the person has brought in portable toilet facilities, the person must ensure that the portable toilet facilities are situated more than 100 metres from any alpine bog, dam, bore or waterway.

Penalty: 10 penalty units.

- (5) A person who camps in any State forest or occupies or uses a recreation ground in any State forest must not behave in a manner that is likely to be a nuisance to any person.

Penalty: 10 penalty units.

- (6) A person who camps in any State forest or occupies or uses a recreation ground in any State forest must not behave in a manner likely to cause danger or injury to any person.

Penalty: 10 penalty units.

- (7) A person must not camp in an area of a State forest for more than 28 consecutive nights.

Penalty: 10 penalty units.

- (8) Subregulation (7) does not apply to a person who is acting in accordance with a permit issued by the managing body that specifies an area of State forest where the person is permitted to relocate to camp or occupy for another period of not more than 28 consecutive nights.

**Reg. 8(8)
amended by
S.R. No.
123/2018
reg. 8.**

- (9) The managing body may issue a permit to a person specifying an area of State forest where a person is permitted to camp for the purposes of subregulation (8).

**Reg. 8(9)
amended by
S.R. No.
123/2018
reg. 8.**

- (10) An authorised officer may, if satisfied on reasonable grounds that a person has contravened subregulation (5), (6) or (7), direct that person to—

(a) if the contravention relates to a structure or tent, dismantle and remove it from the site; and

(b) if the contravention relates to a vehicle, vessel or other moveable form of accommodation, remove it from the site.

- (11) It is an offence for a person to fail to comply with a direction of an authorised officer under subregulation (10).

Penalty: 10 penalty units.

9 Camping in State forest—areas subject to special camping restrictions

- (1) Despite regulation 8, a person must not camp in an area of State forest described in Column 1 of Schedule 2 during the period of restriction that is specified in Column 2 of Schedule 2.

Penalty: 10 penalty units.

Reg. 9(2)
amended by
S.R. No.
123/2018
reg. 9.

- (2) Despite subregulation (1), a person may camp in an area of State forest described in Column 1 of Schedule 2 during the period of restriction that is specified in Column 2 of that Schedule if that person camps in accordance with a permit issued by the managing body.

Reg. 9(3)
amended by
S.R. No.
123/2018
reg. 9.

- (3) The managing body may grant a permit for the purposes of subregulation (2).

Reg. 9(4)
amended by
S.R. No.
123/2018
reg. 9.

- (4) The managing body may specify conditions in relation to a permit issued under subregulation (3).

10 Offence to fail to comply with a permit

Reg. 10(1)
amended by
S.R. No.
123/2018
reg. 10.

- (1) A permit issued by the managing body under this Part—
- (a) must be in writing; and
 - (b) is subject to the conditions specified in the permit; and
 - (c) applies for the period specified in the permit.
- (2) The holder of a permit referred to in subregulation (1) must comply with the conditions of that permit.

Penalty: 10 penalty units.

11 Surrender and cancellation of permits

- (1) The holder of a permit under this Part may surrender the permit by writing addressed to the managing body.
- Reg. 11(1) amended by S.R. No. 123/2018 reg. 11.
- (2) The managing body may cancel a permit issued under this Part at any time—
- Reg. 11(2) amended by S.R. No. 123/2018 reg. 11.
- (a) if the holder of the permit has—
- (i) failed to comply with a condition of the permit; or
- (ii) failed to comply with these Regulations; or
- (b) if the continuation of the permit is likely to be detrimental to, or interfere with the management and protection of, the natural environment, features, or visitors in a State Forest; or
- (c) for the purposes of management of a State Forest.
- (3) If a permit is cancelled under subregulation (2), the managing body must cause the holder of the permit to be notified of the cancellation of the permit in writing within 28 days of the cancellation.
- Reg. 11(3) amended by S.R. No. 123/2018 reg. 11.
- (4) The cancellation of a permit under subregulation (2) comes into effect when the holder of the permit is given notification of that cancellation in accordance with subregulation (3).

Reg. 12
(Heading)
amended by
S.R. No.
123/2018
reg. 12(1).

12 Managing body may issue replacement permit

If a permit issued under this Part is lost, stolen or damaged, the person to whom the permit was issued may apply in writing for a replacement permit to the managing body.

Reg. 12
amended by
S.R. No.
123/2018
reg. 12(2).

Part 3—Forest reserves and forest parks

Division 1—Preliminary

13 Non-application of Part

This Part does not apply to—

- (a) the Secretary when carrying out the duties or functions of the Secretary;
- (b) a committee when carrying out the duties or functions of the committee in relation to a forest reserve or forest park for which it is appointed as a committee;
- (c) an authorised officer when acting in the course of his or her duties;
- (d) Parks Victoria, Melbourne Water Corporation and VicForests when carrying out their duties or functions;
- (e) an employee of the Secretary, a committee, Parks Victoria, Melbourne Water Corporation or VicForests, when acting in the course of his or her employment;
- (f) a contractor of the Secretary, Parks Victoria or a committee when acting under the contract;
- (g) a volunteer authorised by the Secretary, Parks Victoria or a committee when acting in accordance with the authorisation;
- (h) the holder of a lease or licence granted under the Act over any land in a forest reserve or forest park who is acting in accordance with the lease or licence and any employee, agent or contractor of any such holder who is acting in accordance with the terms of his or

Reg. 13(f)
amended by
S.R. No.
123/2018
reg. 13.

Reg. 13(g)
amended by
S.R. No.
123/2018
reg. 13.

her employment, agency or contract and with the terms of the lease or licence;

- (i) an officer or employee of the ambulance service when acting in the course of his or her duties;
- (j) an officer or employee or volunteer emergency worker of an emergency services agency when engaged in an emergency activity.

Division 2—General use and control of forest reserves and forest parks

14 Temporary closure of forest reserve or forest park to entry

- (1) The managing body or an authorised officer may determine to close the whole of, or part of, a forest reserve or forest park to the public temporarily, if the managing body or an authorised officer reasonably believes it is necessary—
 - (a) because of—
 - (i) a flood, fire or natural disaster; or
 - (ii) a threat of a flood, fire or natural disaster; or
 - (iii) any other emergency; or
 - (b) in the interests of public safety within the forest reserve or forest park.
- (2) If a determination is made to close the whole of, or part of, a forest reserve or forest park under subregulation (1), the managing body or an authorised officer must, as soon as practicable after making the determination publish notice of the determination—

- (a) in a newspaper or newspapers generally circulating in the Melbourne metropolitan area and in the locality to which the notice relates; or
 - (b) by means of a broadcast from a broadcasting station in the State of Victoria; or
 - (c) by both the means specified in paragraphs (a) and (b).
- (3) A person must not enter a forest reserve or forest park or any part of a forest reserve or forest park to which a determination under subregulation (1) applies.
- Penalty: 10 penalty units.
- (4) If the circumstances that led to the determination being made under subregulation (1) no longer apply, the managing body or an authorised officer who made the determination must, as soon as practicable, revoke the determination and reopen the forest reserve or forest park or the part of the forest reserve or forest park to entry by the public.
- (5) The managing body or an authorised officer must, as soon as practicable, after a determination has been revoked under subregulation (4) publish notice of the determination—
- (a) in a newspaper or newspapers generally circulating in the Melbourne metropolitan area and in the locality to which the notice relates; or
 - (b) by means of a broadcast from a broadcasting station in the State of Victoria; or
 - (c) by both the means specified in paragraphs (a) and (b).

15 Hygiene

- (1) A person must not leave behind or deposit faeces in an area of a forest reserve or forest park unless—
- (a) the person is in an area in which toilet facilities are provided, and the person does so in those facilities; or
 - (b) the person is in an area in which toilet facilities are not provided, and the person does so by burying those faeces to a depth of 20 centimetres and 100 metres or more away from any alpine bog, dam, bore or waterway.

Penalty: 10 penalty units.

- (2) A person who occupies or uses an area of a forest reserve or forest park must remove all litter from the site before vacating it.

Penalty: 5 penalty units.

16 Use of soap or detergent

A person must not use or dispose of any soap, detergent or similar substance in a forest reserve or forest park within 50 metres of any alpine bog, dam, bore or waterway.

Penalty: 10 penalty units.

17 Possessing or consuming liquor

- (1) The managing body may by determination set aside any area of a forest reserve or forest park as an area where the possession or consumption of liquor is prohibited.
- (2) A person must not possess or consume liquor in an area set aside under subregulation (1).

Penalty: 5 penalty units.

18 Behaviour

- (1) A person in a forest reserve or forest park must not behave in a manner that is likely to be a nuisance to any person.

Penalty: 10 penalty units.

- (2) A person in a forest reserve or forest park must not behave in a manner likely to be dangerous to public health or likely to cause danger or injury to any person.

Penalty: 10 penalty units.

19 Swimming

- (1) The managing body may by determination set aside an area of a forest reserve or forest park as an area where swimming is prohibited.

- (2) A person must not swim in an area of a forest reserve or forest park set aside by the managing body as an area where swimming is prohibited.

Penalty: 10 penalty units.

20 Rock climbing and similar activities

- (1) The managing body may by determination set aside any area of a forest reserve or forest park as an area where rock climbing, abseiling, hang gliding, paragliding or any other similar activity is permitted.

- (2) A determination under subregulation (1) may specify the times or periods during which the area may or may not be used for the purposes for which it has been set aside under subregulation (1).

- (3) A person must not rock climb, abseil, hang glide, paraglide or carry out any other similar activities in a forest reserve or forest park unless—

- (a) he or she does so in an area set aside under subregulation (1) for that purpose and in accordance with the determination setting aside the area; or
- (b) he or she does so under and in accordance with a permit issued by the managing body.

Penalty: 10 penalty units.

- (4) The managing body may issue a permit for the purposes of subregulation (3).

21 Other animals

- (1) A person must not—
 - (a) bring any animal that is not a dog, a horse or a pack animal into a forest reserve or forest park; or
 - (b) allow such an animal to enter or be in a forest reserve or forest park.

Penalty: 10 penalty units.

- (2) Subregulation (1) does not apply to a person who brings or allows an animal that is not a dog, a horse or a pack animal to remain in a forest reserve or forest park if the person is transporting the animal through the forest reserve or forest park on or in a vehicle.
- (3) If an animal that is not a dog, a horse or a pack animal is found in a forest reserve or forest park and the animal is not under the immediate control of any person, the owner of the animal, or if another person apparently has the care and control of the animal, that other person, is guilty of an offence and liable to a penalty of not more than 10 penalty units.

22 Events and functions

- (1) A person must not, within a forest reserve or forest park—
 - (a) conduct an organised entertainment or sporting or recreational function; or
 - (b) conduct a rally, festival, tour, fete; or
 - (c) hold a public meeting or similar event—
that is not for profit and that is for 30 persons or more.

Penalty: 10 penalty units.
- (2) Subregulation (1) does not apply to a person acting under and in accordance with a permit of the managing body.
- (3) For the purposes of subregulation (2), the managing body may issue a permit to a person.

23 Commercial activities

- (1) A person must not, within a forest reserve or forest park, offer for sale or hire any thing or service for profit.

Penalty: 20 penalty units.
- (2) A person must not, within a forest reserve or forest park, film or take photographs for profit.

Penalty: 20 penalty units.
- (3) A person must not, within a forest reserve or forest park, conduct an organised entertainment or sporting or recreational function for profit.

Penalty: 20 penalty units.
- (4) A person must not, within a forest reserve or forest park, conduct a rally, festival, tour or fete for profit.

Penalty: 20 penalty units.

- (5) A person must not, within a forest reserve or forest park—
- (a) hold a public meeting or similar event for profit; or
 - (b) deliver any address or use any amplifier, public address system, loud hailer, or any similar device for profit; or
 - (c) distribute or display any handbills, pamphlets, books, paper or advertising matter or put up or leave any placards or notices for profit.

Penalty: 20 penalty units.

- (6) Subregulations (1), (2), (3), (4) and (5) do not apply to a person acting under and in accordance with a permit of the managing body.
- (7) For the purposes of subregulations (1), (2), (3), (4) and (5), the managing body may issue a permit to a person.

Reg. 23(7)
inserted by
S.R. No.
123/2018
reg. 14.

24 Construction and excavation activities

- (1) A person must not, within a forest reserve or forest park, construct any building, permanent structure or improvement.

Penalty: 10 penalty units.

- (2) A person must not, within a forest reserve or forest park excavate, dig or remove any soil, rock or stone.

Penalty: 10 penalty units.

- (3) A person must not knowingly bring any soil, rock or stone into a forest reserve or forest park.

Penalty: 10 penalty units.

- (4) Subregulation (2) does not apply to a person who is—
- (a) acting in accordance with a miner's right or a tourist fossicking authority; or
 - (b) acting in accordance with regulation 15(1)(b); or
 - (c) acting under and in accordance with a levee maintenance permit issued under Part 5AA of the **Water Act 1989**.

Reg. 24(4)(b)
substituted by
S.R. No.
17/2015 reg. 5.

Reg. 24(4)(c)
inserted by
S.R. No.
17/2015 reg. 5.

25 Revegetation

- (1) The managing body may by determination set aside any area of a forest reserve or forest park as an area for the protection, planting or re-establishment of trees or vegetation, including along certain roads and tracks.
- (2) A person must not enter an area set aside under subregulation (1).

Penalty: 5 penalty units.

26 Interfering with rocks or similar natural objects

Subject to regulation 24, a person must not, in a forest reserve or forest park, knowingly disturb, damage, interfere with or destroy rocks or a similar natural object.

Penalty: 20 penalty units.

Division 3—Powers of authorised officers

27 Authorised officer may request person to leave a forest reserve or forest park

- (1) An authorised officer may, if satisfied on reasonable grounds that a person in a forest reserve or forest park is undertaking any activity without a permit of the managing body under

these Regulations, direct the person to cease doing that activity.

- (2) An authorised officer may, if satisfied on reasonable grounds that a person in a forest reserve or forest park is acting in contravention of a determination of the managing body under these Regulations, direct the person to cease doing that activity.
- (3) An authorised officer may, if satisfied on reasonable grounds that a person has contravened these Regulations, direct that person to leave a forest reserve or forest park or part of the forest reserve or forest park.
- (4) A person must comply with a direction of an authorised officer under subregulation (1), (2) or (3).

Penalty: 20 penalty units.

28 Powers of authorised officers in relation to vehicles

- (1) An authorised officer may give directions to a person in charge of a vehicle as to the movement, direction, speed, stopping or parking of the vehicle in a forest reserve or forest park.
- (2) An authorised officer must not give a direction under subregulation (1) unless the authorised officer is satisfied, on reasonable grounds—
 - (a) that it is in the interests of safety to do so; or
 - (b) that it is necessary for the management, protection or control of the forest reserve or forest park.
- (3) An authorised officer must not give a direction under subregulation (1) that is inconsistent with a determination of the managing body for the forest reserve or forest park made under these regulations.

- (4) A person driving or in charge of a vehicle in a forest reserve or forest park must, as soon as it is safe to do so, comply with any direction of an authorised officer under subregulation (1).

Penalty: 20 penalty units.

Part 4—Particular provisions for forest reserves

Division 1—Preliminary

29 Non-application of Part

Regulations 32(1), 32(3), 32(4), 32(5), 33(3), 33(4), 33(6), 34(3), 34(4), 35(1), 35(2), 35(3), 35(5), 36(3), 36(4), 36(5), 36(8), 37(1), 37(2), 37(3), 37(6), 37(7), 37(8), 38(1) and 39(1) do not apply to—

- (a) the Secretary when carrying out the duties or functions of the Secretary;
- (b) a committee when carrying out the duties or functions of the committee in relation to a forest reserve for which it is appointed as a committee;
- (c) an authorised officer when acting in the course of his or her duties;
- (d) Parks Victoria, Melbourne Water Corporation and VicForests when carrying out their duties or functions;
- (e) an employee of the Secretary, a committee, Parks Victoria, Melbourne Water Corporation or VicForests, when acting in the course of his or her employment;
- (f) a contractor of the Secretary, Parks Victoria or a committee when acting under the contract;
- (g) a volunteer authorised by the Secretary, Parks Victoria or a committee when acting in accordance with the authorisation;

Reg. 29(f)
amended by
S.R. No.
123/2018
reg. 15.

Reg. 29(g)
amended by
S.R. No.
123/2018
reg. 15.

- (h) the holder of a lease or licence granted under the Act over any land in a forest reserve who is acting in accordance with the lease or licence and any employee, agent or contractor of any such holder who is acting in accordance with the terms of his or her employment, agency or contract and with the terms of the lease or licence;
- (i) an officer or employee of the ambulance service when acting in the course of his or her duties;
- (j) an officer or employee or volunteer emergency worker of an emergency services agency when engaged in an emergency activity.

Division 2—General use and control of forest reserves

30 Committee authority

- (1) A committee that has been appointed to manage a forest reserve must care for, protect and manage that reserve and may employ persons for that purpose.
- (2) A committee must expend any fees received under regulations 40 or 41 by it on—
 - (a) the payment of remuneration or fees to persons employed by the committee; and
 - (b) the care, protection and management of the forest reserve.
- (3) Where these Regulations confer or impose a power, function or duty on a committee, the committee must consider the care, protection and management of the forest reserve in the exercise of that power, function or duty.

Reg. 30(4)
amended by
S.R. No.
123/2018
reg. 16.

- (4) This regulation does not apply to the Thomson River Forest Reserve or the Tarago Forest Reserve.

31 Setting aside areas for the driving or parking of vehicles

- (1) The managing body may by determination set aside any area in a forest reserve as an area in which vehicles may be driven, or may only travel in a specified direction or at no more than a specified speed.
- (2) A determination under subregulation (1) may specify the times or periods during which a person is or is not permitted to drive a vehicle in the area set aside under subregulation (1).
- (3) The managing body may by determination set aside any area in a forest reserve as an area in which vehicles may be parked.
- (4) A determination under this regulation may be of general application or may apply to a specified class or classes of vehicles.

32 Vehicle driving and parking offences

- (1) A person must not drive a vehicle in a forest reserve in contravention of a determination of the managing body under regulation 31(1).

Penalty: 10 penalty units.

- (2) Subregulation (1) does not apply to—
- (a) a person who is undertaking timber harvesting operations within the reserve that are authorised operations referred to in section 45(2)(a) and (b)(i) of the **Sustainable Forests (Timber) Act 2004**; or

(b) a contractor, agent, volunteer or other person carrying out any work for or acting on the authority or instruction of the Secretary, Parks Victoria, a committee, Melbourne Water Corporation or VicForests.

Reg. 32(2)(b)
amended by
S.R. No.
123/2018
reg. 17.

(3) A person must not park a vehicle in a forest reserve unless he or she does so in accordance with a determination of the managing body under regulation 31(3).

Penalty: 10 penalty units.

(4) The driver of a vehicle who parks a vehicle in a forest reserve must pay any fee for parking the vehicle that is determined by the managing body under regulation 40.

Penalty: 10 penalty units.

(5) The driver of a vehicle who pays a parking fee to park in a forest reserve must take reasonable steps to ensure that a receipt for the payment of that fee is affixed to the windscreen, side window or other prominent place on the vehicle at all times while the vehicle is in the forest reserve.

Penalty: 5 penalty units.

33 Camping in forest reserves

(1) The managing body may by determination set aside any area of a forest reserve as an area where camping is permitted in accordance with any conditions determined by the managing body.

(2) The managing body may issue a permit to a person to camp in a forest reserve.

(3) A person must not camp in a forest reserve unless he or she—

(a) does so in an area set aside where camping is permitted under subregulation (1); or

(b) does so in accordance with a permit issued by the managing body of the forest reserve under subregulation (2).

Penalty: 10 penalty units.

(4) The person who brings a vehicle into a forest reserve to establish or occupy a camp in the forest reserve must pay any fee to camp in the forest reserve that is determined by the managing body under regulation 41.

Penalty: 10 penalty units.

(5) Subregulation (4) applies whether or not a person enters a forest reserve in a vehicle alone or in a group of people.

(6) The person who brings a vehicle to a forest reserve and pays a fee referred to in subregulation (4), must take reasonable steps to ensure that a receipt for the payment of that fee is affixed to the windscreen, side window or other prominent place on the vehicle at all times while the vehicle is in the forest reserve.

Penalty: 5 penalty units.

(7) The provisions of this regulation are in addition to the requirements for camping in State forests set out in regulation 8.

34 Lighting, kindling or maintaining fires

(1) The managing body may by determination set aside any area of a forest reserve as an area where a fire, or a fire of a specified type, may be lit, kindled or maintained.

(2) A determination under subregulation (1) may specify the times or periods during which the area set aside under subregulation (1) may or may not be used for the lighting, kindling or maintaining of fires, or the lighting, kindling or maintaining of fires of a specified type.

- (3) A person must not light, kindle or maintain a fire in a forest reserve unless he or she does so in accordance with a determination made under subregulation (1).

Penalty: 20 penalty units.

- (4) A person must not light, kindle or maintain a fire in a forest reserve unless—
- (a) the fire is lit, kindled or maintained in a fixed fire place; or
 - (b) the fire is in a campfire or barbecue that uses solid fuel, liquid fuel, gaseous fuel or chemical solid fuel.

Penalty: 20 penalty units.

35 Dogs

- (1) Subject to subregulation (4), a person must not bring a dog into a forest reserve unless the dog is—
- (a) on a leash, chain or cord which is suitable to restrain the dog; and
 - (b) under the control of that person at all times; and
 - (c) restrained from causing nuisance to persons or damage to or interference with property, fauna, animals or natural objects.

Penalty: 10 penalty units.

- (2) If a dog is found in a forest reserve and the dog is not under the immediate control of any person, the owner of the dog, or if another person has the care and control of the dog, that other person, is guilty of an offence and liable to a penalty of not more than 10 penalty units.

- (3) A person who brings a dog into a forest reserve, or part of a forest reserve, under subregulation (1) must pick up and remove from the forest reserve any faeces deposited by the dog.

Penalty: 10 penalty units.

- (4) The managing body may, by determination, set aside a forest reserve, or part of a forest reserve, as an area where dogs are prohibited.
- (5) A person must not bring a dog into a forest reserve, or part of a forest reserve, set aside under subregulation (4).

Penalty: 10 penalty units.

- (6) Subregulations (1), (3) and (5) do not apply to a disabled person who brings a dog into the forest reserve to assist that person with respect to that person's disability.
- (7) Subregulations (1)(a), (1)(b) and (2) do not apply to a person who brings a scent-trailing hound into the reserve and is acting in accordance with any permit or licence required by the **Wildlife Act 1975** and any Regulations made under the **Wildlife Act 1975**.
- (8) Subregulation (7) does not apply to the Murrindindi Scenic Reserve, Sylvia Falls Scenic Reserve, Steavenson Falls Scenic Reserve, or the You Yangs Regional Park.

36 Riding, driving, leading or bathing horses or pack animals in a forest reserve

- (1) The managing body may, by determination set aside an area of a forest reserve where the riding, driving, leading or bathing of horses or pack animals is permitted.

(2) A determination under subregulation (1) may specify the times or periods during which the area may be used for the purposes for which it has been set aside under subregulation (1) and subject to any conditions determined by the managing body.

(3) A person must not ride, drive, lead or bathe horses or pack animals in a forest reserve unless he or she does so in a forest reserve or an area set aside under subregulation (1) for that purpose and in accordance with the determination setting aside the area under subregulation (2).

Penalty: 10 penalty units.

(4) A person who rides, drives, leads or bathes a horse or pack animal in a forest reserve set aside under subregulation (1) must do so in a manner that does not endanger any person or animal.

Penalty: 10 penalty units.

(5) If a horse or pack animal is found in a forest reserve and the horse or pack animal is not under the immediate control of any person, the owner of the horse or pack animal, or if another person has the care and control of the horse or pack animal, that other person, is guilty of an offence and liable to a penalty of not more than 10 penalty units.

(6) Subregulations (3) and (5) do not apply to a person who is transporting horses or pack animals through a forest reserve in a vehicle.

(7) A person must not ride, drive or lead a horse or pack animal into a forest reserve within 20 metres of any stream or alpine bog unless for the purpose of drinking.

Penalty: 10 penalty units.

Reg. 36(8)
amended by
S.R. No.
123/2018
reg. 18.

- (8) Subregulation (7) does not apply to the Brataualung Forest Park, Gunyah Rainforest Reserve, Delatite Arm Reserve, Murrindindi Scenic Reserve, Sylvia Falls Scenic Reserve, Steavenson Falls Scenic Reserve or the You Yangs Regional Park.

37 Protection of flora and fauna

- (1) Subject to regulation 39, a person must not, in a forest reserve, knowingly disturb, harass, remove, hunt, capture, take, kill or injure or otherwise destroy or interfere with any fauna or other animal.

Penalty: 20 penalty units.

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

Penalty: 20 penalty units.

- (3) A person must not, in a forest reserve—

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

Penalty: 20 penalty units.

- (4) The managing body may by determination set aside any area of a forest reserve as an area for the protection of fauna or other animal.

(5) A determination under subregulation (4) may specify the times or periods during which the area may be used for the purposes other than for which it has been set aside under subregulation (4) and subject to any conditions determined by the managing body.

(6) A person must not enter an area set aside under subregulation (4) unless in accordance with the determination setting aside the area under subregulation (4).

Penalty: 10 penalty units.

(7) A person must not, in a forest reserve, intentionally or recklessly cut, fell, pick, remove, take, destroy or damage any flora.

Penalty: 20 penalty units.

(8) A person must not, in a forest reserve, knowingly bring in, plant or introduce any seed, tree, shrub, fern, plant, algae or other vegetation, or any part of any tree, shrub, fern, plant, algae or other vegetation.

Penalty: 20 penalty units.

(9) Subregulations (1), (2), (7) or (8) do not apply if—

(a) the person holds a permit issued by the managing body that authorises that person to engage in the activity set out in those subregulations; or

(b) the person is acting under and in accordance with any permit or licence required by the **Fisheries Act 1995**, the **Firearms Act 1996**, the **Wildlife Act 1975** and the **Flora and Fauna Guarantee Act 1988** and any Regulations made under those Acts; or

(c) a person who is undertaking timber harvesting operations within the reserve that are authorised operations referred to in section 45(2)(a) and (b)(i) of the **Sustainable Forests (Timber) Act 2004**.

(10) For the purposes of subregulation (9) the managing body may issue a permit to a person.

38 Fishing or yabbing

(1) A person must not fish or yabby in a forest reserve.

Penalty: 10 penalty units.

(2) Subregulation (1) does not apply if—

(a) the person is fishing or yabbing in an area set aside as an area where fishing or yabbing is permitted under subregulation (3); and

(b) the person is acting under and in accordance with any permit or licence required by the **Fisheries Act 1995** and the **Flora and Fauna Guarantee Act 1988** and any Regulations made under those Acts.

(3) The managing body may by determination set aside an area of a forest reserve as an area where fishing or yabbing is permitted.

39 Traps, poisons and firearms

(1) A person must not within a forest reserve—

(a) shoot, trap, catch or otherwise destroy or interfere with any animal or bird; or

(b) possess, carry or use any trap, snare, net, or bow; or

(c) possess, carry or use any poison or firearm.

Penalty: 20 penalty units.

- (2) Subregulation (1)(c) does not apply to a person who possesses or carries a firearm in the Delatite Arm Reserve.
- (3) Subregulation (1) does not apply in the Thomson River Forest Reserve or the Tarago Forest Reserve to a person who is hunting or taking deer and who is doing so in accordance with a licence or authorisation under the **Wildlife Act 1975** and in accordance with any regulations made under that Act.

Reg. 39(3)
amended by
S.R. No.
123/2018
reg. 19.

Division 3—Fees

40 Fee for parking in the Steavenson Falls Scenic Reserve

- (1) The fee that is payable for a person to park a motorcycle in an area of the Steavenson Falls Scenic Reserve set aside for parking under regulation 31(3) is \$2.50 for each day that the motorcycle remains parked in that area.
- (2) The fee that is payable for a person to park a car in an area of the Steavenson Falls Scenic Reserve set aside for parking under regulation 31(3) is \$3.00 for each day that the car remains parked in that area.
- (3) The fee that is payable for a person to park a small bus in an area of the Steavenson Falls Scenic Reserve set aside for parking under regulation 31(3) is \$7.00 for each day that the small bus remains parked in that area.
- (4) The fee that is payable for a person to park a large bus in an area of the Steavenson Falls Scenic Reserve set aside for parking under regulation 31(3) is \$14.00 for each day that the large bus remains parked in that area.

41 Fee for camping in the Murrindindi Scenic Reserve

- (1) The fee that is payable by a person who enters the Murrindindi Scenic Reserve by bicycle to establish or occupy a camp in an area set aside for camping in the reserve under these regulations is \$2.50.
- (2) The fee that is payable by a person who enters the Murrindindi Scenic Reserve by motorcycle to establish or occupy a camp in an area set aside for camping in the reserve under these regulations is \$2.50.
- (3) The fee that is payable by a person who enters the Murrindindi Scenic Reserve by car to establish or occupy a camp in an area set aside for camping in the reserve under these regulations is \$7.00.
- (4) The fee that is payable by a person who enters the Murrindindi Scenic Reserve by small bus to establish or occupy a camp in an area set aside for camping in the reserve under these regulations is \$20.00.
- (5) The fee that is payable by a person who enters the Murrindindi Scenic Reserve by large bus to establish or occupy a camp in an area set aside for camping in the reserve under these regulations is \$35.00.

42 Managing body must display signs and notices of fees payable

The managing body of a forest reserve to which regulation 40 or 41 applies must cause details of the fee payable under the regulation to be displayed within, or at the entrance to, the forest reserve in such a place and manner that the details are reasonably likely to be seen by persons required to pay them.

Part 5—Particular provisions for forest parks

43 Non-application of Part

Regulations 45, 46(2), 47(2), 48(2), 48(3), 49(3), 49(5), 49(6), 50(2), 51(1), 51(2), 51(3), 51(6), 51(7) and 51(8) do not apply to—

- (a) the Secretary when carrying out the duties or functions of the Secretary;
- (b) an authorised officer when acting in the course of his or her duties;
- (c) Parks Victoria when carrying out its duties or functions;
- (d) an employee of the Secretary, Parks Victoria or a committee when acting in the course of his or her employment;
- (e) a contractor of the Secretary, Parks Victoria or a committee when acting under the contract;
- (f) a volunteer authorised by the Secretary, Parks Victoria or a committee when acting in accordance with the authorisation;
- (g) the holder of a lease or licence granted under the Act over any land in a forest park who is acting in accordance with the lease or licence and any employee, agent or contractor of any such holder who is acting in accordance with the terms of his or her employment, agency or contract and with the terms of the lease or licence;

Reg. 43(d)
amended by
S.R. No.
123/2018
reg. 20(1).

Reg. 43(e)
amended by
S.R. No.
123/2018
reg. 20(2).

Reg. 43(f)
amended by
S.R. No.
123/2018
reg. 20(2).

- (h) an officer or employee of ambulance services, when acting in the course of his or her duties;
- (i) an officer or employee or volunteer emergency worker of an emergency services agency when engaged in an emergency activity.

44 Setting aside areas for the driving or parking of vehicles

Reg. 44(1)
amended by
S.R. No.
123/2018
reg. 21.

- (1) The managing body may by determination set aside an area in a forest park as an area where vehicles must not be driven or where vehicles must not be driven except in a specified direction or at no more than a specified speed.

Reg. 44(2)
amended by
S.R. No.
123/2018
reg. 21.

- (2) The managing body may by determination set aside any area in a forest park as an area in which vehicles must not be parked.

- (3) A determination under this regulation may be of general application or may apply to a specified class or classes of vehicles.

45 Vehicle driving and parking offences

- (1) A person must not drive a vehicle in a forest park in contravention of a determination under regulation 44(1).

Penalty: 10 penalty units.

- (2) A person must not park a vehicle in a forest park unless he or she does so in accordance with a determination under regulation 44(2).

Penalty: 10 penalty units.

46 Camping in forest parks

(1) The managing body may by determination set aside an area of a forest park as an area where camping is prohibited.

Reg. 46(1)
amended by
S.R. No.
123/2018
reg. 22.

(2) A person must not camp in an area of a forest park set aside by the managing body as an area where camping is prohibited.

Reg. 46(2)
amended by
S.R. No.
123/2018
reg. 22.

Penalty: 10 penalty units.

(3) The provisions of this regulation are in addition to the requirements for camping in State forests set out in regulation 8.

47 Lighting, kindling or maintaining fires

(1) The managing body may by determination set aside any area of a forest park as an area where the lighting, kindling or maintaining of fires, or fires of a specified type is restricted in accordance with any condition determined by the managing body.

Reg. 47(1)
amended by
S.R. No.
123/2018
reg. 23(1).

(2) A person must not light, kindle or maintain a fire, or a fire of a specified type, in contravention of a determination of the managing body under subregulation (1).

Reg. 47(2)
amended by
S.R. No.
123/2018
reg. 23(2).

Penalty: 20 penalty units.

48 Dogs

(1) The managing body may, by determination, set aside an area of a forest park as an area where dogs are permitted if the dog is—

Reg. 48(1)
amended by
S.R. No.
123/2018
reg. 24.

(a) on a leash, chain or cord which is suitable to restrain the dog; and

(b) under the control of that person at all times; and

- (c) restrained from causing nuisance to persons or damage to or interference with property, animals or natural objects.
- (2) If a dog is in an area that is subject to a determination under subregulation (1) in circumstances in which a term or condition of the determination is not being complied with, the owner of the dog, or if another person has the care and control of the dog, that other person, is guilty of an offence and liable to a penalty of not more than 10 penalty units.
- (3) A person who brings a dog into a forest park, or allows a dog under his or her control to enter or be in an area of a forest park that is determined under subregulation (1) to be an area where dogs are permitted must pick up and remove from the forest park any faeces deposited by the dog.
Penalty: 10 penalty units.
- (4) Subregulation (1) does not apply to a disabled person who brings a dog into the forest park, or allows a dog to be in the forest park, to assist that person with respect to that person's disability.

Reg. 49
(Heading)
amended by
S.R. No.
123/2018
reg. 25(1).

49 Riding, driving, leading or bathing horses or pack animals in a forest park

Reg. 49(1)
amended by
S.R. No.
123/2018
reg. 25(2).

- (1) The managing body may, by determination set aside an area of a forest park where the riding, driving, leading or bathing of horses or pack animals is prohibited.
- (2) A determination under subregulation (1) may specify the times or periods during which the riding, driving, leading or bathing of horses or pack animals is prohibited in the area set aside under subregulation (1).

- (3) A person must not ride, drive, lead or bathe horses or pack animals in a forest park in contravention of a determination under this regulation.

Reg. 49(3)
amended by
S.R. No.
17/2015 reg. 6.

Penalty: 10 penalty units.

- (4) Subregulation (3) does not apply to a person who is transporting horses or pack animals through a forest park in a vehicle.
- (5) A person who rides, drives, leads or bathes a horse or pack animal in a forest park must do so in a manner that does not endanger any person or animal.

Penalty: 10 penalty units.

- (6) If a horse or pack animal is found in a forest park and the horse or pack animal is not under the immediate control of any person, the owner of the horse or pack animal, or if another person has the care and control of the horse or pack animal, that other person, is guilty of an offence and liable to a penalty of not more than 10 penalty units.

50 Traps, poisons and firearms

- (1) The managing body may, by determination, set aside an area in a forest park where a person must not—

Reg. 50(1)
amended by
S.R. No.
123/2018
reg. 26.

- (a) shoot, trap, catch or otherwise destroy or interfere with any animal or bird; or
- (b) use any poison, trap, snare, net or bow; or
- (c) use any firearm.

- (2) A person must not act in contravention of a determination under subregulation (1).

Penalty: 20 penalty units.

51 Protection of flora and fauna

- (1) Subject to regulation 50(1) a person must not, in a forest park, knowingly disturb, harass, remove, hunt, capture, take, kill or injure or otherwise destroy or interfere with any fauna.

Penalty: 20 penalty units.

- (2) A person must not, in a forest park, knowingly disturb, harass, remove, take, injure or otherwise destroy or interfere with the nest, bower, display mound, lair or burrow of any fauna.

Penalty: 20 penalty units.

- (3) A person must not, in a forest park—

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

Penalty: 20 penalty units.

- (4) The managing body may by determination set aside any area of a forest park as an area for the protection of fauna or other animal.

- (5) A determination under subregulation (4) may specify the times or periods during which the area may be used for the purposes other than for which it has been set aside under subregulation (4) and subject to any conditions determined by the managing body.

- (6) A person must not enter an area set aside under subregulation (4) unless in accordance with the determination setting aside the area under subregulation (4).

Penalty: 10 penalty units.

- (7) A person must not, in a forest park, intentionally or recklessly cut, fell, pick, remove, take, destroy or damage any flora.

Penalty: 20 penalty units.

- (8) A person must not, in a forest park, knowingly bring in, plant or introduce any seed, tree, shrub, fern, plant, algae or other vegetation, or any part of any tree, shrub, fern, plant, algae or other vegetation.

Penalty: 20 penalty units.

- (9) Subregulations (1), (2), (7) and (8) do not apply if—

- (a) the person holds a permit issued by the managing body that authorises that person to engage in the activity set out in those subregulations; and
- (b) the person is acting under and in accordance with any permit or licence required by the **Fisheries Act 1995**, the **Firearms Act 1996**, the **Wildlife Act 1975**, the **Flora and Fauna Guarantee Act 1988** and any regulations made under those Acts.

Reg. 51(9)(a)
amended by
S.R. No.
123/2018
reg. 27.

Part 6—Yarra Tributaries Forest Reserve

52 Non-application of Part

Regulations 53(1) and 56 do not apply to—

- (a) the Secretary when carrying out the duties or functions of the Secretary;
- (b) an authorised officer when acting in the course of his or her duties;
- (c) Parks Victoria, Melbourne Water Corporation and VicForests when carrying out their duties or functions;
- (d) an employee of the Secretary, Parks Victoria, Melbourne Water Corporation or VicForests, when acting in the course of his or her employment;
- (e) a contractor of the Secretary or Parks Victoria when acting under the contract;
- (f) a volunteer authorised by the Secretary or Parks Victoria when acting in accordance with the authorisation;
- (g) the holder of a lease or licence granted under the Act over any land in the Yarra Tributaries Forest Reserve who is acting in accordance with the lease or licence and any employee, agent or contractor of any such holder who is acting in accordance with the terms of their employment, agency or contract and with the terms of the lease or licence;
- (h) an officer or employee of the ambulance service when acting in the course of his or her duties;

Reg. 52(e)
amended by
S.R. No.
123/2018
reg. 28.

Reg. 52(f)
amended by
S.R. No.
123/2018
reg. 28.

- (i) an officer or employee or volunteer emergency worker of an emergency services agency when engaged in an emergency activity.

53 Entry and access

- (1) A person must not enter or carry out any activity in the Yarra Tributaries Forest Reserve.

Penalty: 20 penalty units.

- (2) Subregulation (1) does not apply to—
 - (a) a person who is undertaking a walk on the Oat Patch Track or Boundary Road or the roads used to access these tracks that are set aside in accordance with regulation 55; or
 - (b) a person who drives a vehicle or rides a horse within the reserve in accordance with regulations 55 or 57(1); or
 - (c) a person who is undertaking timber harvesting operations within the reserve that are authorised operations referred to in section 45(2)(a) and (b)(i) of the **Sustainable Forests (Timber) Act 2004**.

54 Aboriginal tradition in the Yarra Tributaries Forest Reserve

- (1) Subject to subregulation (2), regulation 53 and any other regulations applying to Yarra Tributaries Forest Reserve are not intended to affect a Traditional Owner's ability to undertake an Aboriginal tradition in the Yarra Tributaries Forest Reserve.
- (2) Subregulation (1) is not to be taken to enable a Traditional Owner to do any of the following in the Yarra Tributaries Forest Reserve—
 - (a) swim in any river, creek, water course or body of water;

- (b) possess, carry or use a gun, poison, rifle or other firearm;
- (c) light, kindle or maintain a fire;
- (d) enter the Yarra Tributaries Forest Reserve or, an area of the Yarra Tributaries Forest Reserve, that has been temporarily closed to the public under regulation 14.

55 Setting aside areas for the driving or parking of vehicles

Reg. 55(1)
amended by
S.R. No.
123/2018
reg. 29.

(1) The land manager may by determination set aside an area in the Yarra Tributaries Forest Reserve as an area where vehicles may be driven or where vehicles must not be driven except in a specified direction or at no more than a specified speed.

Reg. 55(2)
amended by
S.R. No.
123/2018
reg. 29.

(2) The land manager may by determination set aside any area in the Yarra Tributaries Forest Reserve as an area in which vehicles may be parked.

(3) A determination under this regulation may be of general application or may apply to a specified class or classes of vehicles.

56 Vehicle driving and parking offences

(1) A person must not drive a vehicle in the Yarra Tributaries Forest Reserve in contravention of a determination under regulation 55(1).

Penalty: 10 penalty units.

(2) A person must not park a vehicle in the Yarra Tributaries Forest Reserve unless he or she does so in accordance with a determination under regulation 55(2).

Penalty: 10 penalty units.

57 Riding, driving, leading or bathing horses or pack animals in the Yarra Tributaries Forest Reserve

Reg. 57
(Heading)
amended by
S.R. No.
123/2018
reg. 30(1).

(1) The land manager may, by determination set aside an area of the Yarra Tributaries Forest Reserve where the riding, driving, leading or bathing of horses or pack animals is permitted.

Reg. 57(1)
amended by
S.R. No.
123/2018
reg. 30(2).

(2) A determination under subregulation (1) may specify the times or periods during which the area may be used for the purposes for which it has been set aside under subregulation (1) and subject to any conditions determined by the land manager.

Reg. 57(2)
amended by
S.R. No.
123/2018
reg. 30(2).

(3) A person must not ride, drive, lead or bathe horses or pack animals in the Yarra Tributaries Forest Reserve unless he or she does so in an area set aside under subregulation (1) for that purpose and in accordance with the determination setting aside the area under subregulation (2).

Penalty: 10 penalty units.

(4) A person who rides, drives, leads or bathes a horse or pack animal in the Yarra Tributaries Forest Reserve set aside under subregulation (1) must do so in a manner that does not endanger any person or animal.

Penalty: 10 penalty units.

(5) If a horse or pack animal is found in the Yarra Tributaries Forest Reserve and the horse or pack animal is not under the immediate control of any person, the owner of the horse or pack animal, or if another person has the care and control of the horse or pack animal, that other person, is guilty of an offence if reasonable steps to secure or contain the horse have not been taken.

Penalty: 10 penalty units.

- (6) Subregulations (3) and (5) do not apply to a person who is transporting horses or pack animals through the Yarra Tributaries Forest Reserve in a vehicle.
- (7) A person must not ride, drive or lead a horse or pack animal into the Yarra Tributaries Forest Reserve within 20 metres of any stream or alpine bog unless for the purpose of drinking.

Penalty: 10 penalty units.

Part 7—Miscellaneous

Division 1—Determinations and permits

58 Provisions as to determinations

- (1) The managing body may amend or revoke a determination made under Part 3, 4, 5 or 6 of these Regulations.
- (2) If the managing body amends a determination made under Part 3, 4, 5 or 6 of these Regulations, the managing body must ensure that the details of the amendment are included on any signs or notices erected under regulation 59.
- (3) If the managing body revokes a determination made under these Regulations, the managing body must ensure that any signs or notices erected under regulation 59 relating to that determination are removed.

59 Managing body must display signs or notices of determination

The managing body must as soon as practicable after making a determination under these Regulations ensure that signs or notices informing the public of a determination in relation to a forest reserve, a forest park or the Yarra Tributaries Forest Reserve are displayed—

- (a) at the areas affected by a determination; or
- (b) at any entrance to a forest reserve or forest park—

in such a place and manner that the signs or notices are likely to be seen by any person affected by the determination.

60 General provisions as to permits

- (1) A permit issued by the managing body under Part 3, 4, 5 or 6 of these Regulations—
 - (a) must be in writing; and
 - (b) is subject to the conditions specified in the permit; and
 - (c) applies for the period specified in the permit.
- (2) The holder of a permit referred to in subregulation (1) must comply with the conditions of that permit.

Penalty: 10 penalty units.

61 Surrender and cancellation of permits

- (1) The holder of a permit under Part 3, 4, 5 or 6 of these Regulations may surrender a permit in writing, addressed to the person or body who issued it.
- (2) The managing body may cancel a permit issued under Part 3, 4, 5 or 6 of these Regulations at any time—
 - (a) if the holder of the permit has—
 - (i) failed to comply with a condition of the permit; or
 - (ii) failed to comply with these Regulations; or
 - (b) if the continuation of the permit is likely to be detrimental to, or interfere with the management and protection of, the natural environment, features, or visitors in a forest reserve or forest park; or
 - (c) for the purposes of management of a forest reserve.

- (3) If a permit is cancelled under subregulation (2), the managing body must cause the holder of the permit to be notified of the cancellation of the permit in writing within 28 days of the cancellation.
- (4) The cancellation of a permit under subregulation (2) comes into effect when the holder of the permit is given notification of that cancellation in accordance with subregulation (3).

62 Managing body may issue replacement permit

If a permit issued under Part 3, 4, 5 or 6 of these Regulations is lost, stolen or damaged, the person to whom the permit was issued may apply in writing for a replacement permit to the managing body which issued the permit.

Division 2—Transitionals

63 Transitional provision

Despite the commencement of regulation 4, an authority or permit issued under the regulations listed in Schedule 1 and in force immediately before the commencement of regulation 4 is taken to continue in force for the period for which it was issued (unless sooner cancelled or revoked) as if it were the equivalent authority or permit issued under these Regulations.

Schedules

Schedule 1—Revoked Regulations

Regulation 4

<i>S.R. No.</i>	<i>Title</i>
66/2000	Forests (Miscellaneous) Regulations 2000
13/2005	Forests (Thomson River Forest Reserve) Regulations 2005
42/2003	Forests (You Yangs Regional Park) Regulations 2003

Schedule 2—Areas subject to special camping restrictions

<i>Column 1</i>	<i>Column 2</i>
<i>Description of Areas</i>	<i>Period of Restriction</i>
(i) All the reserved forest in the Parish of Kimbolton being the land delineated and shown as reserved forest on Parish Plan No. 2879 lodged in the Central Plan Office.	The period commencing on 15 November in each year and ending on 30 April in the following year.
(ii) All the reserved forest in section 13, Parish of Lyell, in the Shire of Strathfieldsaye delineated and shown as reserved forest in section 13 on Parish Plan No. 3023 lodged in the Central Plan Office.	The period commencing on 15 November in each year and ending on 30 April in the following year.
(iii) All State forest which is in the Shire of Bright in the Parish of Porepunkah and bounded by the Ovens River in the south, Roberts Creek in the west and the Everton to Bright railway line in the north and east.	The period commencing on 15 November in each year and ending on 30 April in the following year.
(iv) All State forest in the Shire of Benalla within those parts of the Parishes of Toombullup and Toombullup North shown hatched on Plan No. LEGL./09-283 lodged in the Central Plan Office.	The whole of the year
(v) All the reserved forest which is in the Shire of Yarra Ranges, the Parish of Manango and bounded in the west by the Yarra Ranges National Park boundary, in the south and east by the Yarra River, the township of Reefton and the Warburton-Woods Point Road, and in the north by the southern	The whole of the year

Forests (Recreation) Regulations 2010

S.R. No. 30/2010

Schedule 2—Areas subject to special camping restrictions

<i>Column 1</i>	<i>Column 2</i>
<i>Description of Areas</i>	<i>Period of Restriction</i>
extremity of the catchments of the Armstrong Creek Weirs (abutting the Yarra Tributaries Forest Reserve) as shown on Plan No. LEGL./09-229 lodged in the Central Plan Office.	

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Endnotes

1 General information

See www.legislation.vic.gov.au for Victorian Bills, Acts and current authorised versions of legislation and up-to-date legislative information.

The Forests (Recreation) Regulations 2010, S.R. No. 30/2010 were made on 25 May 2010 by the Lieutenant-Governor as the Governor's deputy with the advice of the Executive Council under sections 50(5), 99 and 99A of the **Forests Act 1958**, No. 6254/1958 and came into operation on 25 May 2010: regulation 3.

The Forests (Recreation) Regulations 2010 will sunset 10 years after the day of making on 25 May 2020 (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).

Forests (Recreation) Regulations 2010
S.R. No. 30/2010
Endnotes

2 Table of Amendments

This publication incorporates amendments made to the Forests (Recreation) Regulations 2010 by statutory rules, subordinate instruments and Acts.

Forests (Recreation) Amendment Regulations 2015, S.R. No. 17/2015

Date of Making: 17.3.15

Date of Commencement: 18.3.15: reg. 3

Forests (Recreation) Amendment Regulations 2018, S.R. No. 123/2018

Date of Making: 11.9.18

Date of Commencement: 12.9.18: reg. 3

3 Amendments Not in Operation

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

4 Explanatory details

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.