

**Version No. 003**  
**Water Industry (Reservoir Parks Land)**  
**Regulations 2001**

**S.R. No. 125/2001**

Version incorporating amendments as at 11 April 2008

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**S.R. No. 125/2001**

Version incorporating amendments as at 11 April 2008

**PART 1—PRELIMINARY**

**1 Objective**

The objective of these Regulations is to provide for the care, protection, management and use of reservoir parks land<sup>1</sup> and the preservation of good order in 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 1 December 2001.

**4 Revocations**

The Water Industry (Melbourne Parks and Waterways) Regulations 1996<sup>2</sup> are **revoked**.

**5 Definitions**

In these Regulations—

*aircraft* includes aeroplanes, helicopters, gliders, hot air balloons, hang gliders and parachutes;

*camp* means—

- (a) to erect, occupy or use a tent or any similar form of accommodation including a swag; or
- (b) to erect, park, occupy or use a caravan, camper van or other movable form of accommodation or temporary structure;

*contractor* includes any sub-contractor of a contractor;

*fauna* means any animal-life which is indigenous to Victoria whether vertebrate or invertebrate and in any stage of biological development and includes any other living thing generally classified as fauna, but does not include humans or fish;

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

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

*flora* means any plant-life which is indigenous to Victoria whether vascular or non-vascular and in any stage of biological development and includes any other living thing generally classified as flora;

*life-saving aid* includes any life-saving equipment, life-hook, drag, grapnel, lifebuoy, warning sign, barrier, fire extinguisher, hose or similar equipment;

*navigational aid* means any lighthouse, navigational dolphin, buoy, beacon, signal, flag or similar equipment and any adjacent supporting structure or post;

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

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

*stone* has the same meaning as in the **Extractive Industries Development Act 1995**;

*vehicle* has the same meaning as in the **Road Safety Act 1986**;

*vessel* has the same meaning as in the **Marine Act 1988**.

## **6 Exemptions from the operation of the regulations**

- (1) These Regulations do not apply to any of the following persons when acting in the course of that person's duties—
  - (a) a member of the police force;
  - (b) an authorised officer;
  - (c) a person employed under Part 3 of the **Public Sector Management and Employment Act 1998** or an employee of Melbourne Water Corporation or Parks Victoria;
  - (d) a contractor, volunteer or other person carrying out any work for or acting on the instructions of the Secretary, Melbourne Water Corporation or Parks Victoria;
  - (e) a person dealing with a fire, flood or other public emergency, when authorised to do so by or under an Act of Parliament or regulations made under such an Act.

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Part 1—Preliminary

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- (2) A person acting in accordance with a lease, licence, tenancy or permit granted over any reservoir parks land is not subject to these Regulations, to the extent that the activities authorised by that lease, licence, tenancy or permit are inconsistent with these Regulations.
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**PART 2—POWERS OF SECRETARY**

**7 Areas set aside for particular purposes**

- (1) The Secretary may determine that a specified area or areas in reservoir parks land be set aside for one or more of the following purposes—
- (a) the parking of vehicles or particular classes of vehicles;
  - (b) bringing animals into or leaving animals in or allowing animals to remain in that particular part of reservoir parks land;
  - (c) riding, leading or driving horses, donkeys or camels or drawing vehicles by horses, donkeys or camels;
  - (d) leaving horses, donkeys or camels unbridled or unattended;
  - (e) exercising dogs off-lead;
  - (f) the lighting or maintaining of fires or barbecues using liquid or gaseous fuel;
  - (g) the conducting of sporting contests, demonstrations or training classes;
  - (h) the conducting of animal shows or competitions;
  - (i) the launching, landing, loading, unloading, mooring or operation of vessels generally or vessels of a particular class;
  - (j) the landing, launching, flying, controlling or operating of motorised model aircraft;
  - (k) fishing.

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- (2) The Secretary may—
- (a) determine the times at which, or the periods during which, each area set aside under subregulation (1) may be used for the purpose for which it is set aside; and
  - (b) cause signs or notices to be erected or displayed indicating each area set aside under subregulation (1) and the purpose for which the area is set aside.

**8 Areas set aside where access is prohibited**

- (1) The Secretary may determine that a specified area or areas of reservoir parks land be an area or areas where access is prohibited—
- (a) for the protection of flora or fauna;
  - (b) for the protection of geological, geomorphological, archaeological, cultural or historic features or values;
  - (c) for the planting of trees, shrubs, grass or other vegetation;
  - (d) for the protection of—
    - (i) works; or
    - (ii) catchments; or
    - (iii) water quality of waterways or reservoirs;
  - (e) for the reclamation of land;
  - (f) for the re-establishment of vegetation;
  - (g) for public safety.

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- (2) The Secretary may—
- (a) determine the times at which, or the periods during which, access is prohibited to each area set aside under subregulation (1); and
  - (b) cause signs or notices to be erected or displayed indicating each area set aside to which access is prohibited.

**9 Areas set aside where certain activities are prohibited**

- (1) The Secretary may determine that a specified area or areas of reservoir parks land be an area or areas where the carrying on of all or any of the following activities is prohibited—
- (a) engaging in a specified sport or a specified recreational activity;
  - (b) possessing or carrying glass bottles, glass containers or glass utensils;
  - (c) possessing alcohol;
  - (d) causing vehicles or vehicles of a particular class to enter or remain in that particular part of reservoir parks land.
- (2) The Secretary may—
- (a) determine the times at which, or the periods during which, the activity is prohibited in each area set aside under subregulation (1);
  - (b) cause signs or notices to be erected or displayed indicating each area set aside in which the activity is prohibited.

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**10 Fees and charges**

- (1) The fees and charges payable for the use of specified facilities are set out in the Schedule.
- (2) A person must not use a facility in reservoir parks land for which a fee or charge is payable, unless that person has paid that fee or charge.

Penalty: 5 penalty units.

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**PART 3—USE AND CONTROL OF RESERVOIR PARKS  
LAND**

**11 General prohibitions**

- (1) A person must not, in reservoir parks land, fell, pick, remove or damage any tree, shrub, plant, wildflower or other vegetation, whether dead or alive.

Penalty: 10 penalty units.

- (2) A person must not, in reservoir parks land, disturb, harass, capture, kill or injure any animal or destroy, disturb or interfere with the habitat, nest or burrow of any animal.

Penalty: 20 penalty units.

- (3) A person must not, in reservoir parks land, remove or damage or interfere with any rock or natural feature.

Penalty: 10 penalty units.

- (4) A person must not, in reservoir parks land, possess any bow, arrow, firearm, poison, trap, snare, net, spear gun, spear or similar implement.

Penalty: 20 penalty units.

- (5) A person must not, in reservoir parks land, engage in any activity in a manner that may endanger or disturb other persons.

Penalty: 20 penalty units.

- (6) A person must not, in or from reservoir parks land, do anything which is likely to pollute any waterway or reservoir or conduct any activity which may pollute water.

Penalty: 20 penalty units.

- (7) A person must not, in reservoir parks land, remove or interfere with any life-saving aid unless the person does so for the purpose of saving life or in the course of official duties.

Penalty: 10 penalty units.

- (8) A person must not enter an area set aside under regulation 8(1) as an area to which access is prohibited.

Penalty: 10 penalty units.

## **12 Signs and structures etc.**

- (1) A person must not remove, damage, displace or interfere with a sign, structure or navigational aid in reservoir parks land.

Penalty: 20 penalty units.

- (2) A person must not, in reservoir parks land, erect or place any structure or any inflatable castle or similar inflatable device.

Penalty: 10 penalty units.

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

(a) holds a permit to engage in an activity referred to in subregulation (2) in the part of the reservoir parks land for which the permit is issued; and

(b) is acting in accordance with the permit.

- (4) The Secretary may issue a permit to a person to engage in an activity referred to in subregulation (2) in the whole or any part of reservoir parks land.

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### 13 Commercial activities

- (1) In reservoir parks land a person must not—
- (a) solicit or collect money; or
  - (b) display any sign or hand out or disseminate any material including a pamphlet or hand bill; or
  - (c) cause or permit the use of any device to generate or amplify sounds (including any loud hailer, public address system or musical instrument) in a way which may disturb other people; or
  - (d) sell, trade or hire, any goods or services, or advertise, offer or display any goods or services for sale, trade or hire; or
  - (e) take any photograph, film, video or audio recording, or make any television or radio broadcast for commercial purposes; or
  - (f) offer or display any vehicle for hire, or carry passengers for reward; or
  - (g) undertake any other commercial activity.

Penalty: 10 penalty units.

- (2) Subregulation (1) does not apply to a person who—
- (a) holds a permit to engage in an activity referred to in subregulation (1) in the part of the reservoir parks land for which the permit is issued; and
  - (b) is acting in accordance with the permit.
- (3) The Secretary may issue a permit to a person to engage in an activity referred to in subregulation (1) in the whole or any part of reservoir parks land.

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- (4) Subregulation (1)(f) does not apply to any person operating a commercial passenger vehicle within the meaning of section 86 of the **Transport Act 1983**.
  - (5) In this regulation, *commercial activity* does not include any activity to which regulation 28(1), 29(1) or 30(1) applies.

#### 14 Fire

- (1) A person must not light or maintain a fire or barbecue in reservoir parks land, except in accordance with subregulation (2).  
Penalty: 20 penalty units.
- (2) A person may light or maintain a fire or barbecue—
  - (a) if the person does so at a time and during a period when the lighting of fires is not prohibited under any Act; and
  - (b) if the person does so in a fireplace or barbecue provided for that purpose, or in a fireplace or barbecue that is in an area set aside under regulation 7(1) for that purpose.
- (3) If a person lights or maintains a fire or barbecue in an area set aside under regulation 7(1) for that purpose, the person must ensure that—
  - (a) the fire or barbecue is lit and maintained using liquid or gaseous fuel; and
  - (b) the fire or barbecue is contained in an appliance designed and commercially manufactured to use that fuel; and
  - (c) when alight, the fire or barbecue is placed in a stable position; and

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(d) the ground and airspace within a distance of 3 metres of the fire or barbecue are clear of flammable material.

- (4) A person who has lit or maintained a fire or barbecue in accordance with this regulation must extinguish that fire or barbecue before leaving the place of the fire or barbecue.

Penalty: 20 penalty units.

### **15 Vehicles**

- (1) A person must not cause a vehicle to enter or remain in any part of reservoir parks land set aside under regulation 9(1) as an area in which it is prohibited to cause vehicles to enter or remain.

Penalty: 20 penalty units.

- (2) A person must not cause a vehicle of a particular class to enter or remain in any part of reservoir parks land set aside under regulation 9(1) as an area in which it is prohibited to cause vehicles of that particular class to enter or remain.

Penalty: 20 penalty units.

### **16 Parking of vehicles**

- (1) A person must not park a vehicle in reservoir parks land except—
- (a) in an area set aside under regulation 7(1) for that purpose; and
  - (b) in accordance with the terms of the determination of the Secretary under which the area has been set aside.

Penalty: 20 penalty units.

- (2) A person must not park a vehicle in an area of reservoir parks land set aside for the parking of vehicles of a particular class unless—

- 
- (a) that person is parking a vehicle of that class;  
and
  - (b) that person is acting in accordance with the terms of the determination of the Secretary under which the area has been set aside.

Penalty: 20 penalty units.

### **17 Vessels**

A person must not launch, land, load, unload, moor or operate a vessel in reservoir parks land except—

- (a) in an area set aside under regulation 7(1) for that purpose; and
- (b) in accordance with the terms of the determination of the Secretary under which the area has been set aside.

Penalty: 20 penalty units.

### **18 Animals**

- (1) A person must not bring an animal into reservoir parks land, or leave or allow an animal to remain in reservoir parks land, except in an area set aside under regulation 7(1) for that purpose.

Penalty: 10 penalty units.

- (2) A person must not allow an animal in his or her care and control to stray or wander into reservoir parks land.

Penalty: 10 penalty units.

- (3) A person who has an animal in his or her care and control in reservoir parks land must ensure that—

- (a) the animal is kept under his or her effective control; and

- 
- (b) subject to regulations 19, 20(2) and 29(3), the animal is restrained by a lead, halter or other similar means; and
  - (c) the animal does not interfere with the use and enjoyment of that land by other persons or animals.

Penalty: 10 penalty units.

- (4) Subregulation (1) does not apply to a disabled person who brings a dog or other animal into reservoir parks land to assist that person with respect to that person's disability.
- (5) A person in charge of an animal in reservoir parks land must take reasonable steps to ensure that any part of that animal's excrement does not remain in that land or is placed in a receptacle provided for that purpose.

Penalty: 5 penalty units.

- (6) In this regulation, *animal* includes fish.

#### **19 Exercising dogs off-lead**

A person must not exercise a dog off-lead in reservoir parks land, except in an area set aside under regulation 7(1) for that purpose.

Penalty: 10 penalty units.

#### **20 Additional provisions for horses, donkeys and camels**

- (1) A person must not ride, lead or drive a horse, donkey or camel or draw a vehicle by a horse, donkey or camel in reservoir parks land except—
  - (a) in an area set aside under regulation 7(1) for that purpose; and

(b) in accordance with the terms of the determination of the Secretary under which the area is set aside.

Penalty: 10 penalty units.

(2) A person must not leave a horse, donkey or camel unbridled or unattended in reservoir parks land except—

(a) in an area set aside under regulation 7(1) for that purpose; and

(b) in accordance with the terms of the determination of the Secretary under which the area is set aside.

Penalty: 5 penalty units.

(3) A person must not ride or drive a horse, donkey, or camel abreast of more than one other horse, donkey or camel on any path, track or road in reservoir parks land.

Penalty: 10 penalty units.

(4) A person must not ride or drive a horse, donkey or camel in any manner which may disturb or be dangerous to any person or fauna or damage flora in reservoir parks land.

Penalty: 10 penalty units.

(5) A person must not allow a horse, donkey or camel which is under that person's care or control to damage any part of a tree or a shrub in reservoir parks land.

Penalty: 10 penalty units.

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## 21 Camping

- (1) A person must not camp in reservoir parks land.  
Penalty: 10 penalty units.
- (2) Subregulation (1) does not apply to a person who—
  - (a) holds a permit to camp in the part of the reservoir parks land for which the permit is issued; and
  - (b) is acting in accordance with the permit.
- (3) The Secretary may issue a permit to a person to camp in the whole or any part of reservoir parks land.

## 22 Fishing

A person must not fish or attempt to take fish in or from reservoir parks land, except in an area set aside under regulation 7(1) for that purpose.

Penalty: 10 penalty units.

## 23 Sport or recreational activity

A person must not engage in a specified sport or a specified recreational activity in any part of reservoir parks land set aside under regulation 9(1) as an area in which engaging in that specified sport or recreational activity is prohibited.

Penalty: 10 penalty units.

## 24 Glass bottles and containers

A person must not possess or carry any glass bottle, glass container or glass utensil in any part of reservoir parks land set aside under regulation 9(1) as an area in which the possession or carriage of glass bottles, glass containers or glass utensils is prohibited.

Penalty: 5 penalty units.

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## 25 Alcohol

A person must not possess alcohol in any part of reservoir parks land set aside under regulation 9(1) as an area in which the possession of alcohol is prohibited.

Penalty: 20 penalty units.

## 26 Aircraft

- (1) A person must not, in reservoir parks land, land, launch, fly, control or operate any aircraft.

Penalty: 20 penalty units.

- (2) A person must not, in reservoir parks land—

(a) land by parachute; or

(b) deliver any thing by aircraft.

Penalty: 20 penalty units.

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

(a) holds a permit to engage in an activity referred to in subregulation (1) in the part of the reservoir parks land for which the permit is issued; and

(b) is acting in accordance with the permit.

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

(a) holds a permit to engage in an activity referred to in subregulation (2) in the part of the reservoir parks land for which the permit is issued; and

(b) is acting in accordance with the permit.

- (5) The Secretary may issue a permit to a person to engage in an activity referred to in subregulation (1) or (2) in the whole or any part of reservoir parks land.
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- (6) Subregulations (1) and (2) do not apply in an emergency.
  - (7) A person must not in reservoir parks land, land, launch, fly, control or operate a motorised model aircraft except in an area set aside under regulation 7(1) for that purpose.

### **27 Generators, air compressors and other equipment**

- (1) A person must not, in reservoir parks land, operate any portable or stationary generator, air compressor, chainsaw or oxy-acetylene or electrical cutting or welding apparatus.

Penalty: 5 penalty units.

- (2) Subregulation (1) does not apply to a person who—
  - (a) holds a permit to engage in an activity referred to in subregulation (1) in the part of the reservoir parks land for which the permit is issued; and
  - (b) is acting in accordance with the permit.
- (3) The Secretary may issue a permit to a person to engage in an activity referred to in subregulation (1) in the whole or any part of reservoir parks land.

### **28 Sporting, demonstration or training events**

- (1) A person must not conduct, in reservoir parks land, any sporting contest, demonstration or training class, except in an area set aside under regulation 7(1) for that purpose.

Penalty: 5 penalty units.

- (2) A person must not, in an area of reservoir parks land set aside under regulation 7(1) for the purpose of conducting any sporting contest, demonstration or training class, conduct such a

sporting contest, demonstration or training class unless that person—

(a) holds a permit to engage in that activity in the part of the set aside area for which the permit is issued; and

(b) is acting in accordance with the permit.

Penalty: 5 penalty units.

- (3) The Secretary may issue a permit to a person to engage in an activity referred to in subregulation (2) in the whole or any part of any area set aside under regulation 7(1) for that purpose.

## **29 Animal shows and competitions**

- (1) A person must not conduct, in reservoir parks land, any animal show or competition, except in an area set aside under regulation 7(1) for that purpose.

Penalty: 5 penalty units.

- (2) A person must not, in an area of reservoir parks land set aside under regulation 7(1) for the purpose of conducting an animal show or competition, conduct such an animal show or competition unless that person—

(a) holds a permit to engage in that activity in the part of the set aside area for which the permit is issued; and

(b) is acting in accordance with the permit.

Penalty: 5 penalty units.

- (3) The Secretary may issue a permit to a person to engage in an activity referred to in subregulation (2) in the whole or any part of any area set aside under regulation 7(1) for that purpose.

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### 30 Special events

- (1) A person must not, in reservoir parks land, conduct any—
  - (a) fete, carnival, concert or other public event;  
or
  - (b) private event for 100 or more persons; or
  - (c) commercial event.Penalty: 5 penalty units.
- (2) Subregulation (1) does not apply to a person who—
  - (a) holds a permit to engage in an activity referred to in subregulation (1) in the part of the reservoir parks land for which the permit is issued; and
  - (b) is acting in accordance with the permit.
- (3) The Secretary may issue a permit to a person to engage in an activity referred to in subregulation (1) in the whole or any part of reservoir parks land.
- (4) In this regulation *commercial event* does not include an activity to which regulation 28 or 29 applies.

### 31 Use of toilets, showers and other facilities

- (1) A person must not enter or use an amenity or facility in reservoir parks land designated for the use of persons of the opposite sex.  
Penalty: 20 penalty units.
- (2) Subregulation (1) does not apply to the entering or use of an amenity or facility by a child under the age of 6 years when accompanied by an adult.

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### **32 Stones and objects**

A person must not propel or throw any stone or other object in or from reservoir parks land in a manner that is likely to cause danger, disturbance or damage.

Penalty: 20 penalty units.

### **33 Gates**

A person must not leave any gate in reservoir parks land open unless the gate is already open.

Penalty: 5 penalty units.

### **34 Umbrellas**

- (1) A person must not erect or use an umbrella or similar device for providing shade or weather protection in reservoir parks land.

Penalty: 5 penalty units.

- (2) Subregulation (1) does not apply to a person who erects or uses an umbrella or similar device that—
- (a) is used by holding and controlling the device by hand; or
  - (b) is securely anchored—
    - (i) by means of a bag filled with at least 5 kilograms dry weight of sand, soil or other substance securely tied to the device; or
    - (ii) by means of a device with an equivalent effect to an anchoring device referred to in subparagraph (i).

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### **35 Digging or removing stone**

A person must not—

- (a) dig or remove from reservoir parks land; or
- (b) take into reservoir parks land—

any stone.

Penalty: 20 penalty units.

### **36 Permits**

- (1) A permit issued under subregulation 12(4), 13(3), 21(3), 26(5), 27(3), 28(3), 29(3) or 30(3) authorises the holder to enter and use a particular part of reservoir parks land—
  - (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 determined by the Secretary and specified in the permit.
- (2) The holder of a permit must comply with any terms and conditions of that permit.  
Penalty: 5 penalty units.
- (3) The Secretary may cancel a permit at any time if the holder of the permit has—
  - (a) breached the conditions of the permit; or
  - (b) breached these Regulations.
- (4) Upon cancellation under subregulation (3) of a permit, the Secretary must, within a reasonable time after the cancellation, notify the holder of the permit in writing of the cancellation of the permit.

**37 Directions by authorised officers**

An authorised officer may direct any person whom that officer believes on reasonable grounds has contravened these Regulations to leave any part of reservoir parks land.

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Water Industry (Reservoir Parks Land) Regulations 2001  
 S.R. No. 125/2001  
 Part 3—Use and Control of Reservoir Parks Land

<b>Sch.</b>
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**SCHEDULE**

Regulation 10

Sch.  
 amended by  
 S.R. No.  
 88/2004  
 reg. 4(Sch. 1  
 item 51(a)–  
 (c)).

**FEES AND CHARGES FOR RESERVOIR PARKS**

<i>Reservoir park</i>	<i>Facility</i>	<i>Fee or charge</i>
Upper Yarra	Camping	Adult (16 years of age or more)—\$5.70 per day.  Child (5 years of age or more but under 16 years of age)—\$3.40 per day.  Family (2 adults and up to 4 children)—1.84 fee units per day.
Maroondah	Rotunda hire	Weekends and public holidays— <ul style="list-style-type: none"> <li>• during the period of daylight savings—10.25 fee units per day.</li> <li>• during the period when daylight savings does not apply—5.13 fee units per day.</li> </ul>



## ENDNOTES

### 1. General Information

The Water Industry (Reservoir Parks Land) Regulations 2001, S.R. No. 125/2001 were made on 27 November 2001 by the Governor in Council under sections 136 and 184 of the **Water Industry Act 1994**, No. 121/1994 and came into operation on 1 December 2001: regulation 3.

The Water Industry (Reservoir Parks Land) Regulations 2001 will sunset 10 years after the day of making on 27 November 2011 (see section 5 of the **Subordinate Legislation Act 1994**).

Water Industry (Reservoir Parks Land) Regulations 2001  
S.R. No. 125/2001

Endnotes

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**2. Table of Amendments**

This Version incorporates amendments made to the Water Industry (Reservoir Parks Land) Regulations 2001 by statutory rules, subordinate instruments and Acts.

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Monetary Units Regulations 2004, S.R. No. 88/2004

*Date of Making:* 29.6.04

*Date of Commencement:* 1.7.04: reg. 3

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**Endnotes**

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**3. Explanatory Details**

<sup>1</sup> Reg. 1: Reservoir parks land is defined by the operation of sections 136 and 137 of the **Water Industry Act 1994** to mean the land generally described as reservoir parks in the lease and licence dated 13 April 1995 between Melbourne Water Corporation and the Minister responsible for administering Part 4 of the **Water Industry Act 1994**. The names of the reservoir parks that make up the reservoir parks land are Cardinia Creek, Devilbend, Fernshaw, Greenvale, Maroondah, Silvan, Sugarloaf, Tarago, Toorourrong, Upper Yarra, Yan Yean and Thomson.

<sup>2</sup> Reg. 4: S.R. No. 99/1996 as amended by S.R. No. 73/1998.