

Version No. 002
Wildlife (State Game Reserve) Regulations
2004

S.R. No. 147/2004

Version as at 11 April 2008

TABLE OF PROVISIONS

<i>Regulation</i>	<i>Page</i>
PART 1—PRELIMINARY	1
1 Objective	1
2 Authorising provision	1
3 Commencement	1
4 Revocations	1
5 Definitions	1
6 Application of certain regulations	3
PART 2—GENERAL MANAGEMENT OF RESERVES	5
7 Interfering with animals	5
8 Feeding animals	6
9 Use and carriage of certain things	6
10 Possession or carriage of firearms or bows in reserves	7
11 Use of firearms or bows	8
12 Protection of flora	9
13 Introducing flora	10
14 Interfering with rocks or natural objects	10
15 Bringing material into a reserve	11
16 Areas where access is prohibited or restricted	11
17 Lighting of fires	12
18 Dogs and horses	13
19 Other animals	16
20 Signs, buildings and other structures	17
21 Blinds and hides	18
22 Gates	20
23 Areas where camping prohibited	21
24 Restrictions on camping	21
25 Determination of the Secretary as to conditions applying to camping	22
26 Use of soaps and detergents	22

<i>Regulation</i>	<i>Page</i>
27 Hygiene	22
28 Vehicles	23
29 Vessels	24
30 Aircraft	25
31 Annoying equipment	25
32 Engaging in sport or recreational activity	26
33 Events	27
34 Commercial activities	27
35 Permits	28
36 Determination of Secretary setting area aside	29
37 Request to leave	30
PART 3—SPECIFIC RESERVES	31
38 Tower Hill State Game Reserve	31
PART 4—CONSEQUENTIAL AMENDMENTS	32
39 Consequential amendments	32
SCHEDULES	33
SCHEDULE 1—Regulations Revoked	33
SCHEDULE 2—State Game Reserves where Hog Deer Hunting is Permitted	34
SCHEDULE 3—State Game Reserves where Stubble Quail Hunting is Permitted	35
ENDNOTES	36
1. General Information	36
2. Table of Amendments	37
3. Explanatory Details	38

Version No. 002
Wildlife (State Game Reserve) Regulations
2004

S.R. No. 147/2004

Version as at 11 April 2008

PART 1—PRELIMINARY

1 Objective

The objective of these Regulations is to provide for the management of State Game Reserves established under the **Wildlife Act 1975**.

2 Authorising provision

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

3 Commencement

These Regulations come into operation on 30 November 2004.

4 Revocations

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

5 Definitions

In these Regulations—

Act means the **Wildlife Act 1975**;

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

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

camp means—

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

contractor includes any sub-contractor or employee of a contractor or sub-contractor;

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

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

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 (excluding manufactured wooden objects);

game duck means any species of duck specified in Part 2 of Schedule 3 of the Wildlife (Game) Regulations 2001¹;

gundog means any dog from a breed listed in Part 1 of Schedule 5 of the Wildlife (Game) Regulations 2001;

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

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

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

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

take in relation to animals, means to gain possession or control of animals by any means and also includes causing, permitting or assisting in taking animals;

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

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

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

6 Application of certain regulations

(1) A person—

- (a) acting in accordance with the terms and conditions of any agreement entered into under the Act, or an Act relating to a reserve; or
- (b) acting in accordance with a lease, licence or tenancy, granted over or in relation to a reserve—

is not subject to these Regulations to the extent that the activities authorised by that agreement, lease, licence or tenancy are inconsistent with these Regulations.

Wildlife (State Game Reserve) Regulations 2004
S.R. No. 147/2004
Part 1—Preliminary

r. 6

- (2) An offence under these Regulations does not apply to any of the following persons—
- (a) an employee of Parks Victoria when acting in the course of that person's duties; or
 - (b) a contractor, agent, volunteer or other person carrying out any work for or acting on the authority or instruction of an employee of Parks Victoria.
-

PART 2—GENERAL MANAGEMENT OF RESERVES

7 Interfering with animals

- (1) A person must not, in a reserve—
- (a) disturb, harass, remove, hunt, capture, take, kill or injure or otherwise destroy or interfere with an animal; or
 - (b) destroy, disturb or interfere with the nest, bower, display mound, lair or burrow of any animal.

Penalty: 20 penalty units.

- (2) Subregulation (1)(a) does not apply to a person—
- (a) who is in an area of a reserve that has not been set aside by the Secretary under regulation 7(4) as an area where hunting is prohibited and who, being the holder of a game licence—
 - (i) authorising the hunting and taking of game birds, including duck, is hunting, taking or is in possession of game ducks; or
 - (ii) authorising the hunting and taking of deer, is hunting, taking or is in possession of Hog Deer in a reserve listed in Schedule 2; or
 - (iii) authorising the hunting and taking of game birds, is hunting, taking or is in possession of Stubble Quail in a reserve listed in Schedule 3; or
 - (b) who, in relation to an animal that is not wildlife, engages in an activity referred to in subregulation (1)(a) in accordance with a permit issued by the Secretary.

-
- (3) For the purposes of subregulation (2)(b) and regulations 9(2), 10(2)(b) and 11(2)(b), the Secretary may issue a permit to a person.
 - (4) The Secretary may determine that an area of a reserve be set aside for the purposes of subregulation (2)(a) and regulations 10(2)(a) and 11(2)(a).

8 Feeding animals

- (1) A person must not, in a reserve—
 - (a) feed, offer food to or offer any object as food to an animal; or
 - (b) permit or allow food to be taken from the possession of the person by an animal.

Penalty: 10 penalty units.
- (2) Subregulation (1) does not apply—
 - (a) in relation to an animal brought lawfully into a reserve; or
 - (b) to a person who engages in an activity referred to in subregulation (1) in accordance with a permit issued by the Secretary.
- (3) For the purposes of subregulation (2)(b), the Secretary may issue a permit to a person.

9 Use and carriage of certain things

- (1) A person must not, in a reserve, possess, carry or use any—
 - (a) poison; or
 - (b) trap, snare, net (that is not designed to be used for fishing) or similar equipment.

Penalty: 20 penalty units.

-
- (2) Subregulation (1) does not apply to a person who engages in an activity referred to in subregulation (1) in accordance with a permit issued by the Secretary under regulation 7(3).

10 Possession or carriage of firearms or bows in reserves

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

Penalty: 20 penalty units.

- (2) Subregulation (1) does not apply to a person who—
- (a) is in an area of a reserve that has not been set aside by the Secretary under regulation 7(4) as an area where hunting is prohibited and who, being the holder of a game licence—
 - (i) authorising the hunting and taking of game birds, including duck, is possessing or carrying a firearm for the purpose of hunting game ducks, during the period commencing 48 hours prior to the first day of the open season for game ducks and ending 48 hours following the last day of the open season for game ducks; or
 - (ii) authorising the hunting and taking of deer, is possessing or carrying a firearm or bow for the purpose of hunting Hog Deer in a reserve listed in Schedule 2, during the period commencing 48 hours prior to the first day of the open season for Hog Deer and ending 48 hours following the last day of the open season for Hog Deer; or

- (iii) authorising the taking of game birds, is possessing or carrying a firearm for the purpose of hunting Stubble Quail in a reserve listed in Schedule 3, during the period commencing 48 hours prior to the first day of the open season for Stubble Quail and ending 48 hours following the last day of the open season for Stubble Quail; or
- (b) possesses or carries a firearm or bow in accordance with a permit issued by the Secretary under regulation 7(3).

11 Use of firearms or bows

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

Penalty: 20 penalty units.

- (2) Subregulation (1) does not apply to a person who—
 - (a) is in an area of a reserve that has not been set aside by the Secretary under regulation 7(4) as an area where hunting is prohibited and who, being the holder of a game licence—
 - (i) authorising the hunting and taking of game birds, including duck, is using a firearm for the purpose of hunting or taking game ducks; or
 - (ii) authorising the hunting and taking of deer, is using a firearm or bow for the purpose of hunting or taking Hog Deer, in a reserve listed in Schedule 2; or

- (iii) authorising the hunting and taking of game birds, is using a firearm for the purpose of hunting or taking Stubble Quail in a reserve listed in Schedule 3; or
- (b) uses a firearm or bow in accordance with a permit issued by the Secretary under regulation 7(3).

12 Protection of flora

- (1) A person must not, in a reserve—
 - (a) cut, fell, pick, remove, uproot or damage any tree, plant or other flora; or
 - (b) be in possession of any flora taken from that reserve.

Penalty: 20 penalty units.
- (2) Subregulation (1) does not apply to a person who—
 - (a) collects or is in possession of firewood for the purpose of lighting or maintaining a fire in accordance with regulation 17 if the person collects the firewood in an area that has not been set aside by a determination of the Secretary as an area in which the collection of firewood is prohibited; or
 - (b) engages in an activity referred to in subregulation (1) while acting in accordance with a permit issued by the Secretary or in accordance with regulation 21.
- (3) For the purposes of subregulation (2)(b) the Secretary may issue a permit to a person.
- (4) The Secretary may determine that an area of a reserve be set aside for the purposes of subregulation (2)(a).

13 Introducing flora

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

Penalty: 20 penalty units.

- (2) Subregulation (1) does not apply to a person who—
- (a) brings firewood into an area of a reserve that is set aside by a determination of the Secretary as an area into which firewood can be brought; or
 - (b) engages in an activity referred to in subregulation (1) in accordance with a permit issued by the Secretary.
- (3) The Secretary may determine that an area of a reserve be set aside for the purposes of subregulation (2)(a).
- (4) For the purposes of subregulation (2)(b), the Secretary may issue a permit to a person.

14 Interfering with rocks or natural objects

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

Penalty: 20 penalty units.

- (2) Subregulation (1) does not apply to a person who—
- (a) collects or arranges rocks or stones for the purpose of encircling a fire that is lit and maintained in accordance with regulation 17; or

-
- (b) engages in an activity referred to in subregulation (1) in accordance with a permit issued by the Secretary.
 - (3) For the purposes of subregulation (2)(b), the Secretary may issue a permit to a person.

15 Bringing material into a reserve

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

Penalty: 20 penalty units.

16 Areas where access is prohibited or restricted

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

Penalty: 10 penalty units.

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

Penalty: 10 penalty units.

- (4) Subregulations (2) and (3) do not apply to a person who enters or remains in a prohibited access area or restricted access area in accordance with a permit issued by the Secretary.

- (5) For the purposes of subregulation (4), the Secretary may issue a permit to a person.

17 Lighting of fires

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

Penalty: 20 penalty units.

- (2) Subregulation (1) does not apply to a person who lights or maintains a fire in a reserve at a time and during a period when the lighting of fires in that reserve is not prohibited under any Act and the person does so—

(a) in a public fireplace; or

(b) in an area that has not been set aside by the Secretary as an area in which the lighting of fires is prohibited; or

(c) in an area that is set aside by the Secretary as an area in which fires of a specific type may be lit or maintained and the person acts in accordance with the determination of the Secretary under which the area is set aside.

- (3) The Secretary may determine that an area of a reserve be set aside for the purposes of subregulation (2)(b) or (2)(c).

-
- (4) A person who lights or maintains a fire in accordance with subregulation (2)(a), (2)(b) or (2)(c) must ensure that—
- (a) the ground and airspace within a distance of 3 metres of the fire are clear of flammable material; and
 - (b) if the fire is in a commercial appliance—
 - (i) the fuel used in the appliance is of a type that the appliance has been designed and manufactured to use; and
 - (ii) the fire is contained in the appliance; and
 - (iii) when the fire is alight, the appliance is placed in a stable position.

Penalty: 20 penalty units.

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

Penalty: 20 penalty units.

18 Dogs and horses

- (1) A person must not bring a dog into a reserve or allow a dog to remain in a reserve.

Penalty: 15 penalty units.

- (2) If a dog is found in a reserve and it is not under the immediate control of any person, the owner of the dog or, if another person apparently 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 15 penalty units.

-
- (3) A person must not bring a horse into a reserve or allow a horse to remain in a reserve.

Penalty: 10 penalty units.

- (4) If a horse is found in a reserve and it is not under the immediate control of any person, the owner of the horse or if another person apparently has the care and control of the horse, that person, is guilty of an offence and liable to a penalty of not more than 10 penalty units.
- (5) Subregulation (1) does not apply to a person if—
- (a) the person is the holder of a game licence that authorises the hunting and taking of game birds, including ducks; and
 - (b) the person, during the period commencing 48 hours prior to the first day of the open season for game ducks and ending 48 hours following the last day of the open season for game ducks, brings a gundog into or allows a gundog to remain in a reserve, for the purposes of flushing or retrieving game ducks; and
 - (c) the person ensures at all times that the gundog is—
 - (i) under his or her effective control; and
 - (ii) restrained from causing danger or unreasonable disturbance to other persons or to wildlife; and
 - (iii) in a part of the reserve that has not been set aside by the Secretary as an area where gundogs are prohibited.
-

-
- (6) Subregulation (1) does not apply to a person if—
- (a) the person is the holder of a game licence that authorises the hunting and taking of game birds; and
 - (b) the person, during the period commencing 48 hours prior to the first day of the open season for Stubble Quail and ending 48 hours following the last day of the open season for Stubble Quail, brings a gundog into or allows a gundog to remain in a reserve listed in Schedule 3, for the purposes of flushing or retrieving Stubble Quail; and
 - (c) the person ensures at all times that the gundog is—
 - (i) under his or her effective control; and
 - (ii) restrained from causing danger or unreasonable disturbance to other persons or to wildlife; and
 - (iii) in a part of the reserve that has not been set aside by the Secretary as an area where gundogs are prohibited.
- (7) Subregulations (1) and (3) do not apply to a person who brings a dog or horse into a reserve or allows a dog or horse to remain in a reserve if—
- (a) the person does so in an area of the reserve that is set aside by the Secretary as an area—
 - (i) into which horses or dogs may be brought; or
 - (ii) in which dogs or horses may be allowed to remain—and that person acts in accordance with the determination of the Secretary under which the area is set aside; or
-

-
- (b) the dog or horse is brought into the reserve—
 - (i) to assist a disabled person with respect to that person's disabilities; or
 - (ii) to be trained to assist disabled persons with respect to disabilities; or
 - (c) the dog or horse is confined to a vehicle, which is in transit through the reserve, by a route that is usually open to the public for that purpose; or
 - (d) the dog or horse is brought into the reserve in accordance with a permit issued by the Secretary.
- (8) The Secretary may determine that an area of a reserve be set aside for the purposes of subregulation (5), (6) or (7).
- (9) For the purposes of subregulation 7(d), the Secretary may issue a permit to a person.

19 Other animals

- (1) A person must not bring an animal (that is not a dog or horse) into a reserve or allow an animal (that is not a dog or horse) to remain in a reserve.
Penalty: 20 penalty units.
- (2) If an animal (that is not a dog or a horse) is found in a reserve, and is not under the immediate control of any person, the owner of the animal or if another person apparently has the care and control of the animal, that other person, is guilty of an offence and liable to a penalty of not more than 20 penalty units.

-
- (3) Subregulation (1) does not apply to a person who brings an animal (that is not a dog or horse) into a reserve or allows an animal (that is not a dog or horse) to remain in a reserve if—
- (a) the animal is brought into the reserve—
 - (i) to assist a disabled person with respect to that person's disabilities; or
 - (ii) to be trained to assist disabled persons with respect to disabilities; or
 - (b) the animal is confined to a vehicle, which is in transit through the reserve, by a route that is usually open to the public for that purpose; or
 - (c) the animal is brought into the reserve in accordance with a permit issued by the Secretary.
- (4) For the purposes of subregulation 3(c), the Secretary may issue a permit to a person.

20 Signs, buildings and other structures

- (1) A person must not, in a reserve, occupy, use or enter a building or other structure (that is not a blind or hide).
- Penalty: 10 penalty units.
- (2) Subregulation (1) does not apply to a person who—
- (a) occupies, uses or enters a building or other structure which is provided for public use, if that occupation, use or entry is in accordance with the purposes for which the building or other structure is provided; or
 - (b) is camping in accordance with these Regulations or is acting in accordance with regulation 33 or 34.
-

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

Penalty: 20 penalty units.

- (4) Subregulation (3) does not apply to a person who is camping in accordance with these Regulations or is acting in accordance with regulation 33 or 34.

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

Penalty: 10 penalty units.

- (6) Subregulation (5) does not apply to a person who—

(a) is acting in accordance with a permit issued by the Secretary; or

(b) is camping in accordance with these Regulations or is acting in accordance with regulation 33 or 34; or

(c) erects a sign in accordance with regulation 21.

- (7) For the purposes of subregulation (6)(a), the Secretary may issue a permit to a person.

21 Blinds and hides

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

Penalty: 10 penalty units.

-
- (2) A person must not construct a blind or hide in an area of a reserve that is set aside by a determination of the Secretary—
- (a) as an area in which the construction of blinds or hides is prohibited; or
 - (b) as an area in which the construction of blinds or hides is restricted, if the blind or hide is constructed in contravention of the determination setting the area aside—

unless the person does so in accordance with a permit issued by the Secretary.

Penalty: 10 penalty units.

- (3) A person who is constructing a blind or hide in a reserve must construct the blind or hide—
- (a) from—
 - (i) flora or fauna collected from or taken from the reserve; or
 - (ii) camouflage netting or fabric and associated supports—

and so that the height of the blind or hide does not exceed 2 metres and the floor area of the blind or hide does not exceed 6 square metres; or

- (b) in accordance with a permit issued by the Secretary.

Penalty: 10 penalty units.

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

Penalty: 10 penalty units.

-
- (5) A person must not, in a reserve, remove, displace, deface or interfere with a blind or hide unless the person—
- (a) does so in accordance with a permit issued by the Secretary; or
 - (b) is assisting a person who is the holder of such a permit.

Penalty: 10 penalty units.

- (6) The Secretary may determine that an area in a reserve be set aside for the purposes of subregulation (2).
- (7) The Secretary may issue a permit to a person for the purposes of subregulation (2), (3) or (5).
- (8) If an authorised officer considers it necessary, he or she may—
- (a) direct a person who has constructed a blind or hide in a reserve to dismantle it within a reasonable time specified by the authorised officer; or
 - (b) take any necessary steps to have the blind or hide dismantled.
- (9) A person who has notice of a direction under subregulation (8) must dismantle the blind or hide within a reasonable time specified by the authorised officer.

Penalty: 10 penalty units.

22 Gates

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

Penalty: 10 penalty units.

23 Areas where camping prohibited

- (1) A person must not camp in an area in a reserve that is set aside by the Secretary as an area in which camping is prohibited.

Penalty: 10 penalty units.

- (2) The Secretary may determine that an area of a reserve be set aside for the purposes of subregulation (1).

24 Restrictions on camping

- (1) A person who camps in a reserve must not camp less than 20 metres away from any river, stream, well, spring, creek, lake, lagoon, swamp, marsh, dam, bore or watercourse, unless a condition determined by the Secretary under regulation 25 authorises the activity.

Penalty: 10 penalty units.

- (2) A person must not camp in a reserve for more than 42 consecutive nights unless a condition determined by the Secretary under regulation 25 authorises the activity.

Penalty: 10 penalty units.

- (3) A person who camps in a reserve must maintain the site in a clean and tidy condition.

Penalty: 10 penalty units.

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

Penalty: 10 penalty units.

25 Determination of the Secretary as to conditions applying to camping

- (1) The Secretary may, in relation to a reserve, make a determination setting out further conditions as to camping in the reserve.
- (2) A person who camps in a reserve must comply with any condition of the Secretary set out in a determination under subregulation (1).

Penalty: 10 penalty units.

- (3) If the Secretary has made a determination under subregulation (1), the Secretary must cause signs or notices to be erected or displayed at or near the entrance to any area to which the determination relates indicating the conditions that apply to camping in that area.

26 Use of soaps and detergents

A person who uses any soap, detergent or other similar substance in a reserve must dispose of that substance at least 50 metres away from any river, stream, well, spring, creek, lake, lagoon, swamp, marsh, dam, bore or watercourse.

Penalty: 10 penalty units.

27 Hygiene

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

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

-
- (b) if the person is not in an area in which toilet facilities are provided and readily available, the person does so by burying those faeces in accordance with an authorisation of the Secretary under section 21 of the Act, and at least 50 metres away from any river, stream, creek, lake, lagoon, swamp, marsh, well, spring, dam, bore or water body.

Penalty: 10 penalty units.

28 Vehicles

- (1) The Secretary may, by determination, set aside an area of a reserve as an area—
- (a) to which entry is prohibited for all vehicles or for those classes of vehicles specified in the determination; or
 - (b) in which vehicles must not remain or vehicles of the class specified in the determination must not remain; or
 - (c) to which entry is restricted for all vehicles or for those classes of vehicles specified in the determination; or
 - (d) in which vehicles may only remain in accordance with the restrictions specified in the determination or in which vehicles of the class specified in the determination may only remain in accordance with the restriction specified in the determination.
- (2) A person who is in charge of a vehicle must not cause the vehicle to enter into or remain in an area of a reserve in contravention of a determination of the Secretary under subregulation (1).

Penalty: 10 penalty units.

-
- (3) A person who is in charge of a vehicle in a reserve must not operate that vehicle in contravention of a notice or sign erected by the Secretary that specifies the direction of movement or speed of vehicles in that reserve.

Penalty: 10 penalty units.

- (4) A person must not park or leave a vehicle standing in a reserve in a manner that—
- (a) obstructs other persons or other vehicles; or
 - (b) is likely to damage any flora or destroy or injure wildlife; or
 - (c) is in contravention of any sign or notice erected by the Secretary.

Penalty: 10 penalty units.

29 Vessels

- (1) The Secretary may, by determination, set aside an area of a reserve as an area in which, in relation to the launching, landing, loading, unloading, mooring, anchoring or operating of vessels—
- (a) the carrying out of such of those activities as are specified in the determination is prohibited in the area, either for all vessels or for those classes of vessels that are specified in the determination; or
 - (b) the carrying out of such of those activities as are specified in the determination is restricted, as set out in the determination, in the area, either for all vessels or for those classes of vessels that are specified in the determination.

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

Penalty: 10 penalty units.

30 Aircraft

- (1) The Secretary may, by determination, set aside an area of a reserve as an area in which a person may—

- (a) launch or land; or
- (b) deliver anything by—

an aircraft or a class of aircraft specified in the determination.

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

- (a) launch or land any aircraft; or
- (b) deliver anything by an aircraft—

unless that person does so—

- (c) in an area set aside by a determination of the Secretary under subregulation (1) and in accordance with that determination; or
- (d) in accordance with a permit issued by the Secretary.

Penalty: 10 penalty units.

- (3) For the purposes of subregulation (2)(d), the Secretary may issue a permit to a person.

31 Annoying equipment

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

- (a) operate any motor, generator, air-compressor, chainsaw or other noise producing equipment; or

(b) play any radio, stereo or other broadcasting equipment at a loud volume; or

(c) use any amplifier, public address system, loud hailer or similar device—

in a manner likely to—

(d) cause unreasonable inconvenience or nuisance to any person; or

(e) disturb wildlife—

unless the person does so in accordance with a permit issued by the Secretary.

Penalty: 10 penalty units.

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

(a) uses the equipment for necessary medical purposes; or

(b) operates a vehicle or vessel lawfully; or

(c) discharges a firearm or uses a duck or game caller while engaged in lawful hunting.

(3) For the purposes of subregulation (1), the Secretary may issue a permit to a person.

32 Engaging in sport or recreational activity

(1) A person must not engage in a sport or recreational activity in any area of a reserve set aside by the Secretary as an area in which that sport or recreational activity must not be engaged in unless that person does so—

(a) in accordance with a permit issued by the Secretary; or

(b) at an event conducted by a person who has been issued with a permit by the Secretary.

Penalty: 10 penalty units.

-
- (2) The Secretary may determine that an area of a reserve be set aside for the purposes of subregulation (1).
 - (3) For the purposes of subregulation (1)(a), the Secretary may issue a permit to a person.

33 Events

- (1) A person must not, in a reserve, conduct—
 - (a) an organised entertainment, sporting or recreational event; or
 - (b) a rally, festival, show, tour, fete or public meeting; or
 - (c) a demonstration, training class or similar event—

unless the person does so in accordance with a permit issued by the Secretary.

Penalty: 10 penalty units.

- (2) For the purposes of subregulation (1), the Secretary may issue a permit to a person.

34 Commercial activities

- (1) A person must not in a reserve—
 - (a) conduct a commercial activity or offer for sale or hire any article or service; or
 - (b) distribute or display any handbills, pamphlets, books, papers or advertising matter or erect or leave any advertising placards or notices; or
 - (c) use any amplifier, public address system, loud hailer or any similar device to deliver an address of a commercial nature; or

(d) take photographs, film or videos for commercial purposes—

unless the person does so in accordance with a permit issued by the Secretary.

Penalty: 20 penalty units.

(2) For the purposes of subregulation (1), the Secretary may issue a permit to a person.

35 Permits

- (1) A permit issued by the Secretary under regulation 7(3), 8(3), 12(3), 13(4), 14(3), 16(5), 18(9), 19(4), 20(7), 21(7), 30(3), 31(3), 32(3), 33(2) or 34(2) authorises the holder to enter and use an area of a reserve specified in the permit—
- (a) for the purpose specified in the permit; and
 - (b) for the period specified in the permit; and
 - (c) subject to any terms and conditions in respect of that entry or use that are determined by the Secretary and specified in the permit.
- (2) A permit issued by the Secretary under these Regulations must be in writing.
- (3) The holder of a permit must comply with any terms and conditions of that permit.
- Penalty: 10 penalty units.
- (4) The Secretary may cancel a permit at any time—
- (a) if the holder of the permit has breached the conditions of the permit or breached the Act or these Regulations; or

-
- (b) if the continuation of the permit is likely to be detrimental to, or interfere with the management and protection of the natural environment, flora, wildlife, features, or visitors in a reserve or control or management of animals (other than wildlife) within a reserve.
 - (5) Upon cancellation of a permit under subregulation (4), the Secretary must cause the holder of the permit to be notified of the cancellation of the permit within a reasonable time after the cancellation.
 - (6) The cancellation of a permit under subregulation (4) comes into effect when the holder of the permit is given notification of that cancellation in accordance with subregulation (5).

36 Determination of Secretary setting area aside

- (1) In a determination of the Secretary under these Regulations setting aside an area, the Secretary may specify conditions under which the use of the area to which the determination relates may or may not be carried out.
- (2) If the Secretary has made a determination setting aside an area under these Regulations in which a particular use of an area is restricted or prohibited, the Secretary must cause signs or notices to be erected or displayed at or near the entrance to the area indicating—
 - (a) the area that has been set aside under the determination and the nature of the determination; and
 - (b) in the case of a use that is restricted by the determination, the conditions under which the use that is restricted may be carried out in the area so set aside.

37 Request to leave

- (1) If an authorised officer reasonably believes that a person in a reserve has contravened the Act, or any regulation under the Act, to the extent that the offence relates to an activity within a reserve, the authorised officer may direct that person to leave the reserve.
- (2) An authorised officer may, for the reason of safety of persons using a reserve, direct a person to leave the reserve or a part of the reserve.
- (3) A person to whom a direction is given under subregulation (1) or (2) must comply with that direction.

Penalty: 10 penalty units.

PART 3—SPECIFIC RESERVES

38 Tower Hill State Game Reserve

A person must not in the Tower Hill State Game Reserve—

- (a) discharge a firearm on or within 100 metres of Wagon Bay; or
- (b) discharge a firearm on or within 100 metres of Fairy Island; or
- (c) discharge a firearm in or within 100 metres of any building; or
- (d) despite anything to the contrary in regulations 10 and 11 or in the Wildlife (Game) Regulations 2001, carry, possess or use a firearm at any time after 9 a.m. and before 5 p.m. on any day during an open season for game ducks.

Penalty: 10 penalty units.

PART 4—CONSEQUENTIAL AMENDMENTS

39 Consequential amendments

In regulation 27(4) of the Wildlife (Game) Regulations 2001, for "Wildlife (State Game Reserve) Regulations 1994" **substitute** "Wildlife (State Game Reserve) Regulations 2004".

SCHEDULES

SCHEDULE 1

Regulation 4

REGULATIONS REVOKED

<i>S.R. No.</i>	<i>Title</i>
192/1994	Wildlife (State Game Reserve) Regulations 1994
67/1996	Wildlife (State Game Reserve) (Amendment) Regulations 1996

Sch. 2

SCHEDULE 2

Regulations 7(2), 10(2)
and 11(2)

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

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

SCHEDULE 3

Regulations 7(2), 10(2)
11(2) and 18(6)

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

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

ENDNOTES

1. General Information

The Wildlife (State Game Reserve) Regulations 2004, S.R. No. 147/2004 were made on 30 November 2004 by the Governor in Council under section 87 of the **Wildlife Act 1975**, No. 8699/1975 and came into operation on 30 November 2004: regulation 3.

The Wildlife (State Game Reserve) Regulations 2004 will sunset 10 years after the day of making on 30 November 2014 (see section 5 of the **Subordinate Legislation Act 1994**).

2. Table of Amendments

There are no amendments made to the Wildlife (State Game Reserve) Regulations 2004 by statutory rules, subordinate instruments and Acts.

Endnotes

3. Explanatory Details

¹ Reg. 5 def. of *game duck*: S.R. No. 90/2001 as amended by S.R. Nos 20/2004 and 88/2004.