

Authorised Version No. 108
Conservation, Forests and Lands Act 1987

No. 41 of 1987

Authorised Version incorporating amendments as at
1 September 2022

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Authorised Version No. 108
Conservation, Forests and Lands Act 1987
No. 41 of 1987

Authorised Version incorporating amendments as at
1 September 2022

The Parliament of Victoria enacts as follows:

Part 1—Preliminary

1 Purposes

The purposes of this Act are—

- (a) to create a body corporate called the Director-General of Conservation, Forests and Lands, to define its powers and to transfer to it the functions of the Forests Commission, the Soil Conservation Authority and the Vermin and Noxious Weeds Destruction Board, and to abolish those bodies;
- (b) to provide a framework for a land management system and to make necessary administrative, financial and enforcement provisions;
- (c) to establish a system of land management co-operative agreements;

to make consequential amendments to various Acts.

2 Commencement

This Act comes into operation on a day or days to be proclaimed.

3 Definitions

(1) In this Act—

agreement means a land management
co-operative agreement under Part 8;

authorised officer means an authorised officer—

S. 3(1) def. of
*authorised
officer*
substituted by
No. 24/2014
s. 77(2),
amended by
No. 68/2016
s. 160(2).

(a) appointed under Part 9; or

(b) appointed by the Game Management
Authority under Part 3 of the **Game
Management Authority Act 2014**;

(c) appointed by the Victorian Fisheries
Authority under Part 3 of the **Victorian
Fisheries Authority Act 2016**;

authority includes consent, approval,
endorsement, licence, permit or registration;

S. 3(1) def. of
*Central Plan
Office*
inserted by
No. 82/2009
s. 37,
amended by
No. 24/2014
s. 77(3)(a),
substituted by
No. 51/2016
s. 3(1)(a),
repealed by
No. 53/2017
s. 3.

* * * * *

S. 3(1) def. of
*chief
administrator*
substituted by
No. 48/1993
s. 10(1)(a),
amended by
No. 46/1998
s. 7(Sch. 1),
repealed by
No. 76/1998
s. 3(1)(a)(i).

* * * * *

coastal and marine management plan has the same meaning as in the **Marine and Coastal Act 2018**;

S. 3(1) def. of *coastal and marine management plan* inserted by No. 26/2018 s. 89(1).

Code of Practice means a Code of Practice under Part 5 as amended and in force for the time being;

Crown land means land which is, or is deemed to be, unalienated land of the Crown and includes—

S. 3(1) def. of *Crown land* amended by No. 76/1998 s. 3(1)(a)(ii).

- (a) land of the Crown reserved permanently or temporarily or set aside by or under an Act; and
- (b) land of the Crown occupied by a person under a lease, licence or other right; and
- (c) land of the Crown managed by a public authority other than the Department or the Secretary; and
- (d) land of the Crown which is, or is part of, a national park or a park within the meaning of the **National Parks Act 1975**;

Department means the Department of Environment, Land, Water and Planning;

S. 3(1) def. of *Department* substituted by Nos 48/1993 s. 10(1)(b), 46/1998 s. 7(Sch. 1), amended by Nos 56/2003 s. 5(1)(a), 24/2014 s. 77(3)(b), 51/2016 s. 3(1)(b).

S. 3(1) def. of
*Department
Head*
inserted by
No. 76/1998
s. 3(1)(a)(iii),
amended by
No. 108/2004
s. 117(1)
(Sch. 3
item 39.1).

Department Head means the Department Head
(within the meaning of the **Public
Administration Act 2004**) of the
Department;

S. 3(1) def. of
*Director-
General*
repealed by
No. 76/1998
s. 3(1)(a)(i).

* * * * *

S. 3(1) def. of
*forest
produce*
amended by
No. 48/2004
s. 127.

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

former authority means any of the following
bodies—

- (a) the Forests Commission established
under the **Forests Act 1958**;
- (b) the Soil Conservation Authority
established under the **Soil
Conservation and Land Utilization
Act 1958**;
- (c) the Vermin and Noxious Weeds
Destruction Board established under the
**Vermin and Noxious Weeds Act
1958**;

S. 3(1) def. of
*Game
Management
Authority*
inserted by
No. 24/2014
s. 77(1).

Game Management Authority means the Game
Management Authority established under
Part 2 of the **Game Management Authority
Act 2014**;

Great Ocean Road Coast and Parks Authority
means the Authority established under Part 5
of the **Great Ocean Road and Environs
Protection Act 2020**;

S. 3(1) def. of
*Great Ocean
Road Coast
and Parks
Authority*
inserted by
No. 19/2020
s. 79.

land owner—

- (a) in relation to land which has been alienated from the Crown and is under the operation of the **Transfer of Land Act 1958** (other than land in an identified folio under that Act) means the person who is registered as a proprietor, or the persons who are registered as the proprietors, of an estate in fee simple in the land; and
- (b) in relation to land which has been alienated by the Crown and is land in an identified folio under the **Transfer of Land Act 1958** or land not under the operation of the **Transfer of Land Act 1958**, means the person who is the owner, or the persons who are owners, of the fee or equity of redemption; and
- (c) in relation to Crown land which is occupied under a lease, licence or other right, means the occupier under that lease, licence or right; and
- (d) in relation to Crown land which is managed or controlled by a public authority, (other than the Secretary, Parks Victoria or the Great Ocean Road Coast and Parks Authority) or a Minister (other than the Minister administering this Act) means the

S. 3(1) def. of
land owner
amended by
Nos 35/1998
s. 13(1),
76/1998
s. 3(1)(a)(iv),
85/1998
s. 24(Sch.
item 12.1
(a)(b)), 19/2018
s. 56(2),
42/2021 s. 25.

public authority or Minister that
manages or controls the land; and

- (e) in relation to vested land, means the
Victorian Plantations Corporation or, if
the land is licensed under Part 3A of
that Act, the licensee (within the
meaning of that Part) of the land;

S. 3(1) def. of
*marine and
coastal Crown
land*
inserted by
No. 26/2018
s. 89(1).

marine and coastal Crown land has the same
meaning as in the **Marine and Coastal
Act 2018**;

S. 3(1) def. of
Parks Victoria
inserted by
No. 19/2018
s. 56(1).

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

S. 3(1) def. of
*Parks Victoria
land record*
inserted by
No. 19/2018
s. 56(1).

Parks Victoria land record means the record kept
under Division 1 of Part 7A;

S. 3(1) def. of
*Parks Victoria
managed land*
inserted by
No. 19/2018
s. 56(1).

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

S. 3(1) def. of
*Parks Victoria
Minister*
inserted by
No. 19/2018
s. 56(1).

Parks Victoria Minister means the Minister
administering the **Parks Victoria Act 2018**;

S. 3(1) def. of
*Parks Victoria
recorded land*
inserted by
No. 19/2018
s. 56(1).

Parks Victoria recorded land means any land
recorded on the Parks Victoria land record;

police officer has the same meaning as it has in the **Victoria Police Act 2013**;

S. 3(1) def. of *police officer* inserted by No. 37/2014 s. 10(Sch. item 26.1).

public authority means a body corporate created for a public purpose by or under an Act and includes—

S. 3(1) def. of *public authority* amended by No. 12/1989 s. 4(1)(Sch. 2 item 16.1).

- (a) a municipal council; and
- (b) the State Superannuation Board; and
- (c) a college or university or other educational institution incorporated by or under an Act; and
- (d) a body for the time being declared to be a public authority under subsection (3);

rate includes land tax;

rating authority—

S. 3(1) def. of *rating authority* amended by No. 40/1997 s. 138(Sch. 2 item 5).

- (a) in relation to land tax, means the Commissioner of State Revenue; and
- (b) in relation to rates levied under an Act, means the body which levies the rate;

relevant law means, in relation to any provision of this Act—

S. 3(1) def. of *relevant law* substituted by No. 38/1995 s. 12(a).

- (a) this Act;
- (b) the regulations;
- (c) an Act specified in Schedule 1;
- (d) regulations under an Act specified in Schedule 1—

and, in Part 9 (except sections 89, 97 and 98), includes an Act specified in Schedule 1A and regulations under any such Act;

S. 3(1) def. of
Secretary
inserted by
No. 76/1998
s. 3(1)(a)(v),
substituted by
Nos 56/2003
s. 5(1)(b),
24/2014
s. 77(3)(c).

Secretary means the body corporate established
by Part 2;

S. 3(1) def. of
*successor
in title*
inserted by
No. 35/1998
s. 13(2).

successor in title in relation to vested land
means—

- (a) if the land owner is the Victorian
Plantations Corporation, any licensee of
the vested land within the meaning of
Part 3A of the **Victorian Plantations
Corporation Act 1993**; and
- (b) if the land owner is a licensee of the
vested land under a licence granted
under that Part, any assignee of an
interest in the licence or any person to
whom an interest in the licence comes
by operation of law;

S. 3(1) def. of
*Traditional
Owner Land
Management
Board*
inserted by
No. 82/2009
s. 37.

Traditional Owner Land Management Board
means a Board established under Part 8A;

S. 3(1) def. of
vested land
inserted by
No. 35/1998
s. 13(2).

vested land has the same meaning as it has in the
**Victorian Plantations Corporation
Act 1993**;

S. 3(1) def. of
VicForests
inserted by
No. 97/2003
s. 6(1).

VicForests means the State body known as
"VicForests" established under section 14 of
the **State Owned Enterprises Act 1992** by
Order in Council dated 28 October 2003
published in the Government Gazette on
28 October 2003;

Victorian Fisheries Authority means the Victorian Fisheries Authority established under Part 2 of the **Victorian Fisheries Authority Act 2016**;

S. 3(1) def. of *Victorian Fisheries Authority* inserted by No. 68/2016 s. 160(1).

Victorian Plantations Corporation has the same meaning as in the **Victorian Plantations Corporation Act 1993**.

S. 3(1) def. of *Victorian Plantations Corporation* inserted by No. 61/1993 s. 36(a).

* * * * *

S. 3(2) repealed by No. 48/1993 s. 10(2), new s. 3(2) inserted by No. 46/1998 s. 7(Sch. 1), amended by Nos 56/2003 s. 5(2), 108/2004 s. 117(1) (Sch. 3 item 39.2), 24/2014 s. 77(4), repealed by No. 51/2016 s. 3(2).

* * * * *

S. 3(2A) inserted by No. 56/2003 s. 5(3), repealed by No. 24/2014 s. 77(5).

- (3) The Governor in Council may by Order published in the Government Gazette declare a body corporate constituted by or under an Act to be a public authority for the purposes of subsection (1).

4 Object

The object of this Act is to set up a legislative framework to enable the Minister—

- (a) to be an effective conservator of the State's lands, waters, flora and fauna; and
- (b) to make provision for the productive, educational and recreational use of the State's lands, waters, flora and fauna in ways which are environmentally sound, socially just and economically efficient.

S. 4A
inserted by
No. 6/2010
s. 25(5)(Sch. 2
item 2) (as
amended by
No. 45/2010
s. 6).

4A Transport Integration Act 2010

This Act is interface legislation within the meaning of the **Transport Integration Act 2010**.

5 Crown to be bound

This Act binds the Crown, not only in right of the State of Victoria but also, so far as the legislative power of the Parliament permits, the Crown in all its other capacities.

Part 2—Administration

Division 1—Secretary

Pt 2 Div. 1
(Heading)
amended by
No. 76/1998
s. 3(1)(b).

6 Secretary to be body corporate

- (1) The person who is for the time being the Department Head (within the meaning of the **Public Administration Act 2004**) of the Department and the successors in office of that person are a body corporate under the name "Secretary to the Department of Environment, Land, Water and Planning".
- (2) The Secretary—
 - (a) has perpetual succession; and
 - (b) is to have an official seal; and
 - (c) may sue and be sued in its corporate name; and
 - (d) is, subject to this Act, capable of taking, purchasing, acquiring, leasing, holding, exchanging, selling and disposing of real and personal property for the purpose of performing its functions or exercising its powers under a relevant law.
- (3) The seal of the Secretary must be kept in such custody as the Secretary directs and must not be used except as authorised by the Secretary.

S. 6(1)
substituted by
No. 48/1993
s. 11(1),
amended by
Nos 46/1998
s. 7(Sch. 1),
108/2004
s. 117(1)
(Sch. 3
item 39.2),
40/2009 s. 50,
24/2014 s. 78,
51/2016
s. 4(1).

S. 6(2)
amended by
No. 76/1998
s. 3(1)(c).

S. 6(3)
amended by
No. 76/1998
s. 3(1)(c).

S. 6(4)
amended by
No. 76/1998
s. 3(1)(c).

- (4) All courts must take judicial notice of the seal of the Secretary that has been affixed to any document and must presume that it was duly affixed.

S. 6(5)
inserted by
No. 48/1993
s. 11(2).

- (5) The body corporate under subsection (1) is the successor in law of the body corporate established under section 6(1) of this Act as in force immediately before the commencement of the **Crown Land Acts (Amendment) Act 1993**.

S. 6(6)
inserted by
No. 48/1993
s. 11(2),
amended by
No. 46/1998
s. 7(Sch. 1),
substituted by
No. 76/1998
s. 3(2) (as
amended by
No. 74/2000
s. 3(Sch. 1
item 26)).

- (6) The body corporate established by this section is deemed to be and always to have been the same body despite the change made to its name by the **Public Sector Reform (Miscellaneous Amendments) Act 1998**.

S. 6(7)
inserted by
No. 48/1993
s. 11(2),
amended by
No. 46/1998
s. 7(Sch. 1),
repealed by
No. 76/1998
s. 3(2) (as
amended by
No. 74/2000
s. 3(Sch. 1
item 26)),
new s. 6(7)
inserted by
No. 51/2016
s. 4(2).

- (7) The body corporate established by this section is taken to be and always to have been the same body despite the change made to its name by the **Crown Land Legislation Amendment Act 2016**.

7 Secretary to be subject to control

S. 7(1)
amended by
No. 76/1998
s. 3(1)(d).

- (1) In the carrying out of the powers, functions and duties conferred or imposed on the Secretary by or under this or any other Act, the Secretary is subject to the direction and control of the Minister.

- (2) The Secretary must give the Minister such reports, documents and information as may be required by Parliament pursuant to any Act, or pursuant to any Order of either House of Parliament. S. 7(2) amended by No. 76/1998 s. 3(1)(d).
- (3) The Secretary must, at intervals determined by the Minister, provide the Minister with reports concerning all business carried on by the Secretary and any further information which the Minister may require. S. 7(3) amended by No. 76/1998 s. 3(1)(d).
- (4) This section does not apply to a power, function or duty of the person for the time being constituting the body called "the Secretary to the Department of Environment, Land, Water and Planning", being a power function or duty which the person has in the capacity of Department Head. S. 7(4) amended by Nos 76/1998 s. 3(1)(e)(i)(ii), 40/2009 s. 51, 24/2014 s. 79, 51/2016 s. 5.

8 Department Head to have same powers as before incorporation

The powers and functions of the person who for the time being constitutes the body corporate established by this Division are in addition to, and do not affect the person's powers and functions as Department Head whether those powers and functions are conferred by or are derived from the **Public Administration Act 2004** or by any other Act, law or practice.

S. 8 amended by Nos 46/1998 s. 7(Sch. 1), 76/1998 s. 3(1)(f), 108/2004 s. 117(1) (Sch. 3 item 39.2).

* * * * *

S. 9 repealed by No. 76/1998 s. 3(1)(g).

10 Functions of Secretary

- (1) The Secretary has the functions conferred by a relevant law or by or under any other Act. S. 10(1) amended by No. 76/1998 s. 3(1)(h).

S. 10(2)
amended by
No. 76/1998
s. 3(1)(h).

- (2) Subject to this Act, the Secretary has the power to do all things necessary or convenient to be done for or in connection with the performance of its functions.

11 Delegation of powers and functions

S. 11(1)
amended by
No. 86/1993
s. 39.

- (1) The Minister may by instrument delegate any of the Minister's powers, functions or duties (except the powers, functions and duties under Parts 2, 5 and 8 and under section 19 and this power of delegation) conferred or imposed under this or any other Act as are specified in the instrument to—

S. 11(1)(a)
substituted by
No. 96/1994
s. 52(a),
amended by
Nos 46/1998
s. 7(Sch. 1),
108/2004
s. 117(1)
(Sch. 3
item 39.2).

- (a) any employee under the **Public Administration Act 2004** or the holder of a statutory office within the meaning of that Act; or

- (b) with the consent of the Minister concerned, any officer, employee or servant of the Public Service of the Commonwealth or a State or Territory other than Victoria; or

S. 11(1)(c)
amended by
Nos 61/1993
s. 36(b),
8/1995
s. 41(a).

- (c) any council, board or committee established under a relevant law; or

S. 11(1)(ca)
inserted by
No. 85/2006
s. 160,
amended by
No. 48/2021
s. 145.

- (ca) a Catchment Management Authority under the **Catchment and Land Protection Act 1994**; or

Conservation, Forests and Lands Act 1987
No. 41 of 1987
Part 2—Administration

- | | |
|---|--|
| (cb) Parks Victoria or an employee of Parks Victoria; or | S. 11(1)(cb) inserted by No. 19/2018 s. 57(1). |
| (cc) the Great Ocean Road Coast and Parks Authority or an employee of the Authority; or | S. 11(1)(cc) inserted by No. 42/2021 s. 26(1). |
| (d) the Victorian Plantations Corporation or a member of staff of that Corporation; or | S. 11(1)(d) inserted by No. 61/1993 s. 36(b), amended by No. 97/2003 s. 6(2)(a). |
| (e) VicForests or an employee of VicForests; or | S. 11(1)(e) inserted by No. 97/2003 s. 6(2)(b), amended by No. 19/2022 s. 86(a). |
| (f) the Victorian Fisheries Authority or the chief executive officer of that Authority. | S. 11(1)(f) inserted by No. 19/2022 s. 86(b). |
| (2) The Secretary by instrument under seal may delegate any of the Secretary's powers, functions or duties, (except this power of delegation) conferred or imposed under this or any other Act as are specified in the instrument to— | S. 11(2) amended by No. 76/1998 s. 3(1)(i)(ii). |
| (a) any employee under the Public Administration Act 2004 or the holder of a statutory office within the meaning of that Act; or | S. 11(2)(a) substituted by No. 96/1994 s. 52(b), amended by Nos 46/1998 s. 7(Sch. 1), 108/2004 s. 117(1) (Sch. 3 item 39.2). |
| (b) any officer or employee of whose services the Minister makes use in pursuance of this or any other Act; or | |

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S. 11(2)(d)
amended by
Nos 61/1993
s. 36(c),
8/1995
s. 41(a).

- (c) with the consent of the Minister concerned,
any officer, employee or servant of the
Public Service of the Commonwealth or a
State or Territory other than Victoria; or
- (d) any council, board or committee established
under a relevant law; or

S. 11(2)(da)
inserted by
No. 19/2018
s. 57(2).

- (da) Parks Victoria or an employee of Parks
Victoria; or

S. 11(2)(db)
inserted by
No. 42/2021
s. 26(2).

- (db) the Great Ocean Road Coast and Parks
Authority or an employee of the Authority;
or

S. 11(2)(e)
inserted by
No. 61/1993
s. 36(c),
amended by
No. 97/2003
s. 6(3)(a).

- (e) the Victorian Plantations Corporation or a
member of staff of that Corporation; or

S. 11(2)(f)
inserted by
No. 97/2003
s. 6(3)(b).

- (f) VicForests or an employee of VicForests.

- (3) A delegation under subsection (1) or subsection
(2) may be made to a particular person or class of
persons.

S. 11(3A)
inserted by
No. 44/1998
s. 26,
amended by
Nos 53/2014
s. 8, 26/2018
s. 89(2),
repealed by
No. 19/2018
s. 57(3).

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Conservation, Forests and Lands Act 1987
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*	*	*	*	*	S. 11(3AA) inserted by No. 66/2000 s. 33(1), repealed by No. 19/2018 s. 57(3).
*	*	*	*	*	S. 11(3B) inserted by No. 44/1998 s. 26, amended by Nos 76/1998 s. 3(1)(i)(ii), 53/2014 s. 8, repealed by No. 19/2018 s. 57(3).
*	*	*	*	*	S. 11(3C) inserted by No. 66/2000 s. 33(2), repealed by No. 19/2018 s. 57(3).
(4) The Minister may by instrument delegate to the Secretary all or any of the Minister's powers functions or duties under this Act (except the powers, functions and duties under Parts 2, 5 and 8 and under section 19 and this power of delegation).					S. 11(4) amended by No. 76/1998 s. 3(1)(i)(i).
(5) The Minister cannot under subsection (1) or (4) delegate the power under section 138A(7)(c) of the Land Act 1958 to grant or renew, or approve the grant or renewal of, a licence for a term exceeding 21 years.					S. 11(5) inserted by No. 90/1989 s. 7(2).

Division 2—Advisory bodies

12 Committees

- (1) For the purpose of this Act the Minister may do any of the following—
 - (a) create one or more councils or committees;

- (b) appoint members to a council or committee;
- (c) determine the period for which a council or committee is constituted;
- (d) determine the functions of a council or committee;
- (e) appoint a convener to a council or committee;
- (f) abolish a council or committee.

(2) The Minister may create a council or committee to—

S. 12(2)(a)
amended by
No. 76/1998
s. 3(1)(j).

(a) provide advice and make recommendations to the Minister and the Secretary in relation to matters specifically referred to the council or committee by the Minister or the Secretary and generally in relation to matters referred to it by the Minister; and

(b) assist in the implementation of departmental policies, programmes and services; and

(c) monitor the effectiveness, efficiency and economy of departmental policies, programmes and services; and

S. 12(2)(d)
amended by
No. 76/1998
s. 3(1)(j).

(d) encourage and assist communication between the Department and any person, group or corporation referred to by the Minister or the Secretary; and

(e) engage in the regular review of any matter referred to it by the Minister; and

(f) report to the Minister on those functions of the Department affecting any matter referred to it by the Minister.

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Part 2—Administration

- (3) The **Public Administration Act 2004** (other than Part 3 of that Act) applies to a member of a council or committee in respect of the office of member.

S. 12(3)
amended by
No. 46/1998
s. 7(Sch. 1),
substituted by
Nos 108/2004
s. 117(1)
(Sch. 3
item 39.3),
80/2006
s. 26(Sch.
item 19).

- (4) Schedule 2 has effect in relation to a council or committee established under this Division.

Part 3—Property

S. 13
amended by
No. 76/1998
s. 3(1)(j).

13 Power to acquire land

For the purposes of this Act or an Act specified in Schedule 1 the Secretary may purchase or compulsorily acquire any land or interest in land on behalf of the Crown.

14 The Land Acquisition and Compensation Act 1986 is to apply

S. 14(1)
amended by
Nos 96/1994
s. 52(c),
76/1998
s. 3(1)(j).

(1) The **Land Acquisition and Compensation Act 1986** applies to the purchase and compulsory acquisition of land by the Secretary under this Part.

(2) For the purpose of the application of the **Land Acquisition and Compensation Act 1986**—

(a) *The special Act* is this Act; and

(b) *The Authority* is the Secretary.

S. 14(2)(b)
amended by
No. 76/1998
s. 3(1)(j).

15 Power to dispose of land

S. 15(1)
amended by
No. 76/1998
s. 3(1)(j).

(1) For the purposes of a relevant law the Secretary may with the approval of the Minister dispose of any land which has been alienated by the Crown or an interest in any such alienated land belonging to the Secretary.

(2) In subsection (1) *dispose* includes sell or exchange.

(3) The Minister may give approval under this section subject to conditions, including conditions as to price.

S. 15(4)
amended by
No. 76/1998
s. 3(1)(j).

(4) The Secretary must pay the proceeds of the disposal of land under this section into the Consolidated Fund.

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Part 3—Property

* * * * *

S. 15(5)(6)
repealed by
No. 101/1994
s. 65.

16 Power to accept donations

For the purposes of a relevant law the Secretary may acquire any property on behalf of the Crown as a gift, devise or bequest whether upon conditions or otherwise.

S. 16
amended by
No. 76/1998
s. 3(1)(j).

17 Easements

Where a right in the nature of an easement or purporting to be an easement or an irrevocable licence is purchased or compulsorily acquired under this Part that right is deemed for all purposes to be an easement although there is no land vested in the Secretary which is in fact benefited or capable of being benefited by that right.

S. 17
amended by
No. 76/1998
s. 3(1)(j).

Part 4—Finance

Division 1—Agreements and accounting

18 Power of the Secretary to enter into contracts

S. 18(1)
amended by
No. 76/1998
s. 3(1)(j).

- (1) For the purposes of a relevant law the Secretary may enter into contracts or agreements with any persons or corporations.

S. 18(2)
repealed by
No. 101/1994
s. 65.

* * * * *

S. 18(3)
amended by
No. 76/1998
s. 3(1)(j).

- (3) The Secretary may do all things that are necessary or convenient to be done to give effect to a contract made under this section.

19 Limitation upon the Secretary's power to make contracts

S. 19(2)
amended by
No. 76/1998
s. 3(1)(j).

- (1) In this section *prescribed amount* means—
- (a) \$50 000; or
 - (b) if a greater amount is prescribed for the purposes of this section, that greater amount.
- (2) A contract or agreement entered into by the Secretary where—
- (a) the consideration exceeds the prescribed amount; or
 - (b) the period for performance exceeds three years—
- has no force or effect unless approved by the Minister.
- (3) This section does not apply to a land management co-operative agreement under Part 8.

20 Expenditure by the Secretary

The Secretary must pay the costs of the administration, maintenance, protection and management of all Crown lands under the jurisdiction and control of the Secretary and all other matters and things under the jurisdiction and control of the Secretary out of such money as is from year to year provided for that purpose by Parliament.

S. 20
amended by
No. 76/1998
s. 3(1)(j).

21 Entry of payments

An entry of every payment made under section 20 must be made in books of account kept by the Secretary and must state the Crown land or other matter or thing for which the payment has been made.

S. 21
amended by
No. 76/1998
s. 3(1)(j).

22 Conservation, Forests and Lands Stores Suspense Account

- (1) There is established and kept in the Treasury an account called the "Conservation, Forests and Lands Stores Suspense Account" (in this section called *the account*).
- (2) Any amount specified for the purpose in any Act must be paid into the account for the purchase of stores, fuel, materials, fittings, equipment and the procurement and hire of plant for works under a relevant law.
- (3) The money in the account must be applied—
 - (a) for the purchase of stores, fuel, materials, fittings, equipment and the procurement, hire, operation, maintenance and repair of plant pending the allocation of such stores, fuel, materials, fittings, equipment and plant to the various works in which they are used; and

S. 22(3)(b)
amended by
No. 76/1998
s. 3(1)(j).

- (b) to defray the cost of manufacturing articles for stock for use on works of the Secretary.

- (4) The value or amount of—

- (a) stores, fuel, materials, fittings, equipment, plant and hire charges made for the use of such plant; and

- (b) manufactured articles of stock—

must be charged to the respective appropriations or funds (made or established under any Act) for the various works in which they are used, and must be credited to the account.

23 Conservation, Forests and Lands Plant and Machinery Fund

- (1) There is established and kept in the Treasury an account called the "Conservation, Forests and Lands Plant and Machinery Fund" (in this section called *the fund*).

S. 23(2)
amended by
No. 76/1998
s. 3(1)(j).

- (2) When any plant or machinery of the Secretary specified for the purpose of this section by the Secretary is engaged on the construction or maintenance of any works by the Secretary, there must be charged on the money authorised for the carrying out of those works such sums as the Secretary determines are proper in the circumstances to be charged for—
 - (a) renewals and replacements of that plant or machinery; and
 - (b) costs of operating, maintaining and repairing that plant or machinery and other expenses incidental thereto.

- (3) Any charge may be determined on the basis of—
- (a) a percentage of the cost of the purchase, acquisition or replacement of the plant or machinery; or
 - (b) the period or distance or amount of work for which the plant or machinery is so engaged; or
 - (c) if while the plant or machinery is so engaged it must be moved from one place to another, the distance for which the plant or machinery must travel.
- (4) Every sum so charged for the renewal or replacement of any such plant or machinery must be paid to the credit of the fund.
- (5) Any money standing to the credit of the fund to the extent to which it is not immediately required may be invested in such securities as are approved by the Treasurer and any interest derived therefrom must be credited to the fund.
- (6) Subject to subsection (5), money credited to the fund—
- (a) must be applied for the purpose of the renewal or replacement of plant or machinery which has been specified for the purposes of this section; and
 - (b) must be used only upon the written authority of the Secretary.
- (7) An item of plant or machinery not further required may be disposed of and the proceeds must be paid into the Consolidated Fund except where the item has been purchased with money from the fund as established by this section and, if the item has been so purchased the proceeds of disposal must be paid to the credit of the fund.

S. 23(6)(b)
amended by
No. 76/1998
s. 3(1)(j).

- (8) In this section and in section 22 *plant* includes motor vehicles.

24 Budgets

S. 24(1)
amended by
No. 76/1998
s. 3(1)(j).

- (1) The Secretary must before 31 May in each year prepare a budget of all revenues to be paid into the Conservation, Forests and Lands Stores Suspense Account and the Conservation, Forests and Lands Plant and Machinery Fund and all expenditures to be charged against each of those accounts.
- (2) The budget must be prepared in the form approved by the Treasurer and must give reasons for the items contained in it.
- (3) The budget must be submitted to the Treasurer not later than 31 May before the year to which it relates.
- (4) The Treasurer may approve the budget or may make such alterations to it as the Treasurer sees fit.
- (5) The Treasurer may from time to time determine the amount to be paid out of the Conservation, Forests and Lands Stores Suspense Account or the Conservation, Forests and Lands Plant and Machinery Fund, and the amount so determined must be paid into the Consolidated Fund.

25 Payments into Consolidated Fund in respect of roads etc.

S. 25(1)
amended by
No. 76/1998
s. 3(1)(j).

- (1) There must be paid into the Consolidated Fund all moneys which under any agreement are paid to or received by the Secretary for the use of any road or track constructed or maintained by the Secretary.

S. 25(2)
amended by
No. 76/1998
s. 3(1)(j).

- (2) The moneys appropriated by Parliament for the purposes of road maintenance in forests must be paid to the Secretary for or towards the maintenance of the roads or tracks in any forest.

- (3) In submitting estimates to the Parliament for appropriation for the purposes of subsection (2), the Treasurer must have regard to the amount of moneys which in any financial year were paid to or received by the Secretary under any agreement for the use of any specified road or track constructed or maintained by the Secretary.

S. 25(3)
amended by
No. 76/1998
s. 3(1)(j).

* * * * *

S. 26
amended by
No. 11/1995
s. 3(2),
repealed by
No. 93/1997
s. 28(Sch.
item 6).

Division 2—Charges and fees

27 Right to levy charges and fees

For the purposes of this Act, the Secretary may demand, levy and recover charges and fees in accordance with this Division.

S. 27
amended by
No. 76/1998
s. 3(1)(j).

28 Charges and fees

- (1) Where under the provisions of any Act or subordinate instrument the Minister, Department, Secretary, Parks Victoria or the Great Ocean Road Coast and Parks Authority—
- (a) supplies any service; or
 - (b) makes any registration; or
 - (c) gives any permission; or
 - (d) furnishes any information; or
 - (e) receives any application for approval—
- there may be charged a fee determined by the Secretary, Parks Victoria or the Authority (as the case requires) with the approval of the Minister (not exceeding the prescribed amount, if any).

S. 28(1)
amended by
Nos 76/1998
s. 3(1)(j),
19/2018
s. 58(1),
42/2021
s. 27(1).

S. 28(2)
amended by
Nos 76/1998
s. 3(1)(j),
19/2018
s. 58(2),
42/2021
s. 27(2).

- (2) The Secretary, Parks Victoria or the Great Ocean Road Coast and Parks Authority (as the case requires) must cause a copy of a determination under subsection (1) to be published in the Government Gazette.

- (3) This section does not affect the operation of a provision of an Act or regulations made under an Act which relates to charges or fees to which this section applies, including any provision which limits the amounts of those charges or fees.

S. 29
amended by
Nos 76/1998
s. 3(1)(j),
19/2018 s. 59.

29 Liability for charge or fee

A charge or fee levied under this Division must be paid to the Minister, Department, Secretary or Parks Victoria by the person at whose request the service is supplied, registration made, permission given, information furnished or from whom the application is received, as the case may be.

30 Charge or fee may be recovered as debt

S. 30(1)
amended by
Nos 76/1998
s. 3(1)(j),
19/2018 s. 60.

- (1) Any charge, fee or money due to the Minister, Department, Secretary or Parks Victoria under the provisions of a relevant law may be recovered as a debt in a court of competent jurisdiction.

S. 30(2)
amended by
No. 58/1989
s. 4(a).

- (2) Where the charge, fee or money due is not paid within 30 days of the date that the amount is required to be paid, the amount payable includes an additional amount, being interest on the charge, fee or money due at the rate for the time being fixed under section 2 of the **Penalty Interest Rates Act 1983**.

S. 30(3)
repealed by
No. 58/1989
s. 4(b).

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Part 5—Codes of Practice

Pt 5 (Heading and ss 31–55) amended by Nos 57/1989 s. 3(Sch. item 27.1), 52/1994 s. 97(Sch. 3 items 4.1, 4.2), 76/1998 s. 3(1)(j)–(m), substituted as Pt 5 (Heading and ss 31–40) by No. 48/2004 s. 128.

31 Power to make Codes of Practice

S. 31 substituted by No. 48/2004 s. 128.

- (1) The Minister, in accordance with this Part, may make Codes of Practice which specify standards and procedures for the carrying out of any of the objects or purposes of a relevant law.
- (2) A Code of Practice may apply, adopt or incorporate any matter contained in any document, standard, rule, specification or method, formulated, issued, prescribed or published by any person whether—
 - (a) wholly or partially or as amended by the Code of Practice; or
 - (b) as formulated, issued, prescribed or published at the time the Code of Practice is made or at any time before then; or
 - (c) as formulated, issued, prescribed or published from time to time.
- (3) If under subsection (2)(c) a Code of Practice has applied, adopted or incorporated any matter contained in any document, standard, rule, specification or method as formulated, issued, prescribed or published from time to time and that document, standard, rule, specification or method

S. 31(2)(b) amended by No. 14/2022 s. 3(1).

S. 31(2)(c) inserted by No. 14/2022 s. 3(2).

S. 31(3) inserted by No. 14/2022 s. 3(3).

is at any time amended, the document, standard, rule, specification or method is for the purpose of the Code of Practice to be taken to have not been so amended until notice of the amendment is published in the Government Gazette.

S. 31(4)
inserted by
No. 14/2022
s. 3(3).

(4) A Code of Practice may do the following—

- (a) confer a discretionary authority on the Minister or the Secretary;
- (b) leave any matter or thing to be from time to time approved, determined, dispensed with or regulated by the Minister or the Secretary.

S. 32
substituted by
No. 48/2004
s. 128.

32 Variation and revocation of Code of Practice

The Minister, in accordance with this Part, may vary or revoke a Code of Practice at any time.

S. 33
substituted by
No. 48/2004
s. 128.

33 Advertisement of draft Code of Practice, variation or revocation

S. 33(1)
amended by
No. 53/2017
s. 4(1).

(1) Subject to subsection (1A), the Minister must give notice of—

- (a) any draft Code of Practice which the Minister proposes to make;
- (b) any variation of a Code of Practice which the Minister proposes to make;
- (c) any revocation of a Code of Practice which the Minister proposes to make.

S. 33(1A)
inserted by
No. 53/2017
s. 4(2).

(1A) The Minister is not required to give notice under subsection (1) if satisfied that the draft Code of Practice or proposed variation of a Code of Practice is of a fundamentally declaratory or machinery nature.

- (2) A notice under subsection (1) must be published—
- (a) in the Government Gazette; and
 - (b) in a newspaper circulating generally throughout the State.
- (3) A notice under subsection (1) must—
- (a) state where a copy of the draft Code of Practice, variation or revocation (as the case requires) may be obtained; and
 - (b) state that submissions may be made to the Minister and that they must be made within such time (being not less than 28 days from the publication of the notice) as is specified in the notice.

S. 33(3)(b)
amended by
Nos 53/2017
s. 4(3),
38/2021
s. 25(1).

34 Consideration of submissions

The Minister must consider any submissions made to the Minister if those submissions are made within the time specified in section 33(3).

S. 34
substituted by
No. 48/2004
s. 128.

* * * * *

Ss 35, 36
substituted by
No. 48/2004
s. 128,
repealed by
No. 53/2017
s. 5.

37 Making and publication of Codes of Practice, variations and revocations

- (1) After considering any submissions made in relation to a draft Code of Practice, or proposed variation or revocation of a Code of Practice, the Minister may make the Code of Practice, variation or revocation.
- (2) Subject to subsection (3), after the making of a Code of Practice or variation of a Code of Practice, the Minister must ensure that the Code of Practice or variation is published in full—

S. 37
substituted by
Nos 48/2004
s. 128, 53/2017
s. 6.

- (a) in the next general edition of the Government Gazette; or
 - (b) in a special edition of the Government Gazette within 10 working days after the making of the Code of Practice or variation.
- (3) If a Code of Practice or variation of a Code of Practice is unsuitable to be published in full, notice of the making of the Code of Practice or variation and where it is available must be published—
 - (a) in the next general edition of the Government Gazette; or
 - (b) in a special edition of the Government Gazette within 10 working days after the making of the Code of Practice or variation.
- (4) After the making of a revocation of a Code of Practice, the Minister must ensure that the revocation is published—
 - (a) in the next general edition of the Government Gazette; or
 - (b) in a special edition of the Government Gazette within 10 working days after the making of the revocation.
- (5) A Code of Practice or variation or revocation of a Code of Practice takes effect on—
 - (a) the date on which the Code of Practice or variation is published in the Government Gazette under subsection (2); or
 - (b) the date on which notice of the Code of Practice or variation is published in the Government Gazette under subsection (3); or
 - (c) the date on which the revocation is published in the Government Gazette under subsection (4); or

- (d) a later date specified in the Code of Practice, variation, notice or revocation, as the case requires.

37A Tabling and disallowance

S. 37A
inserted by
No. 53/2017
s. 7.

- (1) The Minister must ensure that a Code of Practice or variation or revocation of a Code of Practice is tabled in each House of the Parliament on or before the sixth sitting day after—
- (a) the date on which the Code of Practice or variation is published in the Government Gazette under section 37(2); or
 - (b) the date on which notice of the Code of Practice or variation is published in the Government Gazette under section 37(3); or
 - (c) the date on which the revocation is published in the Government Gazette under section 37(4).
- (2) A Code of Practice or variation or revocation of a Code of Practice may be disallowed by the Parliament.
- (3) Sections 25C, 25D and 25E of the **Subordinate Legislation Act 1994** apply to a Code of Practice or variation or revocation of a Code of Practice that is not a legislative instrument within the meaning of that Act, as if the Code of Practice, variation or revocation were a legislative instrument to which those sections apply.

38 Availability of Code of Practice

S. 38
substituted by
Nos 48/2004
s. 128, 53/2017
s. 8,
amended by
No. 14/2022
s. 4 (ILA
s. 39B(1)).

- (1) A Code of Practice and any documents incorporated in a Code of Practice—
- (a) must be kept available for public inspection at—
 - (i) the principal office of the Department; and

(ii) major regional offices of the
Department; and

(b) must be published on the Internet site of the
Department.

S. 38(2)
inserted by
No. 14/2022
s. 4.

(2) An amended document, standard, rule,
specification or method, formulated, issued,
prescribed or published that is applied, adopted or
incorporated by a Code of Practice must be
published on the Internet site of the Department.

S. 38(3)
inserted by
No. 14/2022
s. 4.

(3) An approval, determination, dispensation or
regulation under section 31(4) must be published
on the Internet site of the Department as soon as
practicable after its making.

S. 39
substituted by
No. 48/2004
s. 128.

39 Compliance with Codes of Practice

Compliance with a Code of Practice is
not required unless the Code of Practice is
incorporated in or adopted by—

- (a) a relevant law; or
- (b) a condition specified in an authority given
under a relevant law.

S. 40
substituted by
No. 48/2004
s. 128.

40 Incorporation of Codes of Practice by regulation

- (1) Any regulation made under this Act or any
of the Acts specified in Schedule 1 or any Act
administered by the Minister may incorporate or
adopt a Code of Practice made in accordance
with the objects or purposes of this or that Act,
including any documents applied, incorporated or
adopted by reference in the Code of Practice.
- (2) For the purposes of subsection (1), a regulation
may incorporate or adopt a Code of Practice—
 - (a) wholly or partly or as amended by the
regulation; or
 - (b) as existing at the time when the regulation is
made or at any time before then; or

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(c) as amended from time to time in accordance
with this Act.

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**Ss 41–55
repealed by
No. 48/2004
s. 128.**

Part 6—Conservation workers

56 Definitions

(1) In this Part—

S. 56
amended by
No. 72/2001
s. 3(Sch.
item 3.2) (ILA
s. 39B(1)).

S. 56(1) def. of
Commission
substituted as
Authority by
No. 67/2013
s. 649(Sch. 9
item 4(1)) (as
amended by
No. 44/2014
s. 24(40)).

Authority means the Victorian WorkCover
Authority under the **Workplace Injury
Rehabilitation and Compensation
Act 2013**;

conservation work means the carrying out of any
work approved by the Secretary as
"conservation work";

S. 56(1) def. of
*conservation
worker*
amended by
No. 76/1998
s. 3(1)(n).

conservation worker means a person who—

- (a) in an unpaid capacity or as a volunteer
engages in conservation work with the
written approval of the Secretary; or
- (b) in an unpaid capacity or as a volunteer
engages in conservation work and is a
member of an organization approved by
the Secretary;

S. 56(1) def. of
*domestic
partner*
inserted by
No. 72/2001
s. 3(Sch.
item 3.1),
substituted by
No. 12/2008
s. 73(1)(Sch. 1
item 8.1),
amended by
No. 4/2009
s. 37(Sch. 1
item 6.1).

domestic partner of a person means—

- (a) a person who is in a registered domestic
relationship with the person; or
- (b) a person to whom the person is not
married but with whom the person is
living as a couple on a genuine
domestic basis (irrespective of gender);

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partner of a deceased conservation worker means the worker's spouse or domestic partner at the time of the worker's death;

S. 56(1) def. of *partner* inserted by No. 72/2001 s. 3(Sch. item 3.1).

spouse of a person means a person to whom the person is married.

S. 56(1) def. of *spouse* inserted by No. 72/2001 s. 3(Sch. item 3.1), amended by No. 67/2013 s. 649(Sch. 9 item 4(2)(a)).

* * * * *

S. 56(1) def. of *Tribunal* repealed by No. 67/2013 s. 649(Sch. 9 item 4(2)(b)).

(2) For the purposes of the definition of *domestic partner* in subsection (1)—

S. 56(2) inserted by No. 72/2001 s. 3(Sch. item 3.2), substituted by No. 12/2008 s. 73(1)(Sch. 1 item 8.2).

(a) *registered domestic relationship* has the same meaning as in the **Relationships Act 2008**; and

S. 56(2)(a) amended by No. 4/2009 s. 37(Sch. 1 item 6.2(a)).

(b) in determining whether persons who are not in a registered domestic relationship are domestic partners of each other, all the circumstances of their relationship are to be taken into account, including any one or more of the matters referred to in section 35(2) of the **Relationships Act 2008** as may be relevant in a particular case.

S. 56(2)(b) amended by No. 4/2009 s. 37(Sch. 1 item 6.2(b)).

S. 57
amended by
No. 76/1998
s. 3(1)(o).

57 Secretary may give certificates

A certificate under the seal of the Secretary to the effect that—

S. 57(a)
amended by
No. 76/1998
s. 3(1)(o).

(a) at a time stated in the certificate a person is, or is not, a member of an organization approved by the Secretary; or

S. 57(b)
amended by
No. 76/1998
s. 3(1)(o).

(b) work of a kind stated in the certificate is, or is not, work approved by the Secretary as conservation work; or

S. 57(c)
amended by
No. 76/1998
s. 3(1)(o).

(c) on a date specified in the certificate the Secretary gave written approval for a person to engage in conservation work—

is evidence of the matters stated in the certificate.

58 Compensation for personal injuries and property damage

S. 58(1)
amended by
No. 72/2001
s. 3(Sch.
item 3.3).

(1) A conservation worker who suffers personal injury arising out of or in the course of engaging in any conservation work or travelling to or from any place where any conservation work is to be or has been engaged in, is entitled to be paid compensation or, in the case of death, the partner, children or dependants of the deceased conservation worker are entitled to be paid compensation as provided by this section.

S. 58(2)
amended by
No. 67/2013
s. 649(Sch. 9
item 4(3)).

(2) The compensation is to be paid in accordance with and subject to the provisions of the **Accident Compensation Act 1985** or the **Workplace Injury Rehabilitation and Compensation Act 2013**, as the case requires as if, within the meaning of that Act, at the time the person suffered the personal injury he or she was a worker employed by the Crown and the personal injury arose within or in the course of that employment.

- (3) Subject to subsection (4), when a conservation worker suffers damage to or destruction of any property which he or she owns, possesses or controls and the damage or destruction arises out of or in the course of the carrying out of conservation work, the Secretary may authorise the payment to the owner of the property of such compensation for the damage or destruction as the Secretary considers reasonable in the circumstances.
- (4) A person is not entitled to recover both damages in respect of damage to or destruction of property and compensation under subsection (3) but if this occurs the Secretary may in respect of damage to or destruction of that property, recover from that person the amount of compensation paid under subsection (3), as a debt due to the Crown.

S. 58(3)
amended by
No. 76/1998
s. 3(1)(p)(i)(ii).

S. 58(4)
amended by
No. 76/1998
s. 3(1)(q).

59 Jurisdiction of County Court

Where any question or matter arises under section 58(1) or (2), the County Court has under this Act exclusive jurisdiction to hear and determine the question or matter as if it arose under the **Accident Compensation Act 1985** or the **Workplace Injury Rehabilitation and Compensation Act 2013**, as the case requires, and those Acts apply with the necessary adaptations and modifications.

S. 59
(Heading)
inserted by
No. 67/2013
s. 649(Sch. 9
item 4(4)).

S. 59
amended by
No. 67/2013
s. 649(Sch. 9
item 4(5)).

60 Authority to represent the Crown

In all proceedings for compensation under this Part, the Authority is to represent the Crown and subject to any rules made by the County Court pursuant to this Part, is to be regarded as the employer of the conservation worker for the purposes of the **Accident Compensation Act 1985** or the **Workplace Injury Rehabilitation and Compensation Act 2013**, as the case

S. 60
(Heading)
inserted by
No. 67/2013
s. 649(Sch. 9
item 4(6)).

S. 60
amended by
Nos 67/2013
s. 649(Sch. 9
item 4(7)),
21/2015
s. 3(Sch. 1
item 13).

requires, and has the powers rights and authorities which the employer has under this Act.

S. 61
(Heading)
inserted by
No. 67/2013
s. 649(Sch. 9
item 4(8)).

61 Authority entitled to costs and expenses

S. 61(1)
amended by
No. 67/2013
s. 649(Sch. 9
item 4
(9)(a)(b)).

(1) Where the Authority represents the Crown in any proceeding under this Act the Authority shall be entitled to such amounts as the County Court thinks proper for its costs and expenses.

S. 61(2)
amended by
No. 67/2013
s. 649(Sch. 9
item 4(9)).

(2) Any amount paid to the Authority from the Consolidated Fund for its costs and expenses in proceedings before the County Court is to be paid upon the certificate of the County Court and is to be paid by the Authority into the WorkCover Authority Fund.

S. 62
amended by
No. 67/2013
s. 649(Sch. 9
item 4(10)).

62 Rules

The County Court may make rules for the purposes of carrying into effect the provisions of this Act relating to compensation.

S. 63
amended by
No. 76/1998
s. 3(1)(q).

63 Recovery from third parties

Where compensation has been paid under this Part and the personal injury, damage or destruction in respect of which compensation has been paid was caused under circumstances creating a liability on the part of some person other than the conservation worker to pay damages, the Secretary may take proceedings against that person in a court of competent jurisdiction to recover the amount of the compensation paid under this Act.

64 Compensation and expenses to be paid from Consolidated Fund

The amount of any compensation paid under this Part and any expenses incurred in the administration of this Part must be paid out of the Consolidated Fund which is hereby to the necessary extent appropriated accordingly.

65 Offence

A person who in or in connection with any claim for compensation under this Part wilfully makes any false statement to or otherwise wilfully misleads or attempts to mislead the Secretary, the Tribunal or any other person, is guilty of an offence.

Penalty: 5 penalty units or imprisonment for 3 months or both.

S. 65
amended by
No. 76/1998
s. 3(1)(q).

Part 7—Public authorities

66 When a plan of works must be submitted

S. 66(1)
amended by
No. 76/1998
s. 3(1)(r)(i).

- (1) Except as provided in subsection (2), prior to the commencement of any works specified in Schedule 3, a public authority must submit a plan of works to the Secretary for comment on any necessary measures to be taken for the protection of land, waters and wildlife.
- (2) A plan of works specified in Schedule 3 need not be submitted where—

S. 66(2)(a)
substituted by
No. 67/1995
s. 58(Sch. 1
item 4),
amended by
No. 6/2009
s. 47.

- (a) the works involve extractive industry operations to which the **Mineral Resources (Sustainable Development) Act 1990** applies and a works authority has been granted under that Act in respect of those operations; and

S. 66(2)(b)
amended by
No. 76/1998
s. 3(1)(r)(i)(ii).

- (b) notice of the works has been given to any public authority which has notified the Secretary of the works.

S. 66(3)
amended by
No. 76/1998
s. 3(1)(r)(i).

- (3) The Secretary must ensure that a public authority which submits a plan of works is given a copy of any comments made on the plan under subsection (1).

S. 66(4)
amended by
No. 76/1998
s. 3(1)(r)(i).

- (4) If a public authority gives notice of its intention to commence any works specified in Schedule 3 pursuant to an Act other than this Act or regulations made under an Act other than this Act, and the person or body which receives the notice notifies the Secretary, the Secretary may comment on any necessary measures to be taken for the protection of land, waters, flora and fauna, and the Secretary must ensure that the public authority is given a copy of any comments so made.

67 Compliance with Codes of Practice and comments

- (1) A public authority must not take action contrary to a Code of Practice, or the Secretary's comment made under section 66 unless—
- S. 67(1) amended by No. 76/1998 s. 3(1)(s).

- (a) the authority is satisfied that there is no feasible and prudent alternative; and
- (b) all measures that can reasonably be taken to minimize the adverse effect of the action are taken.

- (1A) Nothing in subsection (1)(a) or (b) applies to the requirements imposed on VicForests, with respect to any relevant Code of Practice relating to timber harvesting, by section 46 of the **Sustainable Forests (Timber) Act 2004**.
- S. 67(1A) inserted by No. 38/2021 s. 23.

- (2) The Administrative Office Head of an Administrative Office must ensure that, in the carrying out of the Office's functions, action is not taken which is contrary to a Code of Practice unless—
- S. 67(2) amended by No. 46/1998 s. 7(Sch. 1).

- (a) the Administrative Office Head is satisfied that there is no feasible and prudent alternative; and
- S. 67(2)(a) amended by No. 46/1998 s. 7(Sch. 1).
- (b) all measures that could reasonably be taken to minimise the adverse effects of the action are taken.

- (3) In this section
- S. 67(3) substituted by No. 46/1998 s. 7(Sch. 1).

Administrative Office means an Administrative Office within the meaning of the **Public Administration Act 2004**;

S. 67(3) def. of ***Administrative Office*** amended by No. 108/2004 s. 117(1) (Sch. 3 item 39.4).

Conservation, Forests and Lands Act 1987
No. 41 of 1987
Part 7—Public authorities

S. 67(3) def. of
*Admin-
istrative Office
Head*
amended by
No. 108/2004
s. 117(1)
(Sch. 3
item 39.4).

Administrative Office Head, in relation to an
Administrative Office, means the person
employed as the head of the Administrative
Office under the **Public Administration
Act 2004**.

Part 7A—Parks Victoria land record

Division 1—Establishment and keeping of Parks Victoria land record

Pt 7A
(Headings
and ss 67A–
67M)
inserted by
No. 19/2018
s. 61.

67A Parks Victoria land record

S. 67A
inserted by
No. 19/2018
s. 61.

- (1) The Secretary must establish and maintain a record of certain Crown land that is to be controlled and managed by Parks Victoria.
- (2) Land that may be included in the record is—
 - (a) land reserved under the **Crown Land (Reserves) Act 1978** (other than land over which a committee of management has been appointed under section 14 of that Act); and
 - (b) reserved forest under the **Forests Act 1958** (other than land over which a committee of management has been appointed under section 50(3) of that Act); and
 - (c) unreserved Crown land under the **Land Act 1958**; and
 - (d) any State Wildlife Reserve or Nature Reserve under the **Wildlife Act 1975**.

S. 67A(2)(b)
amended by
No. 40/2020
s. 3.

67B Land in respect of which regulations under Part 9A may be made

S. 67B
inserted by
No. 19/2018
s. 61.

- (1) In the record kept under section 67A the Secretary must specify any land in respect of which regulations may be made under Part 9A.
- (2) The Secretary, when making a specification under subsection (1), must consider whether there are no suitable regulation making powers under another Act that provide for the making of regulations that are necessary for the management of the land.

67C Amendment of the record

S. 67C
inserted by
No. 19/2018
s. 61.

S. 67C(1AA)
inserted by
No. 40/2020
s. 4(1).

S. 67C(1)
amended by
No. 40/2020
s. 4(2).

S. 67C(2)(a)(ii)
amended by
No. 40/2020
s. 4(3).

S. 67C(2A)
inserted by
No. 40/2020
s. 4(4).

- (1AA) If a description of a reserve in the Fifth Schedule to the **Crown Land (Reserves) Act 1978** that is included in the record kept under section 67A is amended by an Act of Parliament, the Secretary must amend the record accordingly.
- (1) Subject to subsection (3), the Secretary, with the approval of the Parks Victoria Minister, may amend the record kept under section 67A by including land in the record or removing land from the record.
- (2) The Parks Victoria Minister must not approve an amendment under subsection (1) unless the Parks Victoria Minister—
- (a) has first—
 - (i) given Parks Victoria written notice of the proposed amendment; and
 - (ii) subject to subsection (2A), considered any written submission made by Parks Victoria within 60 days of receiving the notice (or any longer period agreed to by the Parks Victoria Minister); and
 - (b) has first obtained consent to the proposed amendment from the Minister responsible for the administration of the provision of the Act under which the land is managed, if that is not the Parks Victoria Minister.
- (2A) If Parks Victoria advises the Parks Victoria Minister that a submission made under subsection (2)(a)(ii) will be the only submission made in respect of the proposed amendment, the Parks Victoria Minister may approve the

amendment before the expiry of the 60-day period (or any longer agreed period).

- (3) The Secretary may amend the record kept under section 67A without the Parks Victoria Minister's approval—

S. 67C(3)
substituted by
No. 40/2020
s. 4(5).

- (a) if the amendment is required under subsection (1AA); or

S. 67C(3)(a)
amended by
No. 42/2021
s. 28.

- (b) to make a minor correction to information in the record; or

- (c) to make a minor technical amendment to the record.

Division 2—Effect of inclusion of land in Parks Victoria land record

67D Definitions

S. 67D
inserted by
No. 19/2018
s. 61.

In this Division—

Parks Victoria matter means any function, power or duty as to the management of land under the **Crown Land (Reserves) Act 1978**, the **Forests Act 1958**, the **Land Act 1958**, the **Water Industry Act 1994** or the **Wildlife Act 1975** that is conferred on Parks Victoria by an amendment of the Act by the **Parks Victoria Act 2018** or by the enactment of the **Parks Victoria Act 2018**.

tour operator licence—

- (a) in relation to land under the **Crown Land (Reserves) Act 1978**, has the same meaning as in that Act;
- (b) in relation to land under the **Forests Act 1958**, has the same meaning as in that Act;

- (c) in relation to land under the **Wildlife Act 1975**, has the same meaning as in that Act.

S. 67E
inserted by
No. 19/2018
s. 61.

67E Transfer of property and other matters from the Secretary to Parks Victoria

- (1) On land being included in the Parks Victoria land record—
- (a) all rights, property and assets in relation to any Parks Victoria matter that, immediately before the inclusion of the land in the record, were vested in the Secretary, vest in Parks Victoria; and
 - (b) all debts, liabilities and obligations of the Secretary in relation to any Parks Victoria matter that were existing immediately before the inclusion of the land in the record, become debts, liabilities and obligations of Parks Victoria; and
 - (c) Parks Victoria is substituted as a party to any proceedings in relation to any Parks Victoria matter pending in any court or tribunal to which the Secretary was a party immediately before the inclusion of the land in the record; and
 - (d) Parks Victoria is substituted as a party to any contract or arrangement that relates to any Parks Victoria matter entered into by or on behalf of the Secretary and in force immediately before the inclusion of the land in the record.
- (2) Any reference to the Secretary in any proclamation, Order in Council, rule, regulation, order, agreement, instrument or other document that relates to any Parks Victoria matter is taken to be a reference to Parks Victoria—

- (a) so far as it relates to any period on or after the inclusion of the land in the record; and
 - (b) if not inconsistent with the context or subject matter.
- (3) Any decision made or action taken by the Secretary under any proclamation, Order in Council, rule, regulation, order, agreement, instrument or other document that relates to any Parks Victoria matter and that is in effect immediately before the inclusion of the land in the record is taken to be a decision made or action taken by Parks Victoria—
- (a) so far as it relates to any period on or after the inclusion of the land in the Parks Victoria land record; and
 - (b) if not inconsistent with the context or subject matter.

67F Saving of tour operator licences

**S. 67F
inserted by
No. 19/2018
s. 61.**

If, in relation to land that is included in the Parks Victoria land record, a tour operator licence was in force immediately before the inclusion of the land in the record, on the inclusion of the land in the record the licence is taken to continue in force—

- (a) subject to its terms and conditions and the Act under which the licence was granted; and
- (b) as if—
 - (i) the licence were granted by Parks Victoria; and
 - (ii) (if not inconsistent with the context or subject matter) any reference to the Secretary in the licence were a reference to Parks Victoria.

S. 67G
inserted by
No. 19/2018
s. 61.

67G Saving of applications for tour operator licences and variations of tour operator licences

- (1) If, in relation to land that is included in the Parks Victoria land record, an application that has been made for a tour operator licence is outstanding immediately before the inclusion of the land in the record, on the inclusion of the land in the record the application is taken to continue in force and may be dealt with under the Act under which the application was made as if it had been made to Parks Victoria.
- (2) If, in relation to land that is included in the Parks Victoria land record, an application that has been made for variation of a tour operator licence is outstanding immediately before the inclusion of the land in the record, on the inclusion of the land in the record the application is taken to continue in force and may be dealt with under the Act under which the application was made as if it had been made to Parks Victoria.

S. 67H
inserted by
No. 19/2018
s. 61.

67H Decisions under section 17E of the Crown Land (Reserves) Act 1978, use of land for car parks

Any use of land for a car park in accordance with a decision of the Secretary under section 17E(1) of the **Crown Land (Reserves) Act 1978** in relation to land included on the Parks Victoria land record that was in force immediately before the inclusion of the land in the record is taken to continue in force on the inclusion of the land in the record as if the decision were made by Parks Victoria under that section as amended by the **Parks Victoria Act 2018**.

67I Orders as to management and control of reserved land under section 18 of the Crown Land (Reserves) Act 1978

S. 67I
inserted by
No. 19/2018
s. 61.

If an Order under section 18(1) of the **Crown Land (Reserves) Act 1978** applied to land included in the Parks Victoria land record immediately before the inclusion of the land in the record, on the inclusion of the land in the record—

- (a) the Order is taken to continue in force as if the Order placed the land under the control and management of Parks Victoria; and
- (b) (if not inconsistent with the context or subject matter) any reference in the Order to the Secretary is taken to be a reference to Parks Victoria.

67J Construction of conditions in leases under section 121 of the Land Act 1958

S. 67J
inserted by
No. 19/2018
s. 61.

If a lease granted by the Minister or a person authorised by the Minister under section 121 of the **Land Act 1958** applied to land included in the Parks Victoria land record immediately before the inclusion of the land in the record, on the inclusion of the land in the record any reference in the lease to directions issued by the Secretary is taken to be a reference to directions issued by Parks Victoria.

67K Construction of conditions in licences under section 130 of the Land Act 1958

S. 67K
inserted by
No. 19/2018
s. 61.

If a licence granted by the Minister under section 130 of the **Land Act 1958** applied to land included in the Parks Victoria land record immediately before the inclusion of the land in the record, on the inclusion of the land in the record, any reference in the licence to directions issued by the Secretary

is taken to be a reference to directions issued by Parks Victoria.

S. 67L
inserted by
No. 19/2018
s. 61.

67L Agistment permits under section 133A of the Land Act 1958

If an agistment permit under section 133A of the **Land Act 1958** was in force over land included in the Parks Victoria land record immediately before the inclusion of the land in the record, on the inclusion of the land in the record the permit is taken to continue in force—

- (a) subject to its terms and conditions and the Act under which the permit was granted; and
- (b) as if—
 - (i) the permit were granted by Parks Victoria; and
 - (ii) (if not inconsistent with the context or subject matter) any reference to the Secretary in the permit were a reference to Parks Victoria.

S. 67M
inserted by
No. 19/2018
s. 61.

67M Licences under section 16 of the Wildlife Act 1975

If a licence under section 16(2)(a) of the **Wildlife Act 1975** was in force over land included in the Parks Victoria land record immediately before the inclusion of the land in the record, on the inclusion of the land in the record the licence is taken to continue in force—

- (a) subject to its terms and conditions and the Act under which the licence was granted; and
- (b) as if—
 - (i) the licence were granted by Parks Victoria; and

- (ii) (if not inconsistent with the context or subject matter) any reference to the Secretary in the licence were a reference to Parks Victoria.

Part 8—Land management co-operative agreements

68 Powers of Secretary, Parks Victoria and Great Ocean Road Coast and Parks Authority

S. 68
(Heading)
inserted by
No. 19/2018
s. 62(1),
amended by
No. 42/2021
s. 29(1).

- (1) With the Minister's approval, out of moneys available for the purpose—
- (a) the Secretary may—
 - (i) grant or loan money to a land owner; and
 - (ii) provide other assistance to a land owner; and

S. 68(1)
amended by
Nos 31/1994
s. 3(Sch. 1
item 12.1)(as
amended by
No. 43/1995
s. 19(1)(a)(ii)),
76/1998
s. 3(1)(i),
substituted by
No. 19/2018
s. 62(2).

- (ab) the Great Ocean Road Coast and Parks Authority, for and to the extent it benefits land controlled and managed by the Authority, may—
 - (i) grant or loan money to a land owner; and
 - (ii) provide other assistance to a land owner; and
- (b) Parks Victoria, for and to the extent it benefits Parks Victoria managed land, may—
 - (i) grant or loan money to a land owner; and
 - (ii) provide other assistance to a land owner.

S. 68(1)(ab)
inserted by
No. 42/2021
s. 29(2).

- (2) A grant or loan or other assistance under subsection (1) is subject to—
- (a) the prescribed conditions (if any); and
 - (b) such other conditions as the Secretary, Parks Victoria or the Great Ocean Road Coast and Parks Authority with the approval of the Minister determines; and
 - (c) a requirement that, in the case of Parks Victoria, the land of the land owner must adjoin Parks Victoria managed land; and
 - (d) a requirement that, in the case of the Great Ocean Road Coast and Parks Authority, the land of the land owner must adjoin land controlled and managed by the Authority.
- (3) The purpose of providing grants, loans and other assistance under this section is to encourage land owners to follow good land management practices or otherwise to give effect to the objects or purposes of a relevant law.

S. 68(2)(b)
amended by
Nos 76/1998
s. 3(1)(t),
19/2018
s. 62(3),
42/2021
s. 29(3).

S. 68(2)(c)
inserted by
No. 19/2018
s. 62(4),
amended by
No. 42/2021
s. 29(4).

S. 68(2)(d)
inserted by
No. 42/2021
s. 29(5).

69 Power to enter into agreements

- (1) The Secretary may enter into an agreement with any land owner relating to the management, use, development, preservation or conservation of land in the possession of the land owner or otherwise to give effect to the objects or purposes of a relevant law, in relation to land in the possession of the land owner.

S. 69(1)
amended by
No. 76/1998
s. 3(1)(t).

* * * * *

S. 69(2)
repealed by
No. 101/1994
s. 65.

S. 69(3)
inserted by
No. 96/1994
s. 49(1),
amended by
Nos 38/1995
s. 20(a),
76/1998
s. 3(1)(t).

- (3) Without limiting subsection (1), the Secretary may under that subsection enter into an agreement with the Trust for Nature (Victoria).

S. 69(4)
inserted by
No. 62/2010
s. 95.

- (4) If land is to be granted under Division 3 of Part 3 of the **Traditional Owner Settlement Act 2010** in accordance with a land agreement under that Act, the Secretary may enter into an agreement under subsection (1) with a traditional owner group entity to whom the land is to be granted before the granting of the land, if the agreement provides that it comes into effect on the grant of the land.

S. 69(5)
inserted by
No. 62/2010
s. 95.

- (5) In this section *traditional owner group entity* has the same meaning as in Part 8A.

S. 70
amended by
No. 96/1994
s. 49(2)(a)–(c).

70 Content of agreements

- (1) An agreement may contain any of the following terms—
- (a) restricting the use of the land;
 - (b) requiring the land owner to refrain from activity, or activity of a specified kind, that would adversely affect the land or imposing conditions upon which any such activity takes place;
 - (c) requiring the land owner to carry out, or requiring the Secretary to carry out, specified works for the management, use, development, preservation or conservation of flora and fauna upon the land;

S. 70(1)(c)
amended by
No. 76/1998
s. 3(1)(t).

- | | |
|--|---|
| (d) requiring the land owner to permit the Secretary to inspect the land; | S. 70(1)(d)
amended by
No. 76/1998
s. 3(1)(t). |
| (e) requiring the land owner to indemnify the Secretary in respect of, or contribute towards, the cost incurred by the Secretary in carrying out works in respect of the land; | S. 70(1)(e)
amended by
No. 76/1998
s. 3(1)(t). |
| (f) specifying the manner in which a grant, loan or other assistance provided by the Secretary must be applied by the land owner; | S. 70(1)(f)
amended by
No. 76/1998
s. 3(1)(t). |
| (g) requiring the land owner to repay any amount paid to the land owner by the Secretary on terms and conditions (including terms and conditions as to interest) specified in the agreement; | S. 70(1)(g)
amended by
No. 76/1998
s. 3(1)(t). |
| (h) requiring the land owner to pay to the Secretary an amount specified in the agreement if on the land owner's part there is a breach of a kind specified in the agreement; | S. 70(1)(h)
amended by
No. 76/1998
s. 3(1)(t). |
| (i) requiring that the land owner allow public access to and across the land of the land owner; | |
| (j) requiring the land owner to obtain insurance to indemnify the Secretary against specified activities in relation to the land of the land owner, to insure against liabilities and actions in tort in relation to the land of the land owner and to obtain other forms of insurance or assurance that are specified in the agreement; | S. 70(1)(j)
amended by
No. 76/1998
s. 3(1)(t). |
| (k) requiring that the Secretary provide the land owner with advice, financial or other assistance including compensation for loss of income arising out of the performance of the agreement; | S. 70(1)(k)
amended by
No. 76/1998
s. 3(1)(t). |

S. 70(1)(m)
amended by
No. 76/1998
s. 3(1)(t).

(l) requiring that the whole or part of the land of the land owner be a flora or fauna sanctuary;

(m) requiring the Secretary to pay to the land owner an amount representing the whole or a part of any rates paid or payable in respect of the land;

S. 70(1)(ma)
inserted by
No. 96/1994
s. 49(2)(b),
amended by
No. 38/1995
s. 20(b).

(ma) providing that in the case of an agreement with the Trust for Nature (Victoria), the land to which the agreement applies is to be managed as if it were Crown land, and for the application to that land of any Act, subordinate instrument or other law relating to Crown land;

(n) providing for any other matter (whether like or unlike any of the foregoing) relating to the management, use, development, preservation or conservation of the land or that are necessary to be provided for to give effect to the objects or purposes of a relevant law.

S. 70(2)
inserted by
No. 96/1994
s. 49(2)(c),
amended by
No. 38/1995
s. 20(c).

(2) An agreement entered into with the Trust for Nature (Victoria) under section 69(1) does not authorise the doing of anything which would not be consistent with any trust, condition, covenant or other restriction relating to the use of that land.

71 Form and operation of agreement

(1) An agreement entered into under this Part—

S. 71(1)(a)
amended by
No. 76/1998
s. 3(1)(t).

(a) must be under the seal of the Secretary; and

S. 71(1)(b)
amended by
No. 76/1998
s. 3(1)(t).

(b) is binding on, and enforceable by or against the land owner and the Secretary; and

- (c) comes into effect on a day or on the happening of an event specified in the agreement.
- (2) An agreement may be expressed to be binding on a land owner's successors in title.
- (3) If an agreement is expressed to be binding on a land owner's successors in title a reference in this Part to a land owner or a party to an agreement includes the land owner's successors in title.
- (4) If an agreement relates to land alienated by the Crown and is made between the Secretary and a person who is not the holder of the estate in fee simple in the land or the registered proprietor of the land (as the case requires), the agreement has no effect unless and until the person who is the holder of the estate in fee simple in the land or who is the registered proprietor gives written notice of the approval of the agreement to the Secretary and, despite anything in this section, or the agreement, comes into operation on the date when that notice is given.
- (5) An agreement must not include a term to the effect that the agreement is binding on a land owner's successors in title unless the holder of the estate in fee simple in the land or the registered proprietor of the land (as the case requires) is a party to the agreement, whether or not another land owner is also a party.
- (6) Subsections (4) and (5) do not apply to an agreement relating to land licensed under Part 3A of the **Victorian Plantations Corporation Act 1993**.
- S. 71(4)
amended by
Nos 76/1998
s. 3(1)(t),
19/2018
s. 63(1).
- S. 71(5)
amended by
No. 19/2018
s. 63(2).
- S. 71(6)
inserted by
No. 35/1998
s. 13(3).

72 Agreements binding on successors

S. 72(1)
amended by
Nos 18/1989
s. 13(Sch. 2
item 18(a)),
35/1998
s. 13(4),
76/1998
s. 3(1)(t),
substituted by
No. 85/1998
s. 24(Sch.
item 12.2) (as
amended by
No. 76/1998
s. 15).

- (1) If an agreement in respect of land other than vested land is expressed to be binding on a land owner's successors in title, the Secretary must as soon as practicable after entering into the agreement apply in writing to the Registrar of Titles to have a recording of the agreement made in the Register and on receiving that application, the Registrar of Titles must make that recording in the Register.

S. 72(1A)
inserted by
No. 35/1998
s. 13(5),
amended by
No. 76/1998
s. 3(1)(t).

- (1A) When an agreement in relation to vested land is expressed to be binding on a land owner's successors in title, the Secretary must as soon as practicable after entering into the agreement apply in writing to the registrar under Part 3A of the **Victorian Plantations Corporation Act 1993** to register that agreement in the register of plantations and on receiving that application, the registrar must register that agreement.

S. 72(2)
amended by
Nos 18/1989
s. 13(Sch. 2
item 18(b)),
85/1998
s. 24(Sch.
item 12.3).

- (2) On the recording of the agreement in the Register—
 - (a) the land owner's successors in title are deemed to have notice of that agreement; and
 - (b) all rights and liabilities under that agreement are binding on and enforceable by or against the land owner's successors in title and run with the land.

S. 72(2A)
inserted by
No. 35/1998
s. 13(6).

- (2A) On the registration of an agreement in accordance with subsection (1A)—
 - (a) the land owner's successors in title are deemed to have notice of the agreement; and

- (b) all rights and liabilities under that agreement are binding on and enforceable by or against the land owner's successors in title.
- (3) If an agreement relating to land other than vested land is varied or terminated under this Part, the Secretary must as soon as practicable apply in writing to the Registrar of Titles to make any amendments to or recordings in the Register that are necessary because of the variation or termination of the agreement and on receiving that application, the Registrar of Titles must make the necessary amendments or recordings in the Register.
- (3A) When an agreement in respect of vested land is varied or terminated, the Secretary must without delay apply in writing to the registrar under Part 3A of the **Victorian Plantations Corporation Act 1993** to delete the record of the agreement from, or amend the record of the agreement in, the register of plantation licences and on receiving that application, the registrar must make the necessary amendments to the register.
- (4) A land owner may make application to the Supreme Court for an order declaring that an agreement is no longer in force.
- (5) The Court may make an order on an application under subsection (4) if it is satisfied that—
- (a) the agreement is no longer in force; or
 - (b) the agreement has been varied so that it is no longer binding on a land owner's successors;
or
- S. 72(3) amended by Nos 18/1989 s. 13(Sch. 2 item 18(c)), 35/1998 s. 13(7), 76/1998 s. 3(1)(t), substituted by No. 85/1998 s. 24(Sch. item 12.4) (as amended by No. 76/1998 s. 15).**
- S. 72(3A) inserted by No. 35/1998 s. 13(8), amended by No. 76/1998 s. 3(1)(t).**

(c) the agreement is redundant or obsolete or has achieved its purpose or performance or continued performance of the agreement is, or has become, impossible.

S. 72(6)
repealed by
No. 85/1998
s. 24(Sch.
item 12.5).

* * * *

S. 72(7)
amended by
Nos 18/1989
s. 13(Sch. 2
item 18(d)),
85/1998
s. 24(Sch.
item 12.6).

(7) If a land owner applies to the Registrar of Titles in an appropriate approved form and produces a copy of an order under subsection (5) the Registrar must make the necessary amendments or recordings in the Register.

S. 72(8)
inserted by
No. 35/1998
s. 13(9).

(8) If a land owner of vested land applies to the registrar under Part 3A of the **Victorian Plantations Corporation Act 1993** and produces a copy of an order under subsection (5) in respect of the vested land, the registrar must make the necessary amendments in the register of plantation licences.

S. 72(9)
inserted by
No. 85/1998
s. 24(Sch.
item 12.7).

(9) The amendment of this section by section 24 of the **Transfer of Land (Single Register) Act 1998** does not affect the operation, effect or enforcement of an agreement registered under the **Property Law Act 1958** and existing immediately before the commencement of that section 24.

73 Wildlife sanctuaries

If an agreement provides that the whole or part of the land is to be a flora and fauna sanctuary it is a sanctuary for the purposes of the **Wildlife Act 1975** while that provision of the agreement is in force.

74 Public access to certain land

For the purposes of Part IIA of the **Wrongs Act 1958** the Secretary is to be treated as the occupier of land to which an agreement relates and to which, under that agreement, the public have access, unless the agreement otherwise provides.

S. 74
amended by
No. 76/1998
s. 3(1)(t).

75 Rate relief

- (1) If under an agreement a land owner is required to preserve land in its natural present state and in the Minister's opinion it is not economically feasible to do so unless rate relief in respect to the land is provided, the Minister may recommend to a rating authority that the whole or part of the rates payable in respect to the land be remitted.
- (2) On receiving a recommendation in accordance with subsection (1) the rating authority may remit the rates in accordance with the recommendation.
- (3) The Minister may if the Minister thinks fit reimburse (out of moneys available for the purpose) the whole or part of the amount of the rates remitted to the rating authority which under this section remitted the rate.

S. 75(3)
amended by
No. 31/1994
s. 3(Sch. 1
item 12.2).

76 Variation or termination of agreements

- (1) An agreement may be varied or terminated—
 - (a) by agreement between the Secretary and the land owner; or
 - (b) in the manner or in the circumstances provided for in the agreement; or
 - (c) by order of the Minister; or
 - (d) by order of the Victorian Civil and Administrative Tribunal; or

S. 76(1)(a)
amended by
No. 76/1998
s. 3(1)(t).

S. 76(1)(d)
amended by
No. 52/1998
s. 311(Sch. 1
item 15.1(a)).

S. 76(2)
amended by
No. 76/1998
s. 3(1)(t).

(e) by order of the Supreme Court under section 72.

(2) If the Secretary and the land owner cannot agree to vary or terminate an agreement either of them may apply to the Minister, and the Minister may by order—

(a) vary the agreement in ways stated in the order; or

(b) terminate the agreement—

if the Minister is satisfied that the continuance of the agreement in its present form would be harsh or oppressive.

S. 76(3)
amended by
No. 52/1998
s. 311(Sch. 1
item 15.1(b)).

(3) A party to an agreement may apply to the Victorian Civil and Administrative Tribunal for review of a decision by the Minister—

(a) refusing to vary or terminate an agreement;
or

(b) varying or terminating an agreement.

S. 76(3A)
inserted by
No. 52/1998
s. 311(Sch. 1
item 15.2).

(3A) An application for review must be made within 28 days after the later of—

(a) the day on which the decision is made;

(b) if, under the **Victorian Civil and Administrative Tribunal Act 1998**, the party requests a statement of reasons for the decision, the day on which the statement of reasons is given to the party or the party is informed under section 46(5) of that Act that a statement of reasons will not be given.

S. 76(4)
amended by
No. 52/1998
s. 311(Sch. 1
item 15.3).

(4) Section 72(6) and (7) apply where an order is made by the Minister or the Tribunal as if those provisions refer to a party to the agreement instead of the land owner.

77 Remedies for breach of agreement

- (1) A party to an agreement has the same remedies and rights of action for breach of the agreement as the party would have for breach of contract, and as well as the other damages which it may award, a court may award punitive damages for breach of an agreement.
- (2) Damages must not be awarded against the land owner for breach of the agreement unless the breach arose from an intentional or reckless act or omission on the part of the land owner.
- (3) In assessing damages for breach of an agreement by the land owner, a court must have regard to—
 - (a) any detriment to the public interest resulting from the breach; and
 - (b) any financial or other benefit that the owner sought to gain by committing the breach; and
 - (c) any other matter it considers relevant.
- (4) A court may order a land owner to restore the land to its prior condition or to a condition as close as possible to the prior condition, in addition to any other order which it may make in proceedings for breach of the agreement.

78 Injunctions

The Secretary may apply to a court of competent jurisdiction for an injunction restraining a land owner from breaching an agreement or from contravening an order under section 77.

**S. 78
amended by
No. 76/1998
s. 3(1)(t).**

79 Amount due to Secretary is a charge on land

- (1) If—
 - (a) an agreement specifies an amount to be repaid by the land owner to the Secretary; or

**S. 79(1)(a)
amended by
No. 76/1998
s. 3(1)(t).**

Conservation, Forests and Lands Act 1987
No. 41 of 1987
Part 8—Land management co-operative agreements

S. 79(1)(b)
amended by
No. 76/1998
s. 3(1)(t).

(b) an agreement specifies an amount that becomes due to the Secretary upon default of the land owner and the land owner is in default under the agreement; or

(c) an amount is awarded against a land owner as damages for breach—

that amount is until recovered a charge on the land of the land owner.

S. 79(2)
amended by
No. 76/1998
s. 3(1)(t),
substituted by
No. 85/1998
s. 24(Sch.
item 12.8) (as
amended by
No. 76/1998
s. 15).

(2) Land is so charged when the Secretary deposits with the Registrar of Titles a certificate under seal describing the land to be charged and stating the amount of the charge.

S. 79(3)
repealed by
No. 85/1998
s. 24(Sch.
item 12.9).

* * * * *

S. 79(4)
amended by
No. 18/1989
s. 13(Sch. 2
item 18(e)).

(4) The Registrar of Titles must make in the Register a recording of the certificate lodged under this section.

S. 79(5)
amended by
No. 76/1998
s. 3(1)(t).

(5) The Secretary must notify the land owner in writing that—

(a) its certificate has been deposited under this section; and

(b) the land is charged with the amount stated in the notice.

- (6) When an amount due is paid or recovered the Registrar of Titles must, if so required by the Secretary, delete the recording of the charge from the Register or make a recording in the Register of the payment or recovery of the charge.
- S. 79(6) amended by Nos 18/1989 s. 13(Sch. 2 item 18(f)), 76/1998 s. 3(1)(t), substituted by No. 85/1998 s. 24(Sch. item 12.10) (as amended by No. 76/1998 s. 15).
- (7) If—
- (a) a charge under this section has been registered over land for at least 12 months; and
- (b) an amount is owing under the charge; and
- (c) the Secretary—
- (i) has attempted, but has failed to recover the amount owing under the charge; or
- (ii) has made the prescribed inquiries (if any) and all reasonable attempts to locate the land owner and believes that the land owner cannot be found—
- the Secretary may serve a notice of intention to sell the land.
- (8) A notice under subsection (7) must—
- (a) be in writing in the prescribed form; and
- (b) be served by—
- (i) displaying a copy of the notice on the land of the land owner not less than one month before the intended sale; and
- (ii) publishing a copy of the notice once in a newspaper circulating generally in the area in which the land is located and
- S. 79(7) amended by Nos 76/1998 s. 3(1)(t), 85/1998 s. 24(Sch. item 12.11).
- S. 79(7)(c) amended by No. 76/1998 s. 3(1)(t).

once in a newspaper circulating generally in the municipal district of the Melbourne City Council, not less than one month before the intended sale.

S. 79(8A)
inserted by
No. 85/1998
s. 24(Sch.
item 12.12).

- (8A) If the land to be sold is not under the **Transfer of Land Act 1958**, it must be brought under that Act before it is sold.

S. 79(9)
amended by
No. 85/1998
s. 24(Sch.
item 12.13).

- (9) Section 77 of the **Transfer of Land Act 1958** applies to the sale as if—
- (a) the charge were a registered first mortgage, registered in priority to other registered encumbrances; and
 - (b) the Secretary were a mortgagee under that mortgage; and

S. 79(9)(b)
amended by
No. 76/1998
s. 3(1)(t).

- (c) the requirement relating to the giving of notice were deleted.

S. 79(10)
amended by
No. 76/1998
s. 3(1)(t),
repealed by
No. 85/1998
s. 24(Sch.
item 12.14).

* * * * *

S. 79(11)
inserted by
No. 35/1998
s. 13(10).

- (11) This section does not apply in relation to vested land within the meaning of the **Victorian Plantations Corporation Act 1993**.

80 Information to be given to the public

S. 80(1)
amended by
No. 76/1998
s. 3(1)(u)(i).

- (1) The Secretary must cause notice of the making of an agreement to be published in the Government Gazette and in a newspaper circulating throughout Victoria and to be displayed in a conspicuous place on the land to which the agreement applies as soon as possible after the agreement is made.

- (2) The Secretary may, with any assistance which the Secretary requires, enter land to which an agreement applies for the purpose of causing a notice to be displayed in accordance with subsection (1). **S. 80(2) amended by No. 76/1998 s. 3(1)(u)(i).**
- (3) A notice under subsection (1) must state where the agreement can be inspected and must contain any other prescribed information.
- (4) The Secretary must ensure that copies of an agreement are kept available for inspection by the public free of charge at the Secretary's principal office and at regional departmental offices which the Secretary considers appropriate, during office hours. **S. 80(4) amended by No. 76/1998 s. 3(1)(u)(i)(ii).**
- (5) The Secretary must cause to be kept a register containing the prescribed information about agreements. **S. 80(5) amended by No. 76/1998 s. 3(1)(u)(i).**
- (6) In this section ***agreement*** includes—
- (a) an agreement varying or terminating a previous agreement; and
 - (b) an order varying or terminating an agreement.

81 Offences by third parties

- (1) If an agreement prohibits a land owner from doing an act of a kind specified in the agreement, a person who is not a party to the agreement must not do the act so prohibited, while the agreement is in force.

Penalty: 5 penalty units.

- (2) In proceedings for an offence under subsection (1) it is a defence if the person charged proves—
- (a) that—
 - (i) in respect of the agreement there has been a contravention of a provision of section 80; and
 - (ii) the person did not know of the existence of the agreement; or
 - (b) the act alleged to constitute the offence was expressly authorised by or under an Act.

82 Regulations

- (1) If an agreement provides that the public have access to the whole or part of the land to which the agreement relates, the Minister may make regulations for or with respect to any of the following—
- (a) the conduct of the public on that land;
 - (b) the preservation of good order on the land;
 - (c) the preservation care and protection of the land;
 - (d) services and facilities to be provided on the land, and the use of those services and facilities;
 - (e) the safety of the public while on the land;
 - (f) works and improvements on the land;
 - (g) fees and charges for entry to, or use of the land or any service or facility on the land;
 - (h) all matters which are necessary to be prescribed for giving effect to the terms of the agreement relating to public access to the land.

- (2) This section and the regulations made under it do not limit the rights, powers, privileges and liabilities which, apart from this section, the land owner has in relation to the land and the use and enjoyment of the land.

* * * * *

S. 82(3)
repealed by
No. 101/1994
s. 65.

- (4) The Minister must publish in the Government Gazette regulations made under this section and any regulations amending or regulating those regulations.

- (5) A person (other than the land owner) who contravenes the regulations under this section is guilty of an offence.

S. 82(5)
amended by
No. 51/2016
s. 6.

Penalty: 20 penalty units.

Pt 8A
(Headings
and ss 82A–
82R)
inserted by
No. 82/2009
s. 38.

Part 8A—Traditional Owner Land Management Boards

Division 1—Definitions

S. 82A
inserted by
No. 82/2009
s. 38.

82A Definitions

In this Part—

S. 82A def. of
aboriginal title
inserted by
No. 62/2010
s. 96(e).

aboriginal title has the same meaning as in the
Traditional Owner Settlement Act 2010;

appointed land, in relation to a Traditional Owner
Land Management Board, means the public
land in relation to which the Board is
appointed under this Part;

S. 82A def. of
*approved
Great Ocean
Road
strategic
framework
plan*
inserted by
No. 19/2020
s. 80.

*approved Great Ocean Road strategic framework
plan* has the same meaning as in the **Great
Ocean Road and Environs Protection
Act 2020;**

S. 82A def. of
declared area
inserted by
No. 17/2018
s. 8.

declared area has the same meaning as in the
Planning and Environment Act 1987;

S. 82A def. of
*joint
management
plan*
inserted by
No. 62/2010
s. 96(e).

joint management plan, in relation to appointed
land, means a management plan for that land
that has come into effect under section 82PI,
whether or not varied under section 82PJ;

public land means the following—

- (a) land under the **Crown Land (Reserves) Act 1978**, other than land under the **Alpine Resorts Act 1983**;
- (b) land in any park within the meaning of the **National Parks Act 1975**;
- (c) reserved forest within the meaning of the **Forests Act 1958**;
- (d) unreserved Crown land under the **Land Act 1958**;
- (e) land in any Nature Reserve or State Wildlife Reserve, within the meaning of the **Wildlife Act 1975**, other than land in a State Game Reserve (within the meaning of that Act);

S. 82A def. of *public land* substituted by No. 62/2010 s. 96(b).

recognition and settlement agreement has the same meaning as in the **Traditional Owner Settlement Act 2010**;

S. 82A def. of *recognition and settlement agreement* inserted by No. 62/2010 s. 96(e).

relevant land Minister, in relation to public land, means the Minister administering the Act under which the land is managed;

S. 82A def. of *relevant land Minister* amended by No. 62/2010 s. 96(a).

Statement of Planning Policy has the same meaning as in the **Planning and Environment Act 1987**;

S. 82A def. of *Statement of Planning Policy* inserted by No. 17/2018 s. 8.

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

S. 82A def. of *traditional owner group* substituted by No. 62/2010 s. 96(c).

S. 82A def. of
*traditional
owner group
entity*
substituted by
No. 62/2010
s. 96(d).

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

S. 82A def. of
*traditional
owner land
management
agreement*
inserted by
No. 62/2010
s. 96(e),
amended by
Nos 29/2011
s. 3(Sch. 1
item 16.1),
49/2017
s. 71(1).

traditional owner land management agreement
means an agreement under section 82P;

S. 82A
def. of *Yarra
Strategic Plan*
inserted by
No. 49/2017
s. 71(2).

Yarra Strategic Plan has the same meaning as
in the **Yarra River Protection (Wilip-gin
Birrarung murrn) Act 2017**.

Division 2—Constitution of Traditional Owner Land Management Boards

S. 82AB
(Heading)
amended by
Nos 19/2018
s. 64(1),
42/2021
s. 30(1).

82AB Role of Minister, Secretary, Parks Victoria and Great Ocean Road Coast and Parks Authority where recognition and settlement agreement exists

S. 82AB
inserted by
No. 62/2010
s. 97.

- (1) If public land is land in respect of which there is in force a recognition and settlement agreement, the Minister in carrying out any function, duty or power under this Part must take all reasonable steps to give effect to any traditional owner land management agreement entered into in accordance with the recognition and settlement agreement.
- (2) If public land is land in respect of which there is in force a recognition and settlement agreement, the Secretary in carrying out any function, duty or

power under this Part must take all reasonable steps to give effect to any traditional owner land management agreement entered into in accordance with the recognition and settlement agreement.

- (3) If public land is land in respect of which there is in force a recognition and settlement agreement, Parks Victoria in carrying out any function, duty or power under this Part must take all reasonable steps to give effect to any traditional owner land management agreement entered into in accordance with the recognition and settlement agreement.

S. 82AB(3)
inserted by
No. 19/2018
s. 64(2).

- (4) If public land is land in respect of which there is in force a recognition and settlement agreement, the Great Ocean Road Coast and Parks Authority in carrying out any function, duty or power under this Part must take all reasonable steps to give effect to any traditional owner land management agreement entered into in accordance with the recognition and settlement agreement.

S. 82AB(4)
inserted by
No. 42/2021
s. 30(2).

82B Power of Minister to establish Traditional Owner Land Management Board

S. 82B
inserted by
No. 82/2009
s. 38.

- (1) The Minister, by determination, may establish a Traditional Owner Land Management Board for any public land.
- (1A) If the Minister is establishing a Traditional Owner Land Management Board to give effect to a recognition and settlement agreement, the Minister must state this in the determination under subsection (1).
- (2) Before establishing a Board under subsection (1), if the Minister is not the relevant land Minister for the public land, the Minister must obtain the consent of the relevant land Minister.
- (3) In establishing a Board under subsection (1), the Minister must have regard to any agreement entered into under Division 5.

S. 82B(1A)
inserted by
No. 62/2010
s. 98(1).

S. 82B(5)(ba)
inserted by
No. 62/2010
s. 98(2).

- (4) A determination under subsection (1) must be published in the Government Gazette and has effect on its publication.
- (5) A determination under subsection (1) must—
 - (a) specify the land in relation to which the Board is appointed; and
 - (b) describe the role that the Board is to undertake in relation to the land; and
 - (ba) for the purposes of section 82PA, specify the manner of the making of subsequent joint management plans and the timing of the making of the plans; and
 - (c) describe the functions, powers and duties that the Board is to have under this or any other Act.

Note

Functions, powers and duties that the Board is to have may be those conferred by way of agreement under the **Crown Land (Reserves) Act 1978**, the **National Parks Act 1975**, the **Forests Act 1958**, the **Land Act 1958** or the **Wildlife Act 1975** or those delegated to the Board under this Part.

S. 82BA
inserted by
No. 62/2010
s. 99.

82BA Revocation of appointment of committee of management

S. 82BA(1)
amended by
No. 29/2011
s. 3(Sch. 1
item 16.2).

- (1) On the establishment of a Traditional Owner Land Management Board for any public land, if the land is land in respect of which a committee of management is appointed, the appointment of the committee of management is revoked, despite anything to the contrary in the Act under which the committee of management has been appointed.
- (2) The revocation of the appointment of a committee of management under subsection (1) is not to be taken to affect any lease, licence, or agreement issued or granted by that committee over the land

under the Act, that is in force immediately before the revocation of the appointment.

- (3) In the case of any lease, licence or agreement to which subsection (2) applies (other than a lease granted under section 17D of the **Crown Land (Reserves) Act 1978**), the Secretary is taken to be substituted for the committee of management as a party to the lease, licence or agreement.
- (4) In the case of any lease under section 17D of the **Crown Land (Reserves) Act 1978** to which subsection (2) applies, the Minister is taken to be substituted for the committee of management as a party to the lease.

82C Status of Traditional Owner Land Management Boards

S. 82C
inserted by
No. 82/2009
s. 38.

- (1) A Traditional Owner Land Management Board—
 - (a) is a body corporate with perpetual succession; and
 - (b) has an official seal; and
 - (c) may sue and be sued; and
 - (d) may acquire, hold and dispose of personal property, and may acquire, hold and dispose of leases or subleases in real property; and
 - (e) may do and suffer all acts and things that a body corporate may, by law, do and suffer.
- (2) All courts must take judicial notice of the seal of a Traditional Owner Land Management Board affixed to a document and, until the contrary is proved, must presume that it was duly affixed.
- (3) The official seal of a Traditional Owner Land Management Board must be kept in that custody that the Board directs and must not be used except as authorised by the Board.

S. 82D
inserted by
No. 82/2009
s. 38.

82D Application of Public Administration Act 2004

The **Public Administration Act 2004** applies to any Traditional Owner Land Management Board as if that Board were a public entity, but not a small entity, within the meaning of that Act, established on or after the commencement of Part 5 of that Act.

S. 82E
inserted by
No. 82/2009
s. 38.

82E Objective of Traditional Owner Land Management Boards

A Traditional Owner Land Management Board is established with the objective of enabling the knowledge and culture of the traditional owner group of the appointed land to be recognised in the management of the land.

S. 82F
inserted by
No. 82/2009
s. 38.

82F Variation of role etc. of Traditional Owner Land Management Board

- (1) The Minister may, by determination—
 - (a) vary the public land in relation to which, under section 82B(5)(a), a Traditional Owner Land Management Board is appointed;
 - (b) vary the role that the Board is to undertake in relation to the land;
 - (c) vary the functions, powers and duties that the Board is to have under this or any other Act whether by adding, amending or removing functions, powers or duties.
- (2) Before making a variation under subsection (1), if the Minister is not the relevant land Minister for the public land, the Minister must obtain the consent of the relevant land Minister.
- (3) In making a variation under subsection (1) the Minister must have regard to any agreement entered into under Division 5.

S. 82F(1)(b)
amended by
No. 62/2010
s. 100(a).

S. 82F(1)(c)
amended by
No. 62/2010
s. 100(b).

- (4) A determination under this section must be published in the Government Gazette and has effect on being published in the Government Gazette.

82FA Requirements for variation where recognition and settlement agreement applies

S. 82FA
inserted by
No. 62/2010
s. 101.

If a Traditional Owner Land Management Board has been appointed as part of giving effect to a recognition and settlement agreement, the Minister must not make a determination under—

- (a) section 82F(1)(a) or (b), or, subject to paragraph (b), section 82F(1)(c), unless the Minister has first obtained the consent of the traditional owner group entity;
- (b) section 82F(1)(c) to remove functions, powers or duties from the Board, unless the Minister has first consulted with the Board.

82G Abolition of Traditional Owner Land Management Board

S. 82G
inserted by
No. 82/2009
s. 38.

- (1) The Minister may, by determination, abolish a Traditional Owner Land Management Board.
- (2) The Minister must not abolish a Board under subsection (1) unless the Minister has first consulted with the traditional owner group entity of the appointed land.
- (3) Before abolishing a Board under subsection (1), if the Minister is not the relevant land Minister for any of the appointed land, the Minister must consult with the relevant land Minister.
- (4) In abolishing a Board under subsection (1) the Minister must have regard to any agreement entered into under Division 5.

- (5) A determination under this subsection must be published in the Government Gazette and has effect on being published in the Government Gazette.
- (6) Schedule 4 has effect with respect to any determination under this section.

S. 82GA
inserted by
No. 62/2010
s. 102.

82GA Requirements for abolition where recognition and settlement agreement applies

- (1) If a Traditional Owner Land Management Board has been appointed as part of giving effect to a recognition and settlement agreement, the Minister must not make a determination under section 82G unless—
 - (a) the Minister is satisfied that the Board has substantially failed to perform the powers, duties and functions conferred on the Board by or under this or any other Act; or
 - (b) the Minister has the agreement of the traditional owner group entity to the abolition of the Board.
- (2) Before making a decision under subsection (1), the Minister must—
 - (a) advise the Board that there is a proposal to abolish the Board and the reasons for that proposal; and
 - (b) allow the Board or its representative a reasonable opportunity to make written or oral submissions to the Minister.
- (3) In making a decision under subsection (1) the Minister must have regard to any submissions made by the Board under section (2)(b).

Division 3—Functions, powers and duties of Traditional Owner Land Management Boards

82H Functions of Traditional Owner Land Management Boards

S. 82H
inserted by
No. 82/2009
s. 38.

A Traditional Owner Land Management Board has the following management functions in respect of the appointed land—

- (a) those management functions that are conferred on the Board by agreement under the Act under which the appointed land for the Board is managed;
- (b) those management functions that are delegated to the Board by a person or body who has those management functions in relation to the appointed land of the Board;
- (c) those functions that are conferred on the Board under Division 5A.

S. 82H(b)
amended by
No. 62/2010
s. 103(a).

S. 82H(c)
inserted by
No. 62/2010
s. 103(b).

82I Powers and duties of Traditional Owner Land Management Boards

S. 82I
inserted by
No. 82/2009
s. 38.

(1) A Traditional Owner Land Management Board—

- (a) if so specified by the Minister in a determination under this Part, may do the following in accordance with any specification of the Minister in the determination—
 - (i) employ staff, including an executive officer to be responsible to the Board for implementing the decisions of the Board;
 - (ii) enter into an arrangement or agreement with another person or body for the carrying out of any of its functions or duties;

- (iii) subject to this Part, carry out works on the appointed land;
 - (iv) delegate any of its functions, powers or duties to a member of the Board or an employee of the Board;
 - (b) may act as a delegate or agent of a person or body who has management functions, powers or duties in relation to the appointed land, when so appointed by that person or body;
 - (c) may do all things that are necessary and convenient to be done for or in connection with carrying out its functions, powers or duties.
- (2) A Traditional Owner Land Management Board has the duties that are conferred on the Board, by agreement, or by or under this or any other Act, or are delegated to the Board.

S. 82J
inserted by
No. 82/2009
s. 38.

82J Functions, powers and duties to be carried out in accordance with relevant Act

Any function, power or duty that a Traditional Owner Land Management Board has is subject to the provisions of the Act under which the appointed land is managed.

Division 4—Description, membership and procedure

S. 82K
inserted by
No. 82/2009
s. 38.

82K Title

The Minister must specify the name of a Traditional Owner Land Management Board in the determination that establishes the Board.

82L Membership

In the determination establishing a Traditional Owner Land Management Board the Minister must specify—

- (a) the number of positions of membership of the Board; and
- (b) the method of appointment of the chairperson and deputy chairperson; and
- (c) the terms and conditions of individuals occupying positions of membership.

S. 82L
inserted by
No. 82/2009
s. 38.

82M Appointment and dismissal of members

- (1) The members of the Board are appointed by the Minister by determination published in the Government Gazette.
- (2) A member of the Board may be dismissed by the Minister by determination published in the Government Gazette.
- (3) In making appointments under this section, the Minister must ensure—
 - (a) that a majority of the positions of membership are occupied by persons nominated by the traditional owner group entity of the appointed land; and
 - (b) that the members of the Board have the qualifications, attributes, skills and experience that are relevant to the operations of the Board; and
 - (c) that at least one member of the Board is appointed on the nomination of the Secretary.

S. 82M
inserted by
No. 82/2009
s. 38.

S. 82M(3)(b)
amended by
No. 62/2010
s. 104(1)(a).

S. 82M(3)(c)
inserted by
No. 62/2010
s. 104(1)(b).

S. 82M(3A)
inserted by
No. 19/2018
s. 65,
substituted by
No. 42/2021
s. 31.

(3A) Before exercising a power under subsection (3)(c), the Secretary must consult with—

- (a) Parks Victoria in relation to the Secretary's proposed nomination if the Board will have responsibilities for Parks Victoria managed land; and
- (b) the Great Ocean Road Coast and Parks Authority in relation to the Secretary's proposed nomination if the Board will have responsibilities for land controlled and managed by the Authority.

(4) In dismissing a member of the Board under this section, the Minister must have regard to any agreement entered into under Division 5.

S. 82M(5)
inserted by
No. 62/2010
s. 105(2).

(5) If a Traditional Owner Land Management Board has been appointed as part of giving effect to a recognition and settlement agreement, a member of that Board appointed on the nomination of the traditional owner group entity must not be dismissed under this section—

- (a) unless the Minister is satisfied as to one or more of the following—
 - (i) that the member has failed to act in good faith;
 - (ii) that the member has improperly used his or her position to gain advantage for himself or herself or another person;
 - (iii) that the member has caused detriment to the Board; or
- (b) unless the traditional owner group entity so requests.

82N Cessation of office of members

A member of the Board ceases to hold the office of member if the member—

- (a) resigns in writing addressed to the Minister;
or
- (b) dies; or
- (c) is dismissed by the Minister in accordance with section 82M(2); or
- (d) is absent from three consecutive meetings without approval of the Board to be so absent; or
- (e) becomes an insolvent under administration;
or
- (f) is convicted of an indictable offence.

S. 82N
inserted by
No. 82/2009
s. 38.

82O Procedures

In the determination establishing a Traditional Owner Land Management Board the Minister must specify the following matters in relation to the procedures of the Board—

- (a) voting rights of the chairperson, deputy chairperson and members of the Board; and
- (b) any other matters as to the procedure and conduct of meetings and proceedings of the Board that the Minister considers necessary.

S. 82O
inserted by
No. 82/2009
s. 38.

Division 5—Agreements as to Traditional Owner Land Management Boards

82P Agreements as to the establishment etc. of Traditional Owner Land Management Boards

- (1) The Minister may enter into an agreement with a traditional owner group entity for any public land including any traditional owner group entity to

S. 82P
inserted by
No. 82/2009
s. 38.

S. 82P(1)
amended by
No. 62/2010
s. 105(a).

which aboriginal title is to be granted or transferred or with any other relevant person for the purpose of facilitating any proposal—

S. 82P(1)(a)
amended by
No. 62/2010
s. 105(b).

- (a) to establish a Traditional Owner Land Management Board for the land that is the subject of the agreement; or
 - (b) to vary the management functions, powers or duties of a Traditional Owner Land Management Board in relation to the land.
- (2) Before entering into an agreement under subsection (1), if the Minister is not the relevant land Minister for any of the public land that is the subject of the agreement, the Minister must obtain the consent of the relevant land Minister.
- (3) An agreement under subsection (1) may deal with any matters that are related or incidental to the establishment or operation of a Traditional Owner Land Management Board.

Pt 8A Div. 5A
(Heading and
ss 82PA–
82PJ)
inserted by
No. 62/2010
s. 106.

Division 5A—Joint management plans

S. 82PA
inserted by
No. 62/2010
s. 106.

82PA Joint preparation of management plans

S. 82PA(1A)
inserted by
No. 19/2018
s. 66.

- (1) The Traditional Owner Land Management Board for appointed land must, with the reasonable assistance and guidance of the Secretary, prepare a draft management plan for the appointed land.
- (1A) If a management plan referred to in subsection (1) applies to land that is Parks Victoria managed land, the Secretary, in consultation with Parks Victoria, must provide assistance and guidance to the Board to prepare the draft management plan.

- (1B) If a management plan referred to in subsection (1) applies to land that is controlled and managed by the Great Ocean Road Coast and Parks Authority, the Secretary, in consultation with the Authority, must provide assistance and guidance to the Board to prepare the draft management plan. **S. 82PA(1B) inserted by No. 42/2021 s. 32.**
- (2) Preparation of a plan under subsection (1) must be completed and agreement to the plan must take place—
- (a) in the case of the first plan after the commencement of this provision, within 3 years of the appointment of the Board or any later date determined by the Minister; or
 - (b) in the case of any subsequent plan at the times and in the manner specified in the determination establishing the Board under section 82B(5).
- (3) The Traditional Owner Land Management Board and the Secretary must have regard to a Yarra Strategic Plan when preparing a management plan in relation to any appointed land to which a Yarra Strategic Plan applies. **S. 82PA(3) inserted by No. 49/2017 s. 72.**
- (4) The Traditional Owner Land Management Board and the Secretary must have regard to a Statement of Planning Policy when preparing a management plan in relation to land that is within a declared area. **S. 82PA(4) inserted by No. 17/2018 s. 9.**
- (5) The Traditional Owner Land Management Board must ensure that a plan, to the extent that the plan applies to marine and coastal Crown land, is prepared having regard to the requirements for preparing a coastal and marine management plan in Division 1 of Part 7 of the **Marine and Coastal Act 2018**. **S. 82PA(5) inserted by No. 26/2018 s. 89(3).**

S. 82PA(6)
inserted by
No. 19/2020
s. 81.

- (6) The Traditional Owner Land Management Board and the Secretary must have regard to an approved Great Ocean Road strategic framework plan when preparing a management plan in relation to any appointed land to which an approved Great Ocean Road strategic framework plan applies.

S. 82PB
inserted by
No. 62/2010
s. 106.

82PB Requirements of specific Acts as to management to apply

- (1) A management plan prepared under section 82PA must comply with the following subsections.
- (2) If appointed land under the plan is reserved forest under the **Forests Act 1958**, the management plan for that land must be consistent with—
- (a) the requirements of the **Forests Act 1958**; and
 - (b) the requirements of any regulations made under the **Forests Act 1958** in relation to the management of reserved forest; and
 - (ba) the requirements of any regulations made under Part 9A in relation to the management of reserved forest under the **Forests Act 1958**; and
 - (c) the objectives of any Sustainability Charter in force in relation to the land under section 11 of the **Sustainable Forests (Timber) Act 2004**.
- (3) If appointed land under the plan is land that is part of a park under the **National Parks Act 1975**, the management plan for that land must be consistent with—
- (a) the objects of the **National Parks Act 1975** and the requirements of the **National Parks Act 1975**; and

S. 82PB(2)(ba)
inserted by
No. 19/2018
s. 67(1).

- (b) the requirements of any regulations made under the **National Parks Act 1975** in relation to the management of parks under that Act.
- (4) If appointed land under the plan is land reserved under the **Crown Land (Reserves) Act 1978**, the management plan for that land must be consistent with—
 - (a) the purposes for which the land is reserved under the **Crown Land (Reserves) Act 1978**; and
 - (b) the requirements of any regulations made under the **Crown Land (Reserves) Act 1978** in relation to the management of reserved land under that Act; and S. 82PB(4)(b) amended by No. 19/2018 s. 67(2).
 - (c) the requirements of any regulations made under Part 9A in relation to the management of reserved land under the **Crown Land (Reserves) Act 1978**. S. 82PB(4)(c) inserted by No. 19/2018 s. 67(3).
- (5) If appointed land under the plan is part of a State Wildlife Reserve or Nature Reserve under the **Wildlife Act 1975**, the management plan for that land must be consistent with—
 - (a) the requirements of the **Wildlife Act 1975**; and
 - (b) the requirements of any regulations made under the **Wildlife Act 1975** in relation to the management of any such reserve.
- (6) If appointed land under the plan is land under the **Land Act 1958**, the management plan for that land must be consistent with—
 - (a) the requirements of the **Land Act 1958**; and
 - (b) the requirements of any regulations made under the **Land Act 1958** in relation to the management of land under that Act; and S. 82PB(6)(b) amended by No. 19/2018 s. 67(4).

S. 82PB(6)(c)
inserted by
No. 19/2018
s. 67(5).

(c) the requirements of any regulations made under Part 9A in relation to the management of unreserved Crown land under the **Land Act 1958**.

S. 82PB(7)
inserted by
No. 26/2018
s. 89(4).

(7) If appointed land under the plan is part of land to which a coastal and marine management plan applies, the management plan for that land must be consistent with that coastal and marine management plan.

S. 82PC
inserted by
No. 62/2010
s. 106.

82PC Other requirements for management plans

Subject to section 82PB, a management plan may deal with any other matters that are agreed in a traditional owner land management agreement for the appointed land and that are relevant to the management of the land.

S. 82PD
inserted by
No. 62/2010
s. 106.

82PD Completion of preparation of management plan

(1) For the purposes of section 82PA(2), preparation of a management plan is completed when both the Traditional Owner Land Management Board and the Secretary agree that preparation is completed.

S. 82PD(1A)
inserted by
No. 19/2018
s. 68.

(1A) If a management plan referred to in subsection (1) applies to Parks Victoria managed land, the Secretary must consult with Parks Victoria—

(a) before agreeing that the plan is completed;
and

(b) before and, where necessary, during carrying out consultation and the provision of advice under subsection (2).

S. 82PD(1B)
inserted by
No. 42/2021
s. 33.

(1B) If a management plan referred to in subsection (1) applies to land controlled and managed by the Great Ocean Road Coast and Parks Authority, the Secretary must consult with the Authority—

(a) before agreeing that the plan is completed;
and

- (b) before and, where necessary, while carrying out consultation and the provision of advice under subsection (2).
- (2) For the purposes of completing preparation of a management plan the Secretary and the Traditional Owner Land Management Board must take all reasonable steps to consult with each other and provide advice to each other, during the course of preparing the plan.

82PE Notice of completed management plan

S. 82PE
inserted by
No. 62/2010
s. 106.

- (1) As soon as possible after completion of preparation of a management plan, either the Secretary or the Traditional Owner Land Management Board must publish a notice in a newspaper circulating generally in the area in which the plan applies.
- (2) A notice under subsection (1)—
 - (a) must state that a management plan has been prepared and set out where the plan may be inspected;
 - (b) must state that written submissions may be made on the plan to the Secretary or the Traditional Owner Land Management Board within the time specified in the notice.

82PF Making and consideration of submissions

S. 82PF
inserted by
No. 62/2010
s. 106.

- (1) Any person may make written submissions on a completed management plan within the period specified in the notice of the plan under section 82PE.
- (2) The period of time for making submissions that may be specified in a notice under section 82PE must not be less than 2 months from the date of publication of the notice.

S. 82PF(4)
inserted by
No. 19/2018
s. 69.

- (3) The Secretary and the Traditional Owner Land Management Board must consider any submission made on the completed management plan that were received by either person within the period specified in the notice under section 82PE.
- (4) If a management plan applies to Parks Victoria managed land—
 - (a) the Secretary must provide Parks Victoria with a copy of any relevant submission received on the draft plan; and
 - (b) the Secretary must consider each relevant submission received in consultation with Parks Victoria.

S. 82PF(5)
inserted by
No. 42/2021
s. 34.

- (5) If a management plan applies to land controlled and managed by the Great Ocean Road Coast and Parks Authority—
 - (a) the Secretary must provide the Authority with a copy of any relevant submission received on the draft plan; and
 - (b) the Secretary must consider each relevant submission received in consultation with the Authority.

S. 82PG
inserted by
No. 62/2010
s. 106.

82PG Agreement to management plan

S. 82PG(1A)
inserted by
No. 19/2018
s. 70.

- (1) For the purposes of section 82PA(2), a management plan is taken to be agreed to when, after consideration of submissions under section 82PF, both the Traditional Owner Land Management Board and the Secretary agree to the plan.
- (1A) If a management plan applies to Parks Victoria managed land, the Secretary must not agree to the plan unless the Secretary has consulted with Parks Victoria about the plan to the extent that it applies to Parks Victoria managed land.

(1B) If a management plan applies to land controlled and managed by the Great Ocean Road Coast and Parks Authority, the Secretary must not agree to the plan unless the Secretary has consulted with the Authority about the plan to the extent that it applies to land controlled and managed by the Authority.

S. 82PG(1B)
inserted by
No. 42/2021
s. 35.

(2) A plan agreed to under subsection (1) may contain variations to a completed plan made as a result of consideration of submissions under section 82PF.

82PH Approval of plan by Minister

S. 82PH
inserted by
No. 62/2010
s. 106.

(1) The Secretary and the Traditional Owner Land Management Board may submit to the Minister for approval—

- (a) a management plan agreed to under section 82PG; or
- (b) a management plan, that is substantially similar to a management plan already in force in relation to the appointed land, that has been adopted by both the Secretary and the Traditional Owner Land Management Board; or
- (c) a management plan prepared by the Secretary and the Traditional Owner Management Board, where sections 82PD, 82PE, 82PF and 82PG have not been complied with, if the Minister is satisfied that it is not necessary to comply with those sections.

(1A) If a management plan referred to in subsection (1)(b) or (c) applies to Parks Victoria managed land, the Secretary must not submit that plan to the Minister for approval unless the Secretary has consulted with Parks Victoria about the plan to the extent that it applies to Parks Victoria managed land.

S. 82PH(1A)
inserted by
No. 19/2018
s. 71.

S. 82PH(1B)
inserted by
No. 42/2021
s. 36.

- (1B) If a management plan referred to in subsection (1)(b) or (c) applies to land controlled and managed by the Great Ocean Road Coast and Parks Authority, the Secretary must not submit that plan to the Minister for approval unless the Secretary has consulted with the Authority about the plan to the extent that it applies to land controlled and managed by the Authority.
- (2) On receiving an agreed management plan under subsection (1)(a) or (c), the Minister may approve the plan.
- (3) On receiving an adopted management plan under subsection (1)(b), the Minister may approve the plan, if the Minister is satisfied—
 - (a) that a substantially similar management plan is in force in relation to the appointed land; and
 - (b) that that plan has been the subject of a public consultation process, similar to that specified in this Division within the previous 3 years.
- (4) Before approving a management plan under this section, if the Minister is not the relevant land Minister for the land that is the subject of the plan, the Minister must obtain the consent of the relevant land Minister.

S. 82PI
inserted by
No. 62/2010
s. 106.

82PI Effect of plan

- (1) A management plan comes into effect on being approved by the Minister under section 82PH(2) or (3).
- (2) A management plan that has come into effect remains in effect—
 - (a) until the plan is replaced by another management plan; or

- (b) the Minister, after consulting with the Traditional Owner Land Management Board and the Secretary, revokes his or her approval of the plan, given under section 82PH.
- (3) If a management plan applies to Parks Victoria managed land, before responding to the Minister on the proposed revocation of the plan under subsection (2)(b), the Secretary must consult with Parks Victoria about the plan to the extent that it applies to Parks Victoria managed land. **S. 82PI(3) inserted by No. 19/2018 s. 72.**
- (4) If a management plan applies to land controlled and managed by the Great Ocean Road Coast and Parks Authority, before responding to the Minister on the proposed revocation of the plan under subsection (2)(b), the Secretary must consult with the Authority about the plan to the extent that it applies to land controlled and managed by the Authority. **S. 82PI(4) inserted by No. 42/2021 s. 37.**

82PJ Variation of joint management plan

- (1) The Secretary and the Traditional Owner Land Management Board may submit a variation of a joint management plan to the Minister for approval.
- (2) The provisions of this Act applying to the preparation, completion, agreement to and approval of a joint management plan apply to a variation of a joint management plan as if a reference in those provisions to *management plan* were a reference to *variation of a management plan*.
- (3) A variation of a joint management plan comes into effect on being approved by the Minister under subsection (1).

S. 82PJ inserted by No. 62/2010 s. 106.

- (4) Before approving a variation of a joint management plan under this section, if the Minister is not the relevant land Minister for the land that is the subject of the plan, the Minister must obtain the consent of the relevant land Minister.

Division 6—General

82Q Delegations to or in relation to Traditional Owner Land Management Boards

S. 82Q
inserted by
No. 82/2009
s. 38.

S. 82Q(1)
amended by
No. 62/2010
s. 107(1).

- (1) Where appointed land of a Traditional Owner Land Management Board is land under the **Crown Land (Reserves) Act 1978**, the **Forests Act 1958**, the **Land Act 1958**, the **National Parks Act 1975** or the **Wildlife Act 1975**, the relevant land Minister for the Act may, by instrument, delegate any of the Minister's functions, powers or duties under the Act to the Board or an employee of the Board for the purpose of the performance or exercise by the Board or employee of that function, power or duty in the course of carrying out duties under any agreement or arrangement relating to the management of the appointed land by the Traditional Owner Land Management Board.

S. 82Q(2)
amended by
No. 62/2010
s. 107(2).

- (2) Where appointed land of a Traditional Owner Land Management Board is land under the **Crown Land (Reserves) Act 1978**, the **Forests Act 1958**, the **Land Act 1958**, the **National Parks Act 1975** or the **Wildlife Act 1975**, the Secretary may, by instrument under seal, delegate any of the Secretary's functions, powers or duties under the Act to the Board or an employee of the Board for the purpose of the performance or exercise by the Board or employee of that function, power or duty in the course of carrying out duties under any

agreement or arrangement relating to the management of the appointed land by the Traditional Owner Land Management Board.

- (3) If appointed land of a Traditional Owner Land Management Board is Parks Victoria managed land, Parks Victoria, after consultation with the Secretary, may delegate by instrument any of Parks Victoria's functions, powers or duties under the **Crown Land (Reserves) Act 1978**, the **Forests Act 1958**, the **Land Act 1958**, the **National Parks Act 1975** or the **Wildlife Act 1975** to the Board or an employee of the Board for the purpose of the performance or exercise by the Board or employee of that function, power or duty in the course of carrying out duties relating to the management of the appointed land by the Traditional Owner Land Management Board.

S. 82Q(3)
inserted by
No. 19/2018
s. 73.

- (4) If appointed land of a Traditional Owner Land Management Board is land controlled and managed by the Great Ocean Road Coast and Parks Authority, the Authority, after consultation with the Secretary, by instrument may delegate any of the Authority's functions, powers or duties under the **Crown Land (Reserves) Act 1978**, the **Forests Act 1958**, the **Land Act 1958**, the **National Parks Act 1975** or the **Wildlife Act 1975** to the Board or an employee of the Board for the purpose of the performance or exercise by the Board or employee of that function, power or duty in the course of carrying out duties relating to the management of the appointed land by the Traditional Owner Land Management Board.

S. 82Q(4)
inserted by
No. 42/2021
s. 38.

S. 82R
inserted by
No. 82/2009
s. 38.

82R Describing land in determinations

Without limiting the use of any other means to describe land, a determination under this Part may describe land by reference to a plan signed by the Surveyor-General attached to the determination or lodged in the Central Plan Office.

Part 9—Enforcement and general provisions

83AA Definition

In this Part *relevant Parks Victoria land* means—

- (a) any Parks Victoria managed land; or
- (b) any land—
 - (i) managed by a committee of management appointed under section 14 of the **Crown Land (Reserves) Act 1978** or section 50(3) of the **Forests Act 1958** constituted by Parks Victoria; or
 - (ii) that is the subject of an agreement under section 69 of the **Conservation, Forests and Lands Act 1987** and that is managed by Parks Victoria on behalf of the Secretary.

S. 83AA
inserted by
No. 19/2018
s. 74.

83 Appointment of authorised officers

- (1) The Secretary may appoint as authorised officers—

S. 83(1)
amended by
Nos 90/1989
s. 4(a),
76/1998
s. 3(1)(v).

- (a) any specified employee or a specified class of employees employed by the Secretary, or in the Department or in the Public Service or (with the consent of the Minister administering that Department) in any Department of the Government of the Commonwealth, a State or a Territory; or

S. 83(1)(a)
amended by
Nos 46/1998
s. 7(Sch. 1),
76/1998
s. 3(1)(v).

- (aa) a specified member of staff or specified class of members of staff of the Victorian Plantations Corporation; or

S. 83(1)(aa)
inserted by
No. 61/1993
s. 36(d).

S. 83(1)(ab)
inserted by
No. 38/1995
s. 12(b).

(ab) for the purposes of this Part, a specified member of staff or specified class of members of staff of the Royal Botanic Gardens Board; or

S. 83(1)(ab)
inserted by
No. 106/1995
s. 51(a),
substituted as
s. 83(1)(ac) by
No. 48/2004
s. 129.

(ac) for the purposes of this Part, a specified member of staff or a specified class of members of staff of the Zoological Parks and Gardens Board; or

S. 83(1)(ad)
inserted by
No. 48/2004
s. 129.

(ad) a specified member of staff or a specified class of members of staff of VicForests; or

S. 83(1)(ae)
inserted by
No. 19/2018
s. 75(1).

(ae) a specified employee or a specified class of employee of Parks Victoria; or

S. 83(1)(af)
inserted by
No. 42/2021
s. 39(1).

(af) a specified employee or a specified class of employee of the Great Ocean Road Coast and Parks Authority; or

(b) any specified person or any specified class of persons.

S. 83(1A)
inserted by
No. 19/2018
s. 75(2).

(1A) Without limiting subsection (1), Parks Victoria may appoint as authorised officers any employee or class of employee of Parks Victoria for any or all of relevant Parks Victoria land.

S. 83(1B)
inserted by
No. 42/2021
s. 39(2).

(1B) Without limiting subsection (1), the Great Ocean Road Coast and Parks Authority may appoint as authorised officers any employee or class of employee of the Authority for any or all land managed by the Authority.

- | | |
|---|--|
| (2) An authorised officer may be appointed under subsection (1)— | S. 83(2)
substituted by
No. 90/1989
s. 4(b). |
| (a) for the purposes of all or any relevant laws;
and | S. 83(2)(a)
substituted by
No. 87/1997
s. 44. |
| (b) for the whole or part of Victoria. | |
| (3) An authorised officer may be appointed under subsection (1A) or (1B) for a specified relevant law or any specified power, function or duty of a specified relevant law. | S. 83(3)
amended by
No. 76/1998
s. 3(1)(v),
repealed by
No. 70/1998
s. 15(a),
new s. 83(3)
inserted by
No. 19/2018
s. 75(3),
amended by
No. 42/2021
s. 39(3). |
| (4) The Secretary is an authorised officer for the purposes of each relevant law. | S. 83(4)
amended by
No. 76/1998
s. 3(1)(v). |
| (5) The Secretary must give to each authorised officer appointed under subsection (1) a certificate of appointment stating the relevant law for the purposes of which the person is appointed an authorised officer, whether the person is appointed for the whole or a part of Victoria and, if for a part of Victoria, specifying the part of Victoria for which the person is appointed. | S. 83(5)
amended by
Nos 90/1989
s. 4(c),
76/1998
s. 3(1)(v),
19/2018
s. 75(4). |
| (6) Parks Victoria must give to each authorised officer appointed under subsection (1A) a certificate of appointment stating the relevant law for the purposes of which the person is appointed as an authorised officer and the land or area in respect of which the person is appointed. | S. 83(6)
inserted by
No. 19/2018
s. 75(5). |

S. 83(7)
inserted by
No. 42/2021
s. 39(4).

- (7) The Great Ocean Road Coast and Parks Authority must give to each authorised officer appointed under subsection (1B) a certificate of appointment stating the relevant law for the purposes of which the person is appointed as an authorised officer and the land or area in respect of which the person is appointed.

Note to s. 83
inserted by
No. 24/2014
s. 80,
substituted as
Notes by
No. 68/2016
s. 176.

Notes

- 1 The **Game Management Authority Act 2014** also provides for the appointment of authorised officers for the purposes of all or any relevant laws—see Part 3 of that Act.
- 2 The **Victorian Fisheries Authority Act 2016** also provides for the appointment of authorised officers for the purposes of all or any relevant laws—see Part 3 of that Act.

84 Appointment of persons to perform certain functions of authorised officers

S. 84(1)
amended by
Nos 90/1989
s. 4(d)(i)(ii),
76/1998
s. 3(1)(w)(i).

S. 84(1)(a)
amended by
No. 76/1998
s. 3(1)(w)(i)(ii).

S. 84(1)(aa)
inserted by
No. 61/1993
s. 36(e).

S. 84(1)(ab)
inserted by
No. 19/2018
s. 76.

S. 84(1)(ac)
inserted by
No. 19/2020
s. 82.

- (1) The Secretary may appoint—
- (a) any specified employee or a specified class of employees employed by the Secretary, or in the Department or in the Public Service or (with the consent of the Minister administering that Department) in any Department of the Government of the Commonwealth, a State or a Territory; or
 - (aa) a specified member of staff or specified class of members of staff of the Victorian Plantations Corporation; or
 - (ab) a specified employee or a specified class of employee of Parks Victoria; or
 - (ac) a specified employee or a specified class of employee of the Great Ocean Road Coast and Parks Authority; or

(b) a specified person or a specified class of persons—

to perform any of the powers, functions or duties of authorised officers that are specified by the Secretary.

- (2) When making an appointment under subsection (1) the Secretary may determine that the person or class of persons is to perform the powers functions and duties of authorised officers in the whole, or specified parts, of Victoria.

* * * * *

S. 84(2)
amended by
Nos 90/1989
s. 4(e),
76/1998
s. 3(1)(w)(i).

S. 84(3)
amended by
No. 76/1998
s. 3(1)(w)(i),
repealed by
No. 70/1998
s. 15(b).

85 Police officers to assist authorised officers

Police officers must assist an authorised officer at the request of that authorised officer in the execution of his or her functions.

S. 85
amended by
No. 37/2014
s. 10(Sch.
item 26.2).

86 Immunity of officers

Without affecting the liability of the Crown or any other body or person, a person cannot bring an action against an authorised officer or police officer, in respect of any act done in good faith in the performance or purported performance of the functions of the authorised officer or police officer under a relevant law.

S. 86
amended by
No. 37/2014
s. 10(Sch.
item 26.3).

87 Statement of authorised officer is evidence

A statement of an authorised officer as to—

- (a) the place where any offence occurred under a relevant law; or

S. 87(b)
amended by
Nos 76/1998
s. 3(1)(x),
19/2018 s. 77,
42/2021 s. 40.

(b) the expense incurred by the Secretary, the Department, Parks Victoria or the Great Ocean Road Coast and Parks Authority in carrying out any works; or

(c) the accuracy of any map, photograph or document—

is evidence of that fact.

S. 88
(Heading)
inserted by
No. 19/2018
s. 78(1),
amended by
No. 42/2021
s. 41(1).

88 Certificate of Secretary or chief executive officer of Parks Victoria or Great Ocean Road Coast and Parks Authority is evidence

S. 88(1)
amended by
No. 76/1998
s. 3(1)(x).

(1) A certificate under the seal of the Secretary to the effect that—

(a) the person referred to in the certificate is an authorised officer; or

S. 88(1)(b)
amended by
No. 96/1994
s. 50.

(b) a person holds an authority on such terms and conditions as referred to in the certificate or does not hold an authority; or

S. 88(1)(c)
inserted by
No. 96/1994
s. 50.

(c) a road or track on Crown land (including reserved forest) is or is not closed (whether temporarily or permanently) for the purposes of a relevant law—

is evidence of that fact.

S. 88(1A)
inserted by
No. 19/2018
s. 78(2).

(1A) A certificate signed by the chief executive officer of Parks Victoria to the effect that—

(a) the person referred to in the certificate is an authorised officer appointed by Parks Victoria; or

(b) the person holds an authority issued by Parks Victoria on such terms and conditions as referred to in the certificate or does not hold an authority; or

(c) a road or track on Crown land (including reserved forest) that is relevant Parks Victoria land, is or is not closed (whether temporarily or permanently) for the purposes of a relevant law—

is evidence of that fact.

(1B) A certificate signed by the chief executive officer of the Great Ocean Road Coast and Parks Authority to the effect that—

S. 88(1B)
inserted by
No. 42/2021
s. 41(2).

(a) the person referred to in the certificate is an authorised officer appointed by the Authority; or

(b) the person holds an authority issued by the Authority on such terms and conditions as referred to in the certificate or does not hold an authority; or

(c) a road or track on Crown land (including reserved forest) that is land controlled and managed by the Authority, is or is not closed (whether temporarily or permanently) for the purposes of a relevant law—

is evidence of that fact.

(2) In proceedings under a relevant law a certificate under the seal of the Secretary as to the value of property or the amount of cost charges or expenses incurred for the purposes of a relevant law is evidence and, in the absence of evidence to the contrary, is proof of the matters stated in the certificate.

S. 88(2)
amended by
No. 76/1998
s. 3(1)(x).

S. 88(2A)
inserted by
No. 19/2018
s. 78(3).

(2A) In proceedings under a relevant law in respect of relevant Parks Victoria land and to which Parks Victoria is a party, a certificate signed by the chief executive officer of Parks Victoria as to the value of property or the amount of costs, charges or expenses incurred for the purposes of a relevant law is evidence and, in the absence of evidence to the contrary, is proof of the matters stated in the certificate.

S. 88(2B)
inserted by
No. 42/2021
s. 41(3).

(2B) In any proceeding under a relevant law in respect of land controlled and managed by the Great Ocean Road Coast and Parks Authority and to which the Authority is a party, a certificate signed by the chief executive officer of the Authority as to the value of property or the amount of costs, charges or expenses incurred for the purposes of a relevant law is evidence and, in the absence of evidence to the contrary, is proof of the matters stated in the certificate.

S. 88(2C)
inserted by
No. 42/2021
s. 41(3).

(2C) The chief executive officer of the Great Ocean Road Coast and Parks Authority must cause a copy of a certificate referred to in subsection (2B) to be served with the charge-sheet, summons to answer a charge or application in the proceeding.

S. 88(3)
amended by
No. 76/1998
s. 3(1)(x).

(3) A person cannot bring evidence disputing a statement in a certificate mentioned in subsection (2) in proceedings under a relevant law unless, at least 3 days before the hearing of the proceedings, the person has served on the Secretary written notice that the person intends to bring that evidence.

S. 88(3A)
inserted by
No. 19/2018
s. 78(4).

(3A) A person cannot bring evidence disputing a statement in a certificate mentioned in subsection (2A) in proceedings under a relevant law unless, at least 3 days before the hearing of the proceedings, the person has served on Parks

Victoria written notice that the person intends to bring that evidence.

- (3B) A person cannot bring evidence disputing a statement in a certificate referred to in subsection (2B) in any proceeding under a relevant law unless, at least 3 days before the hearing of the proceeding, the person has served on the Great Ocean Road Coast and Parks Authority written notice that the person intends to bring that evidence.

S. 88(3B)
inserted by
No. 42/2021
s. 41(4).

- (4) The Secretary must cause a copy of a certificate mentioned in subsection (2) to be served with the charge-sheet, summons to answer to a charge or application in the proceedings.

S. 88(4)
amended by
Nos 57/1989
s. 3(Sch.
item 27.2),
76/1998
s. 3(1)(x).

- (4A) The chief executive officer of Parks Victoria must cause a copy of a certificate mentioned in subsection (2A) to be served with the charge-sheet, summons to answer a charge or application in the proceedings.

S. 88(4A)
inserted by
No. 19/2018
s. 78(5).

- (5) In proceedings under a relevant law, as well as any other method of proof available—
- (a) evidence that a person is rated in respect of land or premises under a general rate of the municipality within which the land is or the premises are located; or
 - (b) the production of a certified copy of a Crown grant, certificate of title or registered instrument given under section 114(2) of the **Transfer of Land Act 1958** showing a person as the registered proprietor of an estate in fee simple or a leasehold estate in land; or
 - (c) the production of a certificate by the Registrar-General, or a deputy Registrar-General authorised under the seal of the

Registrar-General, to the effect that a person appears from a memorial of any deed, conveyance or instrument to be the last registered owner of any land—

is evidence and, in the absence of evidence to the contrary, is proof that the person is the occupier or owner (as the case requires) of the land or premises.

S. 88(6)
amended by
No. 76/1998
s. 3(1)(x).

- (6) On receiving a request from the Secretary for a certificate under subsection (5)(c) and stating that the certificate is required for the purpose of legal proceedings under a relevant law, and on payment of the prescribed fee (if any) the Registrar-General must give the certificate so requested.

S. 88(7)
inserted by
No. 61/1993
s. 36(f),
amended by
No. 76/1998
s. 3(1)(x).

- (7) This section and section 89 apply to any matter in respect of which the Victorian Plantations Corporation has a function or power as if a reference in those provisions to the Secretary included a reference to that Corporation.

S. 88A
inserted by
No. 87/1997
s. 45.

88A Certificates of identification

- (1) In any legal proceedings for an offence against a relevant law, the production of a certificate purporting to be signed by a qualified person with respect to any analysis, examination or investigation made by that person, is, without—
- (a) proof of the signature of the person appearing to have signed the certificate; and
 - (b) proof that the person appearing to have signed the certificate is a qualified person—

evidence and, in the absence of evidence to the contrary given in accordance with this section, proof of the facts and matters contained in it.

S. 88A(2)
amended by
No. 68/2009
s. 97(Sch.
item 24).

- (2) A copy of the certificate must be served on the accused at least 14 days before the hearing.

- (3) If the accused requires the qualified person to attend as a witness, the accused must give notice that he or she requires the witness to attend.

S. 88A(3)
amended by
No. 68/2009
s. 97(Sch.
item 24).

- (4) A notice under subsection (3)—

- (a) must be in writing; and
- (b) must be given at least 7 days before the hearing to the qualified person and to the person who filed the charge; and
- (c) may be given personally or by post.

- (5) Service of a copy of the certificate for the purposes of this section may be effected and proved—

- (a) in any manner in which service of a summons may be effected and proved; or
- (b) where the certificate was served with the summons and proof of service of the summons is by affidavit, by stating in the affidavit that a copy of the certificate was served with the summons.

- (6) In this section—

qualified person means a person who has been approved by the Secretary, in writing, as a person qualified to conduct an analysis, examination or investigation to which this section relates.

89 Injunctions

- (1) The Secretary may apply to a court of competent jurisdiction for an injunction restraining any person from contravening a relevant law or any condition of a works approval, authority or notice.

S. 89
amended by
Nos 76/1998
s. 3(1)(x),
19/2018 s. 79
(ILA s. 39B(1)).

S. 89(1A)
inserted by
No. 38/2021
s. 24.

(1A) The Secretary may apply to a court of competent jurisdiction for an injunction compelling any person to comply with a relevant law or any condition of a works approval, authority or notice.

S. 89(2)
inserted by
No. 19/2018
s. 79.

(2) In relation to relevant Parks Victoria land, Parks Victoria may apply to a court of competent jurisdiction for an injunction restraining any person from contravening a relevant law or any condition of a works approval, authority or notice.

S. 89(3)
inserted by
No. 42/2021
s. 42.

(3) In relation to land controlled and managed by the Great Ocean Road Coast and Parks Authority, the Authority may apply to a court of competent jurisdiction for an injunction restraining any person from contravening a relevant law or any condition of a works approval, authority or notice.

S. 90
(Heading)
inserted by
No. 44/2001
s. 3(Sch.
item 22.1).

90 Offences by bodies corporate and partnerships etc.

S. 90(1)
amended by
No. 44/2001
s. 3(Sch.
item 22.2).

(1) If a body corporate contravenes any provision of, or an authority or notice under, a relevant law the body corporate is liable to the penalty for that offence.

S. 90(2)
amended by
No. 44/2001
s. 3(Sch.
item 22.2).

(2) If the contravention was committed with the consent or connivance or because of the wilful neglect of an officer or a person purporting to be an officer of the body corporate, that officer or person is also guilty of that offence and liable to the penalty for that offence.

S. 90(3)
amended by
No. 44/2001
s. 3(Sch.
item 22.2).

(3) When in proceedings under a relevant law it is necessary to establish the intention of a body corporate, it is sufficient to show that a servant or agent of the body corporate had that intention.

- (4) In respect of any proceedings for an offence by a body corporate against a relevant law any statement made by an officer of the body corporate is admissible as evidence against the body corporate. **S. 90(4) amended by No. 44/2001 s. 3(Sch. item 22.2).**
- (5) Where a relevant law provides that a person, being a partnership or unincorporated association is guilty of an offence, that reference to a person is—
- (a) in the case of a partnership—to be read as a reference to each member of the partnership; and
- (b) in the case of an unincorporated association—to be read as a reference to each member of the committee of management of the association.
- (6) In this section—
officer of a body corporate has the same meaning as in section 9 of the Corporations Act. **S. 90(6) def. of officer substituted by No. 44/2001 s. 3(Sch. item 22.3), amended by No. 38/2021 s. 25(2).**

91 Infringement notice

- (1) An authorised officer may serve an infringement notice on any person, if the authorised officer has reason to believe that the person has committed a prescribed offence against a relevant law.
- (2) An offence referred to in subsection (1) for which an infringement notice may be served is an infringement offence within the meaning of the **Infringements Act 2006**. **S. 91(2) substituted by No. 32/2006 s. 94(Sch. item 7(1)).**
- (3) The penalty for the purposes of this section for a prescribed offence is the amount, not exceeding 10 penalty units, prescribed for that offence. **S. 91(3) amended by No. 69/2004 s. 57(1).**

Conservation, Forests and Lands Act 1987
No. 41 of 1987
Part 9—Enforcement and general provisions

S. 91(4)
amended by
No. 76/1998
s. 3(1)(x).

- (4) If a prescribed offence relates to the taking or destruction of forest produce and the infringement notice includes a copy of a certificate under the seal of the Secretary as to the amount (being an amount not exceeding the prescribed amount) which would have been payable if the forest produce had been taken in accordance with an authority issued under a relevant law, the penalty for the purposes of this section for that prescribed offence is the sum of the penalty determined in accordance with subsection (3) and the amount stated in that certificate.

S. 91(5)
amended by
No. 76/1998
s. 3(1)(x).

- (5) The Secretary may give a certificate for the purpose of subsection (4).

S. 92
amended by
No. 76/1998
s. 3(1)(x),
repealed by
No. 32/2006
s. 94(Sch.
item 7(2)).

* * * *

S. 93
amended by
Nos 57/1989
s. 3(Sch.
item 27.3),
76/1998
s. 3(1)(x),
repealed by
No. 32/2006
s. 94(Sch.
item 7(2)).

* * * *

94 Parking infringements

Sections 59, 64, 65, 76, 77, 86 to 90, 99 and 100 of the **Road Safety Act 1986** and any regulations made for the purposes of those sections apply to—

S. 94
amended by
Nos 53/1989
s. 22(2),
61/1993
s. 36(g)(ii),
76/1998
s. 3(1)(y)(i)(ii),
19/2018
s. 80(2),
42/2021
s. 43(1).

- (a) Crown land that is not relevant Parks Victoria land or land controlled and managed by the Great Ocean Road Coast and Parks Authority, as if it were land vested in the Secretary; and

S. 94(a)
amended by
Nos 76/1998
s. 3(1)(y)(ii),
19/2018
s. 80(1)(a),
42/2021
s. 43(2).

- (b) land vested in or belonging to or under the control of the Secretary; and

S. 94(b)
amended by
Nos 61/1993
s. 36(g)(i),
76/1998
s. 3(1)(y)(ii)(iii).

- (ba) land vested in, or belonging to, or under the control of, the Great Ocean Road Coast and Parks Authority; and

S. 94(ba)
inserted by
No. 42/2021
s. 43(3).

- (c) freehold land, managed land or vested land within the meaning of the **Victorian Plantations Corporation Act 1993**; and

S. 94(c)
inserted by
No. 61/1993
s. 36(g)(i)
amended by
No. 19/2018
s. 80(1)(b).

- (d) Crown land that is relevant Parks Victoria land, as if it were land vested in Parks Victoria—

S. 94(d)
inserted by
No. 19/2018
s. 80(1)(c).

so far as applicable and with such modifications as are necessary as if the land were a street or road, and in particular, with the modification that in the regulations any reference to a highway

authority is to be read as including a reference to the Secretary, Parks Victoria, the Great Ocean Road Coast and Parks Authority or the Victorian Plantations Corporation (as the case requires).

95 False or misleading statements

- (1) A person must not give to an authorised officer information which is false or misleading.

Penalty: 10 penalty units.

- (2) In proceedings under subsection (1) it is a defence if the person charged proves that the person believed on reasonable grounds that the information was true or not misleading.

S. 95A
inserted by
No. 82/1990
s. 6.

95A Hindering or obstructing forest operations

- (1) A person must not hinder or obstruct—

- (a) another person in the lawful carrying out of forest operations; or
- (b) the lawful carrying out of forest operations.

Penalty: 20 penalty units.

- (2) In this section *forest operations* means—

- (a) the taking of forest produce from Crown land; or
- (b) activities taking place on Crown land and associated with that taking; or
- (c) the taking of timber resources from a State forest; or
- (d) an activity in a State forest associated with the taking of timber resources.

S. 95A(2)(b)
amended by
No. 48/2004
s. 130(1)(a).

S. 95A(2)(c)
inserted by
No. 48/2004
s. 130(1)(b).

S. 95A(2)(d)
inserted by
No. 48/2004
s. 130(1)(b).

(3) In this section—

Crown land includes freehold land, managed land and vested land within the meaning of the **Victorian Plantations Corporation Act 1993**;

S. 95A(3)
inserted by
No. 61/1993
s. 36(h),
substituted by
No. 48/2004
s. 130(2).

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

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

timber resources has the same meaning as it has in the **Sustainable Forests (Timber) Act 2004**.

96 Proceedings for offences

(1) The following persons are authorised to take offence proceedings—

- (a) an authorised officer;
- (b) a police officer;
- (c) a person authorised generally or in a particular case by the Secretary;
- (d) the Victorian Plantations Corporation in relation to freehold land, managed land or vested land within the meaning of the **Victorian Plantations Corporation Act 1993**.

S. 96(1)
amended by
Nos 61/1993
s. 36(i),
87/1994 s. 32,
76/1998
s. 3(1)(z),
69/2004
s. 57(2),
37/2014
s. 10(Sch.
item 26.4),
substituted by
No. 19/2018
s. 81(1).

(1A) If offence proceedings are brought by a person authorised by that subsection to take those proceedings, the proceedings may be conducted before the court by any other person authorised by that subsection to take proceedings of that kind.

S. 96(1A)
inserted by
No. 90/1989
s. 5(a),
amended by
No. 40/2020
s. 5.¹

(2) All courts must take judicial notice of the fact that the Secretary, an authorised officer or person has valid authority to take offence proceedings or conduct proceedings under subsection (1A) as the case requires.

S. 96(2)
amended by
Nos 90/1989
s. 5(b),
76/1998
s. 3(1)(z),
40/2020 s. 5.²

S. 96(3)
amended by
Nos 38/1995
s. 12(c),
106/1995
s. 51(b),
19/2018
s. 81(4).

- (3) This section does not limit the operation of section 50 of the **Royal Botanic Gardens Act 1991** or section 40 of the **Zoological Parks and Gardens Act 1995**.

S. 96(4)
inserted by
No. 19/2018
s. 81(5).

- (4) For the purposes of this section, *offence proceedings* means—
- (a) proceedings for an offence against a relevant law; or
 - (b) proceedings for an associated offence within the meaning of the **Fisheries Act 1995**; or
 - (c) other proceedings provided for in this Act; or
 - (d) proceedings on behalf of the Department, the Secretary or Parks Victoria.

97 Compensation

S. 97(1)
amended by
Nos 96/1994
s. 51(a),
76/1998
s. 3(1)(z),
19/2018
s. 82(1).

- (1) Without limiting section 86 of the **Sentencing Act 1991**, that section applies to an offence under a relevant law as if—

S. 97(1)(a)
amended by
No. 42/2021
s. 44(a).

- (a) the reference in subsection (1) to property included a reference to—
 - (i) Crown land; and
 - (ii) any natural feature on Crown land; and
 - (iii) any road, structure, improvement, facility or thing on Crown land—and also included a reference to property of the Secretary, Parks Victoria for relevant Parks Victoria land or the Great Ocean Road Coast and Parks Authority for land

- controlled and managed by the Authority;
and
- (b) subsection (1) also provided that, on the application of the Secretary, Parks Victoria or the Authority and on being satisfied that the Secretary, Parks Victoria or the Authority has incurred charges, costs or expenses because of the commission of the offence a court may order the person so convicted or released or made the subject of a community correction order to pay such compensation (not exceeding the amount of the charges, costs or expenses incurred) as the court thinks fit; and
- (c) the property or thing mentioned in paragraph (a) of this subsection belonged to the Secretary, Parks Victoria or the Authority (as the case requires); and
- (d) in subsection (1) the reference to any person suffering loss or destruction of or damage to property included a reference to the Secretary, Parks Victoria or the Authority (as the case requires).
- (2) Section 86 of the **Sentencing Act 1991** applies to an offence under a relevant law as if the reference to property in that section included—
- (a) a reference to forest produce; and
- (b) a reference to wildlife within the meaning of the **Wildlife Act 1975**; and
- (c) a reference to fish or protected aquatic biota within the meaning of the **Fisheries Act 1995**.

S. 97(1)(b)
amended by
Nos 57/1989
s. 3(Sch. item
27.4(a)(b)),
76/1998
s. 3(1)(z),
65/2011
s. 107(Sch.
item 1),
19/2018
s. 82(2),
42/2021
s. 44(b).

S. 97(1)(c)
amended by
Nos 76/1998
s. 3(1)(z),
19/2018
s. 82(3),
42/2021
s. 44(c).

S. 97(1)(d)
amended by
Nos 76/1998
s. 3(1)(z),
19/2018
s. 82(3),
42/2021
s. 44(d).

S. 97(2)
amended by
No. 96/1994
s. 51(b).

S. 97(2)(b)
amended by
No. 92/1995
s. 162(1).

S. 97(2)(c)
inserted by
No. 92/1995
s. 162(1).

S. 97(3)
amended by
No. 96/1994
s. 51(a).

(3) For the purpose of section 86 of the **Sentencing Act 1991** as applied by subsections (1) and (2)—

S. 97(3)(a)
amended by
No. 76/1998
s. 3(1)(z).

(a) if the property which has been lost, damaged or destroyed is forest produce a statement in a certificate under the seal of the Secretary as to the amount which the Secretary considers would have been payable by way of royalty if the forest produce had been taken in accordance with a licence granted under a relevant law is evidence of the value of the forest produce; and

S. 97(3)(b)
amended by
No. 76/1998
s. 3(1)(z).

(b) in any other case, a statement in a certificate under the seal of the Secretary as to the value of the property lost damaged or destroyed or as to the amount of charges, costs or expenses incurred is evidence of the value of that property or that amount.

S. 97(4)
amended by
No. 96/1994
s. 51(a).

(4) If under section 86 of the **Sentencing Act 1991** a court may make an order for compensation in relation to an offence against a relevant law where the property lost damaged or destroyed is forest produce, the court instead of making that order, may order the forest produce to be forfeited to the Crown.

98 Action for damages

S. 98(1)
amended by
Nos 76/1998
s. 3(1)(aa)(i),
19/2018
s. 83(1),
42/2021
s. 45(1)(b).

(1) If because of a person's contravention of a relevant law—

S. 98(1)(a)
amended by
Nos 19/2018
s. 83(1),
42/2021
s. 45(1)(a).

(a) the Secretary, Parks Victoria or the Great Ocean Road Coast and Parks Authority incurs charges costs or expenses; or

- (b) property is lost damaged or destroyed—
the Secretary, Parks Victoria or the Authority may recover from that person in a court of competent jurisdiction damages for that contravention.
- (2) If in relation to property mentioned in subsection (3)(b), (c), (d), (e), (f) or (g) the Secretary, Parks Victoria or the Great Ocean Road Coast and Parks Authority would, if the Secretary, Parks Victoria or the Authority owned or occupied the property, have an action for damages or be able to obtain other relief at law or in equity the Secretary, Parks Victoria or the Authority may, on behalf of the Crown, recover those damages or obtain that relief by action in a court of competent jurisdiction.
- (3) In subsection (1) **property** includes any of the following—
- | | |
|---|---|
| (a) property of the Secretary; | S. 98(2) amended by Nos 76/1998 s. 3(1)(aa)(i), 56/2003 s. 6, 19/2018 s. 83(2), 42/2021 s. 45(2). |
| (ab) property of Parks Victoria; | S. 98(3)(a) amended by No. 76/1998 s. 3(1)(aa)(i). |
| (ac) property of the Great Ocean Road Coast and Parks Authority; | S. 98(3)(ab) inserted by No. 19/2018 s. 83(3). |
| (b) crown land; | S. 98(3)(ac) inserted by No. 42/2021 s. 45(3). |
| (c) any natural feature on Crown land; | |
| (d) any road structure improvement facility or thing on Crown land; | |
| (e) forest produce; | |
| (f) wildlife within the meaning of the Wildlife Act 1975 ; | |

S. 98(3)(g)
inserted by
No. 92/1995
s. 162(2).

(g) fish or protected aquatic biota within the meaning of the **Fisheries Act 1995**.

S. 98(4)
amended by
Nos 76/1998
s. 3(1)(aa)(i),
19/2018
s. 83(4),
42/2021
s. 45(4).

(4) The Secretary, Parks Victoria or the Great Ocean Road Coast and Parks Authority may bring an action under subsection (1) or (2) whether or not the person has been charged with an offence in respect of the contravention of a relevant law.

(5) In proceedings under this section relating to property lost damaged or destroyed a court may award damages (not exceeding the value of the property lost damaged or destroyed) which it considers appropriate.

(6) In proceedings under this section in relation to charges, costs and expenses incurred, a court may award damages (not exceeding the amount so incurred) which it considers appropriate.

S. 98(7)
amended by
Nos 76/1998
s. 3(1)(aa)(i),
19/2018
s. 83(1),
42/2021
s. 45(5).

(7) The Secretary, Parks Victoria or the Great Ocean Road Coast and Parks Authority may recover damages in proceedings under this section even though the Secretary, Parks Victoria or the Authority has suffered no actual loss or damage.

(8) In proceedings under this section—

S. 98(8)(a)
amended by
No. 76/1998
s. 3(1)(aa)(i).

(a) if the property is forest produce, a statement in a certificate under the seal of the Secretary as to the amount which the Secretary considers would have been payable by way of royalty if the forest produce had been taken in accordance with a licence granted under a relevant law is evidence that the value of the forest produce is the amount specified in the statement; and

- | | |
|---|---|
| (b) in any other case, a statement in a certificate under the seal of the Secretary or signed by the chief executive officer of Parks Victoria or the Great Ocean Road Coast and Parks Authority as to the value which the Secretary or the chief executive officer of Parks Victoria or the Authority considers to be the value of property or as to the amount of charges, costs or expenses incurred is evidence that the value of the property or amount is as stated in the certificate. | S. 98(8)(b)
amended by
Nos 76/1998
s. 3(1)(aa)(i),
19/2018
s. 83(5),
42/2021
s. 45(6). |
| (9) If the Secretary, Parks Victoria or the Great Ocean Road Coast and Parks Authority seeks damages in respect of charges, costs or expenses incurred by the Secretary, Parks Victoria or the Authority any damages awarded by the court must not exceed the amount of those charges, costs and expenses. | S. 98(9)
amended by
Nos 76/1998
s. 3(1)(aa)(i),
19/2018
s. 83(1),
42/2021
s. 45(7). |
| (10) Nothing in this section affects the Secretary's right, Parks Victoria's right or the Great Ocean Road Coast and Parks Authority's right to apply for and obtain an order for compensation in accordance with section 97 in so far as the claim is not satisfied by recovery of damages under this section. | S. 98(10)
amended by
Nos 76/1998
s. 3(1)(aa)(ii),
19/2018
s. 83(6),
42/2021
s. 45(8). |
| (11) Nothing in this section affects any right of action which the Secretary, Parks Victoria or the Great Ocean Road Coast and Parks Authority or any person has to recover damages. | S. 98(11)
amended by
Nos 76/1998
s. 3(1)(aa)(i),
19/2018
s. 83(4),
42/2021
s. 45(9). |
| (12) This section also applies to freehold land, managed land and vested land within the meaning of the Victorian Plantations Corporation Act 1993 as if it referred to the Victorian Plantations Corporation instead of the Secretary. | S. 98(12)
inserted by
No. 61/1993
s. 36(j),
amended by
No. 76/1998
s. 3(1)(aa)(i). |

99 Regulations

- (1) The Governor in Council may make regulations for or with respect to any of the following matters—
 - (a) any matter with respect to which a Code of Practice may provide, and generally giving effect to Codes of Practice;
 - (b) prescribing forms;
 - (c) prescribing fees;
 - (d) generally prescribing any other matter or thing required or permitted by this Act to be prescribed or necessary to be prescribed to give effect to this Act.
- (2) The regulations—
 - (a) may be of general or limited application; and
 - (b) may differ according to differences in time, place or circumstances; and
 - (c) may leave any matter to be approved or determined by a specified person or body or a specified class of persons or bodies; and
 - (d) may apply or incorporate by reference any documents mentioned in a Code of Practice or formulated in accordance with the regulations or any guidelines prepared under this Act; and
 - (e) may impose penalties not exceeding 10 penalty units for contravention of the regulations.
- (3) The regulations may allow for different amounts of penalties for a fisheries infringement offence according to the circumstances in which the offence is committed, or the extent of the contravention constituting the offence.

S. 99(3)
inserted by
No. 40/2019
s. 98.

(4) In this section—

fisheries infringement offence means an offence against the **Fisheries Act 1995** that is prescribed for the purposes of section 91(1).

S. 99(4)
inserted by
No. 40/2019
s. 98.

100 Governor in Council may amend Schedule 3

- (1) On the recommendation of the Minister the Governor in Council may by Order published in the Government Gazette amend Schedule 3 by—
- (a) deleting an item from the Schedule; or
 - (b) amending an item in the Schedule; or
 - (c) adding an item to the Schedule.
- (2) If the interests of any other Minister may be affected by an amendment to Schedule 3 proposed to be made under this section, the Minister must before making a recommendation to the Governor in Council refer the proposed recommendation to the other interested Ministers.

* * * * *

S. 101
repealed by
No. 57/1989
s. 3(Sch.
item 27.5).

Pt 9A
(Heading and
ss 101, 102)
inserted by
No. 19/2018
s. 84.

Part 9A—Regulations for certain Parks Victoria recorded land

New s. 101
inserted by
No. 19/2018
s. 84.

101 Definitions

In this Part—

other relevant regulation means either of the
following—

- (a) a regulation made under section 13 of
the **Crown Land (Reserves) Act 1978**
or any corresponding previous
enactment to section 13 of that Act;
- (b) a regulation made under section 50(5)
of the **Forests Act 1958**;

recorded land means land which is specified in
the Parks Victoria land record as land in
respect of which regulations may be made
under this section.

New s. 102
inserted by
No. 19/2018
s. 84.

102 Regulation making power for recorded land

- (1) The Governor in Council may make regulations
for any recorded land for or with respect to—
 - (a) the care, protection and management of
any recorded land or any matter or thing in
or on any recorded land or a feature of any
recorded land; and
 - (b) protecting buildings, structures, other
permanent works, facilities and amenities
on any recorded land from damage or
destruction; and
 - (c) regulating or prohibiting the entry of persons
into any recorded land or any area in any
recorded land; and

- (d) the provision of services and facilities on any recorded land or any area in any recorded land and the conditions under which any services or facilities provided are to be available to or used by any person; and
- (e) the carrying out of works and improvements on any recorded land; and
- (f) issuing permits and entering into agreements in relation to any recorded land or any area in any recorded land; and
- (g) regulating or prohibiting—
 - (i) the entry of vehicles and vessels into any recorded land or any area in any recorded land; and
 - (ii) the landing of helicopters and other aircraft in any recorded land or any area in any recorded land; and
- (h) prescribing periods during which persons, animals, vehicles, vessels, helicopters or other aircraft may remain in any recorded land or any area in any recorded land; and
- (i) prescribing—
 - (i) any area in any recorded land in which vehicles may be parked or left standing; and
 - (ii) the periods during which vehicles may be so parked or left standing; and
- (j) the imposition, collection and receipt of fees, tolls, rents or other charges for or in respect of—
 - (i) admitting persons, animals or vehicles to any recorded land or area of any recorded land; and

- (ii) parking vehicles in any recorded land or area of any recorded land; and
 - (iii) any improvement, services or facilities on any recorded land or area of any recorded land; and
 - (iv) permits for the use of any recorded land or area of any recorded land; and
- (k) prohibiting or regulating the use by persons of any recorded land or areas of any recorded land and prescribing conditions to be observed by persons using any recorded land or area; and
- (l) setting aside areas in any recorded land in which specified activities are permitted, regulated or prohibited; and
- (m) prescribing measures to be taken for the safety of persons using any area of recorded land; and
- (n) prohibiting or regulating bringing animals into or allowing animals to enter and remain in any recorded land or any area of any recorded land; and
- (o) providing for any authorised officer to shoot, destroy or seize an animal, if the authorised officer is satisfied on reasonable grounds that—
 - (i) the animal has been brought into or allowed to enter or remain in any recorded land in contravention of regulations under paragraph (n); and
 - (ii) the animal is at large in the recorded land; and
- (p) providing that the power for an authorised officer to shoot or destroy an animal in regulations made under paragraph (o) can be

- exercised without incurring any liability, if the authorised officer shoots or destroys the animal speedily and without causing it unnecessary suffering; and
- (q) providing that the power for an authorised officer to seize an animal in regulations made under paragraph (o) can be exercised without incurring any liability if the authorised officer delivers the animal—
- (i) to a member of council staff of the municipal council within whose municipal district the recorded land is situated; or
 - (ii) to another appropriate person or body; and
- (r) providing for offences for which the owner of an animal, or a person having care or control of an animal, is guilty if the animal is found in any recorded land or any area in any recorded land in contravention of the regulations; and
- (s) prescribing penalties not exceeding 20 penalty units for a breach of or for failing to comply with the regulations.
- (2) Regulations made under subsection (1) may apply to more than one area of recorded land.
- (3) Regulations made under subsection (1) may—
- (a) be of general or limited application; and
 - (b) differ according to differences in time, place or circumstance; and
 - (c) provide in a specified case or class of case for the exemption of any person or thing or a class of person or thing from any of the provisions of the regulations, whether—

- (i) unconditionally or on specified conditions; and
 - (ii) either wholly or to any specified extent; and
 - (d) provide for exemptions from or the reduction, waiver or refund, in whole or in part, of any fee, toll, rent or other charge fixed or imposed; and
 - (e) confer a discretionary authority or impose a duty on a specified person or body, or a specified class of person or body.
- (4) Despite subsection (3)(e), the regulations must not empower any specified person or body, or specified class of persons or bodies, to increase any toll, fee, rent or charge or to introduce any new toll, fee, rent or charge.
- (5) If a regulation made under the power in this section applies to an area of land and there is any other relevant regulation applying to the land that deals with the same matter as the regulation made under this section or that is inconsistent with the regulation made under this section, the other relevant regulation ceases to apply to that area of land for the period that the regulation under this section is in force.

Part 10—Transitional provisions

*	*	*	*	*	Ss 102, 103 repealed by No. 96/1994 s. 52(e).
*	*	*	*	*	Ss 104, 105 repealed by No. 46/1998 s. 7(Sch. 1).
*	*	*	*	*	S. 106 repealed by No. 76/1998 s. 3(1)(ab).

107 References

In—

- (a) an Act other than this Act; or
- (b) a subordinate instrument made under an Act other than this Act; or
- (c) a document—

a reference—

- (d) to the Director-General of Conservation, Forests and Lands is at the commencement of this section to be treated as a reference to the body corporate established under Part 2 of this Act; and
- (e) to the Ministry for Conservation is at the date of commencement of this section to be treated as a reference to the Department; and
- (f) to a former authority is at the date of commencement of this section to be treated as a reference to the Director-General; and

S. 107
amended by
No. 96/1994
s. 52(d).

- (g) to an officer or employee of, or employed for the purposes of a former authority is at the date of commencement of this section to be treated as a reference to an officer or employee of, or employed for the purposes of, the Director-General; and
- (h) to a bailiff or a bailiff of Crown land is at the date of commencement of this section is to be treated as a reference to an authorised officer for the purposes of the **Land Act 1958**; and
- (i) to an inspector under the **Fisheries Act 1968** is at the date of commencement of this section to be treated as a reference to an authorised officer for the purposes of the **Fisheries Act 1968**; and
- (j) to a forest officer is at the date of commencement of this section to be treated as a reference to an authorised officer for the purposes of the **Forests Act 1958**; and
- (k) to a wildlife officer is at the date of commencement of this section to be treated as a reference to an authorised officer for the purposes of the **Wildlife Act 1975**.

108 Staff

- (1) The persons who immediately before the date of commencement of this section held office under the **Public Service Act 1974** for the purposes of a relevant law, being a law under which a former authority was established, continue from the date of commencement of this section and subject to the **Public Service Act 1974** to be officers for the purposes of that relevant law.

- (2) The persons who immediately before the date of commencement of this section were officers and employees under the **Public Service Act 1974** for the purposes of a former authority continue from that date and subject to the **Public Service Act 1974** to be officers and employees for the purposes of the Director-General.
- (3) The persons who immediately before the commencement of this section were officers and employees for the purposes of the **Ministry for Conservation Act 1972** continue subject to the **Public Service Act 1974** to be officers and employees in the Department.
- (4) The employees who immediately before the date of commencement of this section were employees of the Superintendent of Vermin and Noxious Weeds Destruction become on that date employees of the Director-General.
- (5) The terms and conditions of employment (including classification, salary, accrued benefits and entitlements, and long service leave) of a person to whom subsection (1), (2), (3) or (4) apply are to be no less favourable than the terms and conditions on which the person was employed immediately before the date of commencement of this section.
- (6) An officer or an employee to whom subsection (1), (2), (3) or (4) applies and who—
 - (a) was immediately before the commencement of this section an officer within the meaning of the **State Superannuation Act 1988**, continues from the date of commencement of this section to be such an officer; or

S. 108(6)(a)
amended by
No. 50/1988
s. 93(2)
(Sch. 2 Pt 2
item 5) (as
amended by
No. 81/1988
s. 34(a)).

(b) was immediately before the commencement of this section a permanent employee within the meaning of the **Local Authorities Superannuation Act 1958** or the **State Employees Retirement Benefits Act 1979**, continues from the date of commencement of this section to be such a permanent employee—

despite anything to the contrary in this Act or those Acts.

- (7) For the purposes of this section the terms and conditions of employment relating to long service leave or sick leave (whether determined by an Act or subordinate instrument or otherwise), service as an officer or employee of a former authority are to be treated as service of an officer or employee of the Director-General.
- (8) In relation to persons transferred to the employment of the Director-General under this section, the Director-General has powers of employment and dismissal and the power to determine terms and conditions of employment.

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Ss 109, 110
repealed by
No. 76/1998
s. 3(1)(ab).

111 Accounts

- (1) All moneys standing to the credit of the Forests Stores Suspense Account under the **Forests Act 1958** immediately before the date of commencement of this section must at that date be credited to the Conservation, Forests and Land Stores Suspense Account under this Act.

- (2) All moneys standing to the credit of the Forests Plant and Machinery Fund under the **Forests Act 1958** must at that date be credited to the Conservation, Forests and Lands Plant and Machinery Fund under this Act.
- (3) All liabilities of an account from which moneys are credited under subsection (1) or subsection (2) that have not been met before the date of commencement of this section must be met out of the account into which the moneys are credited under this section, and any claim, which may have been made against such an account before that date may from that date be made against the account to which those moneys are so credited.
- (4) In—
 - (a) an Act other than this Act; or
 - (b) a subordinate instrument made under an Act other than this Act; or
 - (c) a document—
a reference—
 - (d) to the Forests Stores Suspense Account is at the date of commencement of this section to be treated as a reference to the Conservation, Forests and Land Stores Suspense Account; and
 - (e) to the Forests Plant and Machinery Fund is at the date of commencement of this section to be treated as a reference to the Conservation, Forests and Lands Plant and Machinery Fund.

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**Ss 112, 113
repealed by
No. 52/1994
s. 97(Sch. 3
items 4.3, 4.4).**

114 Continuation of section 94A of the Forests Act 1958

If before the date of commencement of item 24.107 of Schedule 4—

- (a) an advance was made; or
- (b) an agreement was entered into; or
- (c) a caveat was lodged—

under section 94A of the **Forests Act 1958**, that section as in force immediately before the date of commencement of that item continues to apply on and after that date to that advance, agreement or caveat, despite the repeal of that section by this Act.

S. 115
repealed by
No. 76/1998
s. 3(1)(ab).

* * * *

S. 116
amended by
Nos 52/1994
s. 97(Sch. 3
item 4.5),
96/1994
s. 52(e),
repealed by
No. 57/1995
s. 32(5).

* * * *

117 Bodies not affected by change in constitution

A change made by this Part of Schedule 4 in the constitution of a body constituted by or under an Act does not affect—

- (a) the body's existence; or
- (b) the body's identity; or
- (c) the body's functions, powers, property, rights, liabilities or obligations; or
- (d) any legal or other proceedings by or against the body.

119 References to the Secretary

The repeal of section 6(6) and (7) by section 3 of the **Conservation, Forests and Lands (Miscellaneous Amendments) Act 1998** does not affect the operation of those provisions in relation to any document (other than an Act) existing immediately before the commencement of that section.

S. 119
inserted by
No. 76/1998
s. 4.

120 Saving and transitional provisions—appointments and delegations

If immediately before the commencement of the **Fisheries (Amendment) Act 2003** there was in force—

- (a) an appointment of an authorised officer under section 83 for the purposes of the **Fisheries Act 1995**; or
- (b) a delegation under section 11(2) by the body corporate established under Part 2 of a power, function or duty under the **Fisheries Act 1995**—

that appointment or delegation continues in force subject to this Act and the **Fisheries Act 1995** as if it were an appointment or delegation made by the Secretary to the Department of Primary Industries.

S. 120
inserted by
No. 56/2003
s. 7.

121 Saving of appointments of authorised officers—Sustainable Forests (Timber) Act 2004

The amendment of section 83(1) by the **Sustainable Forests (Timber) Act 2004** does not affect the appointment of any authorised officer under that section and in existence immediately before the commencement of section 129 of that Act.

S. 121
inserted by
No. 48/2004
s. 131.

S. 122
inserted by
No. 48/2004
s. 131.

122 Codes of Practice—Sustainable Forests (Timber) Act 2004

The Code of Forest Practices for Timber Production—Revision No. 2 November 1996 and the Code of Practice for Fire Management on Public Land, as made under Part 5 and in force immediately before the substitution of Part 5 by section 128 of the **Sustainable Forests (Timber) Act 2004** are deemed, on and from that commencement to have been made under Part 5 as substituted by that Act and may be varied or revoked accordingly.

S. 123
inserted by
No. 62/2010
s. 108.

123 Transitional provision—Traditional Owner Settlement Act 2010

- (1) Division 5A does not apply to a Traditional Owner Land Management Board in existence before the commencement of section 106 of the **Traditional Owner Settlement Act 2010**, unless—
- (a) the Minister makes a determination that the Division applies; and
 - (b) varies the determination under section 82B establishing the Board to specify the matters set out in section 82B(5)(ba).
- (2) For the purposes of subsection (1)(b) the Minister may vary a determination made under section 82B.

S. 124
inserted by
No. 19/2018
s. 85.

124 Transitional provision—delegation of powers and functions under section 11(3A), (3AA), (3B) or (3C)

Any delegation made under section 11(3A), (3AA), (3B) or (3C) which is in effect immediately before the commencement of the **Parks Victoria Act 2018** is revoked on and from that commencement.

Schedules

Schedule 1

Alpine Resorts Act 1983.

Alpine Resorts (Management) Act 1997.

Catchment and Land Protection Act 1994.

Climate Change Act 2010.

Crown Land (Reserves) Act 1978.

Fisheries Act 1968.

Fisheries Act 1995.

Flora and Fauna Guarantee Act 1988.

Forests Act 1958.

Great Ocean Road and Environs Protection Act 2020.

Heritage Rivers Act 1992.

Land Act 1958.

Land Conservation (Vehicle Control) Act 1972.

Marine and Coastal Act 2018.

Melbourne (Yarra Park) Land Act 1980.

National Parks Act 1975.

Reference Areas Act 1978.

Safety on Public Land Act 2004.

Sustainable Forests (Timber) Act 2004.

Part 2 of the Victoria Racing Club Act 2006.

Victorian Plantations Corporation Act 1993.

Part 4 and section 184(2) and (3) of the Water Industry Act 1994.

Wildlife Act 1975.

S. 3(1).
Sch. 1
amended by
Nos 47/1988
s. 71(Sch. 4
item 1(a)(b)),
36/1992 s. 19,
61/1993
s. 36(k),
52/1994
s. 97(Sch. 3
items 4.6, 4.7),
8/1995
s. 41(b),
92/1995
s. 162(3) (as
amended by
No. 5/1997
s. 49), 89/1997
s. 71, 66/2000
s. 34, 48/2004
s. 132,
109/2004 s. 23,
40/2006 s. 42,
89/2009 s. 16,
54/2010 s. 76,
43/2012
s. 3(Sch.
item 7),
26/2018
s. 89(5),
19/2020 s. 83,
42/2021 s. 46.

Conservation, Forests and Lands Act 1987
No. 41 of 1987
Schedule 1A

S. 3(1).
Sch. 1A
inserted by
No. 38/1995
s. 12(d),
amended by
Nos 106/1995
s. 51(c),
58/2017 s. 53.

Schedule 1A

Caulfield Racecourse Reserve Act 2017.

Royal Botanic Gardens Act 1991.

Zoological Parks and Gardens Act 1995.

**Schedule 2—Provisions relating to
membership and procedure of committees
and Councils**

S. 12(4).
Sch. 2
amended by
No. 76/1998
s. 3(1)(ac).

1. Questions arising at a meeting of a committee are to be determined by a majority of votes of the members present and voting.
2. (1) The Minister may appoint a member of a committee to be the Convenor of the committee and that person is to preside at meetings of the committee at which the person is present.
(2) In the absence of the Convenor at any meeting of a committee, the members present are to appoint one of their number to preside at that meeting.
3. The Convenor or member presiding at a meeting of a committee is to have a deliberate vote and, in the event of an equality of votes, a second or casting vote.
4. A majority of members of a committee form a quorum and any duly convened meeting at which a quorum is present is competent to transact any business of the committee and has and may exercise all the functions of that committee.
5. The frequency of meetings of a committee, the procedures for the calling of meetings, and the conduct of business at those meetings may, subject to any directions by the Minister, be as determined by the committee.
6. The Convenor of a committee must cause minutes of the proceedings and decisions at each meeting of the committee to be kept and must furnish the Minister and the Secretary with a copy of those minutes as soon as practicable after each meeting.
7. A member of a committee is entitled to receive remuneration and travelling and other allowances determined by the Minister.

Conservation, Forests and Lands Act 1987
No. 41 of 1987
Schedule 2—Provisions relating to
membership and procedure of committees and Councils

8. (1) The Minister may appoint some person to act as the alternate of a member in the case of the illness or other absence from a meeting by a member and the alternate member is to exercise the powers and perform the duties of that member during the member's absence.
- (2) In this Schedule, a reference to a member of the committee includes a reference to the member's alternate member.
9. A committee or the Minister may establish sub-committees (whether or not consisting of members of the committee) for the purposes of advising it upon such matters within the scope of its functions as may be referred to the sub-committees by the committee or the Minister.
10. A member of a committee holds office for the term not exceeding 5 years, specified in the member's instrument of employment, and ceases to hold office—
- (a) if the member is removed from office; or
- (b) when the member's term of office expires; or
- (c) if the member resigns by delivering to the Minister a written resignation signed by the member.
- 10A. A member of a committee who has a direct pecuniary interest in any matter before the committee must not take part in the deliberations on or the deciding of that matter.
11. The provisions of this Schedule apply to a Council or sub-committee as if it were a committee.

Sch. 2
Item 10A
inserted by
No. 47/1988
s. 71(Sch. 4
item 2).

Schedule 3—Works of public authorities

S. 66.

1. Soil and vegetation disturbance above 1220 m elevation above sea level.
2. The annual works programmes of Authorities under the **Water Act 1989** that operate under Division 2, but not Division 3, of Part 10 of that Act.
Sch. 3 cl. 2 amended by No. 81/1989 s. 3(Sch. item 5(a)).
3. Construction of dams, weirs, or other structures, in or across waterways which potentially interfere with the passage of fish, or the quality of aquatic habitat.
Sch. 3 cl. 3 amended by No. 81/1989 s. 3(Sch. item 5(b)).
4. The carrying out of developments within a habitat which has been determined to be a critical habitat under the **Flora and Fauna Guarantee Act 1988**.
Sch. 3 cl. 4 inserted by No. 47/1988 s. 71(Sch. 4 item 3).

Sch. 4
amended by
Nos 26/1988
s. 15, 65/1990
s. 4(1),
52/1994
s. 97(Sch. 3
item 4.8),
repealed by
No. 96/1994
s. 52(e), new
Sch. 4
inserted by
No. 82/2009
s. 39.

Schedule 4—Transitional provisions applying on abolition of Traditional Owner Land Management Boards

1 Definitions

In this Schedule—

old board means a Traditional Owner Land
Management Board that is being abolished
under a determination of the Minister under
section 82G.

2 Transfer of assets etc. on abolition

On the making of a determination under
section 82G—

- (a) any rights, property and assets of the old
board that are specified in the determination
are taken to be vested in the Secretary; and
- (b) any debts, liabilities and obligations of the
old board arising out of any vesting under
paragraph (a) are deemed to be the debts,
liabilities and obligations of the Secretary;
and
- (c) the Secretary is substituted as a party to any
arrangement or contract entered into by or on
behalf of the old board arising out of any
vesting under paragraph (a).

3 Amendment of Register

The Registrar of Titles must make any recordings
in or amendments to the Register under the
Transfer of Land Act 1958 that are necessary
because of the operation of this Schedule.

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.

Minister's second reading speech—

Legislative Assembly: 26 February 1987

Legislative Council: 29 April 1987

The long title for the Bill for this Act was "A Bill to create a body corporate called the Director-General of Conservation, Forests and Lands, to abolish various bodies and transfer their functions to that body corporate, to provide for the administration and enforcement of Acts administered by the Minister for Conservation, Forests and Lands and for other matters concerning land management to make consequential amendments to various Acts and for other purposes."

The **Conservation, Forests and Lands Act 1987** was assented to on 19 May 1987 and came into operation as follows:

Section 113 on 30 June 1987, rest of Act (*except* sections 26(7), 30, Parts 5 and 6, Schedule 4 item 49.9) on 1 July 1987: Government Gazette 24 June 1987 page 1694; Part 5 (sections 31–55) on 10 December 1987: Government Gazette 9 December 1987 page 3328; section 30 on 20 January 1988: Government Gazette 20 January 1988 page 83.

Section 26(7) and Schedule 4 item 49.9 were never proclaimed, repealed by No. 11/1995.

Part 6 (sections 56–65) not yet proclaimed.

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 section or clause of a Schedule is amended by the insertion of one or more subsections or subclauses, the original section or clause becomes subsection or subclause (1) and is amended by the insertion of the expression "(1)" at the beginning of the original section or clause.

Interpretation

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

- **Headings**

All headings included in an Act which is passed on or after 1 January 2001 form part of that Act. Any heading inserted in an Act which was passed before 1 January 2001, by an Act passed on or after 1 January 2001, forms part of that Act. This includes headings to Parts, Divisions or Subdivisions in a Schedule; sections; clauses; items; tables; columns; examples; diagrams; notes or forms. See section 36(1A)(2A).

- **Examples, diagrams or notes**

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

- **Punctuation**

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

- **Provision numbers**

All provision numbers included in an Act form part of that Act, whether inserted in the Act before, on or after 1 January 2001. Provision numbers include section numbers, subsection 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 an Act 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 an Act. See section 36(3)(3D)(3E).

2 Table of Amendments

This publication incorporates amendments made to the **Conservation, Forests and Lands Act 1987** by Acts and subordinate instruments.

Pipelines (Amendment) Act 1988, No. 26/1988

Assent Date: 17.5.88
Commencement Date: S. 15 on 1.7.87: s. 2(2); rest of Act on 30.6.88:
Government Gazette 29.6.88 p. 1896
Current State: All of Act in operation

Flora and Fauna Guarantee Act 1988, No. 47/1988

Assent Date: 24.5.88
Commencement Date: Ss 1–4, 8, 11, 69 on 24.5.88: s. 2(1); rest of Act on
25.9.88: Special Gazette (No. 81) 25.9.88 p. 1
Current State: All of Act in operation

State Superannuation Act 1988, No. 50/1988 (as amended by No. 81/1988)

Assent Date: 24.5.88
Commencement Date: S. 93(2)(Sch. 2 item 5) on 1.7.88: Government Gazette
1.6.88 p. 1487
Current State: This information relates only to the provision/s
amending the **Conservation, Forests and Lands
Act 1987**

Local Government (Consequential Provisions) Act 1989, No. 12/1989

Assent Date: 9.5.89
Commencement Date: S. 4(1)(Sch. 2 item 16.1) on 1.11.89: Government
Gazette 1.11.89 p. 2798
Current State: This information relates only to the provision/s
amending the **Conservation, Forests and Lands
Act 1987**

Transfer of Land (Computer Register) Act 1989, No. 18/1989

Assent Date: 16.5.89
Commencement Date: 3.2.92: Government Gazette 18.12.91 p. 3488
Current State: All of Act in operation

Road Safety (Miscellaneous Amendments) Act 1989, No. 53/1989

Assent Date: 14.6.89
Commencement Date: S. 22(2) on 19.6.89: Special Gazette (No. 32) 15.6.89
p. 1
Current State: This information relates only to the provision/s
amending the **Conservation, Forests and Lands
Act 1987**

Magistrates' Court (Consequential Amendments) Act 1989, No. 57/1989

Assent Date: 14.6.89
Commencement Date: S. 4(1)(a)–(e)(2) on 1.9.89: Government Gazette
30.8.89 p. 2210; rest of Act on 1.9.90: Government
Gazette 25.7.90 p. 2217
Current State: All of Act in operation

Conservation, Forests and Lands Act 1987
No. 41 of 1987
Endnotes

Penalty Interest Rates (Amendment) Act 1989, No. 58/1989

Assent Date: 22.8.89
Commencement Date: 22.8.89
Current State: All of Act in operation

Water (Consequential Amendments) Act 1989, No. 81/1989

Assent Date: 5.12.89
Commencement Date: 1.11.90: Government Gazette 15.8.90 p. 2473
Current State: All of Act in operation

Conservation, Forest and Lands Acts (Amendment) Act 1989, No. 90/1989

Assent Date: 5.12.89
Commencement Date: Pts 1, 2, 4; ss 9, 16, 17 on 5.12.89: s. 2(1); Pt 3 (*except* s. 9) on 16.11.89: s. 2(2); s. 18(2) on 19.4.88: s. 2(3); ss 11–15, 18(1) on 3.10.90: Special Gazette (No. 47) 3.10.90 p. 1
Current State: All of Act in operation

Victorian Public Offices Corporation (Repeal) Act 1990, No. 65/1990

Assent Date: 20.11.90
Commencement Date: 20.11.90
Current State: All of Act in operation

Forests (Timber Harvesting) Act 1990, No. 82/1990

Assent Date: 11.12.90
Commencement Date: 11.12.90
Current State: All of Act in operation

Heritage Rivers Act 1992, No. 36/1992

Assent Date: 16.6.92
Commencement Date: S. 19 on 10.9.92: Government Gazette 9.9.92 p. 2635
Current State: This information relates only to the provision/s amending the **Conservation, Forests and Lands Act 1987**

Crown Land Acts (Amendment) Act 1993, No. 48/1993

Assent Date: 1.6.93
Commencement Date: 1.6.93
Current State: All of Act in operation

Victorian Plantations Corporation Act 1993, No. 61/1993

Assent Date: 8.6.93
Commencement Date: Ss 1–3 on 8.6.93: s. 2(1); rest of Act on 1.7.93: Government Gazette 24.6.93 p. 1596
Current State: All of Act in operation

Mineral Resources Development (Amendment) Act 1993, No. 86/1993

Assent Date: 3.11.93
Commencement Date: S. 39 on 17.1.94: Government Gazette 16.12.93 p. 3317
Current State: This information relates only to the provision/s amending the **Conservation, Forests and Lands Act 1987**

Conservation, Forests and Lands Act 1987
No. 41 of 1987
Endnotes

Financial Management (Consequential Amendments) Act 1994, No. 31/1994
(as amended by No. 43/1995)

Assent Date: 31.5.94
Commencement Date: S. 3(Sch. 1 items 12.1, 12.2) on 7.7.94: Government Gazette 7.7.94 p. 1878—see **Interpretation of Legislation Act 1984**
Current State: This information relates only to the provision/s amending the **Conservation, Forests and Lands Act 1987**

Catchment and Land Protection Act 1994, No. 52/1994

Assent Date: 15.6.94
Commencement Date: Ss 1, 2 on 15.6.94: s. 2(1); ss 3–5, Pt 2 (ss 6–19), Sch. 1 on 30.9.94: Government Gazette 29.9.94 p. 2306; rest of Act on 15.12.94: s. 2(3)
Current State: All of Act in operation

Fisheries (Amendment) Act 1994, No. 87/1994

Assent Date: 6.12.94
Commencement Date: Ss 1, 2, 4–6, 12(1), 13, 19–26, 28–34 on 6.12.94: s. 2(1); rest of Act on 30.3.95: Government Gazette 30.3.95 p. 694
Current State: All of Act in operation

Crown Lands Acts (Amendment) Act 1994, No. 96/1994

Assent Date: 13.12.94
Commencement Date: Pt 4 (ss 49–52) on 26.1.95: Government Gazette 26.1.95 p. 163
Current State: This information relates only to the provision/s amending the **Conservation, Forests and Lands Act 1987**

Project Development and Construction Management Act 1994, No. 101/1994

Assent Date: 13.12.94
Commencement Date: S. 65 on 22.5.95: Government Gazette 18.5.95 p. 1180
Current State: This information relates only to the provision/s amending the **Conservation, Forests and Lands Act 1987**

Coastal Management Act 1995, No. 8/1995

Assent Date: 26.4.95
Commencement Date: S. 41 on 6.7.95: Government Gazette 6.7.95 p. 1698
Current State: This information relates only to the provision/s amending the **Conservation, Forests and Lands Act 1987**

Statute Law Revision Act 1995, No. 11/1995³

Assent Date: 26.4.95
Commencement Date: S. 3(2)(Sch. 2) on 26.4.95: s. 2
Current State: All of Act in operation

Conservation, Forests and Lands Act 1987
No. 41 of 1987
Endnotes

Royal Botanic Gardens and Victorian Conservation Trust (Amendment) Act 1995, No. 38/1995

Assent Date: 6.6.95
Commencement Date: 6.6.95
Current State: All of Act in operation

National Parks (Yarra Ranges and Other Amendments) Act 1995, No. 57/1995

Assent Date: 20.6.95
Commencement Date: S. 32(5) on 3.8.95: Government Gazette 3.8.95 p. 2013
Current State: This information relates only to the provision/s amending the **Conservation, Forests and Lands Act 1987**

Extractive Industries Development Act 1995, No. 67/1995

Assent Date: 17.10.95
Commencement Date: S. 58(Sch. 1 item 4) on 1.6.96: Special Gazette (No. 60) 31.5.96 p. 4
Current State: This information relates only to the provision/s amending the **Conservation, Forests and Lands Act 1987**

Fisheries Act 1995, No. 92/1995 (as amended by No. 5/1997)

Assent Date: 5.12.95
Commencement Date: S. 162 on 18.12.97: Government Gazette 18.12.97 p. 3613
Current State: This information relates only to the provision/s amending the **Conservation, Forests and Lands Act 1987**

Zoological Parks and Gardens Act 1995, No. 106/1995

Assent Date: 5.12.95
Commencement Date: S. 51(a)–(c) on 30.4.96: Special Gazette (No. 45) 30.4.96 p. 1.
Current State: This information relates only to the provision/s amending the **Conservation, Forests and Lands Act 1987**

Taxation Administration Act 1997, No. 40/1997

Assent Date: 3.6.97
Commencement Date: S. 138(Sch. 2 item 5) on 1.7.97: Government Gazette 12.6.97 p. 1330
Current State: This information relates only to the provision/s amending the **Conservation, Forests and Lands Act 1987**

Wildlife (Amendment) Act 1997, No. 87/1997

Assent Date: 2.12.97
Commencement Date: Pt 3 (ss 43–45) on 21.3.98: Government Gazette 12.3.98 p. 520
Current State: This information relates only to the provision/s amending the **Conservation, Forests and Lands Act 1987**

Conservation, Forests and Lands Act 1987
No. 41 of 1987
Endnotes

Alpine Resorts (Management) Act 1997, No. 89/1997

Assent Date: 9.12.97
Commencement Date: S. 71 on 30.4.98: Government Gazette 30.4.98 p. 926
Current State: This information relates only to the provision/s amending the **Conservation, Forests and Lands Act 1987**

Audit (Amendment) Act 1997, No. 93/1997

Assent Date: 6.12.97
Commencement Date: S. 28(Sch. item 6) on 1.7.98: s. 2(2)
Current State: This information relates only to the provision/s amending the **Conservation, Forests and Lands Act 1987**

Victorian Plantations Corporation (Amendment) Act 1998, No. 35/1998

Assent Date: 19.5.98
Commencement Date: S. 13 on 26.6.98: Government Gazette 25.6.98 p. 1561
Current State: This information relates only to the provision/s amending the **Conservation, Forests and Lands Act 1987**

Parks Victoria Act 1998, No. 44/1998

Assent Date: 26.5.98
Commencement Date: S. 26 on 3.7.98: Government Gazette 2.7.98 p. 1690
Current State: This information relates only to the provision/s amending the **Conservation, Forests and Lands Act 1987**

Public Sector Reform (Miscellaneous Amendments) Act 1998, No. 46/1998

Assent Date: 26.5.98
Commencement Date: S. 7(Sch. 1) on 1.7.98: s. 2(2)
Current State: This information relates only to the provision/s amending the **Conservation, Forests and Lands Act 1987**

Tribunals and Licensing Authorities (Miscellaneous Amendments) Act 1998, No. 52/1998

Assent Date: 2.6.98
Commencement Date: S. 311(Sch. 1 item 15) on 1.7.98: Government Gazette 18.6.98 p. 1512
Current State: This information relates only to the provision/s amending the **Conservation, Forests and Lands Act 1987**

National Parks (Amendment) Act 1998, No. 70/1998

Assent Date: 4.11.98
Commencement Date: S. 15 on 15.4.99: Government Gazette 15.4.99 p. 838
Current State: This information relates only to the provision/s amending the **Conservation, Forests and Lands Act 1987**

Conservation, Forests and Lands Act 1987
No. 41 of 1987
Endnotes

**Conservation, Forests and Lands (Miscellaneous Amendments) Act 1998,
No. 76/1998** (as amended by No. 74/2000)

Assent Date: 10.11.98
Commencement Date: Ss 3, 4 on 15.12.98: s. 2(5)
Current State: This information relates only to the provision/s
amending the **Conservation, Forests and Lands
Act 1987**

Transfer of Land (Single Register) Act 1998, No. 85/1998 (as amended by
No. 76/1998)

Assent Date: 17.11.98
Commencement Date: S. 24(Sch. item 12) on 1.1.99: s. 2(3)
Current State: This information relates only to the provision/s
amending the **Conservation, Forests and Lands
Act 1987**

Water Industry (Amendment) Act 2000, No. 66/2000

Assent Date: 8.11.00
Commencement Date: Ss 33, 34 on 1.12.01: s. 2(4)
Current State: This information relates only to the provision/s
amending the **Conservation, Forests and Lands
Act 1987**

Corporations (Consequential Amendments) Act 2001, No. 44/2001

Assent Date: 27.6.01
Commencement Date: S. 3(Sch. item 22) on 15.7.01: s. 2
Current State: This information relates only to the provision/s
amending the **Conservation, Forests and Lands
Act 1987**

Statute Law Further Amendment (Relationships) Act 2001, No. 72/2001

Assent Date: 7.11.01
Commencement Date: S. 3(Sch. item 3) on 20.12.01: Government Gazette
20.12.01 p. 3127
Current State: This information relates only to the provision/s
amending the **Conservation, Forests and Lands
Act 1987**

Fisheries (Amendment) Act 2003, No. 56/2003

Assent Date: 16.6.03
Commencement Date: Ss 5–7 on 17.6.03: s. 2
Current State: This information relates only to the provision/s
amending the **Conservation, Forests and Lands
Act 1987**

Forests and National Parks Acts (Amendment) Act 2003, No. 97/2003

Assent Date: 2.12.03
Commencement Date: S. 6 on 3.12.03: s. 2
Current State: This information relates only to the provision/s
amending the **Conservation, Forests and Lands
Act 1987**

Conservation, Forests and Lands Act 1987
No. 41 of 1987
Endnotes

Sustainable Forests (Timber) Act 2004, No. 48/2004

Assent Date: 16.6.04
Commencement Date: Ss 127–129, 131, 132 on 17.6.04: s. 2(1); s. 130 on 1.8.04: Government Gazette 29.7.04 p. 2120
Current State: This information relates only to the provision/s amending the **Conservation, Forests and Lands Act 1987**

Primary Industries Legislation (Further Miscellaneous Amendments) Act 2004, No. 69/2004

Assent Date: 19.10.04
Commencement Date: S. 57 on 20.10.04: s. 2(1)
Current State: This information relates only to the provision/s amending the **Conservation, Forests and Lands Act 1987**

Public Administration Act 2004, No. 108/2004

Assent Date: 21.12.04
Commencement Date: S. 117(1)(Sch. 3 item 39) on 5.4.05: Government Gazette 31.3.05 p. 602
Current State: This information relates only to the provision/s amending the **Conservation, Forests and Lands Act 1987**

Safety on Public Land Act 2004, No. 109/2004

Assent Date: 21.12.04
Commencement Date: S. 23 on 22.12.04: s. 2
Current State: This information relates only to the provision/s amending the **Conservation, Forests and Lands Act 1987**

Infringements (Consequential and Other Amendments) Act 2006, No. 32/2006

Assent Date: 13.6.06
Commencement Date: S. 94(Sch. item 7) on 1.7.06: Government Gazette 29.6.06 p. 1315
Current State: This information relates only to the provision/s amending the **Conservation, Forests and Lands Act 1987**

Victoria Racing Club Act 2006, No. 40/2006

Assent Date: 20.6.06
Commencement Date: S. 42 on 1.8.06: Government Gazette 27.7.06 p. 1534
Current State: This information relates only to the provision/s amending the **Conservation, Forests and Lands Act 1987**

Public Sector Acts (Further Workplace Protection and Other Matters) Act 2006, No. 80/2006

Assent Date: 10.10.06
Commencement Date: S. 26(Sch. item 19) on 11.10.06: s. 2(1)
Current State: This information relates only to the provision/s amending the **Conservation, Forests and Lands Act 1987**

Conservation, Forests and Lands Act 1987
No. 41 of 1987
Endnotes

Water (Governance) Act 2006, No. 85/2006

Assent Date: 17.10.06
Commencement Date: S. 160 on 21.12.06: Government Gazette 21.12.06 p. 2768
Current State: This information relates only to the provision/s amending the **Conservation, Forests and Lands Act 1987**

Relationships Act 2008, No. 12/2008

Assent Date: 15.4.08
Commencement Date: S. 73(1)(Sch. 1 item 8) on 1.12.08: s. 2(2)
Current State: This information relates only to the provision/s amending the **Conservation, Forests and Lands Act 1987**

Relationships Amendment (Caring Relationships) Act 2009, No. 4/2009

Assent Date: 10.2.09
Commencement Date: S. 37(Sch. 1 item 6) on 1.12.09: s. 2(2)
Current State: This information relates only to the provision/s amending the **Conservation, Forests and Lands Act 1987**

Resources Industry Legislation Amendment Act 2009, No. 6/2009

Assent Date: 3.3.09
Commencement Date: S. 47 on 1.1.10: s. 2(2)
Current State: This information relates only to the provision/s amending the **Conservation, Forests and Lands Act 1987**

Crown Land Acts Amendment (Lease and Licence Terms) Act 2009, No. 40/2009

Assent Date: 5.8.09
Commencement Date: Ss 50, 51 on 6.8.09: s. 2(1)
Current State: This information relates only to the provision/s amending the **Conservation, Forests and Lands Act 1987**

Criminal Procedure Amendment (Consequential and Transitional Provisions) Act 2009, No. 68/2009

Assent Date: 24.11.09
Commencement Date: S. 97(Sch. item 24) on 1.1.10: Government Gazette 10.12.09 p. 3215
Current State: This information relates only to the provision/s amending the **Conservation, Forests and Lands Act 1987**

Parks and Crown Land Legislation Amendment (River Red Gums) Act 2009, No. 82/2009

Assent Date: 8.12.09
Commencement Date: Ss 37–39 on 1.1.10: Government Gazette 17.12.09 p. 3338
Current State: This information relates only to the provision/s amending the **Conservation, Forests and Lands Act 1987**

Conservation, Forests and Lands Act 1987
No. 41 of 1987
Endnotes

Melbourne Cricket Ground and Yarra Park Amendment Act 2009, No 89/2009

Assent Date: 15.12.09
Commencement Date: S. 16 on 15.3.10: s. 2(2)
Current State: This information relates only to the provision/s amending the **Conservation, Forests and Lands Act 1987**

Transport Integration Act 2010, No. 6/2010 (as amended by No. 45/2010)

Assent Date: 2.3.10
Commencement Date: S. 25(5)(Sch. 2 item 2) on 1.7.10: Special Gazette (No. 256) 30.6.10 p. 1
Current State: This information relates only to the provision/s amending the **Conservation, Forests and Lands Act 1987**

Climate Change Act 2010, No. 54/2010

Assent Date: 14.9.10
Commencement Date: S. 76 on 1.7.11: s. 2(2)
Current State: This information relates only to the provision/s amending the **Conservation, Forests and Lands Act 1987**

Traditional Owner Settlement Act 2010, No. 62/2010

Assent Date: 21.9.10
Commencement Date: Ss 95–108 on 23.9.10: Special Gazette (No. 382) 22.9.10 p. 1
Current State: This information relates only to the provision/s amending the **Conservation, Forests and Lands Act 1987**

Statute Law Revision Act 2011, No. 29/2011

Assent Date: 21.6.11
Commencement Date: S. 3(Sch. 1 item 16) on 22.6.11: s. 2(1)
Current State: This information relates only to the provision/s amending the **Conservation, Forests and Lands Act 1987**

Sentencing Amendment (Community Correction Reform) Act 2011, No. 65/2011

Assent Date: 22.11.11
Commencement Date: S. 107(Sch. item 1) on 16.1.12: Special Gazette (No. 423) 21.12.11 p. 3
Current State: This information relates only to the provision/s amending the **Conservation, Forests and Lands Act 1987**

Statute Law Revision Act 2012, No. 43/2012

Assent Date: 27.6.12
Commencement Date: S. 3(Sch. item 7) on 28.6.12: s. 2(1)
Current State: This information relates only to the provision/s amending the **Conservation, Forests and Lands Act 1987**

Conservation, Forests and Lands Act 1987
No. 41 of 1987
Endnotes

Workplace Injury Rehabilitation and Compensation Act 2013, No. 67/2013
(as amended by No. 44/2014)

Assent Date: 12.11.13
Commencement Date: S. 649(Sch. 9 item 4) on 1.7.14: s. 2(1)
Current State: This information relates only to the provision/s
amending the **Conservation, Forests and Lands
Act 1987**

Game Management Authority Act 2014, No. 24/2014

Assent Date: 8.4.14
Commencement Date: Ss 77–80 on 1.7.14: s. 2(2)
Current State: This information relates only to the provision/s
amending the **Conservation, Forests and Lands
Act 1987**

**Victoria Police Amendment (Consequential and Other Matters) Act 2014,
No. 37/2014**

Assent Date: 3.6.14
Commencement Date: S. 10(Sch. item 26) on 1.7.14: Special Gazette
(No. 200) 24.6.14 p. 2
Current State: This information relates only to the provision/s
amending the **Conservation, Forests and Lands
Act 1987**

Water Amendment (Flood Mitigation) Act 2014, No. 53/2014

Assent Date: 12.8.14
Commencement Date: S. 8 on 1.3.15: s. 2(2)
Current State: This information relates only to the provision/s
amending the **Conservation, Forests and Lands
Act 1987**

Statute Law Revision Act 2015, No. 21/2015

Assent Date: 16.6.15
Commencement Date: S. 3(Sch. 1 item 13) on 1.8.15: s. 2(1)
Current State: This information relates only to the provision/s
amending the **Conservation, Forests and Lands
Act 1987**

Crown Land Legislation Amendment Act 2016, No. 51/2016

Assent Date: 18.10.16
Commencement Date: Ss 3–6 on 19.10.16: s. 2
Current State: This information relates only to the provision/s
amending the **Conservation, Forests and Lands
Act 1987**

Victorian Fisheries Authority Act 2016, No. 68/2016

Assent Date: 15.11.16
Commencement Date: Ss 160, 176 on 1.7.17: s. 2(2)
Current State: This information relates only to the provision/s
amending the **Conservation, Forests and Lands
Act 1987**

Conservation, Forests and Lands Act 1987
No. 41 of 1987
Endnotes

Yarra River Protection (Wilip-gin Birrarung murrn) Act 2017, No. 49/2017

Assent Date: 26.9.17
Commencement Date: Ss 71, 72 on 1.12.17: s. 2(3)
Current State: This information relates only to the provision/s amending the **Conservation, Forests and Lands Act 1987**

Parks and Crown Land Legislation Amendment Act 2017, No. 53/2017

Assent Date: 24.10.17
Commencement Date: Ss 3–8 on 15.12.17: Special Gazette (No. 433) 12.12.17 p. 1
Current State: This information relates only to the provision/s amending the **Conservation, Forests and Lands Act 1987**

Caulfield Racecourse Reserve Act 2017, No. 58/2017

Assent Date: 22.11.17
Commencement Date: S. 53 on 1.8.18: s. 2(3)
Current State: This information relates only to the provision/s amending the **Conservation, Forests and Lands Act 1987**

Planning and Environment Amendment (Distinctive Areas and Landscapes) Act 2018, No. 17/2018

Assent Date: 29.5.18
Commencement Date: Ss 8, 9 on 30.5.18: s. 2
Current State: This information relates only to the provision/s amending the **Conservation, Forests and Lands Act 1987**

Parks Victoria Act 2018, No. 19/2018

Assent Date: 5.6.18
Commencement Date: Ss 56–85 on 12.9.18: Special Gazette (No. 386) 21.8.18 p. 1
Current State: This information relates only to the provision/s amending the **Conservation, Forests and Lands Act 1987**

Marine and Coastal Act 2018, No. 26/2018

Assent Date: 26.6.18
Commencement Date: S. 89 on 1.8.18: Special Gazette (No. 337) 17.7.18 p. 1
Current State: This information relates only to the provision/s amending the **Conservation, Forests and Lands Act 1987**

Primary Industries Legislation Amendment Act 2019, No. 40/2019

Assent Date: 6.11.19
Commencement Date: S. 98 on 1.2.20: s. 2(2)
Current State: This information relates only to the provision/s amending the **Conservation, Forests and Lands Act 1987**

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Great Ocean Road and Environs Protection Act 2020, No. 19/2020

Assent Date: 23.6.20
Commencement Date: Ss 79–83 on 1.12.20: s. 2(2)
Current State: This information relates only to the provision/s amending the **Conservation, Forests and Lands Act 1987**

Parks and Crown Land Legislation Amendment Act 2020, No. 40/2020

Assent Date: 1.12.20
Commencement Date: Ss 3–5 on 15.12.20: Special Gazette (No. 666) 15.12.20 p. 1
Current State: This information relates only to the provision/s amending the **Conservation, Forests and Lands Act 1987**

Forests Legislation Amendment (Compliance and Enforcement) Act 2021, No. 38/2021

Assent Date: 12.10.21
Commencement Date: Ss 23–25 on 1.3.22: s. 2(2)
Current State: This information relates only to the provision/s amending the **Conservation, Forests and Lands Act 1987**

Great Ocean Road and Environs Protection Amendment Act 2021, No. 42/2021

Assent Date: 19.10.21
Commencement Date: Ss 25–46 on 1.9.22: s. 2(2)
Current State: This information relates only to the provision/s amending the **Conservation, Forests and Lands Act 1987**

Water and Catchment Legislation Amendment Act 2021, No. 48/2021

Assent Date: 3.11.21
Commencement Date: S. 145 on 1.1.22: Special Gazette (No. 717) 14.12.21 p. 1
Current State: This information relates only to the provision/s amending the **Conservation, Forests and Lands Act 1987**

Conservation, Forests and Lands Amendment Act 2022, No. 14/2022

Assent Date: 5.4.22
Commencement Date: Ss 3, 4 on 6.4.22: s. 2
Current State: This information relates only to the provision/s amending the **Conservation, Forests and Lands Act 1987**

Transport Legislation Amendment (Port Reforms and Other Matters) Act 2022, No. 19/2022

Assent Date: 24.5.22
Commencement Date: S. 86 on 25.5.22: s. 2(1)
Current State: This information relates only to the provision/s amending the **Conservation, Forests and Lands Act 1987**

3 Explanatory details

¹ S. 96(1A): The amendment proposed by section 81(2) of the **Parks Victoria Act 2018**, No. 19/2018 is not included in this publication because the words "proceedings mentioned under subsection (1)" do not appear in section 96(1A).

Section 81(2) reads as follows:

81 Proceedings for offences

- (2) In section 96(1A) of the **Conservation, Forests and Lands Act 1987**, for "proceedings mentioned under subsection (1)" **substitute** "offence proceedings".

² S. 96(2): The amendment proposed by section 81(3) of the **Parks Victoria Act 2018**, No. 19/2018 is not included in this publication because the words "proceedings mentioned under subsection (1)" do not appear in section 96(2).

Section 81(3) reads as follows:

81 Proceedings for offences

- (3) In section 96(2) of the **Conservation, Forests and Lands Act 1987**, for "proceedings mentioned under subsection (1)" **substitute** "offence proceedings".

³ Table of Amendments: The amendment to Schedule 4 proposed by section 3(2)(Schedule 2) of the **Statute Law Revision Act 1995**, No. 11/1995 is not included in this publication because Schedule 4 had been repealed by section 52(e) of the **Crown Land Acts (Amendment) Act 1994**, No. 96/1994 before this amendment came into operation.