

Authorised Version No. 177

National Parks Act 1975

No. 8702 of 1975

Authorised Version incorporating amendments as at
1 September 2022

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No. 8702 of 1975

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1 September 2022

Preamble

WHEREAS it is in the public interest that certain Crown land characterized by its predominantly unspoilt landscape, and its flora, fauna or other features, should be reserved and preserved and protected permanently for the benefit of the public:

And whereas it is in the public interest that certain areas of Crown land with landscape or other features of particular interest or suitability for the enjoyment, recreation and education of the public of or in matters appertaining to the countryside should be reserved permanently and made available for the benefit of the public and in particular that there should be so reserved and made available—

- (a) areas with scenic, historical, archaeological, biological, geological or other features of scientific interest that are worthy of preservation but, whether by reason of the limited size of the areas or the limited significance of the features, are not suitable for reservation as national parks;
- (b) areas that demonstrate man's effect on his environment whether through his agricultural or pastoral pursuits or otherwise;
- (c) areas in or adjacent to urban areas of natural beauty or interest or otherwise suitable for recreational use;

- (d) areas of natural beauty or interest primarily for recreational and educational use but parts of which may be used for primary industry, hunting, shooting, fishing or other uses appropriate to the areas; and
- (e) areas in their natural state for scientific study or reference:

And whereas for those purposes it is expedient to consolidate amend and make further provision in the law relating to national parks and to make provision for certain other parks.

BE IT THEREFORE ENACTED by the Queen's Most Excellent Majesty by and with the advice and consent of the Legislative Council and the Legislative Assembly of Victoria in this present Parliament assembled and by the authority of the same as follows (that is to say):

Part I—Preliminary

1 Short title and commencement

- (1) This Act may be cited as the **National Parks Act 1975**.
- (2) The several provisions of this Act shall come into operation on a day or on the respective days to be fixed by proclamation or successive proclamations of the Governor in Council published in the Government Gazette.

S. 1(3)
amended by
Nos 9114
s. 2(a)(b), 9247
s. 2(a)–(c),
9570 s. 7(2),
10073
s. 13(2)(a)(b),
10166 s. 14(2),
repealed by
No. 41/1987
s. 103(Sch. 4
item 49.1).

* * * * *

* * * * *

S. 2
repealed by
No. 40/2020
s. 62.

3 Definitions

- (1) In this Act unless inconsistent with the context or subject-matter—

accepted recommendation means—

S. 3(1) def. of
accepted
recom-
mendation
inserted by
No. 19/2018
s. 153(3).

- (a) in relation to a report under section 23 or 26E of the **Victorian Environmental Assessment Council Act 2001**—
- (i) the most recent Government response to the report published under section 25(4) or 26G(4) of that Act (if any); or
- (ii) if such a Government response has been amended by an amendment published under section 26(5) or 26H(5) (as the case requires) of that Act, that most recent response as amended; or
- (b) if there is no response to which paragraph (a)(i) or (ii) applies, the most recent (if any) relevant recommendation of the Land Conservation Council under section 5(1) of the **Land Conservation Act 1970** (as in force immediately before its repeal) applying to the land, of which notice has been given by the Governor in Council under section 10(3) of that Act (as so in force);

S. 3(1) def. of
*appointed
land*
inserted by
No. 62/2010
s. 124(1).

appointed land, in relation to a Traditional Owner Land Management Board, has the same meaning as in the **Conservation, Forests and Lands Act 1987**;

S. 3(1) def. of
*approved
Great Ocean
Road
strategic
framework
plan*
inserted by
No. 19/2020
s. 99.

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

S. 3(1) def. of
*authorised
officer*
substituted as
*authorised
officer* by
No. 66/2000
s. 35(1)(a),
substituted by
No. 68/2016
s. 169.

authorised officer means a person appointed as an authorised officer for the purposes of this Act under—

- (a) Part 9 of the **Conservation, Forests and Lands Act 1987**; or
- (b) Part 3 of the **Victorian Fisheries Authority Act 2016**;

S. 3(1) def. of
Barwon Water
inserted by
No. 60/2005
s. 3(a).

Barwon Water means Barwon Region Water Authority constituted under Part 6 of the **Water Act 1989**;

S. 3(1) def. of
*Barwon water
supply
catchment
area*
inserted by
No. 60/2005
s. 3(a),
amended by
Nos 57/2006
s. 3(a),
54/2008
s. 3(a),
79/2013
s. 16(a),
40/2020
s. 63(b).

Barwon water supply catchment area means the land shown hatched on the plans numbered N.P. 111C/3, N.P. 111D/3, N.P. 111E/5, N.P. 111F/2 and N.P. 111G/2 and lodged in the Central Plan Office;

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Part I—Preliminary

<i>boat</i> means any means of transportation on water;	S. 3(1) def. of <i>boat</i> inserted by No. 40/2002 s. 3(a).
<i>cattle</i> means any animal of the species <i>Bos taurus</i> ;	S. 3(1) def. of <i>cattle</i> inserted by No. 16/2015 s. 3.
* * * *	S. 3(1) def. of <i>Central Plan Office</i> inserted by No. 46/1998 s. 7(Sch. 1), amended by Nos 97/2003 s. 7, 79/2013 s. 16(b), substituted by No. 44/2016 s. 3, repealed by No. 53/2017 s. 18.
<i>coastal and marine management plan</i> has the same meaning as in the Marine and Coastal Act 2018 ;	S. 3(1) def. of <i>coastal and marine management plan</i> inserted by No. 26/2018 s. 94(1).
<i>commercial fishing equipment</i> has the same meaning as in the Fisheries Act 1995 ;	S. 3(1) def. of <i>commercial fishing equipment</i> inserted by No. 35/2010 s. 3.
* * * *	S. 3(1) def. of <i>committee</i> repealed by No. 19/2018 s. 153(1).
<i>Council</i> means the National Parks Advisory Council established under this Act;	

S. 3(1) def. of
declared area
inserted by
No. 17/2018
s. 18.

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

S. 3(1) def. of
*designated
water supply
catchment
area*
inserted by
No. 57/1995
s. 4(1),
amended by
No. 50/2000
s. 4,
substituted by
No. 60/2005
s. 3(b),
amended by
No. 90/2009
s. 3(1)(a).

designated water supply catchment area means—

- (a) any Melbourne water supply catchment area; or
- (b) the Barwon water supply catchment area; or
- (c) the Wannon water supply catchment area;

S. 3(1) def. of
Director
amended by
Nos 41/1987
s. 116(4),
57/1995
s. 32(1),
substituted by
Nos 66/2000
s. 35(1)(b),
19/2018
s. 153(2).

Director means the Director of National Parks
within the meaning of this Act as in force
immediately before the commencement of
section 49;

S. 3(1) def. of
*exploration
licence*
inserted by
No. 50/2002
s. 3,
amended by
No. 63/2006
s. 61(Sch.
item 23.1).

exploration licence means an exploration licence
under Part 2 of the **Mineral Resources
(Sustainable Development) Act 1990;**

film friendly principles has the same meaning as
in the **Filming Approval Act 2014**;

S. 3(1) def. of
*film friendly
principles*
inserted by
No. 51/2014
s. 9(Sch. 2
item 13.1).

film permit has the same meaning as in the
Filming Approval Act 2014;

S. 3(1) def. of
film permit
inserted by
No. 51/2014
s. 9(Sch. 2
item 13.1).

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

S. 3(1) def. of
fish
inserted by
No. 40/2002
s. 3(a).

fishing bait has the same meaning as in the
Fisheries Act 1995;

S. 3(1) def. of
fishing bait
inserted by
No. 40/2002
s. 3(a).

* * * *

S. 3(1) def. of
fund
repealed by
No. 9861
s. 3(1).

Great Ocean Road coast and parks has the same
meaning as in the **Great Ocean Road and
Environs Protection Act 2020**;

S. 3(1) def. of
*Great Ocean
Road coast
and parks*
inserted by
No. 19/2020
s. 99.

Great Ocean Road Coast and Parks Authority
means the Great Ocean Road Coast and
Parks 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. 42/2021
s. 102.

S. 3(1) def. of
*Great Ocean
Road coast
and parks
protection
principles*
inserted by
No. 19/2020
s. 99.

Great Ocean Road coast and parks protection principles has the same meaning as in the **Great Ocean Road and Environs Protection Act 2020**;

S. 3(1) def. of
*Great Ocean
Road region*
inserted by
No. 19/2020
s. 99.

Great Ocean Road region has the same meaning as in the **Great Ocean Road and Environs Protection Act 2020**;

S. 3(1) def. of
*Great Ocean
Road scenic
landscapes
area*
inserted by
No. 19/2020
s. 99.

Great Ocean Road scenic landscapes area has the same meaning as in the **Great Ocean Road and Environs Protection Act 2020**;

S. 3(1) def. of
gun
inserted by
No. 9247 s. 4.

gun is a reference to a firearm, weapon or device of any description from which any shot, bullet or other missile can be discharged or propelled and includes any air-gun and also includes any firearm, weapon or device from which for the time being any shot, bullet or other missile cannot be discharged or propelled because of the absence or defect of some part or parts thereof or because of some obstruction therein, but which, if such part or parts were replaced renewed or repaired or such obstruction removed, would be capable of discharging a shot, bullet or other missile;

S. 3(1) def. of
*Head,
Transport for
Victoria*
inserted by
No. 49/2019
s. 186(Sch. 4
item 31.1).

Head, Transport for Victoria has the same meaning as in section 3 of the **Transport Integration Act 2010**;

joint management plan has the same meaning as in the **Conservation, Forests and Lands Act 1987**;

S. 3(1) def. of *joint management plan* inserted by No. 62/2010 s. 124(1).

landscape conservation area means any land that, by reason of section 17E, is a landscape conservation area for the purposes of this Act;

S. 3(1) def. of *landscape conservation area* inserted by No. 40/2020 s. 63(a).

managing water authority means—

- (a) in the case of a designated water supply catchment that is a Melbourne water supply catchment area, Melbourne Water Corporation; or
- (b) in the case of a designated water supply catchment that is the Barwon water supply catchment area, Barwon Water; or
- (c) in the case of a designated water supply catchment that is the Wannon water supply catchment area, Wannon Water;

S. 3(1) def. of *managing water authority* inserted by No. 60/2005 s. 3(a), amended by No. 90/2009 s. 3(1)(b).

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

S. 3(1) def. of *marine and coastal Crown land* inserted by No. 26/2018 s. 94(1).

Marine and Coastal Strategy has the same meaning as in the **Marine and Coastal Act 2018**;

S. 3(1) def. of *Marine and Coastal Strategy* inserted by No. 26/2018 s. 94(1).

S. 3(1) def. of
*marine
national park*
inserted by
No. 40/2002
s. 3(a).

marine national park means any land that, by reason of section 17D, is a marine national park for the purposes of this Act;

S. 3(1) def. of
*marine
sanctuary*
inserted by
No. 40/2002
s. 3(a).

marine sanctuary means any land that, by reason of section 17D, is a marine sanctuary for the purposes of this Act;

S. 3(1) def. of
*Melbourne
Water
Corporation*
inserted by
No. 60/2005
s. 3(a),
amended by
No. 85/2006
s. 173(Sch. 1
item 8.1).

Melbourne Water Corporation means Melbourne Water Corporation constituted under the **Water Act 1989**;

S. 3(1) def. of
*Melbourne
water supply
catchment
area*
inserted by
No. 60/2005
s. 3(a),
amended by
Nos 54/2008
s. 3(b),
79/2013
s. 16(c).

Melbourne water supply catchment area means either—

- (a) the land shown coloured blue on the plan numbered N.P. 8B/1 and lodged in the Central Plan Office; or
- (b) the land shown coloured blue on the plans numbered N.P. 102A/3 and N.P. 102B/2 and lodged in the Central Plan Office;

S. 3(1) def. of
miner's right
inserted by
No. 50/2002
s. 3,
amended by
No. 63/2006
s. 61(Sch.
item 23.1).

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

mining licence means a mining licence under Part 2 of the **Mineral Resources (Sustainable Development) Act 1990**;

S. 3(1) def. of *mining licence* inserted by No. 50/2002 s. 3, amended by No. 63/2006 s. 61(Sch. item 23.1).

national park means land that, by reason of section 17, is a national park for the purposes of this Act;

park means a national park, State park, marine national park, marine sanctuary, landscape conservation area or land that by reason of section 17A or 18, is a park for the purposes of this Act;

S. 3(1) def. of *park* amended by Nos 38/1989 ss 4, 18(3)(a), 40/2002 s. 3(b), 40/2020 s. 63(c).

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

S. 3(1) def. of *Parks Victoria* inserted by No. 19/2018 s. 153(3).

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

S. 3(1) def. of *police officer* inserted by No. 37/2014 s. 10(Sch. item 115.1).

prescribed means prescribed by this Act or the Regulations;

priority species has the same meaning as in the **Fisheries Act 1995**;

S. 3(1) def. of *priority species* inserted by No. 40/2002 s. 3(a).

S. 3(1) def. of
*recreational
fishing
equipment*
inserted by
No. 82/2009
s. 3.

recreational fishing equipment has the same
meaning as in the **Fisheries Act 1995**;

S. 3(1) def. of
reference area
inserted by
No. 35/2005
s. 3.

reference area means an area proclaimed to be a
reference area under the **Reference Areas
Act 1978**;

S. 3(1) def. of
relevant land
inserted by
No. 70/1998
s. 4,
repealed by
No. 40/2002
s. 3(c).

* * * *

S. 3(1) def. of
*remote and
natural area*
inserted by
No. 40/1992
s. 16.

remote and natural area means land that, by
reason of section 21B, is a remote and
natural area for the purposes of this Act;

S. 3(1) def. of
rock lobster
inserted by
No. 35/2010
s. 3.

rock lobster has the same meaning as in the
Fisheries Act 1995;

S. 3(1) def. of
*Rock Lobster
Fishery
Access
Licence*
inserted by
No. 35/2010
s. 3.

Rock Lobster Fishery Access Licence has the
same meaning as under the **Fisheries
Act 1995**;

S. 3(1) def. of
*rock lobster
pot*
inserted by
No. 35/2010
s. 3.

rock lobster pot has the same meaning as under
the **Fisheries Act 1995**;

search has the same meaning as in the **Mineral Resources (Sustainable Development) Act 1990**;

S. 3(1) def. of *search* inserted by No. 50/2002 s. 3, amended by No. 63/2006 s. 61(Sch. item 23.1).

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

S. 3(1) def. of *Secretary* inserted by No. 70/1998 s. 4.

* * * * *

S. 3(1) def. of *South West Water* inserted by No. 60/2005 s. 3(a), repealed by No. 90/2009 s. 3(2).

* * * * *

S. 3(1) def. of *South West water supply catchment area* inserted by No. 60/2005 s. 3(a), amended by Nos 57/2006 s. 3(b), 54/2008 s. 3(c), repealed by No. 90/2009 s. 3(3).

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

S. 3(1) def. of *Statement of Planning Policy* inserted by No. 17/2018 s. 18.

S. 3(1) def. of
take
inserted by
No. 40/2002
s. 3(a).

take means to gain possession or control of by any means;

S. 3(1) def. of
tour operator licence
inserted by
No. 40/2009
s. 35.

tour operator licence means a licence granted under section 27D;

S. 3(1) def. of
tourist fossicking authority
inserted by
No. 50/2002
s. 3,
amended by
No. 63/2006
s. 61(Sch.
item 23.1).

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

S. 3(1) def. of
Traditional Owner Land Management Board
inserted by
No. 62/2010
s. 124(1).

Traditional Owner Land Management Board has the same meaning as in the **Conservation, Forests and Lands Act 1987**;

S. 3(1) def. of
Wannon Water
inserted by
No. 90/2009
s. 3(4).

Wannon Water means Wannon Region Water Corporation constituted under Part 6 of the **Water Act 1989**;

S. 3(1) def. of
Wannon water supply catchment area
inserted by
No. 90/2009
s. 3(5),
amended by
No. 79/2013
s. 16(d).

Wannon water supply catchment area means the land shown hatched on the plan numbered N.P. 111H/4 and lodged in the Central Plan Office;

wilderness zone means land that, by reason of section 22(4A) or (5), is a wilderness zone for the purposes of this Act;

S. 3(1) def. of *wilderness zone* inserted by No. 40/1992 s. 16, amended by No. 49/2017 s. 81(1).

Yarra protection principles has the same meaning as in the **Yarra River Protection (Wilip-gin Birrarung murrong) Act 2017**;

S. 3(1) def. of *Yarra protection principles* inserted by No. 49/2017 s. 81(2).

Yarra River land has the same meaning as in the **Yarra River Protection (Wilip-gin Birrarung murrong) Act 2017**;

S. 3(1) def. of *Yarra River land* inserted by No. 49/2017 s. 81(2).

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

S. 3(1) def. of *Yarra Strategic Plan* inserted by No. 49/2017 s. 81(2).

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

S. 3(1) def. of *Yarra Strategic Plan area* inserted by No. 49/2017 s. 81(2).

National Parks Act 1975
No. 8702 of 1975
Part I—Preliminary

S. 3(2)
amended by
Nos 9921
s. 255, 41/1987
s. 103(Sch. 4
item 49.2),
12/1989
s. 4(1)(Sch. 2
item 85.1),
44/1989
s. 41(Sch. 2
item 29.1(a)
(b)), 81/1989
s. 3(Sch. item
39(a)–(d)) (as
amended by
No. 25/1991
s. 5(2)(a)),
130/1993
s. 122(Sch. 4
item 10.1),
53/1994
s. 34(Sch. 1
item 6.1),
110/1994
s. 41(Sch. 1
item 7.1),
112/1994
s. 114(Sch. 5
item 6),
31/1995
s. 52(Sch. 1
item 7),
57/1995
s. 4(2),
104/1997
s. 53(1),
76/1998 s. 14,
30/2000 s. 37,
69/2000
s. 61(1),
66/2000
s. 35(2),
6/2010
s. 203(1)
(Sch. 6
item 32.1),
49/2019
s. 186(Sch. 4
item 31.2).

Note to s. 3
inserted by
No. 62/2010
s. 124(2).

- (2) In this Act a reference to a public authority includes a reference to Government Departments the Head, Transport for Victoria the Secretary the Gas Transmission Corporation, GASCOR, Melbourne Water Corporation, SEC, VENCORP, a distribution company, a transmission company or a generation company within the meaning of the **Electricity Industry Act 2000**, Victorian Rail Track within the meaning of section 3 of the **Transport Integration Act 2010**, Authorities under the **Water Act 1989** municipal councils and such other bodies corporate or unincorporate declared by Order of the Governor in Council published in the Government Gazette to be public authorities for the purposes of this Act.

Note

Land under this Act may be the subject of a land use activity agreement within the meaning of Part 4 of the **Traditional Owner Settlement Act 2010**.

4 Objects of Act

The objects of this Act are—

- | | |
|---|---|
| (a) to make provision, in respect of national parks, State parks, marine national parks and marine sanctuaries— | S. 4(a)
amended by
Nos 38/1989
s. 18(3)(b),
40/2002 s. 4. |
| (i) for the preservation and protection of the natural environment including wilderness areas and remote and natural areas in those parks; | S. 4(a)(i)
amended by
No. 40/1992
s. 13. |
| (ii) for the protection and preservation of indigenous flora and fauna and of features of scenic or archaeological, ecological, geological, historic or other scientific interest in those parks; and | |
| (iii) for the study of ecology, geology, botany, zoology and other sciences relating to the conservation of the natural environment in those parks; and | |
| (iv) for the responsible management of the land in those parks; | S. 4(a)(iv)
inserted by
No. 37/1989
s. 13. |
| (aa) to make further provision in respect of designated water supply catchment areas in national parks— | S. 4(aa)
inserted by
No. 57/1995
s. 5. |
| (i) for the protection of those areas; and | |
| (ii) for the maintenance of the water quality and otherwise for the protection of the water resources in those areas; and | |
| (iii) for the restriction of human activity in those areas for the purposes of subparagraphs (i) and (ii); | |

S. 4(ab)
inserted by
No. 38/1989
s. 5.

- (ab) to make provision in respect of wilderness parks—
 - (i) for the protection, enhancement and management of those parks as wilderness so as to maximise the extent to which those parks are undisturbed by the influences of the European settlement of Australia; and
 - (ii) for the protection, preservation and evolution of the natural environment including indigenous flora and fauna and of features of ecological, geological, scenic, archaeological and other scientific significance; and
 - (iii) for the use and enjoyment of those parks by the public for inspiration, solitude and appropriate self-reliant recreation; and
 - (iv) for the study of ecology, geology, botany, zoology archaeology and other sciences relating to the environment in those parks;

S. 4(ac)
inserted by
No. 40/2020
s. 64.

- (ac) to make provision in respect of landscape conservation areas for the protection, enhancement and management of those areas as part of a fragmented natural landscape for the purposes of nature conservation;
- (b) in respect of parks described in Schedule Three—
 - (i) to make provision, insofar as is appropriate to each such park, for the protection and preservation of indigenous flora and fauna and of features of scenic or archaeological,

ecological, historic or other scientific interest; and

- (ii) subject to such provision as is made under subparagraph (i), to make provision for the public to observe, experience or otherwise become acquainted in those parks with the countryside and rural skills activities and pursuits and for carrying on, in those parks and for those purposes, agricultural, horticultural, or other agrarian projects and botanical, biological, ecological, geological, zoological, or other scientific studies or projects; and
- (c) to make provision in accordance with the foregoing for the use of parks by the public for the purposes of enjoyment, recreation or education and for the encouragement and control of that use.

4A Application of Road Management Act 2004

S. 4A
inserted by
No. 12/2004
s. 164.

- (1) A road under this Act is a road for the purposes of the **Road Management Act 2004** but is a public road for the purposes of that Act only if the road is a public road within the meaning it has in section 3(1) of the **Road Management Act 2004**.
- (2) The relevant road authority for the purposes of the **Road Management Act 2004** is, subject to any regulations for the purpose of section 37(1)(c) of the **Road Management Act 2004**—
 - (a) the person or body nominated for the purposes of this section in a notice published in the Government Gazette by the Minister administering this Act; or

S. 4A(2)(b)
amended by
No. 44/2016
s. 4.

(b) if no notice is published, the Secretary.

S. 4B
inserted by
No. 6/2010
s. 25(5)(Sch. 2
item 8).

4B Transport Integration Act 2010

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

S. 4C
inserted by
No. 51/2014
s. 9(Sch. 2
item 13.2).

4C Filming Approval Act 2014

This Act is filming approval legislation within the meaning of the **Filming Approval Act 2014**.

S. 4D
inserted by
No. 67/2016
s. 33.

4D Traditional owner agreement for natural resources

- (1) If a traditional owner group entity has an agreement under Part 6 of the **Traditional Owner Settlement Act 2010**, any provision of this Act that provides for an offence for carrying out an agreed activity (other than a provision specified in subsection (2)) does not apply to a member of the traditional owner group—
 - (a) who is bound by the agreement; and
 - (b) who is carrying out an agreed activity to which the offence applies in accordance with the agreement and on land to which the agreement applies.
- (2) For the purpose of subsection (1) the following provisions are specified—
 - (a) section 32N;
 - (b) section 37;
 - (c) section 44;
 - (d) section 45.

Part II—Administration

*	*	*	*	*	S. 5 amended by Nos 41/1987 s. 116(4), 57/1995 s. 32(2), 46/1998 s. 7(Sch. 1), substituted by Nos 70/1998 s. 5, 66/2000 s. 36, repealed by No. 19/2018 s. 154.
*	*	*	*	*	S. 6 substituted by No. 70/1998 s. 5, amended by No. 66/2000 s. 37, repealed by No. 19/2018 s. 154.
*	*	*	*	*	S. 7 repealed by No. 70/1998 s. 5.
*	*	*	*	*	S. 8 amended by Nos 50/1988 s. 93(2)(Sch. 2 Pt 2 item 39), 46/1998 s. 7(Sch. 1), repealed by No. 70/1998 s. 5.
*	*	*	*	*	S. 9 amended by Nos 9114 s. 11(c), 10166 s. 5, 46/1998 s. 7(Sch. 1), repealed by No. 70/1998 s. 5.

10 National Parks Advisory Council

S. 10
amended by
Nos 44/1986
s. 5(1),
45/1987
s. 205(Sch.
item 100),
66/2000
s. 38(1)(2),
74/2000
s. 3(Sch. 1
item 87.1),
substituted by
No. 64/2004
s. 3,
amended by
No. 85/2006
s. 173(Sch. 1
item 8.3) (ILA
s. 39B(1)).

S. 10(1)
amended by
No. 85/2006
s. 173(Sch. 1
item 8.2),
substituted by
No. 53/2017
s. 19.

- (1) For the purposes of this Act, there is a National Parks Advisory Council consisting of 8 members appointed by the Governor in Council of whom—
- (a) 2 must be persons with skills or experience relating to the preservation and the protection of parks; and
 - (b) one must be a person who is a professor or teacher of ecology, biology or earth science at a university in Victoria; and
 - (c) one must be a person with experience in local government who resides in a municipality in which there is a park; and
 - (d) 4 must be persons (at least 2 of whom reside outside the metropolitan area) with experience in matters affecting the interests of the community.

S. 10(2)
inserted by
No. 85/2006
s. 173(Sch. 1
item 8.3).

- (2) In this section *metropolitan area* means—
- (a) *metropolitan area* within the meaning of section 201 of the **Melbourne and Metropolitan Board of Works Act 1958** (as in force immediately before its repeal); or

- (b) any area declared by the Governor in Council under subsection (3) to be the metropolitan area.
- (3) The Governor in Council may, by Order published in the Government Gazette, declare an area to be the metropolitan area for the purposes of this section. **S. 10(3) inserted by No. 85/2006 s. 173(Sch. 1 item 8.3).**
- (4) An Order made under subsection (3) may apply, adopt or incorporate any matter contained in any document formulated, issued, prescribed or published by any person, whether— **S. 10(4) inserted by No. 85/2006 s. 173(Sch. 1 item 8.3).**
- (a) wholly or partially or as amended by order or other instrument; or
- (b) as formulated, issued, prescribed or published at the time the order is made or at any time before then.
- (5) Subsection (4) does not apply to the incorporation of a map or plan of an area of land unless the map or plan is lodged in the Central Plan Office. **S. 10(5) inserted by No. 85/2006 s. 173(Sch. 1 item 8.3), amended by No. 79/2013 s. 17.**

11 Functions of National Parks Advisory Council

- (1) The functions of the National Parks Advisory Council are—
- (a) to advise the Minister generally in relation to the administration of this Act and on particular matters in relation to that administration on which its advice is sought by the Minister;
- (aa) to advise the Minister on any proposed excision from a park referred to it by the Minister; **S. 11(1)(aa) inserted by No. 50/2000 s. 5(1).**

S. 11(1)(b)
repealed by
No. 64/2004
s. 4.

* * * * *

(c) to submit to the Minister within three months after each year ending on the 30th day of June a report on the performance of its functions during that year.

(2) The Minister shall cause a report under subsection (1) to be laid before both Houses of Parliament within three weeks after it is received or, if Parliament is not then sitting, within three weeks after the next assembling of Parliament.

S. 11(3)
inserted by
No. 50/2000
s. 5(2).

(3) The Minister must cause a copy of any advice received under subsection (1)(aa) to be laid before both Houses of Parliament within 10 sitting days after it is received.

S. 12
amended by
Nos 9114 s. 5,
9212 s. 2(2),
9570 s. 11(1),
41/1987
s. 103(Sch. 4
items 49.3,
49.4), 38/1995
s. 21(a),
repealed by
No. 64/2004
s. 5.

* * * * *

13 Members of National Parks Advisory Council

S. 13(1)
amended by
No. 66/2000
s. 38(3)(a).

(1) A member of the National Parks Advisory Council holds office for such period, not exceeding three years, as is specified in the instrument of his appointment but is eligible for re-appointment.

S. 13(2)
amended by
No. 66/2000
s. 38(3)(a).

(2) The Governor in Council may remove a member of the Council from office.

- | | |
|---|--|
| (3) A member of the Council may resign his office by writing signed by him and delivered to the Governor in Council. | S. 13(3)
amended by
No. 66/2000
s. 38(3)(a). |
| (4) A member of the Council is entitled to receive the fees and travelling and other allowances from time to time fixed in writing by the Minister in respect of that member. | S. 13(4)
amended by
Nos 10166
s. 6(1),
66/2000
s. 38(3)(a),
substituted by
No. 53/2017
s. 20(1). |
| (5) The Convenor of the Council is such member of the Council as is for the time being appointed as Convenor by the Governor in Council ¹ . | S. 13(5)
amended by
Nos 10166
s. 7(1),
66/2000
s. 38(3)(b). |
| * * * * | S. 13(5A)
inserted by
No. 66/2000
s. 38(4),
repealed by
No. 53/2017
s. 20(2). |
| (6) Meetings of the Council shall be convened by the Convenor ² . | S. 13(6)
amended by
No. 10166
s. 7(1). |
| (7) At a meeting a quorum is constituted by a majority of the members of the Council for the time being holding office. | |
| (8) The Convenor shall preside at a meeting of the Council at which he is present and if he is not present at a meeting, the members present shall elect one of their number to preside at the meeting ³ . | S. 13(8)
amended by
No. 10166
s. 7(1). |
| (9) Subject to this Act and the regulations, the Council may regulate its proceedings. | |

S. 14
amended by
Nos 10166
s. 7(2),
53/2017 s. 21,
repealed by
No. 19/2018
s. 155.

* * * *

S. 15
amended by
No. 70/1998
s. 14(Sch.
item 1),
repealed by
No. 19/2018
s. 155.

* * * *

No. 8083
s. 12(8).

16 Certain offices deemed not to be office of profit under Crown

S. 16
amended by
Nos 19/2018
s. 156, 5/2019
s. 81(2).

Where a member of Parliament or a person who is receiving or is entitled to receive a pension under Division 4 of Part II of **The Constitution Act Amendment Act 1958** or a superannuation benefit under the **Parliamentary Contributory Superannuation Act 1962** or the **Parliamentary Salaries, Allowances and Superannuation Act 1968**, is or is appointed a member of the Council receives a fee or a travelling or other allowance under this Act such member or person shall not for the purposes of Division 4 of the said Part II or of section 8 of the **Parliamentary Contributory Superannuation Act 1962** or of section 23 of the **Parliamentary Salaries, Allowances and Superannuation Act 1968** (as the case may be) be deemed to have accepted or held an office or place of profit under the Crown.

16A Management agreements with Traditional Owner Land Management Boards

- (1) The Secretary may enter into a management agreement with a Traditional Owner Land Management Board for or relating to—
 - (a) the management of any land in a park that is appointed land of that Board; or
 - (b) the carrying out of specified functions, powers or duties in relation to the management of any land in a park, that is appointed land of that Board.
- (2) The Secretary must consult with Parks Victoria, or the Great Ocean Road Coast and Parks Authority for land managed under this Act that is controlled and managed by the Great Ocean Road Coast and Parks Authority, before entering into a management agreement under subsection (1).
- (3) In entering into a management agreement under subsection (1), the Secretary must have regard to any agreement entered into under Division 5 of Part 8A of the **Conservation, Forests and Lands Act 1987** in relation to the land.
- (4) If an agreement under subsection (1)—
 - (a) provides for a Traditional Owner Land Management Board to manage any land in a park that would otherwise be managed by Parks Victoria or the Great Ocean Road Coast and Parks Authority under this Act or any other enactment, Parks Victoria or the Great Ocean Road Coast and Parks Authority (as the case may be) does not have power to manage that land, to the extent of the agreement; or

S. 16A
inserted by
No. 70/1998
s. 6,
amended by
Nos 40/2002
s. 5, 82/2009
s. 4 (ILA
s. 39B(1)),
62/2010 s. 125
substituted by
No. 19/2018
s. 157.

S. 16A(2)
amended by
No. 42/2021
s. 103(1).

S. 16A(4)(a)
amended by
No. 42/2021
s. 103(2)(a).

S. 16A(4)(b)
amended by
No. 42/2021
s. 103(2)(b).

(b) provides for a Traditional Owner Land Management Board to carry out any function, power or duty in relation to any land in a park that would otherwise be carried out by Parks Victoria or the Great Ocean Road Coast and Parks Authority, Parks Victoria or the Great Ocean Road Coast and Parks Authority (as the case may be) does not have power to carry out that function, power or duty, to the extent of the agreement.

(5) Subsection (4) has effect despite any provision of this Act or any other enactment to the contrary.

S. 16B
inserted by
No. 62/2010
s. 126.

16B Land to be managed consistently with joint management plan

If any appointed land of a Traditional Owner Land Management Board constitutes the whole or any part of a park under this Act, the person responsible for the management of that appointed land under this Act must ensure that the land is managed in a way that is not inconsistent with any joint management plan for the land.

Part IIA—Great Ocean Road Coast and Parks Authority—land management

Pt 2A
(Heading and
ss 16C–16F)
inserted by
No. 42/2021
s. 104.

16C Appointment of Great Ocean Road Coast and Parks Authority as land manager

S. 16C
inserted by
No. 42/2021
s. 104.

- (1) The Governor in Council, on the recommendation of the Minister, by Order published in the Government Gazette, may appoint the Great Ocean Road Coast and Parks Authority as land manager for any land managed under this Act within the Great Ocean Road coast and parks.

Note

See also section 62Q(2) of the **Great Ocean Road and Environs Protection Act 2020** and Schedule 1 to that Act.

- (2) The Minister may only recommend that the Great Ocean Road Coast and Parks Authority be appointed land manager after receiving approval of that proposed appointment by all other Ministers who—
 - (a) administer this Act; and
 - (b) administer the **Parks Victoria Act 2018**.
- (3) On an Order under subsection (1), the Great Ocean Road Coast and Parks Authority has control and management of land for which it is appointed as land manager.
- (4) An order under subsection (1) must not be inconsistent with a management agreement under section 16A(1).

S. 16D
inserted by
No. 42/2021
s. 104.

16D Management agreements with Parks Victoria

The Great Ocean Roads Coast and Parks Authority must not enter into a management agreement for or relating to the following unless the agreement is entered into with Parks Victoria on the approval of the Minister and the Minister administering the **Parks Victoria Act 2018**—

- (a) the management of any or all land managed under this Act for which the Great Ocean Road Coast and Parks Authority is appointed land manager by Order under section 16C(1); or
- (b) the carrying out of specified functions, powers or duties in relation to the management of any land managed under this Act for which the Great Ocean Road Coast and Parks Authority is appointed land manager by Order under section 16C(1).

S. 16E
inserted by
No. 42/2021
s. 104.

16E Great Ocean Road Coast and Parks Authority to provide reporting information to Parks Victoria

The Great Ocean Road Coast and Parks Authority must provide Parks Victoria with any information Parks Victoria reasonably requires to comply with section 35.

S. 16F
inserted by
No. 42/2021
s. 104.

16F Great Ocean Road Coast and Parks Authority's performance and exercise of functions and powers

The Great Ocean Road Coast and Parks Authority may only perform a function or exercise a power under this Act to the extent that it relates to the land managed under this Act for which the Great Ocean Road Coast and Parks Authority is appointed as land manager under—

- (a) an Order under section 16C(1); or
- (b) under section 62Q(2) of the **Great Ocean Road and Environs Protection Act 2020**.

Pt 3
(Heading)
amended by
No. 38/1989
s. 18(3)(c).

Part III—National parks, State parks and other parks

Pt 3 Div. 1
(Heading)
amended by
No. 38/1989
s. 18(3)(d).

Division 1—National parks and State parks

17 National parks and State parks

S. 17(1A)
inserted by
No. 38/1989
s. 18(1).

S. 17(2)
amended by
Nos 70/1998
s. 14(Sch.
item 2),
19/2018
s. 158(1),
42/2021
s. 105(1).

S. 17(2)(a)
amended by
No. 38/1989
s. 18(2)(a).

- (1) Each area of land described in a part of Schedule Two is, for the purposes of this Act, a national park under the name specified in that part.
- (1A) Each area of land described in a part of Schedule Two B is, for the purposes of this Act, a State park under the name specified in that part.
- (2) Subject to any agreement entered into under section 16A(1), any Order under section 16C(1), and section 62Q(2) of the **Great Ocean Road and Environs Protection Act 2020**, Parks Victoria has the control and management of each national and State park and must—
 - (a) ensure that each national park and State park is controlled and managed, in accordance with the objects of this Act, in a manner that will—
 - (i) preserve and protect the park in its natural condition for the use, enjoyment and education of the public;
 - (ii) preserve and protect indigenous flora and fauna in the park;
 - (iii) exterminate or control exotic fauna in the park;

- (iv) eradicate or control exotic flora in the park; and
- (v) preserve and protect wilderness areas in the park and features in the park of scenic, archaeological, ecological, geological, historic or other scientific interest;
- (aa) have regard to all classes of management actions that may be implemented for the purposes of maintaining and improving the ecological function of the park; S. 17(2)(aa) inserted by No. 50/2002 s. 4(1).
- (b) consult, as far as is practicable, with the Secretary to ensure that, as far as is practicable, appropriate and sufficient measures are taken to protect each national park and State park from injury by fire; S. 17(2)(b) amended by Nos 38/1989 s. 18(2)(b), 19/2018 s. 158(2).
- (ba) ensure that appropriate and sufficient measures are taken (including seeking the making of an appropriate agreement under section 32I(1))— S. 17(2)(ba) inserted by No. 57/1995 s. 6(1).
 - (i) to protect designated water supply catchment areas; and
 - (ii) to maintain the water quality of and otherwise protect the water resources in those areas; and
 - (iii) to restrict human activity in those areas for the purposes of subparagraphs (i) and (ii);
- (c) promote and encourage the use and enjoyment of national parks and State parks by the public and the understanding and recognition of the purpose and significance of national parks and State parks; and S. 17(2)(c) amended by No. 38/1989 s. 18(2)(c).

National Parks Act 1975
No. 8702 of 1975
Part III—National parks, State parks and other parks

S. 17(2)(d)
amended by
Nos 38/1989
s. 18(2)(d),
19/2018
s. 158(3).

(d) prepare a plan of management in respect of each national park and State park, which may be included as part of a land management plan within the meaning of Division 4 of Part 3 of the **Parks Victoria Act 2018**.

S. 17(2AA)
inserted by
No. 62/2010
s. 127(1).

(2AA) In the case of any appointed land of a Traditional Owner Land Management Board that constitutes the whole or a part of a national park or State park, a management plan prepared under subsection (2)(d) does not have effect in so far as a joint management plan is in effect for that land.

S. 17(2A)(2B)
inserted by
No. 50/2002
s. 4(3),
repealed by
No. 53/2017
s. 22.

* * * * *

S. 17(3)
inserted by
No. 57/1995
s. 6(2),
amended by
Nos 70/1998
s. 14(Sch.
item 2),
19/2018
s. 158(4).

(3) Parks Victoria, before exercising any power or performing any function or duty under this Act in a designated water supply catchment area, must, in so far as is reasonably necessary, consult with Melbourne Water Corporation.

S. 17(4)
inserted by
No. 57/1995
s. 6(2),
amended by
Nos 70/1998
s. 14(Sch.
item 2),
19/2018
s. 158(5).

(4) It is sufficient compliance with subsection (3) for Parks Victoria to have entered into a management agreement with Melbourne Water Corporation under section 32I.

- | | |
|--|--|
| (5) On and after the preparation of a Marine and Coastal Strategy, Parks Victoria or the Great Ocean Road Coast and Parks Authority must ensure that a management 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. 17(5)
inserted by
No. 26/2018
s. 94(2),
amended by
Nos 40/2020
s. 65, 42/2021
s. 105(2). |
| (6) The Great Ocean Road Coast and Parks Authority has the functions and duties referred to in this section in relation to land managed under this Act for which it is appointed as land manager—

(a) by Order under section 16C(1); or

(b) under section 62Q(2) of the Great Ocean Road and Environs Protection Act 2020 . | S. 17(6)
inserted by
No. 42/2021
s. 105(3). |
| (7) Despite subsections (2) and (5), Parks Victoria must prepare a plan of management for the Great Otway National Park. | S. 17(7)
inserted by
No. 42/2021
s. 105(3). |
| (8) In preparing a plan of management referred to in subsection (7), Parks Victoria must obtain approval from the Great Ocean Road Coast and Parks Authority for any part of the plan related to land managed under this Act for which the Great Ocean Road Coast and Parks Authority is appointed as land manager by Order under section 16C(1) or under section 62Q(2) of the Great Ocean Road and Environs Protection Act 2020 . | S. 17(8)
inserted by
No. 42/2021
s. 105(3). |
| (9) Subsection (8) does not prevent Parks Victoria from including a plan of management referred to in subsection (7) as part of a land management plan within the meaning of section 3 of the Parks Victoria Act 2018 . | S. 17(9)
inserted by
No. 42/2021
s. 105(3). |

Pt 3 Div. 1A
(Heading and
ss 17A–17C)
inserted by
No. 38/1989
s. 6.

Division 1A—Wilderness parks

S. 17A
inserted by
No. 38/1989
s. 6.

17A Wilderness parks—Schedule Two A

S. 17A(2)
amended by
Nos 70/1998
s. 14(Sch.
item 3),
19/2018
s. 159(1).

- (1) Each area of land described in a part of Schedule Two A is, for the purposes of this Act, a wilderness park under the name specified in that part.
- (2) Subject to any agreement entered into under section 16A(1), Parks Victoria has the control and management of each wilderness park and must ensure that each wilderness park is controlled and managed in accordance with the objects of this Act in a manner that will protect and enhance the park as a wilderness including, insofar as is practicable and appropriate, the taking of measures—
 - (a) to preserve and protect—
 - (i) the natural environment including indigenous flora and fauna and features of ecological, geological or scenic significance; and
 - (ii) features of archaeological or historic significance; and
 - (iii) features of scientific significance; and
 - (ab) to consult, as far as is practicable, with the Secretary to ensure that, as far as is practicable, appropriate and sufficient measures are taken to protect each wilderness park from injury by fire; and

S. 17A(2)(ab)
inserted by
No. 19/2018
s. 159(2).

- (b) for the eradication or control of non-indigenous flora and non-indigenous fauna; and
 - (c) for the control of indigenous fauna to the extent necessary for the preservation and protection of any species; and
 - (d) subject to paragraph (a), for the removal of evidence of developments of non-aboriginal origin.
- (3) Subject to subsection (2), Parks Victoria—
- (a) must ensure that opportunities are provided for solitude and appropriate self-reliant recreation in a wilderness park; and
 - (b) must promote the understanding and appreciation of the purpose and significance of wilderness and the proper use of wilderness by the public.
- 17B Management plans**
- (1) Parks Victoria must, within two years of the inclusion of each wilderness park in Schedule Two A, prepare a management plan in respect of the park which must be consistent with the principles set out in this Division for the management of wilderness parks, which may be included as part of a land management plan within the meaning of Division 4 of Part 3 of the **Parks Victoria Act 2018**.

S. 17A(3)
amended by
Nos 70/1998
s. 14(Sch.
item 3),
19/2018
s. 159(3).

S. 17B
inserted by
No. 38/1989
s. 6,
amended by
Nos 70/1998
s. 14(Sch.
item 4),
62/2010
s. 127(2) (ILA
s. 39B(1)).

S. 17B(1)
amended by
No. 19/2018
s. 160.

S. 17B(2)
inserted by
No. 62/2010
s. 127(2).

- (2) In the case of any appointed land of a Traditional Owner Land Management Board that constitutes the whole or a part of a wilderness park, a management plan prepared under subsection (1) does not have effect in so far as a joint management plan is in effect for that land.

S. 17B(3)
inserted by
No. 26/2018
s. 94(3),
amended by
No. 40/2020
s. 66.

- (3) On and after the preparation of a Marine and Coastal Strategy, Parks Victoria must ensure that a management 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. 17C
inserted by
No. 38/1989
s. 6.

17C Prohibition on development and other activities

S. 17C(1)
amended by
Nos 70/1998
s. 14(Sch.
item 5),
19/2018
s. 161(1).

- (1) Parks Victoria must ensure that in a wilderness park—
- (a) there are no roads, structures or installations;
and
 - (b) no commercial activity or development is carried out; and
 - (c) there is no use of any form of motorized or mechanical transport; and
 - (d) there is no use of any non-indigenous animal; and
 - (e) there is no hunting.

(2) Subsection (1) does not apply to—

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| (a) any road, structure or installation or any use of motorized or mechanical transport or any use, control or destruction of non-indigenous animals which Parks Victoria considers is essential for the responsible management of the park; or | S. 17C(2)(a) amended by Nos 70/1998 s. 14(Sch. item 5), 19/2018 s. 161(2). |
| (b) permanent survey markers existing at the date of commencement of section 6 of the National Parks (Amendment) Act 1989 ; or | |
| (c) any commercial tours or activities not involving motorized or mechanical transport or the use of animals which Parks Victoria considers is appropriate for the appreciation and understanding of wilderness; or | S. 17C(2)(c) amended by Nos 70/1998 s. 14(Sch. item 5), 19/2018 s. 161(2). |
| (d) any non-commercial mechanical activity approved by Parks Victoria; or | S. 17C(2)(d) amended by Nos 70/1998 s. 14(Sch. item 5), 19/2018 s. 161(2). |
| (e) any scientific investigation or study of wilderness parks which Parks Victoria considers is appropriate and does not affect the value of the area as wilderness and cannot be carried out elsewhere; or | S. 17C(2)(e) amended by Nos 70/1998 s. 14(Sch. item 5), 19/2018 s. 161(2). |
| (f) any measures which Parks Victoria or the Secretary considers are necessary to provide for the health and safety of persons within the area, the prevention and control of fire or emergencies relating to the control of diseases; or | S. 17C(2)(f) amended by Nos 40/1992 s. 8(a), 70/1998 s. 14(Sch. item 5), 74/2000 s. 3(Sch. 1 item 87.2), 19/2018 s. 161(3). |

S. 17C(2)(g)
inserted by
No. 40/1992
s. 8(a).

(g) deer hunting by stalking or the carrying of firearms or other weapons for that purpose, in the wilderness park referred to in Part 2 of Schedule Two A, if carried out in accordance with an authority or permit under section 37.

S. 17C(3)
amended by
Nos 70/1998
s. 14(Sch.
item 5),
19/2018
s. 161(4).

(3) In a wilderness park, Parks Victoria or the Secretary (as the case may be) may carry out works and maintenance necessary to enable anything permitted under subsection (2) to be done and, where degradation has occurred as a result of essential management activities, must undertake rehabilitation as soon as practicable.

Pt 3 Div. 1B
(Heading and
s. 17D)
inserted by
No. 40/2002
s. 6.

Division 1B—Marine national parks and marine sanctuaries

S. 17D
inserted by
No. 40/2002
s. 6.

17D Marine national parks and marine sanctuaries

- (1) The land described in a Part of Schedule Seven is, for the purposes of this Act, a marine national park under the name specified in that Part.
- (2) The land described in a Part of Schedule Eight is, for the purposes of this Act, a marine sanctuary under the name specified in that Part.
- (3) Subject to any agreement entered into under section 16A(1), any Order under section 16C(1), and section 62Q(2) of the **Great Ocean Road and Environs Protection Act 2020**, Parks Victoria or the Great Ocean Road Coast and Parks Authority (as the case may be) has the control and management of each marine national park and marine sanctuary and must—

S. 17D(3)
amended by
Nos 19/2018
s. 162(1),
42/2021
s. 106(1).

- (a) ensure that each marine national park and each marine sanctuary is controlled and managed, in accordance with the objects of this Act, in a manner that will—
 - (i) preserve and protect the natural environment and indigenous flora and fauna of the park and any features of the park which are of geological, geomorphological, ecological, scenic, archaeological, historic or other scientific interest; and
 - (ii) promote the prevention of the introduction of exotic flora and fauna into the park; and
 - (iii) provide for the eradication or control of exotic flora and fauna found in the park; and
- (b) subject to paragraph (a)—
 - (i) provide for the use, enjoyment and understanding of marine national parks and marine sanctuaries by the public; and
 - (ii) promote an understanding of the purpose and significance of marine national parks and marine sanctuaries; and
- (c) prepare a plan of management in respect of each marine national park and each marine sanctuary, which may be included as part of a land management plan within the meaning of Division 4 of Part 3 of the **Parks Victoria Act 2018**.

S. 17D(3)(c)
amended by
No. 19/2018
s. 162(2).

S. 17D(4)
inserted by
No. 62/2010
s. 127(3).

- (4) In the case of any appointed land of a Traditional Owner Land Management Board that constitutes the whole or a part of a marine national park or a marine sanctuary, a management plan prepared under subsection (3)(c) does not have effect in so far as a joint management plan is in effect for that land.

S. 17D(5)
inserted by
No. 26/2018
s. 94(4),
amended by
Nos 40/2020
s. 67, 42/2021
s. 106(2).

- (5) On and after the preparation of a Marine and Coastal Strategy, Parks Victoria or the Great Ocean Road Coast and Parks Authority (as the case requires) must ensure that a management 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. 17D(6)
inserted by
No. 42/2021
s. 106(3).

- (6) The Great Ocean Road Coast and Parks Authority has the functions and duties referred to in this section in relation to land managed under this Act for which it is appointed as land manager—
- (a) by Order under section 16C(1); or
- (b) under section 62Q(2) of the **Great Ocean Road and Environs Protection Act 2020**.

Pt 3 Div. 1C
(Heading and
ss 17E, 17F)
inserted by
No. 40/2020
s. 68.

Division 1C—Landscape conservation areas

S. 17E
inserted by
No. 40/2020
s. 68.

17E Landscape conservation areas

- (1) Each area of land described in a part of Schedule Nine is, for the purposes of this Act, a landscape conservation area under the name specified in that part.

- (2) A landscape conservation area may comprise any of the following—
 - (a) nature conservation areas;
 - (b) community use and education areas;
 - (c) natural features areas.
- (3) A landscape conservation area must be managed for the following purposes—
 - (a) for any part that is a nature conservation area, for the purposes of—
 - (i) conserving and protecting the natural environment, including species, communities and habitats of indigenous flora and fauna; and
 - (ii) protecting cultural heritage; and
 - (iii) if consistent with the purposes in subparagraphs (i) and (ii), providing opportunities for recreation, education and scientific study;
 - (b) for any part that is for a community use and education area, for the purposes of—
 - (i) providing for community use, education and scientific study; and
 - (ii) as is appropriate to the particular area—
 - (A) conserving and protecting the natural environment, including species, communities and habitats of indigenous flora and fauna; and
 - (B) maintaining or restoring natural surroundings and the character and quality of the landscape; and
 - (C) protecting cultural heritage;

- (c) for any part that is a natural features area, for the purposes of—
 - (i) conserving and protecting the natural environment, including species, communities and habitats of indigenous flora and fauna; and
 - (ii) protecting and restoring areas with indigenous vegetation or habitat; and
 - (iii) protecting scenic features and the character and quality of the landscape; and
 - (iv) protecting water quality where appropriate; and
 - (v) protecting cultural heritage; and
 - (vi) if consistent with the purposes in subparagraphs (i), (ii), (iii), (iv) and (v), providing opportunities for recreation, education and scientific study.

S. 17F
inserted by
No. 40/2020
s. 68.

17F Management and control of landscape conservation areas by Parks Victoria

Subject to any agreement entered into under section 16A(1), Parks Victoria has the control and management of each landscape conservation area and must—

- (a) ensure that each landscape conservation area is controlled and managed in accordance with the objects of this Act in a manner that—
 - (i) achieves the purposes set out in section 17E(3) for each area type that comprises the landscape conservation area; and

- (ii) eradicates or controls exotic flora and fauna in the landscape conservation area; and
- (b) consult, as far as is practicable, with the Secretary to ensure that, as far as is practicable, proper and sufficient measures are taken to protect each landscape conservation area from injury by fire; and
- (c) prepare a plan of management in respect of each landscape conservation area, which may be included as part of a land management plan within the meaning of Division 4 of Part 3 of the **Parks Victoria Act 2018**.

Division 2—Other parks

18 Other parks

- (1) Each area of land described in a part of Schedule Three is, for the purposes of this Act, a park under the name specified in that part.
- (2) Subject to any agreement entered into under section 16A(1), any Order under section 16C(1), and section 62Q(2) of the **Great Ocean Road and Environs Protection Act 2020**, Parks Victoria or the Great Ocean Road Coast and Parks Authority (as the case may be) must—
 - (a) ensure that each park referred to in subsection (1) is controlled and managed in accordance with the objects of this Act in a manner that will, insofar as is appropriate to the park—
 - (i) preserve, protect and re-establish indigenous flora and fauna in the park;

S. 18(2)
amended by
Nos 70/1998
s. 14(Sch.
item 6),
19/2018
s. 163(1),
42/2021
s. 107(1).

- (ii) preserve and protect features in the park of scenic, archaeological, ecological, geological, historic or other scientific interest;
 - (iii) enable the park to be used by the public for the enjoyment, observation and study of the countryside and its pursuits, its flora and fauna, its ecology and geology and other features; and
 - (iv) control exotic flora and fauna in the park;
- S. 18(2)(b)
amended by
No. 19/2018
s. 163(2).
- (b) consult, as far as is practicable, with the Secretary to ensure that, as far as is practicable, proper and sufficient measures are taken to protect each park referred to in subsection (1) from injury by fire;
 - (c) promote and encourage the use and enjoyment of parks referred to in subsection (1) by the public; and
 - (d) prepare a plan of management in respect of each park referred to in subsection (1), which may be included as part of a land management plan within the meaning of Division 4 of Part 3 of the **Parks Victoria Act 2018**.
- S. 18(2)(d)
amended by
No. 19/2018
s. 163(3).
- S. 18(3)
inserted by
No. 62/2010
s. 127(2).
- (3) In the case of any appointed land of a Traditional Owner Land Management Board that constitutes the whole or a part of a park to which this section applies, a management plan prepared under subsection (2)(d) does not have effect in so far as a joint management plan is in effect for that land.

- (4) On and after the preparation of a Marine and Coastal Strategy, Parks Victoria or the Great Ocean Road Coast and Parks Authority (as the case requires) must ensure that a management 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. 18(4) inserted by No. 26/2018 s. 94(5), amended by Nos 40/2020 s. 69, 42/2021 s. 107(2).
- (5) The Great Ocean Road Coast and Parks Authority has the functions and duties referred to in this section in relation to land managed under this Act for which it is appointed as land manager— S. 18(5) inserted by No. 42/2021 s. 107(3).
- (a) by Order under section 16C(1); or
- (b) under section 62Q(2) of the **Great Ocean Road and Environs Protection Act 2020**.

Division 3—General provisions

19 Powers of Minister

No. 8083 s. 6.

- (1) The Minister—
- (a) may accept gifts, devises, bequests and assignments of real or personal property whether on trust or otherwise;
- (b) may accept a gift or devise of land subject to a condition entitling the donor or a nominee of the donor or testator to occupy the land during the lifetime of the donor or nominee or for any other specified period; and
- (c) may act as executor or administrator of an estate or as trustee of moneys or other property where in the opinion of the Minister it is expedient to do so for or in connexion with giving effect to the objects of this Act.

National Parks Act 1975
No. 8702 of 1975
Part III—National parks, State parks and other parks

S. 19(2)
amended by
Nos 44/1986
s. 6(i)(ii),
38/1989 s. 7,
repealed by
No. 45/2013
s. 4.

* * * * *

S. 19(2A)
inserted by
No. 9114 s. 6,
re-numbered
as s. 19(3) by
No. 9570
s. 4(a),
repealed by
No. 45/2013
s. 4.

* * * * *

S. 19(4)
Inserted by
No. 9570
s. 4(b),
amended by
No. 10073
s. 5(a)(b).

- (4) Where land has been purchased or acquired (or possession of land has been taken under a contract for the purchase of land) under section 5 of the **Crown Land (Reserves) Act 1978** for the purposes of a park or any purpose mentioned in section 5(2) of that Act the Minister notwithstanding the provisions of section 5(7) of that Act—
- (a) may enter into an agreement for the occupation of the land by the vendor of the land or his nominee subject to such terms and conditions as the Minister thinks fit;
 - (b) may grant a tenancy of or a permit to manage or occupy a building or facility on the land at such rent, charge or fee for such period not exceeding seven years and subject to such terms and conditions as he thinks fit; and
 - (c) may grant a licence in respect of the land for such fees and other charges and for such period not exceeding seven years and subject to such terms and conditions as he thinks fit for any purpose or any purpose of a like nature to a purpose for which the land was

S. 19(4)(c)
amended by
No. 10073
s. 5(c).

being used at the time it was purchased or
acquired or possession of it was taken.

19AA Management of land prior to its reservation

S. 19AA
inserted by
No. 10166 s. 8.

- (1) Subject to section 19B, where possession of land has been taken pursuant to the compulsory acquisition of the land or under a contract for the purchase of the land under section 5 of the **Crown Land (Reserves) Act 1978** for the purposes of a park or for any purpose referred to in paragraphs (l) to (o) of section 4(1) of the **Crown Land (Reserves) Act 1978** the Minister may direct Parks Victoria or the Great Ocean Road Coast and Parks Authority to undertake the management of the land pursuant to this section until the land is placed under the control and management of Parks Victoria or the Great Ocean Road Coast and Parks Authority (as the case may be) pursuant to section 18(1) of the **Crown Land (Reserves) Act 1978**.

S. 19AA(1)
amended by
Nos 38/1989
s. 19(a),
70/1998
s. 14(Sch.
item 7),
19/2018
s. 164(1),
42/2021
s. 108(1).

- (2) Where Parks Victoria or the Great Ocean Road Coast and Parks Authority undertakes the management of land pursuant to a direction of the Minister under subsection (1)—

S. 19AA(2)
amended by
Nos 70/1998
s. 14(Sch.
item 7),
19/2018
s. 164(2),
42/2021
s. 108(2).

- (a) the land shall be used and managed as though it were a park; and
- (aa) regulations made under this Act, which apply to land described in Schedule Three apply to the land—
- (i) insofar as they are specified to apply by proclamation of the Governor in Council published in the Government Gazette; and

S. 19AA(2)(aa)
inserted by
No. 38/1989
s. 19(b).

(ii) until regulations are made under paragraph (b) which apply to the land; and

(b) the Governor in Council may make regulations in respect of the land as though the land were a park.

S. 19A
(Heading)
inserted by
No. 54/2008
s. 4.
S. 19A
inserted by
No. 9114 s. 7.

19A Management agreements with Trust for Nature

S. 19A(1)
amended by
Nos 38/1995
s. 21(b),
70/1998
s. 14(Sch.
item 8),
19/2018
s. 165(1),
42/2021
s. 109(1).

(1) Where land vested in the Trust for Nature (Victoria) (hereinafter called "the Trust") will in the future be surrendered and conveyed or transferred to the Crown for use as a park (whether within the meaning of this Act or not) or part of a park (whether within the meaning of this Act or not) or for a purpose or purposes (whether described in the same terms or terms to the like effect) for which it is within the object of this Act to make provisions in relation to a park and the land is suitable to be a park or part of a park under this Act the Minister may enter into an agreement with the Trust for the management of the land by Parks Victoria or the Great Ocean Road Coast and Parks Authority.

S. 19A(2)
amended by
Nos 70/1998
s. 14(Sch.
item 8),
19/2018
s. 165(2),
42/2021
s. 109(2).

(2) Where Parks Victoria or the Great Ocean Road Coast and Parks Authority undertakes the management of land pursuant to an agreement under this section, the land shall be used and managed as though it was (as the case requires in accordance with the agreement) a national park, State park or other park or part of a national park, State park or other park.

National Parks Act 1975
No. 8702 of 1975
Part III—National parks, State parks and other parks

- (2A) Where an agreement is in force under this section for the management of land—
- S. 19A(2A) inserted by No. 10166 s. 9, amended by No. 19/2018 s. 165(3).
- (a) sections 9(2) and (3), 20, 21A, 36, 37, 38, 39, 41, 41A, 43, 44, 45, 46, 47, 47A, 47B, 47C and 48; and
- (b) sections 17A, 17B, 17C, 19G, 19K, 21, 22, 23, 24, 25A, 26, 26A, 33 and 40 as the agreement specifically provides; and
- S. 19A(2A)(b) amended by Nos 38/1989 s. 8, 45/2013 s. 5, 54/2015 s. 3, 12/2016 s. 28(a).
- (c) any or all of sections 141 to 149 of the **Land Act 1958**, as the agreement specifically provides—
- S. 19A(2A)(c) inserted by No. 12/2016 s. 28(b).
- shall have effect in and in respect of the land as if it were (as the case requires in accordance with the agreement) a national park, State park or other park or part of a national park, State park or other park.
- (3) The Governor in Council may make regulations with respect to land subject to an agreement under this section as though the land was (as the case requires in accordance with the agreement) land described in Schedule Two, Schedule Two B, Schedule Three or Schedule Nine.
- S. 19A(3) amended by Nos 19/2018 s. 165(4), 40/2020 s. 70.
- (4) Nothing in this section shall be construed as authorizing the Minister, Parks Victoria, the Great Ocean Road Coast and Parks Authority, the Governor in Council or any other person to do or agree to do or cause or permit to be done or make any provision for the doing of anything which would not be consistent with any trust condition covenant or other restriction relating to the use of any land referred to in subsection (1).
- S. 19A(4) amended by Nos 70/1998 s. 14(Sch. item 8), 19/2018 s. 165(1), 42/2021 s. 109(3).

19B Parks Victoria to manage reserved land

S. 19B
(Heading)
inserted by
No. 19/2018
s. 166(1).

S. 19B
inserted by
No. 9247 s. 14.

S. 19B(1)
amended by
Nos 70/1998
s. 14(Sch.
item 9),
50/2002
s. 4(2),
19/2018
s. 166(2).

- (1) Where any land temporarily or permanently reserved under section 4 of the **Crown Land (Reserves) Act 1978** is placed under the control and management of Parks Victoria pursuant to section 18 of that Act Parks Victoria shall control manage and use the land for the purposes for which it is reserved.

Note to
s. 19B(1)
inserted by
No. 19/2018
s. 166(3).

Note

See section 67I of the **Conservation, Forests and Lands Act 1987** for a transitional provision relating to section 18(1) of the **Crown Land (Reserves) Act 1978**.

S. 19B(2)
amended by
Nos 70/1998
s. 14(Sch.
item 9),
19/2018
s. 166(4).

- (2) For the purposes of this section Parks Victoria shall be deemed to have the same powers functions and duties as a committee of management under section 15(1) of the **Crown Land (Reserves) Act 1978**.

S. 19B(3)
amended by
Nos 70/1998
s. 14(Sch.
item 9),
19/2018
s. 166(5).

- (3) Despite subsections (1) and (2), where land is subject to an accepted recommendation, Parks Victoria may give effect to that accepted recommendation even if the accepted recommendation conflicts with the purposes for which the land is reserved.

S. 19B(4)
amended by
Nos 70/1998
s. 14(Sch.
item 9),
19/2018
s. 166(4).

- (4) The Governor in Council may on the recommendation of Parks Victoria make regulations for and with respect to any of the matters referred to in subparagraphs (ii) to (xi) of section 13(1) of the **Crown Land (Reserves) Act 1978** in relation to the land as if—

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| <p>(a) any reference in that section to a committee of management were a reference to Parks Victoria; and</p> | <p>S. 19B(4)(a) amended by Nos 70/1998 s. 14(Sch. item 9), 19/2018 s. 166(4).</p> |
| <p>(b) any reference in that section to the land were a reference to land under this section.</p> | |
| <p>(5) Subsections (2A), (3A), (7) and (8) of section 13 of the Crown Land (Reserves) Act 1978 apply to regulations made under subsection (4) of this section as if they had been made under section 13(1) of the Crown Land (Reserves) Act 1978 and as if the reference in subsection (8) to officers and servants employed by the committee of management or the trustee of any land was a reference to employees of Parks Victoria.</p> | <p>S. 19B(5) inserted by No. 9570 s. 5, amended by Nos 51/2016 s. 14(1), 19/2018 s. 166(6).</p> |
| <p>Note</p> <p>See section 34 of the Crown Land (Reserves) Act 1978 for transitional provisions relating to penalties.</p> | |
| <p>Note to</p> <p>s. 19B(5) inserted by No. 51/2016 s. 14(2).</p> | |
| <p>(6) Despite section 18(2) of the Crown Land (Reserves) Act 1978, regulations made under section 13 of that Act continue to apply to land placed under the control and management of Parks Victoria under section 18 of that Act until regulations are made under subsection (4).</p> | <p>S. 19B(6) inserted by No. 38/1989 s. 20, amended by Nos 70/1998 s. 14(Sch. item 9), 50/2002 s. 4(4), 19/2018 s. 166(4).</p> |
| <p>(7) A reference to an authorised officer in regulations to which subsection (6) applies is to be taken to mean an authorised officer under this Act.</p> | <p>S. 19B(7) inserted by No. 38/1989 s. 20.</p> |

S. 19C
inserted by
No. 9570 s. 6.

19C Minister may make management agreements with public authorities

S. 19C(1)
amended by
Nos 44/1986
s. 7, 70/1998
s. 14(Sch.
item 10),
19/2018 s. 167,
42/2021
s. 110(1).

(1) Where any land is vested in or controlled or managed by a public authority the Minister and the public authority may enter into an agreement for the management of the land by Parks Victoria or the Great Ocean Road Coast and Parks Authority as if it were part of a park specified in the agreement.

(2) Where an agreement is in force under this section for the management of land—

S. 19C(2)(b)
amended by
No. 10166
s. 10.

(a) the land shall, except as otherwise expressly provided in the agreement, be controlled and managed as if it were part of the park specified in the agreement;

(b) sections 9(2) and (3), 20, 21A, 36, 37, 38, 39, 41, 41A, 43, 44, 45, 46, 47, 47A, 47B, 47C and 48 and the regulations under this Act applying to the park shall have effect in and in respect of the land as if it were part of the park specified in the agreement; and

S. 19C(2)(c)
amended by
Nos 38/1989
s. 9, 57/1995
s. 7, 45/2013
s. 6, 54/2015
s. 3.

(c) such of sections 17A, 17B, 17C, 19G, 19K, 21, 22, 23, 24, 25A, 26, 26A, 33 and 40 as the agreement specifically provides shall have effect in and in respect of the land as if it were part of the park specified in the agreement; and

S. 19C(2)(ca)
inserted by
No. 12/2016
s. 29.

(ca) any or all of sections 141 to 149 of the **Land Act 1958**, as the agreement specifically provides, have effect in and in respect of the land as if the land were part of the park specified in the agreement; and

(d) in the case of an agreement with respect to land which abuts a park in which there is a designated water supply catchment area, such of sections 32H, 32N and 38A as are specified in the agreement shall have effect with respect to the land as if it were part of the designated water supply catchment area specified in the agreement.

S. 19C(2)(d)
inserted by
No. 57/1995
s. 7.

(3) Notwithstanding anything to the contrary in any other Act a public authority may by agreement under this section delegate to Parks Victoria or the Great Ocean Road Coast and Parks Authority any of the powers or functions imposed on the public authority by or under any Act.

S. 19C(3)
inserted by
No. 44/1986
s. 8,
amended by
Nos 70/1998
s. 14(Sch.
item 10),
19/2018 s. 167,
42/2021
s. 110(2).

(4) A committee of management appointed under the **Crown Land (Reserves) Act 1978** must not delegate any of its powers or functions under that Act in relation to any land in the agreement unless the agreement provides that Parks Victoria or the Great Ocean Road Coast and Parks Authority will undertake or carry out these powers and functions in a manner which is not detrimental to the purposes for which the land was reserved.

S. 19C(4)
inserted by
No. 44/1986
s. 8,
amended by
Nos 70/1998
s. 14(Sch.
item 10),
19/2018 s. 167,
42/2021
s. 110(3).

19D Minister may make agreements with other States

The Minister may do any thing which in his opinion is necessary or convenient to ensure the co-operation of the government of the Commonwealth or the government of any other State in carrying out the purposes of this Act including entering into agreements with a Minister of the Crown in right of the Commonwealth or in right of any other State or with any authority constituted under law of the Commonwealth or of any other State for the management by Parks Victoria or another person of any land vested in

S. 19D
inserted by
No. 9570 s. 6,
amended by
Nos 70/1998
s. 7, 19/2018
s. 168.

the Crown or in a Minister of the Crown in the right of the Commonwealth or of any other State or in an authority constituted under the law of the Commonwealth or any other State on behalf of that Crown Minister or authority.

S. 19E
inserted by
No. 10166
s. 11.

19E Leasing and managing of land adjacent to parks

S. 19E(2)
amended by
Nos 70/1998
s. 14(Sch.
item 11),
19/2018 s. 169,
substituted by
No. 42/2021
s. 111.

- (1) The Minister may lease any land adjacent to a park (whether with or without an option for the Crown to purchase the land) which is suitable to be part of the park to which it is adjacent.
- (2) The Minister may direct land leased under subsection (1) to be managed by either of the following, as though it were part of the park to which it is adjacent and were specified in the lease—
 - (a) Parks Victoria, if the leased land is adjacent to land in a park controlled and managed by Parks Victoria;
 - (b) the Great Ocean Road Coast and Parks Authority, if the leased land is adjacent to land in a park controlled and managed by the Great Ocean Road Coast and Parks Authority.
- (3) Where any lease under subsection (1) is in force in respect of land—
 - (a) the land shall be controlled and managed as if it were part of the park to which it is adjacent;
 - (b) sections 9(2) and (3), 20, 21A, 36, 37, 38, 39, 41, 41A, 43, 44, 45, 46, 47, 47A, 47B, 47C and 48 and the regulations under this Act applying to the park to which the land is adjacent and specified in the lease shall have effect in and in respect of the land as if it

were part of the park specified in the lease;
and

- (c) such of sections 17A, 17B, 17C, 19G, 19K, 21, 22, 23, 24, 25, 25A, 26, 26A, 33 and 40 as the lease specifically provides shall have effect in and in respect of the land as if it were part of the park to which the land is adjacent and is specified in the lease; and

S. 19E(3)(c)
amended by
Nos 38/1989
s. 10, 45/2013
s. 7, 54/2015
s. 3, 12/2016
s. 30(a).

- (d) any or all of sections 141 to 149 of the **Land Act 1958**, as the lease specifically provides, have effect in and in respect of the land as if the land were part of the park specified in the lease.

S. 19E(3)(d)
inserted by
No. 12/2016
s. 30(b).

19F Order that land to be treated as a park for certain purposes

S. 19F
inserted by
No. 10166
s. 11.

- (1) The Governor in Council may by Order published in the Government Gazette declare that any area of land vested in the Minister pursuant to section 19(1) or managed by Parks Victoria pursuant to section 19A, 19AA, 19B, 19C, 19D, 19E or 32AA shall be an area of land to which all or such provisions of this Act and the regulations under this Act or any or all of sections 141 to 149 of the **Land Act 1958** as are specified in the Order are to apply.

S. 19F(1)
amended by
Nos 44/1986
s. 9(a),
70/1998
s. 14(Sch.
item 12),
12/2016
s. 31(1),
19/2018 s. 170.

- (2) An Order made pursuant to subsection (1) may amend Schedule Four or that Schedule as so amended—

- (a) by adding to the Schedule an item relating to an area of land and specifying the provisions of this Act and the regulations under this Act or any or all of sections 141 to 149 of the **Land Act 1958** that shall apply to the land;

S. 19F(2)(a)
amended by
No. 12/2016
s. 31(1).

National Parks Act 1975
No. 8702 of 1975
Part III—National parks, State parks and other parks

S. 19F(2)(b)
amended by
Nos 38/1989
s. 35(a)(i),
12/2016
s. 31(2).

(b) by altering any item in the Schedule, whether with respect to the land or the provisions of the Act or the regulations or any or all of sections 141 to 149 of the **Land Act 1958** which are to apply to the land;

(c) by revoking any item in the Schedule—
and the Schedule as so amended shall have the same force and effect as if that amendment had been enacted in this Act.

S. 19F(3)
amended by
Nos 38/1989
s. 35(a)(ii),
74/2000
s. 3(Sch. 1
item 87.3),
57/2006 s. 4.

(3) Where any land is included in Schedule Four—

S. 19F(3)(a)
amended by
Nos 38/1989
s. 35(a)(ii),
74/2000
s. 3(Sch. 1
item 87.3),
12/2016
s. 31(3)(a),
53/2017
s. 23(1).

(a) the provisions of this Act or any regulations made pursuant to the Act or sections 141 to 149 of the **Land Act 1958** shall not apply to the land except as specifically provided in Schedule Four or elsewhere in the Act;

S. 19F(3)(b)
amended by
Nos 38/1989
s. 35(a)(ii),
74/2000
s. 3(Sch. 1
item 87.3),
12/2016
s. 31(3)(b),
53/2017
s. 23(2).

(b) those provisions of the Act or any or all of sections 141 to 149 of the **Land Act 1958** which are specified in Schedule Four or elsewhere in the Act to apply to the land shall apply to the land as though it were a park.

(4) A copy of an Order under this section shall be laid before both Houses of Parliament within fourteen days after the making thereof if Parliament is then sitting and if Parliament is not then sitting then

within fourteen days after the next meeting of Parliament.

- (5) An Order under this section shall be revoked if each House of Parliament passes a resolution revoking the Order within eighteen sitting days after the Order has been laid before both Houses of Parliament.
- (6) An order may not specify that any provision of this Act or the regulations or sections 141 to 149 of the **Land Act 1958** is to apply to any land that is subject to an agreement under section 19A, 19C, 19D or a lease under section 19E if there is an express term or condition to the contrary in the agreement or lease.

S. 19F(6)
inserted by
No. 44/1986
s. 9(b),
amended by
No. 12/2016
s. 31(4).

19G Power of Minister to grant leases not exceeding 21 years

S. 19G
inserted by
No. 45/2013
s. 8.

- (1) Subject to this Act, after consulting the National Parks Advisory Council, the Minister may grant a lease to a person of any land in any park or any land that is described in Schedule Four other than—
- (a) a wilderness park described in Schedule Two A;
 - (b) a wilderness zone described in Schedule Five;
 - (c) a remote and natural area described in Schedule Six;
 - (d) a designated water supply catchment area;
 - (e) a natural catchment area described in Schedule 2 to the **Heritage Rivers Act 1992** that is located in a park;
 - (f) a reference area.

S. 19G(1)
amended by
No. 54/2015
s. 4.

- (2) A lease under subsection (1)—
- (a) must be granted in writing; and
 - (b) is subject to any rent or other charges and terms and conditions determined by the Minister; and
 - (c) must not be for a term of more than 21 years.
- (3) The purpose of a lease under subsection (1)—
- (a) must be consistent with the objects of this Act in relation to the land; and
 - (b) may be for the occupation of buildings or the construction and occupation of buildings, including buildings providing accommodation, but not for the purpose of industrial or residential use.
- (4) For the purposes of subsection (2)(b), the Minister must ensure that the lease is subject to conditions that prevent or minimise any adverse impact on the park (including its natural, indigenous, historic, cultural, landscape and recreational values) by the development or use of the land that is permitted under the lease.

S. 19H
inserted by
No. 45/2013
s. 8,
repealed by
No. 54/2015
s. 5.

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S. 19I
inserted by
No. 45/2013
s. 8,
repealed by
No. 54/2015
s. 5.

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S. 19J
inserted by
No. 45/2013
s. 8,
repealed by
No. 54/2015
s. 5.

19K Power of Minister to grant licences associated with leases

S. 19K
inserted by
No. 45/2013
s. 8.

- (1) If a lease is granted to a person under section 19G, the Minister may grant the person a licence to use any land, building, improvements or works in the vicinity of, or connected with, the land that is subject to the lease.
- (2) A licence under subsection (1) may be granted—
 - (a) at the same time as the lease to which it relates is granted; or
 - (b) after the lease to which it relates is granted.
- (3) A licence under subsection (1)—
 - (a) must be for the same or a related purpose for which the land is leased; and
 - (b) must be granted in writing; and
 - (c) may be for the whole or part of the term of the lease; and
 - (d) is subject to any fees and other charges and terms and conditions determined by the Minister.
- (4) For the purposes of subsection (3)(d), the Minister must ensure that the licence is subject to conditions that prevent or minimise any adverse impact on the park (including its natural, indigenous, historic, cultural, landscape and recreational values) by the development or use of the land that is permitted under the licence.

S. 19K(1)
amended by
No. 54/2015
s. 6.

20 Powers of Parks Victoria and Great Ocean Road Coast and Parks Authority

S. 20
(Heading)
inserted by
No. 19/2018
s. 171(1),
amended by
No. 42/2021
s. 112(1).

S. 20(1)
amended by
Nos 70/1998
s. 14(Sch.
item 13),
19/2018
s. 171(2),
42/2021
s. 112(2).

S. 20(1)(c)
substituted by
Nos 9861
s. 3(1),
31/1994
s. 3(Sch. 1
item 45.1).

S. 20(2)
amended by
Nos 70/1998
s. 14(Sch.
item 13),
19/2018
s. 171(3),
42/2021
s. 112(3).

- (1) Parks Victoria or the Great Ocean Road Coast and Parks Authority may, subject to this Act, do all things necessary or desirable to achieve the objects of this Act and in particular—
 - (a) may initiate or investigate proposals for or in relation to the acquisition of land to be added to and form part of a park or to be established as a park;
 - (b) may, subject to subsection (2), promote research study or investigation of matters that relate to the objects of this Act; and
 - (c) may with the approval of the Minister authorise the payment from money available for that purpose for or in connection with research, study or investigation promoted under paragraph (b).
- (2) Where Parks Victoria or the Great Ocean Road Coast and Parks Authority promotes research study or investigation under subsection (1), Parks Victoria or the Great Ocean Road Coast and Parks Authority (as the case requires) shall require a person who has agreed to undertake the research study or investigation to make to Parks Victoria or the Great Ocean Road Coast and Parks Authority (as the case requires) such reports on the progress and results of the research study or investigation as Parks Victoria or the Great Ocean Road Coast and Parks Authority (as the case requires) determines and to carry on the research study or investigation subject to and in accordance with

such other terms and conditions as Parks Victoria
or the Great Ocean Road Coast and Parks
Authority (as the case requires) determines.

**20A Obligations of Secretary and Parks Victoria in
relation to Yarra River land**

**S. 20A
(Heading)
amended by
No. 19/2018
s. 172(1).**

**S. 20A
inserted by
No. 49/2017
s. 82.**

(1) The Secretary or Parks Victoria—

**S. 20A(1)
amended by
No. 19/2018
s. 172(2).**

(a) must not act inconsistently with any part of a Yarra Strategic Plan that is expressed to be binding on the Secretary or Parks Victoria when performing a function or duty or exercising a power under this Act in relation to Yarra River land; and

**S. 20A(1)(a)
amended by
No. 19/2018
s. 172(2).**

(b) must have regard to the Yarra protection principles, and those parts of a Yarra Strategic Plan not expressed to be binding on the Secretary or Parks Victoria, when performing a function or duty or exercising a power under this Act in relation to the Yarra Strategic Plan area that may affect Yarra River land.

**S. 20A(1)(b)
amended by
No. 19/2018
s. 172(2).**

(2) Subsection (1) does not apply to the performance of a function or the exercise of a power by the Secretary or Parks Victoria in relation to—

**S. 20A(2)
amended by
No. 19/2018
s. 172(2),
substituted by
No. 43/2021
s. 219(Sch. 1
item 8.1).**

(a) a declared project within the meaning of the **Major Transport Projects Facilitation Act 2009**; or

- (b) a Suburban Rail Loop project within the meaning of the **Suburban Rail Loop Act 2021**.

S. 20B
(Heading)
amended by
Nos 40/2020
s. 71(1),
42/2021
s. 113(1).

S. 20B
inserted by
No. 17/2018
s. 19.

20B Obligations of Secretary, Parks Victoria or Great Ocean Road Coast and Parks Authority in relation to declared areas

S. 20B(1)
amended by
Nos 40/2020
s. 71(2),
42/2021
s. 113(2)(a).

- (1) The Secretary, Parks Victoria or the Great Ocean Road Coast and Parks Authority, when performing a function or duty or exercising a power under this Act in relation to a declared area—

S. 20B(1)(a)
amended by
Nos 40/2020
s. 71(3),
42/2021
s. 113(2)(b).

- (a) must not act inconsistently with any part of a Statement of Planning Policy that is expressed to be binding on the Secretary, Parks Victoria or the Great Ocean Road Coast and Parks Authority (as the case requires); and

S. 20B(1)(b)
amended by
Nos 40/2020
s. 71(3),
42/2021
s. 113(2)(b).

- (b) must have regard to those parts of the Statement of Planning Policy not expressed to be binding on the Secretary, Parks Victoria or the Great Ocean Road Coast and Parks Authority (as the case requires); and
- (c) must have regard to the principles set out in section 46AZL of the **Planning and Environment Act 1987**.

(2) Subsection (1) does not apply to the performance of a function or the exercise of a power by the Secretary or Parks Victoria in relation to—

S. 20B(2)
substituted by
No. 43/2021
s. 219(Sch. 1
item 8.2).

(a) a declared project within the meaning of the **Major Transport Projects Facilitation Act 2009**; or

(b) a Suburban Rail Loop project within the meaning of the **Suburban Rail Loop Act 2021**.

20C Obligations of Secretary, Parks Victoria and Great Ocean Road Coast and Parks Authority in relation to the Great Ocean Road region

S. 20C
(Heading)
amended by
No. 42/2021
s. 114(1).

S. 20C
inserted by
No. 19/2020
s. 100.

(1) The Secretary, Parks Victoria or the Great Ocean Road Coast and Parks Authority, when performing a function or duty or exercising a power under this Act—

S. 20C(1)
amended by
No. 42/2021
s. 114(2)(a).

(a) must not act inconsistently with any part of an approved Great Ocean Road strategic framework plan that is expressed to be binding on the Secretary, Parks Victoria or the Great Ocean Road Coast and Parks Authority (as the case requires) in relation to the Great Ocean Road scenic landscapes area; and

S. 20C(1)(a)
amended by
No. 42/2021
s. 114(2)(b).

(b) must have regard to the Great Ocean Road coast and parks protection principles in relation to the Great Ocean Road coast and parks; and

(c) must have regard to those parts of an approved Great Ocean Road strategic framework plan not expressed to be binding

S. 20C(1)(c)
amended by
No. 42/2021
s. 114(2)(b).

on the Secretary, Parks Victoria or the Great Ocean Road Coast and Parks Authority (as the case requires) in relation to the Great Ocean Road region.

- (2) Subsection (1) does not apply to the performance of a function or the exercise of a power by the Secretary or Parks Victoria (as the case requires) in relation to a declared project within the meaning of the **Major Transport Projects Facilitation Act 2009**.

21 Parks Victoria and Great Ocean Road Coast and Parks Authority may grant certain permits etc.

Cf. No. 8083
s. 7.

S. 21
(Heading)
inserted by
No. 19/2018
s. 173(1),
amended by
No. 42/2021
s. 115(1).

S. 21(1)
amended by
Nos 9114 s. 8,
9570 s. 11(5),
38/1989
s. 11(1),
s. 21(a),
70/1998
s. 14(Sch.
item 14),
40/2009 s. 36,
12/2016 s. 32,
substituted by
No. 19/2018
s. 173(2).

S. 21(1)(a)
amended by
No. 42/2021
s. 115(2).

S. 21(1)(b)
amended by
No. 42/2021
s. 115(2)(b).

- (1) Parks Victoria may grant to a person a permit to occupy a building, camping place or other facility erected, set apart or provided in a park—
- (a) for a period determined by Parks Victoria or the Great Ocean Road Coast and Parks Authority, or the Great Ocean Road Coast and Parks Authority, but that is not to exceed 6 weeks; and
- (b) subject to any terms and conditions determined by Parks Victoria or the Great Ocean Road Coast and Parks Authority; and

(c) subject to the payment of any fees and charges as the Minister determines under subsection (2).

(1AA) Parks Victoria or the Great Ocean Road Coast and Parks Authority may grant to a person a permit to carry on a trade or business in the park consistent with the objects of the Act other than a trade or business in a park to which Division 3A applies—

S. 21(1AA) inserted by No. 19/2018 s. 173(2), amended by No. 42/2021 s. 115(3)(a).

(a) for a period not exceeding 3 years; and

(b) subject to terms and conditions determined by Parks Victoria or the Great Ocean Road Coast and Parks Authority (as the case may be); and

S. 21(1AA)(b) amended by No. 42/2021 s. 115(3)(b).

(c) subject to the payment of any fees and charges as the Minister determines under subsection (2).

Note

See Division 3A for the grant of tour operator licences to conduct organised tours or recreational activities in a park.

(1A) Parks Victoria must not grant a permit to carry on a trade or business in a wilderness park unless the activity which is the subject of the permit is an activity permitted under section 17C(2)(c).

S. 21(1A) inserted by No. 38/1989 s. 11(2), amended by Nos 70/1998 s. 14(Sch. item 14), 19/2018 s. 173(3).

(2) In relation to permits granted or that may be granted under subsection (1) or (1AA), the Minister may do the following—

S. 21(2) substituted by No. 19/2018 s. 173(4).

(a) determine fees and charges payable—

(i) by the class or type of permit; and

(ii) at different times of the year;

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- (b) set—
 - (i) specific fees and charges; and
 - (ii) maximum fees and charges; and
 - (iii) minimum fees and charges;
- (c) discount fees and charges payable;
- (d) exempt a person, or class or persons, from paying any fees or charges;
- (e) waive any fees and charges payable.

S. 21(2A)
inserted by
No. 38/1989
s. 21(b),
amended by
Nos 19/2018
s. 173(5),
42/2021
s. 115(4).

- (2A) A permit granted under subsection (1AA) may be cancelled or suspended by Parks Victoria or the Great Ocean Road Coast and Parks Authority (as the case may be) if the holder does not comply with the terms and conditions of the permit.

S. 21(3)
amended by
Nos 70/1998
s. 14(Sch.
item 14),
19/2018
s. 173(6),
42/2021
s. 115(5).

- (3) Parks Victoria or the Great Ocean Road Coast and Parks Authority (as the case may be) may authorize the provision in a park of such services, facilities and goods for the public on such terms and conditions and subject to the payment of such fees or charges as the Minister determines.

21A Permits to take fish or fishing bait for research in marine national parks and marine sanctuaries

S. 21A
inserted by
No. 9114 s. 21,
substituted by
No. 9247 s. 15,
amended by
Nos 10073
s. 6, 10166
s. 12(a)(b),
41/1987
s. 103(Sch. 4
item 49.5),
38/1989
s. 35(b),
38/1995
s. 21(c),
76/1998 s. 14,
repealed by
No. 70/1998
s. 8,
new s. 21A
inserted by
No. 40/2002
s. 7.

- (1) Parks Victoria or the Great Ocean Road Coast and Parks Authority may, in respect of a marine national park or a marine sanctuary, grant a permit to a person to take fish or fishing bait for the purpose of any research, study or investigation that Parks Victoria or the Great Ocean Road Coast and Parks Authority considers—

S. 21A(1)
amended by
Nos 19/2018
s. 174(1),
42/2021
s. 116(1).

- (a) is appropriate; and
- (b) does not detrimentally affect the area as a marine national park or marine sanctuary.

- (2) A permit under subsection (1) is subject to the terms and conditions determined by Parks Victoria or the Great Ocean Road Coast and Parks Authority (as the case may be).

S. 21A(2)
amended by
Nos 19/2018
s. 174(2),
42/2021
s. 116(2).

- (3) The holder of a permit must comply with the terms and conditions of the permit.

Penalty: 20 penalty units.

- (4) A person who acts under and in accordance with a permit under this section does not commit an offence under the **Fisheries Act 1995**.

S. 21B
inserted by
No. 40/1992
s. 14.

21B Remote and natural areas

Each area of land described in a Part of Schedule Six is, for the purposes of this Act, a remote and natural area under the name specified in that Part.

S. 21C
inserted by
No. 40/1992
s. 14.

21C Protection of remote and natural areas

S. 21C(1)
amended by
Nos 70/1998
s. 14(Sch.
item 15),
19/2018 s. 175.

- (1) Parks Victoria must ensure that each remote and natural area is controlled and managed in accordance with the objects of this Act in a manner that will protect and preserve the natural environment of the area, including indigenous flora and fauna and features of ecological, geological, scenic, archaeological, historic or scientific significance.

S. 21C(2)
amended by
Nos 70/1998
s. 14(Sch.
item 15),
19/2018 s. 175.

- (2) Parks Victoria must ensure that, in a remote and natural area—
- (a) no new roads or tracks for vehicles are constructed; and
 - (b) existing roads or tracks for vehicles are not widened or upgraded in any way so that they can carry increased traffic or heavier vehicles; and
 - (c) no new structures are constructed; and
 - (d) no new facilities are installed; and
 - (e) no new works are carried out that will adversely affect the natural condition or appearance of the area.

(3) In subsection (2) *works* includes, but is not limited to, any of the following—

- (a) excavation and earth works;
- (b) destruction, removal or lopping of vegetation.

21D Management of remote and natural areas

(1) This section has effect despite section 21C.

S. 21D
inserted by
No. 40/1992
s. 14.

(2) After land becomes part of a remote and natural area, then subject to and in accordance with the provisions of this Act (other than section 21C) and subject to any conditions and restrictions that Parks Victoria may impose in accordance with this Act—

S. 21D(2)
amended by
Nos 70/1998
s. 14(Sch.
item 16),
19/2018
s. 176(1).

- (a) any lawful uses of land existing immediately before its inclusion in the area may continue; and
- (b) any lawful activity or works begun on the land before its inclusion in the area may continue and be completed; and
- (c) any structure lawfully constructed on the land before its inclusion in the area may be used for its intended purpose; and
- (d) any works lawfully carried out on the land before its inclusion in the area may be used for their intended purpose.

(3) Subject to and in accordance with any provision of this Act other than section 21C—

- (a) the Minister or Parks Victoria may complete anything of a continuing nature commenced under this Act in relation to land before its inclusion in a remote and natural area; and

S. 21D(3)(a)
amended by
Nos 70/1998
s. 14(Sch.
item 16),
19/2018
s. 176(2).

National Parks Act 1975
No. 8702 of 1975
Part III—National parks, State parks and other parks

S. 21D(3)(b)
amended by
Nos 70/1998
s. 14(Sch.
item 16),
19/2018
s. 176(2).

(b) the Minister or Parks Victoria may give effect to agreements, licences or permits or authorities entered into, granted or issued in relation to land before its inclusion in a remote and natural area; and

S. 21D(3)(c)
amended by
Nos 70/1998
s. 14(Sch.
item 16),
19/2018
s. 176(2).

(c) the Minister or Parks Victoria may give effect to any rights, powers or obligations acquired or incurred in relation to land before its inclusion in a remote and natural area; and

S. 21D(3)(d)
amended by
Nos 70/1998
s. 14(Sch.
item 16),
19/2018
s. 176(2).

(d) the Minister or Parks Victoria may do anything necessary for the maintenance or repair of existing roads, tracks, structures or facilities in a remote and natural area.

S. 21D(4)
amended by
Nos 70/1998
s. 14(Sch.
item 16),
19/2018
s. 176(3)(a).

- (4) Parks Victoria may, in a remote and natural area, do anything which he or she considers necessary for—
- (a) the eradication or control of non-indigenous flora and non-indigenous fauna; or
 - (b) the protection of the natural environment; or
 - (c) the health and safety of the public; or

S. 21D(4)(d)
repealed by
No. 19/2018
s. 176(3)(b).

* * * * *

(e) dealing with emergencies relating to disease.

S. 21D(4A)
inserted by
No. 19/2018
s. 176(4).

- (4A) Subject to section 17(2)(b), the Secretary may do anything which the Secretary considers necessary for the prevention and control of fire.

- (5) Parks Victoria, with the approval of the Minister, may do anything else that Parks Victoria considers—

S. 21D(5)
amended by
Nos 70/1998
s. 14(Sch.
item 16),
19/2018
s. 176(5).

(a) is—

- (i) essential for the responsible management of a remote and natural area; or
- (ii) necessary to be done in the public interest, in relation to a remote and natural area; and

(b) does not substantially degrade the natural condition or appearance of the area.

- (6) Parks Victoria must undertake, or cause to be undertaken, rehabilitation work or any other measures that Parks Victoria considers necessary to prevent or minimise loss or degradation of the natural condition or appearance of a remote and natural area if it considers that—

S. 21D(6)
amended by
Nos 70/1998
s. 14(Sch.
item 16),
19/2018
s. 176(6).

(a) loss or degradation has resulted or is likely to result from activities under this section; or

(b) there is evidence of increasing disturbance of the natural condition or appearance of the area, however caused.

- (7) The Secretary must undertake, or cause to be undertaken, rehabilitation work or any other measures that the Secretary considers necessary to prevent or minimise loss or degradation as a result of activities relating to the prevention or control of fire carried out under subsection (4A).

S. 21D(7)
inserted by
No. 19/2018
s. 176(7).

22 Zones in parks

- (1) The Governor in Council may make regulations prescribing a name as the name of a zone that may be declared under this section as a zone within a park.

National Parks Act 1975
No. 8702 of 1975
Part III—National parks, State parks and other parks

S. 22(2)
amended by
No. 38/1989
s. 12(2).

(2) The Governor in Council may by proclamation published in the Government Gazette declare that specified lands forming part of a park are a zone within that park under a prescribed name, other than the name of "wilderness zone".

(3) Lands declared under subsection (2) to be a zone under a prescribed name shall be controlled and managed subject to and in accordance with such conditions as are, subject to this Act, prescribed for the control and management of lands declared to be a zone under that name.

S. 22(4)
inserted by
No. 38/1989
s. 12(1),
amended by
No. 40/1992
s. 10(2)(a).

(4) If land has become a wilderness zone under subsection (4A) or has been declared under subsection (5) to be a wilderness zone—
(a) the land is to be used and managed as if it were a wilderness park; and
(b) the provisions of this Act apply to the land as if it were a wilderness park.

S. 22(4A)
inserted by
No. 40/1992
s. 10(1).

(4A) The Minister, by notice published in the Government Gazette, may in respect of each Part of Schedule Five appoint a day on which the land described in that Part becomes a wilderness zone for the purposes of this Act.

S. 22(4B)
inserted by
No. 40/1992
s. 10(1).

(4B) Subsection (4A) does not affect or limit the Governor in Council's power to declare land to be a wilderness zone.

S. 22(4C)
inserted by
No. 40/1992
s. 10(1).

(4C) The Minister must not appoint a day on which the land in Part 7 of Schedule Five becomes a wilderness zone that is earlier than the date of commencement of Part 2 of the **National Parks (Wilderness) Act 1992**.

S. 22(5)
inserted by
No. 38/1989
s. 12(1).

(5) The Governor in Council, by proclamation published in the Government Gazette may declare specified land forming part of a park to be a wilderness zone if the land—

- (a) together with the plant and animal community on the land, is in a state that has not been substantially modified by the influences of European settlement or is capable of being restored to such a state; and
 - (b) is of a sufficient size to make its maintenance in such a state feasible; and
 - (c) is capable of providing opportunities for solitude and appropriate self-reliant recreation.
- (6) The Governor in Council may by proclamation published in the Government Gazette declare that specified land forming a wilderness zone under subsection (4A) or (5) or part of a wilderness zone cease to form that zone or part.
- (7) A proclamation under subsection (5) or (6) does not have effect unless approved by resolutions of both Houses of the Parliament.
- (8) Notice of a resolution to approve a proclamation may be given in a House of the Parliament on or before the eighteenth day on which that House sits after the proclamation is made and the resolution must be passed on or before the twelfth day upon which that House sits after notice of the resolution has been given in that House but the power of either House to pass a resolution approving the proclamation shall not be affected by the prorogation or dissolution of the Parliament or of either House of the Parliament and for the purpose of this section the calculation of days upon which a House has sat shall be made as if there had been no such prorogation or dissolution.
- S. 22(6)
inserted by
No. 38/1989
s. 12(1),
amended by
No. 40/1992
s. 10(2)(b).

S. 22(7)
inserted by
No. 38/1989
s. 12(1).

S. 22(8)
inserted by
No. 38/1989
s. 12(1).

S. 22A
inserted by
No. 40/1992
s. 11.

22A Wilderness zones—General

Sections 22B to 22D apply despite anything to the contrary in section 22 of this Act or any provision applied by that section.

S. 22B
inserted by
No. 40/1992
s. 11.

22B Navigation lights—Sandpatch and Wilsons Promontory wilderness zones

S. 22B(1)
amended by
Nos 70/1998
s. 14(Sch.
item 17),
19/2018 s. 177.

- (1) Parks Victoria may, subject to and in accordance with this Act, construct or permit the construction of a navigation light at Little Rame Head in the wilderness zone referred to in Part 18 of Schedule Five.

S. 22B(2)
amended by
Nos 70/1998
s. 14(Sch.
item 17),
19/2018 s. 177.

- (2) Parks Victoria may, subject to and in accordance with this Act, maintain or permit the maintenance of—
- (a) any navigation light constructed under subsection (1); and
 - (b) the navigation light at Wingan Point in the wilderness zone referred to in Part 18 of Schedule Five; and
 - (c) the navigation light at Lighthouse Point in the wilderness zone referred to in Part 20 of Schedule Five.

- (3) Section 17C(3) applies to the construction and maintenance of these navigation lights as if they were essential management activities permitted under section 17C(2).

S. 22C
inserted by
No. 40/1992
s. 11,
repealed by
No. 35/2005
s. 4.

* * * * *

22D Deer hunting in some wilderness zones

- (1) Section 17C(1) does not apply to deer hunting by stalking and the carrying and use of firearms or other weapons for that purpose, in accordance with a permit or authority under section 37, in the wilderness zones referred to in Parts 8 and 9 of Schedule Five.
- (2) Parks Victoria must keep under review the extent to which deer hunting allowed in these wilderness zones by permit or authority under section 37 may interfere or conflict with other activities permitted there and may, having regard to the results of the review, take any appropriate action permitted by this Act.

S. 22D
inserted by
No. 40/1992
s. 11.

S. 22D(2)
amended by
Nos 70/1998
s. 14(Sch.
item 18),
19/2018 s. 178.

23 Permanent works that may be carried out in parks

- (1) Subject to the approval of the Minister, there may be carried out in a park which is not a wilderness park works for the construction of a building or other structure or other permanent works for the protection development or improvement of the park including the establishment of camping places roads and tracks.
- (2) The Minister must approve the carrying out of any works under subsection (1), before the works are carried out, unless the Minister has specified by notice published in the Government Gazette works, or a class of works, for which approval is not required.

Cf. No. 8083
s. 7.

S. 23
amended by
Nos 38/1989
s. 13, 19/2018
s. 179 (ILA
s. 39B(1)).

S. 23(2)
inserted by
No. 19/2018
s. 179.

24 Maintenance works to be carried out in parks

There may be carried out in each park which is not a wilderness park such works as are necessary to maintain the park in such condition as is consistent with the objects of this Act.

Cf. No. 8083
s. 7.

S. 24
amended by
No. 38/1989
s. 14(1).

Cf. No. 8083
s. 7.

S. 25
amended by
Nos 9570
s. 8(4)(a)(b),
41/1987
s. 103(Sch. 4
item 49.6),
38/1989
s. 14(2),
46/1998
s. 7(Sch. 1).

S. 25(b)
amended by
No. 92/1995
s. 161(Sch. 2
item 4).

S. 25(2)
repealed by
No. 9570
s. 8(4)(b).

S. 25A
inserted by
No. 9114 s. 9,
amended by
Nos 9427
s. 6(1)(Sch. 5
item 118),
35/2005 s. 5
(ILA s. 39B(1)).

S. 25A(1)
amended by
No. 19/2018
s. 180(1).

25 Certain works may be carried out on foreshore etc. adjacent to parks

Subject to and in accordance with the consent of the Minister, the Minister for the time being administering the **Conservation, Forests and Lands Act 1987** and the Minister administering the **Planning and Environment Act 1987**, there may be carried out in or on—

- (a) the foreshore; or
- (b) Victorian waters within the meaning of the **Fisheries Act 1995**—

adjacent to a park (other than a wilderness park) works for the construction of a building, jetty, launching or landing place or other structure.

* * * * *

25A Continuation of existing uses

- (1) Where land included in Schedule Two is at the time of the inclusion subject to an accepted recommendation requiring that effect be given to a recommendation that an existing use or existing uses of the land be continued, the Minister may in writing grant to a person a tenancy of or licence in respect of all or any part of the land for a period not exceeding seven years for such fees rent or other charges and subject to such terms,

conditions and covenants consistent with the recommendation as the Minister determines for a use recommended as aforesaid.

- (2) In this section, *accepted recommendation* does not include any accepted recommendation as to the continuation of grazing on any land in the park described in Part 37 of Schedule Two.

S. 25A(2)
inserted by
No. 35/2005
s. 5,
amended by
No. 19/2018
s. 180(2).

25B Harvesting of a pine plantation in Lake Eildon National Park

Where the harvesting of a pine plantation is authorised by Part 7 of Schedule Two, Parks Victoria, with the consent of the Minister, may grant a licence to any person to take, sell or otherwise dispose of any such pine plantation, subject to such covenants, terms and conditions as are prescribed and subject to the payment of such rent, fees, royalties or charges as Parks Victoria determines.

S. 25B
inserted by
No. 9247 s. 9,
amended by
Nos 9570
s. 12, 10166
s. 13, 7/1987
s. 5, 41/1987
s. 103(Sch. 4
items 49.7,
49.8), 7/1988
s. 5, 37/1989
s. 4, 38/1989
s. 18(3)(e),
7/1997 s. 4,
70/1998
s. 14(Sch.
items 19–21),
76/1998 s. 14,
50/2002 s. 5,
48/2004 s. 136,
substituted by
No. 64/2004
s. 6,
amended by
No. 19/2018
s. 181.

* * * * *

S. 26
amended by
Nos 9861
s. 3(1),
38/1989
s. 18(3)(f),
31/1994
s. 3(Sch. 1
item 45.2),
19/2018 s. 182,
repealed by
No. 40/2020
s. 72.

S. 26A
inserted by
No. 9114 s. 10,
amended by
Nos 38/1989
s. 18(3)(g),
40/2020 s. 73.

26A Tenancies or licences for certain purposes

The Minister may by agreement in writing grant to a person a tenancy of or licence in respect of land in a park described in Schedule Two B, Schedule Three or Schedule Nine for a period not exceeding seven years for such rent fees and other charges and subject to such terms conditions and covenants as the Minister determines and which is or are specified in the agreement for any specified purpose—

(a) being a purpose or a purpose of a like nature to a purpose for which the land was being used at the time it became Crown land or for which it was being used at the time the land became a park or part of a park under this Act; and

(b) being a purpose consistent with—

(i) any trust conditions covenants or other restrictions as to use thereof affecting the land or any part thereof;

(ii) the objects of this Act in relation to the land or any part thereof; and

(iii) any accepted recommendation applying to the land or any part of the land.

S. 26A(b)(i)
amended by
No. 9427
s. 6(1)(Sch. 5
item 118).

S. 26A(b)(iii)
substituted by
No. 19/2018
s. 183.

27 Rights of public authorities in respect of parks

Cf. No. 8083
s. 15.

- (1) Subject to this Act and the regulations, a public authority may, where it has obtained the consent of Parks Victoria or the Great Ocean Road Coast and Parks Authority (as the case requires), perform its functions and exercise its powers in and in relation to a park in accordance with the conditions (if any) to which the consent is subject. S. 27(1) amended by Nos 70/1998 s. 14(Sch. item 22), 19/2018 s. 184(1), 42/2021 s. 117(a).
- (2) Parks Victoria or the Great Ocean Road Coast and Parks Authority (as the case requires) may not give consent to the performance of functions or exercise of powers by a public authority where the Minister considers that the performance of functions or exercise of powers may substantially affect a park unless the Governor in Council has determined that the consent should be given. S. 27(2) amended by Nos 70/1998 s. 14(Sch. item 22), 19/2018 s. 184(2), 42/2021 s. 117(a).
- (3) The consent of Parks Victoria or the Great Ocean Road Coast and Parks Authority under this section is subject to such conditions relating to the performance of functions or exercise of powers—
- (a) in a case to which subsection (2) applies, as are determined by the Governor in Council; and
 - (b) in any other case, as Parks Victoria or the Great Ocean Road Coast and Parks Authority (as the case requires) determines. S. 27(3) amended by Nos 70/1998 s. 14(Sch. item 22), 19/2018 s. 184(3), 42/2021 s. 117(b)(i).
- (4) This section is not subject to the **Road Management Act 2004** and prevails over that Act to the extent of any inconsistency. S. 27(4) inserted by No. 12/2004 s. 165(1).

S. 27(5)
inserted by
No. 43/2015
s. 38(1).

- (5) This section does not apply in relation to the Victoria State Emergency Service Authority established under section 4 of the **Victoria State Emergency Service Act 2005** or any person referred to in section 32AA of that Act exercising a power of entry under section 32AB of that Act or a power to construct, remove or alter a levee or remove debris under section 32AC of that Act.

S. 27A
inserted by
No. 10166
s. 14(1),
amended by
No. 44/1989
s. 41(Sch. 2
item 29.2),
repealed by
No. 7/1997
s. 5,
new s. 27A
inserted by
No. 55/1997
s. 29 (as
amended by
No. 91/1997
s. 44(g)).

27A Agreement with electricity company

S. 27A(1)
amended by
No. 40/2020
s. 74.

- (1) The Minister may enter into an agreement with an electricity company—
- (a) to manage and control; or
 - (b) to carry out duties, functions and powers related to the company's purpose in—
- any area that is used for the purposes of or in connection with the company's purpose, being an area of a national park, State park, landscape conservation area or land referred to in Schedule Three, other than land that is a wilderness zone or a remote and natural area or a reference area under the **Reference Areas Act 1978**.

- (2) An agreement under subsection (1)—
- (a) must be in writing; and
 - (b) may be amended from time to time or terminated by further written agreement between the parties; and
 - (c) must contain provisions with respect to the protection and conservation of the land subject to the agreement.
- (3) Despite subsection (1), an agreement under that subsection may apply to the carrying out of duties, functions and powers related to the purpose of a transmission company in a reference area to the extent to which they were so carried out immediately before the commencement of section 29 of the **Electricity Industry (Further Miscellaneous Amendment) Act 1997**.
- (4) In this section—

electricity company means a transmission company or distribution company within the meaning of the **Electricity Industry Act 2000**;

S. 27A(4)
def. of
*electricity
company*
amended by
No. 69/2000
s. 61(2).

company's purpose means—

- (a) in relation to an electricity company that is a transmission company, the transmission of electricity;
- (b) in relation to an electricity company that is a distribution company, the distribution or supply of electricity.

S. 27B
inserted by
No. 10166
s. 14(1),
repealed by
No. 7/1997
s. 5,
new s. 27B
inserted by
No. 50/2000
s. 6.

27B Native title not to be affected by amendments

The amendments made to this Act by the
National Parks (Amendment) Act 2000 are not
intended to affect native title rights and interests.

S. 27BA
(Heading)
amended by
No. 19/2018
s. 185(1).

27BA Parks Victoria must have regard to Yarra Strategic Plan if preparing a management plan in relation to a park

Parks Victoria must have regard to a Yarra
Strategic Plan if preparing a management plan in
relation to a park that forms part of Yarra River
land.

S. 27BB
(Heading)
amended by
Nos 40/2020
s. 75(1),
42/2021
s. 118(1).

27BB Parks Victoria or Great Ocean Road Coast and Parks Authority must have regard to Statement of Planning Policy if preparing a management plan in relation to a park in a declared area

Parks Victoria or the Great Ocean Road Coast and
Parks Authority must have regard to a Statement
of Planning Policy if preparing a management
plan in relation to a park that forms part of a
declared area.

S. 27BB
inserted by
No. 17/2018
s. 20,
amended by
Nos 40/2020
s. 75(2),
42/2021
s. 118(2).

27BC Parks Victoria or Great Ocean Road Coast and Parks Authority must have regard to an approved Great Ocean Road strategic framework plan if preparing a management plan in relation to a park

Parks Victoria or the Great Ocean Road Coast and Parks Authority must have regard to an approved Great Ocean Road strategic framework plan if preparing a management plan in relation to a park that forms part of the Great Ocean Road region.

* * * * *

S. 27BC (Heading) amended by No. 42/2021 s. 119(1).

S. 27BC inserted by No. 19/2020 s. 101, amended by No. 42/2021 s. 119(2).

S. 27C inserted by No. 10166 s. 14(1), repealed by No. 7/1997 s. 5.

Division 3A—Tour operator licences

Pt 3 Div. 3A (Heading and ss 27C–27L) inserted by No. 40/2009 s. 37.

27C Offence to conduct organised tour or recreational activity in a park if unlicensed

New s. 27C inserted by No. 40/2009 s. 37.

- (1) A person must not conduct an organised tour or recreational activity for profit in a park unless that person holds a tour operator licence.

Penalty: In the case of a natural person,
20 penalty units;

In the case of a body corporate,
100 penalty units.

- (2) Subsection (1) does not apply to a person who conducts an activity in a park and who holds a lease, licence (other than a tour operator licence) or permit under this Act or the regulations to conduct that particular activity.

- (3) On the recommendation of the Minister, the Governor in Council may, by Order published in the Government Gazette, exempt classes of persons from the requirement to hold a tour operator licence under subsection (1).

S. 27D
inserted by
No. 40/2009
s. 37.

27D Grant of tour operator licence

S. 27D(1)
amended by
Nos 19/2018
s. 186, 42/2021
s. 120.

- (1) Parks Victoria or the Great Ocean Road Coast and Parks Authority (as the case requires) may grant a licence to a person to conduct an organised tour or recreational activity for profit in a park to a person who has applied under section 27E.

S. 27D(2)
amended by
Nos 19/2018
s. 186, 42/2021
s. 120.

- (2) Parks Victoria or the Great Ocean Road Coast and Parks Authority (as the case requires) may grant a licence under subsection (1) for a period not exceeding 10 years.

S. 27E
inserted by
No. 40/2009
s. 37.

27E Application for tour operator licence

S. 27E(1)
amended by
No. 19/2018
s. 187,
substituted by
No. 42/2021
s. 121.

- (1) A person may apply for a tour operator licence to—
- (a) Parks Victoria, in relation to a park outside the Great Ocean Road coast and parks; or
 - (b) the Great Ocean Road Coast and Parks Authority, in relation to a park in the Great Ocean Road coast and parks.
- (2) An application under subsection (1) must be accompanied by the fee payable for the first year of the licence as determined in accordance with the regulations unless the regulations otherwise provide.

- (3) The fee paid by a person under subsection (2) must be refunded to the person if the person is not granted a tour operator licence under section 27D.

27F Requirement to pay annual fees after grant of tour operator licence

S. 27F
inserted by
No. 40/2009
s. 37.

- (1) If the regulations provide for the determination of an annual licence fee for a tour operator licence or a class of tour operator licence, the holder of such a licence must pay the fee determined in accordance with the regulations in respect of each year for which the licence is in force.
- (2) A licence fee to which subsection (1) applies is payable at the time specified in the regulations.

27G Tour operator licence conditions

S. 27G
inserted by
No. 40/2009
s. 37.

A tour operator licence is subject to—

- (a) any conditions, determined by Parks Victoria or the Great Ocean Road Coast and Parks Authority, that are specified or referred to in the licence; and
- (b) any prescribed conditions.

S. 27G(a)
amended by
Nos 19/2018
s. 188, 42/2021
s. 122.

27H Contravention of condition an offence

S. 27H
inserted by
No. 40/2009
s. 37.

The holder of a tour operator licence must not contravene the conditions of the licence.

Penalty: In the case of a natural person,
20 penalty units;

In the case of a body corporate,
100 penalty units.

27I Variation of tour operator licence

S. 27I
inserted by
No. 40/2009
s. 37.

S. 27I(1)
amended by
Nos 19/2018
s. 189(1),
42/2021
s. 123(1).

- (1) The holder of a tour operator licence may apply to the body that granted the licence (either Parks Victoria or the Great Ocean Road Coast and Parks Authority) for a variation of the licence or a condition of the licence.

S. 27I(2)
amended by
Nos 19/2018
s. 189(1),
42/2021
s. 123(2).

- (2) On receiving the application under subsection (1), Parks Victoria or the Great Ocean Road Coast and Parks Authority (as the case may be) may vary the licence or condition in accordance with the application.

S. 27I(3)
amended by
Nos 19/2018
s. 189(2),
42/2021
s. 123(3).

- (3) A variation made by Parks Victoria or the Great Ocean Road Coast and Parks Authority under subsection (2) has effect on Parks Victoria or the Great Ocean Road Coast and Parks Authority giving written notice of the variation to the licence holder.

S. 27I(4)
amended by
Nos 19/2018
s. 189(3),
42/2021
s. 123(4).

- (4) Parks Victoria or the Great Ocean Road Coast and Parks Authority may vary a tour operator licence, or vary a condition of that licence, of Parks Victoria's or the Great Ocean Road Coast and Parks Authority's own motion if Parks Victoria or the Great Ocean Road Coast and Parks Authority is of the opinion that a variation is required.

S. 27I(5)
amended by
Nos 19/2018
s. 189(2),
42/2021
s. 123(5).

- (5) A variation made by Parks Victoria or the Great Ocean Road Coast and Parks Authority under subsection (4) has effect on Parks Victoria or the Great Ocean Road Coast and Parks Authority giving written notice of the variation to the licence holder.

27J Suspension of tour operator licence

S. 27J
inserted by
No. 40/2009
s. 37.

- (1) If Parks Victoria or the Great Ocean Road Coast and Parks Authority is satisfied that there are reasonable grounds to do so, Parks Victoria or the Great Ocean Road Coast and Parks Authority may suspend the tour operator licence by notice in writing given to the holder of the licence.
- (2) A suspension under this section has effect—
- (a) from the time specified in the notice under subsection (1), which must be no earlier than the day after the day the notice is given; and
 - (b) subject to section 27K, for the period (not exceeding 90 days) specified in the notice.
- (3) In addition to the details required under subsection (2), a notice of suspension of licence given under subsection (1) must—
- (a) state that the holder of the tour operator licence may make submissions regarding the suspension under section 27K;
 - (b) specify a date or period by which the submissions must be made.

S. 27J(1)
amended by
Nos 19/2018
s. 190, 42/2021
s. 124.

27K Making submissions on suspension

S. 27K
inserted by
No. 40/2009
s. 37.

- (1) The holder of a tour operator licence whose licence has been suspended under section 27J may make written submissions in respect of that suspension to the body that granted the licence (either Parks Victoria or the Great Ocean Road

S. 27K(1)
amended by
Nos 19/2018
s. 191(1),
42/2021
s. 125(1).

Coast and Parks Authority) within the period specified in the notice of suspension of licence.

S. 27K(2)
amended by
Nos 19/2018
s. 191(2),
42/2021
s. 125(2).

- (2) Parks Victoria or the Great Ocean Road Coast and Parks Authority (as the case may be) must review the decision to suspend the licence on receipt of any submissions made under subsection (1).

S. 27K(3)
amended by
Nos 19/2018
s. 191(1),
42/2021
s. 125(3).

- (3) In carrying out a review under subsection (2), Parks Victoria or the Great Ocean Road Coast and Parks Authority—

- (a) must have regard to the submissions made under subsection (1); and
- (b) may decide to continue, revoke or amend the suspension.

S. 27K(4)
amended by
Nos 19/2018
s. 191(2),
42/2021
s. 125(4).

- (4) Parks Victoria or the Great Ocean Road Coast and Parks Authority must notify the person whose licence has been suspended of the outcome of review.

S. 27L
inserted by
No. 40/2009
s. 37.

27L Cancellation of tour operator licence

S. 27L(1)
amended by
Nos 19/2018
s. 192(1),
42/2021
s. 126(1).

- (1) Parks Victoria or the Great Ocean Road Coast and Parks Authority may cancel a tour operator licence if Parks Victoria or the Great Ocean Road Coast and Parks Authority is satisfied, on reasonable grounds, that—

- (a) the holder of the licence has been found guilty of an offence against this Act or the regulations; or
- (b) the holder of the licence has contravened a condition of the licence.

- | | |
|---|--|
| (2) Before cancelling a tour operator licence, Parks Victoria or the Great Ocean Road Coast and Parks Authority must— | S. 27L(2)
amended by
Nos 19/2018
s. 192(2)(a),
42/2021
s. 126(2). |
| (a) notify the holder that Parks Victoria or the Great Ocean Road Coast and Parks Authority proposes to cancel the licence; and | S. 27L(2)(a)
amended by
Nos 19/2018
s. 192(2)(b),
42/2021
s. 126(2). |
| (b) allow the holder of the licence an opportunity to make either oral or written submissions. | |
| (3) Submissions under subsection (2) must be made within the period specified in the notice. | |
| (4) In making a decision as to whether or not to cancel a tour operator licence, Parks Victoria or the Great Ocean Road Coast and Parks Authority must— | S. 27L(4)
amended by
Nos 19/2018
s. 192(3)(a),
42/2021
s. 126(3)(a). |
| (a) have regard to any submissions made under subsection (2) within the period specified in the notice; and | |
| (b) must notify the holder of Parks Victoria's or the Great Ocean Road Coast and Parks Authority's decision. | S. 27L(4)(b)
amended by
Nos 19/2018
s. 192(3)(b),
42/2021
s. 126(3)(b). |
| (5) The cancellation of a licence has effect from the time specified in the notice of Parks Victoria's or the Great Ocean Road Coast and Parks Authority's decision under subsection (4), which must be after the day on which the notice is given. | S. 27L(5)
amended by
Nos 19/2018
s. 192(4),
42/2021
s. 126(4). |

Division 4—Special provisions relating to particular parks

Pt 3 Div. 4
(Heading)
amended by
No. 57/1995
s. 34(a) (as
amended by
No. 74/2000
s. 3(Sch. 1
item 88.1)).

No. 6642.

S. 28
amended by
Nos 9921
s. 255, 44/1989
s. 41(Sch. 2
item 29.3),
104/1997
s. 53(2),
repealed by
82/2009 s. 5,
new s. 28
inserted by
No. 16/2015
s. 4.

28 Introduction or use of cattle in specific parks

- (1) Nothing in this Act authorises a relevant person or body exercising a power or performing a function or duty under this Act or under the **Conservation, Forests and Lands Act 1987** to introduce or use, cause to be introduced or used or authorise the introduction or use of cattle for any purpose in a park described in Part 9, 37, 38, 46, 47, 48 or 49 of Schedule Two.
- (2) In subsection (1), *relevant person or body* means the following—
 - (a) the Minister (except when exercising a power under section 30BA, 30I or 30L);
 - (b) the Secretary;
 - (c) Parks Victoria within the meaning of the **Parks Victoria Act 2018**;
 - (d) a Traditional Owner Land Management Board;
 - (e) an employee, agent or contractor of a person or body referred to in paragraph (a), (b), (c) or (d) or a person acting under the direction of that person or body.

S. 28(2)(c)
amended by
No. 19/2018
s. 193.

29 Wilsons Promontory National Park

S. 29
(Heading)
inserted by
No. 43/2012
s. 3(Sch.
item 34.1).
Nos 7148,
7928.

- (1) The Minister shall be responsible for the repair and proper maintenance of the cairn, commemorating the institution of commando training in Australia and the commandoes who died on active service in the war of 1939–45, erected by the Commando Association of Victoria in the Wilsons Promontory National Park.

S. 29(1)
amended by
No. 43/2012
s. 3(Sch.
item 34.2).

* * * * *

S. 29(2)–(4)
repealed by
No. 7/1997
s. 6.

* * * * *

S. 29(5)(6)
repealed by
No. 9114
s. 11(a).

29A Lighthouse leases—Wilsons Promontory National Park

S. 29A
inserted by
No. 9114
s. 11(b),
amended by
No. 9921
s. 255,
repealed by
No. 10166
s. 17(2),
new s. 29A
inserted by
No. 50/2002
s. 6.

- (1) The Minister may lease any lighthouse land for similar purposes to the purposes of the leases referred to in subsection (3).
- (2) A lease granted under subsection (1)—
- (a) must be granted in writing; and
 - (b) must not be for a term of more than 21 years; and
 - (c) is subject to the rent and other charges and terms and conditions determined by the Minister.

- (3) The addition of land to Part 23 of Schedule Two by section 12 of the **National Parks (Box-Ironbark and Other Parks) Act 2002** does not affect the existence and operation of the following leases—
- (a) the lease between the Minister for Conservation and Environment of the State of Victoria and the Commonwealth of Australia dated 1 December 1995 over the land shown delineated and hatched in the plan lodged in the Central Plan Office and numbered LEGL./02–069;
 - (b) the lease between the Minister for Conservation and Environment of the State of Victoria and the Australian Maritime Safety Authority dated 1 December 1995 over the land located at Citadel Island and described as Lot 1B on Consolidated Plan 116401;
 - (c) the lease between the Minister for Conservation and Environment of the State of Victoria and the Australian Maritime Safety Authority dated 1 December 1995 over the land located at Wilsons Promontory and described as Lot 1C on Consolidated Plan 116398;
 - (d) the lease between the Minister for Conservation and Environment of the State of Victoria and the Australian Maritime Safety Authority dated 1 December 1995 over the land located at Wilsons Promontory and described as Lot 1D on Consolidated Plan 116398;

- (e) the lease between the Minister for Conservation and Environment of the State of Victoria and the Australian Maritime Safety Authority dated 1 December 1995 over the land located at Wilsons Promontory and described as Lot 1E on Consolidated Plan 116398.
- (4) A lease referred to in subsection (3) continues in force, subject to its terms, for the period of the lease despite anything to the contrary in this Act or any other Act.
- (5) In this section, *lighthouse land* means any land that is the subject of a lease referred to in subsection (3).

29B Lighthouse leases—Great Otway National Park

S. 29B
inserted by
No. 60/2005
s. 4.

* * * * *

S. 29B(1)(2)
repealed by
No. 45/2013
s. 9.

- (3) The coming into operation of section 16(5) of the **National Parks (Otways and Other Amendments) Act 2005** does not affect the existence and operation of the following leases—
 - (a) the lease between the Minister for Conservation and Environment of the State of Victoria and the Commonwealth of Australia dated 1 December 1995 over the land at Cape Otway, being Crown Allotment 44E, Parish of Otway; and

- (b) the lease between the Minister for Conservation and Environment of the State of Victoria and the Australian Maritime Safety Authority, dated 1 December 1995 over the land at Cape Otway, being Lot 44C on Consolidated Plan 116404; and
 - (c) the lease between the Minister for Conservation and Environment of the State of Victoria and the Australian Maritime Safety Authority, dated 1 December 1995 over the land at Cape Otway, being Lot 44D on Consolidated Plan 116402; and
 - (d) the lease between the Minister for Conservation and Land Management on behalf of the Lighthouse Reserves Committee of Management to Tourism Great Ocean Road Pty. Ltd. (ACN 074 746 802) with a commencement date of 1 January 1997 over land at Cape Otway and as subsequently varied.
- (4) A lease referred to in subsection (3) continues in force, subject to its terms, for the period of the lease, despite anything to the contrary in this Act or any other Act.
- (5) The lease referred to in subsection (3)(d)—
- (a) is deemed to be and to always have been granted by the Lighthouse Reserves Committee of Management; and
 - (b) on and from the commencement of this section, is deemed to have effect as if any reference in the lease to the "Minister" were a reference to the Minister administering this Act.

- (6) In this section *Cape Otway lighthouse area* means the area shown hatched on the plan numbered N.P. 111B lodged in the Central Plan Office.

30 Point Nepean National Park

No. 7928.
S. 30
amended by
No. 9114
s. 12(a)(b),
substituted by
No. 7/1988
s. 6.

- (1) The Minister shall consult with any Minister, public authority or interest group who or which expresses an interest in public safety, fire protection works and the fire control operations in the park described in Part 44 of Schedule Two.

S. 30(1)
amended by
Nos 43/2005
s. 3(1),
48/2009
s. 4(1).

* * * * *

S. 30(2)
amended by
No. 38/1989
s. 24(a),
repealed by
No. 64/2004
s. 7.

* * * * *

S. 30(3)
inserted by
No. 38/1989
s. 24(b),
amended by
Nos 43/1990
ss 12, 13(1),
43/2005
ss 3(2), 7,
repealed by
No. 48/2009
s. 4(2).

30AAA Leases in Point Nepean National Park

S. 30AAA
inserted by
No. 48/2009
s. 5.

- (1) After consulting the National Parks Advisory Council, the Minister may lease any area of land in the park described in Part 44 of Schedule Two

S. 30AAA(1)
amended by
No. 79/2013
s. 18.

which is shown hatched on the plan lodged in the Central Plan Office and numbered N.P. 110/2.

S. 30AAA(2)
amended by
No. 45/2013
s. 10(1).

- (2) A lease under subsection (1) must be for a purpose or purposes which the Minister considers are not detrimental to the protection of the park, including its natural, indigenous, historic, cultural, landscape and recreational values.
- (3) Subject to subsection (2), the purpose of a lease under subsection (1) may be for the occupation of buildings or the construction and occupation of buildings, including buildings providing accommodation, but not for the purpose of industrial or residential use.
- (4) A lease under subsection (1)—
 - (a) must be granted in writing; and
 - (b) must not be for a term of more than 21 years; and
 - (c) is subject to any rent and other charges and terms and conditions determined by the Minister.

S. 30AAA(5)
substituted by
No. 45/2013
s. 10(2).

- (5) For the purposes of subsection (4)(c), the Minister must ensure that the lease is subject to conditions that prevent or minimise any adverse impact on the park (including its natural, indigenous, historic, cultural, landscape and recreational values) by the development or use of the land that is permitted under the lease.

S. 30AAAB
inserted by
No. 45/2013
s. 11,
repealed by
No. 54/2015
s. 7.

* * * * *

30AAAC Power of Minister to grant leases more than 21 years but not exceeding 50 years—Point Nepean National Park

S. 30AAAC (Heading)
amended by
No. 54/2015
s. 8(1).

S. 30AAAC
inserted by
No. 45/2013
s. 11.

- (1) The Minister may grant a lease for a term of more than 21 years but not exceeding 50 years of any area of land which may be leased under section 30AAA if the Minister—
- (a) has consulted the National Parks Advisory Council; and
 - (b) is satisfied that—
 - (i) the proposed use, development, improvements or works that are to be the subject of the lease are of a substantial nature and of a value which justifies a longer term lease; and
 - (ii) the granting of a longer term lease is in the public interest.
- (2) Section 30AAA(2), (3), (4)(a) and (c) and (5) apply to a lease granted under this section.

S. 30AAAC(1)
substituted by
No. 54/2015
s. 8(2).

* * * * *

S. 30AAAD
inserted by
No. 45/2013
s. 11,
repealed by
No. 54/2015
s. 9.

S. 30AAB
inserted by
No. 48/2009
s. 5.

30AAB Licences associated with lease—Point Nepean National Park

S. 30AAB(1)
amended by
Nos 45/2013
s. 12(1),
79/2013 s. 18.

(1) Where land is leased to a person under section 30AAA or 30AAAC, the Minister may grant a licence to that person to use any land, building, improvements or works in the area of the park described in Part 44 of Schedule Two which is shown hatched on the plan lodged in the Central Plan Office and numbered N.P. 110/2.

(2) A licence under subsection (1)—

(a) must be for the same or a related purpose to the purpose for which the land is leased; and

(b) must be granted in writing; and

S. 30AAB
(2)(c)
amended by
No. 45/2013
s. 12(2).

(c) may be for the whole or part of the term of the lease; and

(d) is subject to any fees and other charges and terms and conditions determined by the Minister.

S. 30AAB(3)
inserted by
No. 45/2013
s. 12(3).

(3) A licence under subsection (1) may be granted—

(a) at the same time as the lease to which it relates is granted; or

(b) after the lease to which it relates is granted.

S. 30AAB(4)
inserted by
No. 45/2013
s. 12(3).

(4) For the purposes of subsection (2)(d), the Minister must ensure that the licence is subject to conditions that prevent or minimise any adverse impact on the park (including its natural, indigenous, historic, cultural, landscape and recreational values) by the development or use of the land that is permitted under the licence.

30AAC General licences—Point Nepean National Park

S. 30AAC
inserted by
No. 48/2009
s. 5.

- (1) The Minister may grant a licence to a person to occupy or use any land in the area of the park described in Part 44 of Schedule Two which is shown hatched on the plan lodged in the Central Plan Office and numbered N.P. 110/2.
- (2) A licence under subsection (1)—
- (a) must be for a purpose or purposes which the Minister considers are consistent with the objects of the **National Parks Act 1975** in relation to the land; and
 - (b) must be granted in writing; and
 - (c) must not be for a term of more than 7 years; and
 - (d) is subject to any fees and other charges and terms and conditions determined by the Minister.

S. 30AAC(1)
amended by
No. 79/2013
s. 18.

30A Operations in the Alpine National Park

S. 30A
inserted by
No. 37/1989
s. 5.

- (1) SEC, VENCORP, a distribution company, a transmission company or a generation company within the meaning of the **Electricity Industry Act 2000**, for the purposes of the hydro-electric undertaking at Kiewa may—
- (a) occupy and utilize works required for the operation and maintenance of the undertaking; and

S. 30A(1)
amended by
Nos 130/1993
s. 122(Sch. 4
item 10.2),
53/1994
s. 34(Sch. 1
item 6.2),
110/1994
s. 41(Sch. 1
item 7.2),
69/2000
s. 61(3).

National Parks Act 1975
No. 8702 of 1975
Part III—National parks, State parks and other parks

S. 30A(1)(b)
amended by
No. 130/1993
s. 122(Sch. 4
item 10.2
(a)(c)).

(b) perform its functions and exercise powers which relate to the undertaking and to the protection of the quality, quantity and availability of water produced for the requirements for the undertaking; and

S. 30A(1)(c)
amended by
Nos 76/1998
s. 14, 19/2018
s. 194.

(c) plan fire protection works (including construction of vehicular tracks) to protect works required for the undertaking in consultation with the Secretary and Parks Victoria—

on or over the lands referred to in Part 37 of Schedule Two.

S. 30A(2)
amended by
No. 46/1998
s. 7(Sch. 1).

(2) Subsection (1)(c) only applies to those parts of Part 37 of Schedule Two which are marked A16 and A18 and shown by light shading and that part marked A17 and shown by open triangle pattern on the plan lodged in the Central Plan Office and numbered N.P. 70/1f.

S. 30AA
inserted by
No. 79/1995
s. 33.

30AA Lease or licence to a generation company—Alpine National Park

S. 30AA(1)
amended by
No. 48/1996
s. 33(1).

(1) The Minister may grant or renew a lease or licence to a generation company of any area of land in the park described in Part 37 of Schedule Two which is used for the purposes of the generation of electricity for supply or sale.

(2) A lease or licence under subsection (1)—

(a) must be granted in writing; and

(b) is subject to any terms and conditions determined by the Minister.

S. 30AA(2)(b)
amended by
No. 48/1996
s. 33(1).

- (3) A lease under subsection (1) may be granted—
- (a) without being limited to a particular stratum of land; or
 - (b) for a stratum of land.
- (4) The Minister must not grant a lease under subsection (1) for a stratum of land unless he or she is satisfied that—
- (a) each lessee for the time being under the lease can obtain reasonable access to and use of the land to be leased; and
 - (b) the granting of the lease would not interfere with the exercise of rights by the registered proprietor, lessee or licensee of other land; and
 - (c) provision has been made (in the lessee or otherwise) for any necessary rights of support of the stratum or other land or of any building or structure erected or to be erected on those lands; and
 - (d) provision has been made (in the lease or otherwise) for any necessary rights for the passage or provision of services (including drainage, sewerage, or the supply of water, gas, electricity or telephone) to or through the stratum, where those rights are necessary for the reasonable enjoyment of the stratum or other land.
- (5) The granting under subsection (1) of a lease of a stratum of land is conclusive proof of compliance with subsection (4) in respect of the lease.
- (6) In this section, *generation company* has the same meaning as in the **Electricity Industry Act 2000**.
- S. 30AA(3)
inserted by
No. 48/1996
s. 33(2).
- S. 30AA(4)
inserted by
No. 48/1996
s. 33(2).
- S. 30AA(5)
inserted by
No. 48/1996
s. 33(2).
- S. 30AA(6)
inserted by
No. 55/1997
s. 30(1),
amended by
No. 69/2000
s. 61(4).

S. 30AB
inserted by
No. 79/1995
s. 33.

30AB Agreement with a generation company—Alpine National Park

S. 30AB(1)
amended by
No. 48/1996
s. 34(1)(a)(b).

- (1) The Minister may enter into an agreement with a generation company to—
 - (a) manage and control; or
 - (b) carry out duties functions and powers related to the generation of electricity for the purposes of supply or sale in—

any area of the park described in Part 37 of Schedule Two which is used for the purposes of or in connection with the generation of electricity for supply or sale.
- (2) An agreement under subsection (1)—
 - (a) must be in writing;
 - (b) may be amended from time to time or terminated by further written agreement between the parties.

S. 30AB(2A)
inserted by
No. 48/1996
s. 34(2).

- (2A) An agreement under subsection (1) must contain provisions with respect to the protection and conservation of the land subject to the agreement.

S. 30AB(3)
amended by
Nos 55/1997
s. 30(2),
69/2000
s. 61(5).

- (3) In this section *generation company* has the same meaning as in the **Electricity Industry Act 2000**.

S. 30B
inserted by
No. 37/1989
s. 5.

30B Protection of access rights of freeholders in Alpine National Park

- (1) If a person holds a fee simple in land abutting or surrounded by land described in Part 37 of Schedule Two the Minister may grant to that person that reasonable right of access to his or her

land which will in the Minister's opinion allow that person to use his or her land.

- (2) For the purpose of allowing a person to have access to his or her land the Minister may exempt that person from any regulation affecting the land described in Part 37 or that right of access.

30BA Rights to move cattle through the Alpine National Park

S. 30BA
inserted by
No. 35/2005
s. 6.

- (1) If a person holds a fee simple interest in land that abuts or is surrounded by land that is part of the park described in Part 37 of Schedule Two, the Minister may, in writing, grant to that person a reasonable right to move cattle to or from the land in which the person holds the interest directly through the park along the route specified by the Minister (not being a route through a wilderness zone or reference area) if the Minister is satisfied that there is no practical alternative route outside the park for moving the cattle.
- (2) If a person holds a licence to graze cattle on Crown land, the Minister may, in writing, grant to that person a reasonable right to move cattle to or from the land over which the person holds the licence directly through the park described in Part 37 of Schedule Two, along the route specified by the Minister (not being a route through a wilderness zone or reference area) if the Minister is satisfied that there is no practical alternative route outside the park for moving the cattle.
- (3) The Minister may, in the document granting a right under this section—
- (a) impose any terms and conditions that the Minister determines; and
 - (b) specify that the person is exempt from any regulation applying to the park.

S. 30C
inserted by
No. 37/1989
s. 5.

30C Protection of life occupancies in Alpine National Park

- (1) If a person was immediately before 1 June 1986 occupying a portion of the land described in Part 37 of Schedule Two under an agreement with a Minister responsible for Crown lands which was an agreement which granted the person an occupancy of the land for his or her lifetime, the Minister must grant a permit to the person authorising him or her to continue to occupy that portion of the land.
- (2) A permit under subsection (1)—
 - (a) must be granted by the Minister on or before the date on which the land is added to Part 37 of Schedule Two; and
 - (b) is to be for the lifetime of the person to whom it is granted and subject to the same terms and conditions including the payment of fees (if any) as are contained in the agreement.

S. 30D
inserted by
No. 43/1990
s. 4.

30D Protection of access rights to Murray–Sunset National Park

- (1) If a person holds a fee simple in land abutting or surrounded by land described in Part 38 of Schedule Two, the Minister may grant to that person that reasonable right of access to the person's land which, in the Minister's opinion, will allow that person to use that land.
- (2) If a person carries on or proposes to carry on operations to mine or explore for gypsum on the land bordered blue in the plan lodged in the Central Plan Office and numbered N.P. 51/2, the Minister may grant to that person and the person's employees, contractors and agents that reasonable right of access to the land bordered blue over the

S. 30D(2)
amended by
No. 46/1998
s. 7(Sch. 1).

land described in Part 38 of Schedule Two which, in the Minister's opinion, will allow them to use that land for that purpose.

- (3) For the purpose of allowing a person to have access to land under subsection (1) or (2), the Minister may exempt the person from any regulation affecting the land described in Part 38 of Schedule Two or that right of access.

30E Change of name of Murray–Sunset National Park

S. 30E
inserted by
No. 43/1990
s. 4.

- (1) If, after consulting groups of Aboriginal people who, in the Minister's opinion, have an interest in the area, the Minister considers it appropriate to do so, the Minister, with the approval of the Place Names Committee established under the **Survey Co-ordination Act 1958**, may recommend to the Governor in Council that the name in the heading to Part 38 of Schedule Two be added to or that another name be substituted.
- (2) The Governor in Council, by Order published in the Government Gazette may amend Part 38 of Schedule Two in accordance with the Minister's recommendation.

30F Access rights—French Island National Park

S. 30F
inserted by
No. 7/1997
s. 21.

- (1) The Minister may grant to a person who holds a fee-simple interest in land on French Island any rights of access over the park to that land which are, in the Minister's opinion, reasonable.
- (2) A right of access under subsection (1) is subject to any terms and conditions determined by the Minister.
- (3) For the purpose of allowing a person to exercise a right of access under subsection (1), the Minister may exempt that person from any regulation affecting the park.

- (4) In this section *park* means the land referred to in Part 15 of Schedule Two.

S. 30G
(Heading)
substituted by
No. 82/2009
s. 6(1).

S. 30G
inserted by
No. 50/2002
s. 7.

S. 30G(1)
amended by
Nos 82/2009
s. 6(2),
40/2020 s. 76.

30G Water distribution works authority in relation to certain parks

- (1) The Minister may grant an authority to a person to install, operate or manage works for the purposes of conveying water over any part of the land described in Part 38, 40, 41, 46, 47, 48 or 49 of Schedule Two, Part 37 of Schedule Two B, Part 11, 16, 17 or 18 of Schedule Three, Part 8 of Schedule Four or Part 1 of Schedule Nine.
- (2) An authority under subsection (1) may be granted for the term determined by the Minister.
- (3) An authority under subsection (1) is subject to—
- (a) any conditions the Minister thinks fit to impose; and
 - (b) the payment of any fee or charge determined by the Minister.
- (4) An authority under subsection (1) may be cancelled by the Minister if the holder does not comply with a condition of the authority.
- (5) The holder of an authority under subsection (1) must not transfer the authority unless the holder has first obtained the consent of the Minister.

S. 30G(6)(7)
repealed by
No. 82/2009
s. 6(3).

* * * * *

**30H Dam licences—Greater Bendigo National Park,
Castlemaine Diggings National Heritage Park**

S. 30H
inserted by
No. 50/2002
s. 7.

- (1) The Minister may grant a licence to any person to use land for a dam that existed immediately before the commencement of sections 12 and 15 of the **National Parks (Box-Ironbark and Other Parks) Act 2002** on any part of the land described in Part 41 of Schedule Two or Part 8 of Schedule Four.
- (2) A licence under subsection (1) may be granted for a term of not more than 3 years.
- (3) A licence under subsection (1) is subject to—
 - (a) any conditions the Minister thinks fit to impose; and
 - (b) the payment of any fee or charge determined by the Minister.
- (4) A licence under subsection (1) may be cancelled by the Minister if the holder does not comply with a condition of the licence.
- (5) The holder of a licence under subsection (1) must not transfer the licence unless the holder has first obtained the consent of the Minister.
- (6) Despite the commencement of sections 12 and 15 of the **National Parks (Box-Ironbark and Other Parks) Act 2002**, a licence over any part of the land described in Part 41 of Schedule Two or Part 8 of Schedule Four—
 - (a) that has been granted to a person under section 52 of the **Forests Act 1958** to use land for the purposes of a dam; and

(b) that is in force immediately before the commencement of those sections—

subject to the provisions of the **Forests Act 1958**, continues in force as a licence granted under that Act until the date of its expiry.

(7) Despite the commencement of section 15 of the **National Parks (Box-Ironbark and Other Parks) Act 2002**, a licence over any part of the land described in Part 8 of Schedule Four—

(a) that has been granted to a person under section 138 of the **Land Act 1958** to use land for the purposes of a dam; and

(b) that is in force immediately before the commencement of that section—

subject to the provisions of the **Land Act 1958**, continues in force as a licence granted under that Act until the date of its expiry.

S. 30I
inserted by
No. 50/2002
s. 7.

30I Protection of access rights of freeholders in relation to certain parks

- (1) If a person holds a fee simple in land abutting or surrounded by a relevant park, the Minister may grant to that person that reasonable right of access to his or her land that will, in the Minister's opinion, allow that person to use his or her land.
- (2) A right of access under this section is subject to any conditions the Minister thinks fit to impose.
- (3) For the purpose of allowing a person to exercise a right under this section, the Minister may exempt that person from any regulation affecting the relevant park.

(4) In this section *relevant park* means the land described in any of the following—

(a) Part 10, Part 17, Part 30, Part 31, Part 34, Part 38, Part 41, Part 42, Part 45, Part 46, Part 48 or Part 49 of Schedule Two;

S. 30(4)(a) amended by Nos 60/2005 s. 5, 54/2008 s. 5, substituted by No. 82/2009 s. 7, amended by No. 40/2020 s. 77(a).

(ab) Part 2 of Schedule Two;

S. 30(4)(ab) inserted by No. 90/2009 s. 4(1).

(b) Part 15, Part 26, Part 37 or Part 39 of Schedule Two B;

S. 30(4)(b) amended by Nos 7/2012 s. 3, 19/2018 s. 195.

(ba) Part 1, Part 12 or Part 15 of Schedule Three;

S. 30(4)(ba) inserted by No. 90/2009 s. 4(2), amended by No. 40/2020 s. 77(b).

(c) Part 5 or Part 8 of Schedule Four;

S. 30(4)(c) amended by Nos 53/2017 s. 24, 40/2020 s. 77(c).

(d) Part 1 of Schedule Nine.

S. 30(4)(d) inserted by No. 40/2020 s. 77(d).

30J Protection of access rights of freeholders in Mitchell River National Park

S. 30J inserted by No. 50/2002 s. 7.

(1) If a person holds a fee simple in land surrounded by the park described in Part 8 of Schedule Two, the Minister may grant to that person that

reasonable right of access to his or her land that will, in the Minister's opinion, allow that person to use his or her land.

- (2) A right of access under this section is subject to any conditions the Minister thinks fit to impose.
- (3) For the purpose of allowing a person to exercise a right under this section, the Minister may exempt that person from any regulation affecting the park.

S. 30K
inserted by
No. 50/2002
s. 7.

30K Right to move cattle or sheep through Heathcote-Graytown National Park and Broken-Boosey State Park

- (1) If a person holds a fee simple in land abutting the park described in Part 42 of Schedule Two or Part 37 of Schedule Two B, the Minister may grant to that person a reasonable right to move cattle or sheep through any part of the park.
- (2) A right under this section is subject to any conditions the Minister thinks fit to impose.
- (3) For the purpose of allowing a person to exercise a right under this section, the Minister may exempt that person from any regulation affecting the park.

S. 30L
inserted by
No. 50/2002
s. 7,
repealed by
No. 64/2004
s. 8,
new s. 30L
inserted by
No. 82/2009
s. 8.

30L Right to move cattle through Barmah National Park

- (1) For the purpose of allowing a person to move cattle to an area surrounded by land that is part of the park described in Part 46 of Schedule Two, the Minister may, in writing, grant that person a right to move cattle through the park along the route specified by the Minister.
- (2) A right under this section is subject to any conditions that the Minister thinks fit to impose.
- (3) For the purpose of allowing a person to exercise a right under this section, the Minister may exempt that person from any regulation affecting the park.

30M Works under water licences for certain parks

A licence under section 51 or 67 of the **Water Act 1989** that authorises the construction, installation, operation, alteration, removal or decommissioning of works on any part of the land described in Part 38, 40, 46, 47, 48 or 49 of Schedule Two, Part 37 of Schedule Two B, Part 11, 16, 17 or 18 of Schedule Three or Part 1 of Schedule Nine must not be issued except with the consent of the Minister and subject to any conditions the Minister thinks fit to impose.

S. 30M
(Heading)
substituted by
No. 82/2009
s. 9(1).
S. 30M
inserted by
No. 50/2002
s. 7,
amended by
Nos 82/2009
s. 9(2),
40/2020 s. 78.

31 Croajingolong National Park

- (1) The Minister may grant to a person who holds in fee-simple land abutting land referred to in Part 28 of Schedule Two and abutting or within 60 metres of high-water mark, such reasonable rights of access from low-water mark to that first-mentioned land over land referred to in that part subject to such charge or fee (if any) and such terms and conditions as the Minister determines.

S. 31
amended by
Nos 9570
s. 11(2),
7/1987
s. 6(a)(b).

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S. 31(2)
inserted by
No. 7/1987
s. 6(c),
amended by
No. 38/1989
s. 18(3)(h),
repealed by
No. 7/1997
s. 22.

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S. 31A
inserted by
No. 9114 s. 13,
amended by
No. 9570
s. 11(3),
repealed by
No. 54/2008
s. 7.

31AA Leases in Mount Buffalo National Park

S. 31AA
inserted by
No. 44/1986
s. 10,
amended by
No. 81/1992
s. 10(2)(a)(b),
substituted by
No. 48/1993
s. 9,
amended by
No. 46/1998
s. 7(Sch. 1),
substituted by
No. 35/2010
s. 4.

S. 31AA(2)
amended by
No. 45/2013
s. 13(1).

S. 31AA(5)
substituted by
No. 45/2013
s. 13(2).

- (1) After consulting the National Parks Advisory Council, the Minister may lease any area of land in the park described in Part 17 of Schedule Two which is shown hatched on the plans lodged in the Central Plan Office and numbered LEGL./10-107, LEGL./10-108 and LEGL./10-109.
- (2) A lease under subsection (1) must be for a purpose or purposes which the Minister considers are not detrimental to the protection of the park, including its natural, indigenous, historic, cultural, landscape and recreational values.
- (3) Subject to subsection (2), the purpose of a lease under subsection (1) may be for the occupation of buildings or the construction and occupation of buildings, including buildings providing accommodation, but not for the purpose of industrial or residential use.
- (4) A lease under subsection (1)—
 - (a) must be granted in writing; and
 - (b) must not be for a term of more than 21 years; and
 - (c) is subject to any rent and other charges and terms and conditions determined by the Minister.
- (5) For the purposes of subsection (4)(c), the Minister must ensure that the lease is subject to conditions that prevent or minimise any adverse impact on the park (including its natural, indigenous, historic, cultural, landscape and recreational

values) by the development or use of the land that is permitted under the lease.

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S. 31AABA
inserted by
No. 45/2013
s. 14,
repealed by
No. 54/2015
s. 9.

31AABB Power of Minister to grant leases more than 21 years but not exceeding 50 years—Mount Buffalo National Park

S. 31AABB
(Heading)
amended by
No. 54/2015
s. 10(1).

S. 31AABB
inserted by
No. 45/2013
s. 14.

- (1) The Minister may grant a lease for a term of more than 21 years but not exceeding 50 years of any area of land which may be leased under section 31AA if the Minister—
- (a) has consulted the National Parks Advisory Council; and
 - (b) is satisfied that—
 - (i) the proposed use, development, improvements or works that are to be the subject of the lease are of a substantial nature and of a value which justifies a longer term lease; and
 - (ii) the granting of a longer term lease is in the public interest.
- (2) Section 31AA(2), (3), (4)(a) and (c) and (5) apply to a lease granted under this section.

S. 31AABB(1)
substituted by
No. 54/2015
s. 10(2).

S. 31AABC
inserted by
No. 45/2013
s. 14,
repealed by
No. 54/2015
s. 11.

* * * * *

S. 31AAB
inserted by
No. 35/2010
s. 5.

**31AAB Licences associated with lease—Mount Buffalo
National Park**

S. 31AAB(1)
amended by
No. 45/2013
s. 15(1).

- (1) Where land is leased to a person under section 31AA or section 31AABB, the Minister may grant a licence to that person to use any land, building, improvements or works in the area of the park described in Part 17 of Schedule Two which is shown hatched on the plans lodged in the Central Plan Office and numbered LEGL./10-107, LEGL./10-108 and LEGL./10-109 or any land, building, improvement or works that is in the vicinity of, or connected with, that area.
- (2) A licence under subsection (1)—
 - (a) must be for the same or a related purpose to the purpose for which the land is leased; and
 - (b) must be granted in writing; and
 - (c) may be for the whole or part of the term of the lease; and
 - (d) is subject to any fees and other charges and terms and conditions determined by the Minister.

S. 31AAB(3)
inserted by
No. 45/2013
s. 15(2).

- (3) A licence under subsection (1) may be granted—
 - (a) at the same time as the lease to which it relates is granted; or
 - (b) after the lease to which it relates is granted.

- (4) For the purposes of subsection (2)(d), the Minister must ensure that the licence is subject to conditions that prevent or minimise any adverse impact on the park (including its natural, indigenous, historic, cultural, landscape and recreational values) by the development or use of the land that is permitted under the licence.

S. 31AAB(4)
inserted by
No. 45/2013
s. 15(2).

31AB Lease of O'Shannassy Lodge—Yarra Ranges National Park⁴

S. 31AB
inserted by
No. 57/1995
s. 23.

- (1) Upon the expiration of the lease dated 15 November 1988 between the Melbourne and Metropolitan Board of Works and Victorian Snow Resorts Pty Ltd the Minister is empowered to grant a tenancy of the land coloured red on the plan attached to that lease for such period, at such rent and subject to such terms and conditions as the Minister determines.
- (2) A tenancy under subsection (1)—
- (a) must be granted in writing;
 - (b) must not be for a term or terms within the tenancy totalling more than 21 years;
 - (c) is subject to any terms and conditions determined by the Minister.

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No. 8083
s. 14.
S. 32
amended by
Nos 10073
s. 7, 70/1998
s. 14(Sch.
item 23),
substituted by
No. 80/2003
s. 182,
repealed by
No. 60/2005
s. 6(1).

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S. 32A
inserted by
No. 9114 s. 14,
amended by
Nos 43/1990
s. 16(1),
44/2001
s. 3(Sch.
item 86),
repealed by
No. 64/2004
s. 9.

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S. 32AA
inserted by
No. 9247 s. 11.

32AA Glenample Homestead

S. 32AA(1)
amended by
Nos 46/1998
s. 7(Sch. 1),
70/1998
s. 14(Sch.
item 24),
19/2018
s. 196(1),
42/2021
s. 127(1).

- (1) Where any part or parts of Crown allotments 5 and 6 Parish of Latrobe has or have been leased by the Crown the Minister may authorize Parks Victoria or the Great Ocean Road Coast and Parks Authority to manage the land.

S. 32AA(1A)
inserted by
No. 42/2021
s. 127(2).

- (1A) On the appointment of the Great Ocean Road Coast and Parks Authority as land manager for land referred to in subsection (1) by Order under section 16C(1) or under section 62Q(2) of the **Great Ocean Road and Environs Protection Act 2020**, the Great Ocean Road Coast and Parks Authority is taken to be authorised to manage the land under subsection (1).

S. 32AA(2)
amended by
Nos 70/1998
s. 14(Sch.
item 24),
19/2018
s. 196(1),
42/2021
s. 127(3).

- (2) Where Parks Victoria or the Great Ocean Road Coast and Parks Authority undertakes the management of the land—
- (a) the land shall be used and managed subject to the terms of the lease referred to in subsection (1) as though the land was land described in Schedule Three;

(b) the Governor in Council may make regulations in respect of the land subject to the lease referred to in subsection (1) as though the land was land described in Schedule Three.

- (3) Nothing in this section shall be construed as authorizing the Minister administering the **Planning and Environment Act 1987**, Parks Victoria, the Great Ocean Road Coast and Parks Authority, the Governor in Council or any other person to do or agree to do or cause or permit to be done or make any provision for the doing of anything which would not be consistent with any trust condition or other restriction relating to the lease or the use of the land referred to in subsection (1).

S. 32AA(3)
amended by
Nos 46/1998
s. 7(Sch. 1),
70/1998
s. 14(Sch.
item 24),
19/2018
s. 196(2),
42/2021
s. 127(4).

32AB Tenancy of Rover Scout Chalet

The Minister may grant to The Scout Association of Australia Victorian Branch for a period not exceeding twenty years a tenancy in the Alpine National Park of land and buildings known as the Rover Scout Chalet together with the associated ski lift at such rent and subject to such terms and conditions as the Minister determines.

S. 32AB
inserted by
No. 9570
s. 7(1),
amended by
No. 37/1989
s. 6.

32AC Protection of access rights of freeholders in Croajingolong National Park and Snowy River National Park

S. 32AC
inserted by
No. 24/1988
s. 4.

- (1) If a person holds a fee simple in land abutting or surrounded by land described in Parts 28 and 29 of Schedule Two the Minister may grant to that person a reasonable right of access to his or her land which will in the Minister's opinion allow that person to use his or her land.
- (2) For the purpose of allowing a person to have access to his or her land the Minister may exempt that person from any regulation affecting the land

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described in Parts 28 and 29 or that right of
access.

S. 32AD
inserted by
No. 37/1989
s. 7,
amended by
No. 70/1998
s. 14(Sch.
item 25),
repealed by
No. 35/2005
s. 7.

* * * *

S. 32AE
inserted by
No. 37/1989
s. 7,
amended by
Nos 57/1995
s. 33, 64/2004
s. 10,
repealed by
No. 19/2018
s. 197.

* * * *

S. 32AF
inserted by
No. 43/1990
s. 8.

**32AF Protection of access rights of freeholders in
Wyperfeld National Park**

- (1) If a person holds a fee simple in land abutting or surrounded by land described in Part 25 of Schedule Two, the Minister may grant to that person that reasonable right of access to the person's land which, in the Minister's opinion, will allow the person to use that land.
- (2) For the purpose of allowing a person to have access to land the Minister may exempt that person from any regulation affecting the land described in Part 25 of Schedule Two or that right of access.

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S. 32AG
inserted by
No. 57/1995
s. 8,
amended by
No. 70/1998
s. 14(Sch.
item 26),
repealed by
No. 66/2000
s. 39.

32AH Protection of access rights of freeholders in Yarra Ranges National Park

S. 32AH
inserted by
No. 57/1995
s. 8.

- (1) If a person holds a fee simple in land abutting or surrounded by land described in Part 39 of Schedule Two—
- (a) if the land is not abutting or surrounded by a designated water supply catchment area, the Minister may grant to that person that reasonable right of access to his or her land which will in the Minister's opinion allow that person to use his or her land; or
 - (b) if the land is abutting or surrounded by a designated water supply catchment area, the Minister, after consulting the Minister administering the **Water Act 1989**, may grant to that person that reasonable right of access to his or her land which will, in the Minister's opinion, allow that person to use his or her land.
- (2) For the purpose of allowing a person to have access to his or her land the Minister may exempt that person from any regulation affecting the land described in Part 39 of Schedule Two or that right of access.

S. 32AH(1)(b)
amended by
No. 85/2006
s. 173(Sch. 1
item 8.4).

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Pt 3 Div. 5
(Heading)
inserted by
No. 9114 s. 15,
repealed by
No. 57/1995
s. 34(b) (as
amended by
No. 74/2000
s. 3(Sch. 1
item 88.1)).

* * * * *

S. 32B
inserted by
No. 9114 s. 15.

32B Tenancies for surf lifesaving club purposes

S. 32B(1)
amended by
No. 43/1990
s. 16(2).

- (1) The Minister may in writing and in accordance with this section grant tenancies (in the case of any tenancy not exceeding one hectare) of land included in the park described in Part 4 of Schedule Two and abutting on or adjacent to the coastline of Victoria to—

S. 32B(1)(a)
amended by
Nos 43/1990
s. 16(1),
44/2001
s. 3(Sch.
item 86).

- (a) a company within the meaning of the Corporations Act that is taken to be registered in Victoria, members of which during the summer immediately preceding the commencement of this section patrolled any part of the coastline aforesaid for the purpose of assisting persons in difficulty in the water for use for purposes (including the provision of accommodation and associated facilities for members of the company) connected with the surf lifesaving activities of the members;

S. 32B(1)(b)
amended by
Nos 43/1990
s. 16(1),
44/2001
s. 3(Sch.
item 86),
64/2004
s. 11(1)(a)(b).

- (b) Surf Life Saving Victoria for use for purposes (including the provision of accommodation and associated facilities for members of a club) connected with the surf lifesaving activities of members of a specified club, members of which during the summer immediately preceding the commencement of this section patrolled any

part of the coastline aforesaid for the purpose
of assisting persons in difficulty in the water
and which is affiliated with Surf Life Saving
Victoria.

- (1A) The Minister may, in writing, grant tenancies of land in any specified park that is abutting on or adjacent to the coastline of Victoria to Surf Life Saving Victoria, for use, by the members of a club that is affiliated with Surf Life Saving Victoria, for surf lifesaving purposes. S. 32B(1A)
inserted by
No. 64/2004
s. 11(2).
- (2) A tenancy under subsection (1) or (1A)— S. 32B(2)
amended by
No. 64/2004
s. 11(3).
- (a) shall be in respect of land not exceeding one hectare specified in the agreement;
- (b) shall be—
- (i) for a term not exceeding 21 years;
- (ii) for such rent and other charges;
- (iii) subject to such terms conditions and covenants—
- as is or are determined by the Minister and specified in the agreement.
- (3) An agreement for a tenancy under this section may authorize the construction erection or provision on the land or on a specified part or specified parts of the land and for the purposes specified in subsection (1) or (1A) of specified structures apparatus or equipment or structures apparatus or equipment of any specified class for such charges and subject to such terms conditions and covenants as the Minister determines and specifies in the agreement. S. 32B(3)
amended by
No. 64/2004
s. 11(4).

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S. 32B(4)
inserted by
No. 64/2004
s. 11(5).

(4) In this section—

specified park means—

(a) the park described in Part 4 of
Schedule Two; or

S. 32B(4)(b)
repealed by
No. 60/2005
s. 6(2).

* * * *

(c) the park described in Part 15 of
Schedule Three;

surf lifesaving purposes means purposes
connected with the patrolling of any part of
the coastline of Victoria by persons for the
purpose of assisting other persons in
difficulty in water and includes using land
for accommodation and facilities associated
with the patrolling and assisting activities;

Surf Life Saving Victoria means Surf Life Saving
Victoria ACN 004 704 652.

S. 32B(5)
inserted by
No. 64/2004
s. 11(5),
repealed by
No. 60/2005
s. 6(3).

* * * *

S. 32C
inserted by
No. 9114 s. 15,
amended by
No. 57/1995
s. 35 (as
amended by
No. 74/2000
s. 3(Sch. 1
item 88.2)),
repealed by
No. 64/2004
s. 12.

* * * *

32CA Arthurs Seat chairlift lease

- (1) After consulting the National Parks Advisory Council, the Minister may lease any area of land in the park described in Part 2 of Schedule Two B which is land—
- (a) shown hatched on the plan lodged in the Central Plan Office and numbered N.P. 36A; or
- (b) delineated and coloured blue on that plan and is 6 metres or more above the land surface.
- (2) The purpose of a lease under subsection (1) may be for the purposes of a chairlift and associated visitor facilities.
- (3) A lease under subsection (1)—
- (a) must be granted in writing; and
- (b) must not be for a term of more than 21 years; and
- (c) is subject to any rent and other charges and terms and conditions determined by the Minister.
- (4) For the purposes of subsection (3)(c), the Minister must ensure that the lease is subject to conditions that prevent or minimise any adverse impact on the park (including its natural, indigenous, historic, cultural, landscape and recreational values) by the development or use of the land that is permitted under the lease.

S. 32CA
inserted by
No. 7/1997
s. 7,
substituted by
No. 7/2012
s. 4.

S. 32CA(4)
substituted by
No. 45/2013
s. 16.

* * * * *

S. 32CB
inserted by
No. 45/2013
s. 17,
repealed by
No. 54/2015
s. 11.

S. 32CC
(Heading)
substituted by
No. 54/2015
s. 12(1).

**32CC Power of Minister to grant leases more than
21 years but not exceeding 50 years—Arthurs Seat
chairlift lease**

S. 32CC
inserted by
No. 45/2013
s. 17.

S. 32CC(1)
substituted by
No. 54/2015
s. 12(2).

- (1) The Minister may grant a lease for a term of more than 21 years but not exceeding 50 years of any area of land which may be leased under section 32CA if the Minister—
- (a) has consulted the National Parks Advisory Council; and
 - (b) is satisfied that—
 - (i) the proposed use, development, improvements or works that are to be the subject of the lease are of a substantial nature and of a value which justifies a longer term lease; and
 - (ii) the granting of a longer term lease is in the public interest.
- (2) Section 32CA(2), (3)(a) and (c) and (4) apply to a lease granted under this section.

S. 32CC(3)
repealed by
No. 54/2015
s. 12(3).

* * * *

S. 32CD
inserted by
No. 45/2013
s. 17,
repealed by
No. 54/2015
s. 13.

* * * *

32D Authorities to search for minerals in certain parks

S. 32D
(Heading)
inserted by
No. 50/2002
s. 8(1).
S. 32D
inserted by
No. 9247 s. 12.

- (1) Notwithstanding anything contained in this or any other Act, the Minister may by notice in the Government Gazette designate the area or areas in—
- (a) the parks described in any of the following—
 - (i) Part 30, 41, 42 or 43 of Schedule Two;
 - (ii) Part 15, 26, 31, 36 or 38 of Schedule Two B;
 - (iii) Part 1 or 13 of Schedule Three;
 - (iv) Part 8 of Schedule Four;
 - (v) an area included in Division 2 of Part 1 of Schedule Nine—

S. 32D(1)
amended by
Nos 9570
s. 11(4), 10073
s. 8(1).

S. 32D(1)(a)
inserted by
No. 10073
s. 8(1),
amended by
Nos 44/1986
s. 11, 38/1989
ss 18(3)(i), 25,
57/1995
s. 36(a)(b),
7/1997 s. 8,
substituted by
No. 50/2002
s. 8(2).

S. 32D(1)(a)(iv)
amended by
No. 40/2020
s. 79(1).

S. 32D(1)(a)(v)
inserted by
No. 40/2020
s. 79(2).

in which searching for minerals under a miner's right or tourist fossicking authority will be permitted;

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S. 32D(1)(b)
inserted by
No. 10073
s. 8(1),
substituted by
No. 50/2002
s. 8(2).

(b) the parks described in any of the following—

S. 32D(1)(b)(i)
amended by
No. 19/2018
s. 198(1).

(i) Part 31 or 49 of Schedule Two;

S. 32D(1)(b)(ii)
amended by
No. 19/2018
s. 198(2).

(ii) Part 15 of Schedule Two B;

(iii) Part 15 of Schedule Three—

in which searching for gemstones under a
miner's right or tourist fossicking authority
will be permitted;

S. 32D(1)(c)
inserted by
No. 10073
s. 8(1),
amended by
No. 38/1989
s. 18(3)(j),
substituted by
No. 50/2002
s. 8(2),
amended by
No. 64/2004
s. 13.

(c) the tidal zones of the park described in Part 4
of Schedule Two in which searching for
gemstones under a miner's right or tourist
fossicking authority will be permitted.

S. 32D(1)(d)
inserted by
No. 10073
s. 8(1),
amended by
No. 38/1989
s. 18(3)(k),
repealed by
No. 50/2002
s. 8(2).

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|---|---|
| (2) Upon the designation of an area pursuant to subsection (1), Parks Victoria, or the Great Ocean Road Coast and Parks Authority (in the case of land in the park described in Part 31 of Schedule Two for which the Great Ocean Road Coast and Parks Authority is appointed land manager by Order under section 16C(1) or under section 62Q(2) of the Great Ocean Road and Environs Protection Act 2020 , may— | S. 32D(2) substituted by No. 10073 s. 8(2), amended by Nos 70/1998 s. 14(Sch. item 27), 50/2002 s. 8(3), 19/2018 s. 198(3), 42/2021 s. 128(1)(a). |
| (a) grant a permit by writing to any person or persons named in the permit; or | S. 32D(2)(a) amended by No. 42/2021 s. 128(1)(b). |
| (b) by notice published in the Government Gazette authorize any class or classes of persons— | |
| to search for minerals in that area. | |
| (3) Any permission or authorization given under subsection (2) shall be subject to any restrictions and conditions which Parks Victoria or the Great Ocean Road Coast and Parks Authority may determine. | S. 32D(3) substituted by No. 10073 s. 8(2), amended by Nos 70/1998 s. 14(Sch. item 27), 19/2018 s. 198(3), 42/2021 s. 128(2). |
| (4) The property in minerals passes from the Crown to a person acting in accordance with any permission or authorization given under subsection (2) when the minerals are separated from the land. | S. 32D(4) inserted by No. 82/2000 s. 75. |

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S. 32E
inserted by
No. 7/1987
s. 7,
amended by
No. 57/1995
s. 37,
repealed by
No. 82/2009
s. 10.

* * * *

S. 32F
inserted by
No. 7/1987
s. 7,
amended by
No. 46/1998
s. 7(Sch. 1),
repealed by
No. 82/2009
s. 11.

* * * *

S. 32FAA
inserted by
No. 7/1997
s. 9.

**32FAA Protection of access rights of freeholders in
Cathedral Range State Park**

- (1) The Minister may grant to a person who holds a fee simple in land abutting or surrounded by the park any rights of access over the park to that land, which are, in the Minister's opinion, reasonable.
- (2) A right of access under subsection (1) is subject to any terms and conditions determined by the Minister.
- (3) For the purpose of allowing a person to exercise a right under subsection (1), the Minister may exempt that person from any regulation affecting the park.
- (4) In this section *park* means the land referred to in Part 8 of Schedule Two B.

S. 32FA
inserted by
No. 57/1995
s. 38,
repealed by
No. 64/2004
s. 14.

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* * * * *

S. 32G
inserted by
No. 7/1987
s. 7,
amended by
No. 57/1995
s. 39,
repealed by
No. 82/2009
s. 12.

**32H Protection of designated water supply catchment
areas and their water resources**

S. 32H
(Heading)
inserted by
No. 60/2005
s. 7.

S. 32H
inserted by
No. 57/1995
s. 9.

- (1) Parks Victoria, in carrying out the duties or performing the functions of Parks Victoria's office or exercising powers in relation to a designated water supply catchment area, and any other person or body, in carrying out duties or performing functions or exercising powers in relation to such an area, must regard the paramount consideration as being the need to—

S. 32H(1)
amended by
Nos 70/1998
s. 14(Sch.
item 28),
19/2018
s. 199(1).

- (a) protect that area; and
- (b) maintain the water quality of and otherwise protect the water resources of that area.

- (2) Parks Victoria must ensure that each designated water supply catchment area is controlled and managed in accordance with the objects of this Act in a manner that will—

S. 32H(2)
amended by
Nos 70/1998
s. 14(Sch.
item 28),
19/2018
s. 199(2).

- (a) protect that area; and
- (b) maintain the water quality of and otherwise protect the water resources of that area.

S. 32H(3)
amended by
Nos 70/1998
s. 14(Sch.
item 28),
19/2018
s. 199(3).

- (3) Without limiting section 20, Parks Victoria has power to do anything in relation to a designated water supply catchment area that he or she considers necessary to—
- (a) protect that area; and
 - (b) maintain the water quality of and otherwise protect the water resources of that area.

S. 32I
inserted by
No. 57/1995
s. 9,
amended by
No. 70/1998
s. 14(Sch.
item 29),
substituted by
No. 60/2005
s. 8.

32I Management agreements with managing water authorities

S. 32I(1)
amended by
No. 19/2018
s. 200(1).

- (1) Parks Victoria may enter into an agreement with—
- (a) Melbourne Water Corporation for the management by Melbourne Water Corporation of a Melbourne water supply catchment area; or
 - (b) Barwon Water for the management by Barwon Water of the Barwon water supply catchment area; or
 - (c) Wannon Water for the management by Wannon Water of the Wannon water supply catchment area.

S. 32I(1)(c)
substituted by
No. 90/2009
s. 5.

- (2) An agreement under subsection (1)—
- (a) must be in writing; and

S. 32I(2)(b)
amended by
No. 19/2018
s. 200(2).

- (b) must be consistent with the objects of this Act and with the duties imposed on Parks Victoria by sections 17(2)(ba), 17(3) and 32H; and

- (c) may be amended from time to time or terminated by a further written agreement between the parties.

(3) An agreement under subsection (1)—

- (a) must specify those duties, functions and powers imposed on Parks Victoria by or under this Act which may be carried out by the managing water authority that has entered into the agreement in relation to the designated water supply catchment area to which the agreement relates; and
- (b) must specify those functions and powers of the managing water authority which may be performed by the managing water authority in relation to the designated water supply catchment area; and
- (c) may provide for the management and control by the managing water authority of any property within the designated water supply catchment area; and
- (d) must contain provisions with respect to—
 - (i) the protection of conservation values within the designated water supply catchment area; and
 - (ii) fire protection and fire management within the area; and
 - (iii) prohibiting and regulating the activities of people within the area and access to the area by people; and
 - (iv) once-only harvesting of forest produce from those areas shown cross-hatched on the plans referred to in Parts 10 and 39 of Schedule Two, and the rehabilitation of those areas; and

S. 32(3)(a)
amended by
No. 19/2018
s. 200(3).

S. 32(3)(d)(v)
amended by
No. 19/2018
s. 200(4).

- (v) procedures to be followed to prevent or settle disputes concerning the management of the area that arise between the parties during the currency of the agreement including the submission of any unresolved dispute to the Minister, the Minister responsible for the managing water authority and (in the case of Melbourne Water Corporation) the Treasurer, for a decision that is to be binding on the parties.
- (4) It is deemed to be a term of any agreement under subsection (1) that, despite any other provision of this Act, it is the function of the managing water authority to determine the policy necessary in a designated water supply catchment area—
 - (a) to protect the area for the purposes of water supply; and
 - (b) to maintain the water quality of and otherwise protect the water resources in the area; and
 - (c) to restrict human activity for the purposes of giving effect to paragraphs (a) and (b).

S. 32J
inserted by
No. 57/1995
s. 9,
substituted by
No. 60/2005
s. 8.

32J Access to property in designated water supply catchment areas

The Minister must grant to the managing water authority for a designated water supply catchment area that reasonable right of access to property within the area that is owned, controlled or managed by the managing water authority that will, in the Minister's opinion, allow the managing water authority to exercise its powers and functions with respect to that property.

32K Control and management of structures and installations in designated water supply catchment areas

S. 32K
inserted by
No. 57/1995
s. 9,
amended by
No. 70/1998
s. 14(Sch.
item 30),
substituted by
No. 60/2005
s. 8.

- (1) The managing water authority for a designated water supply catchment area may manage and control any structures and installations (other than those built or installed by the Secretary or Parks Victoria) in the area.
- (2) For the purposes of giving effect to subsection (1), the managing water authority may operate, repair, replace, maintain, remove, connect, disconnect or do any other thing necessary to manage or control a structure or installation.
- (3) In this section *structures and installations* includes, but is not limited to, dam walls, reservoirs, weirs, tunnels, roads, tracks, buildings, towers and fences.

S. 32K(1)
amended by
No. 19/2018
s. 201.

32L Extraction of forest produce from Kinglake National Park and Yarra Ranges National Park

S. 32L
inserted by
No. 57/1995
s. 9.

- (1) The Melbourne Water Corporation may take sell or otherwise dispose of forest produce in the land shown cross-hatched on the plans referred to in Parts 10 and 39 of Schedule Two in accordance with any management agreement entered into under section 32I, or, if there is no agreement, in accordance with terms and conditions agreed to by Parks Victoria and Melbourne Water Corporation.

S. 32L(1)
amended by
Nos 70/1998
s. 14(Sch.
item 31),
19/2018 s. 202.

- (2) For the purpose of this section, *forest produce* has the same meaning as in the **Forests Act 1958**.

S. 32M
inserted by
No. 57/1995
s. 9,
amended by
No. 70/1998
s. 14(Sch.
item 32),
substituted by
No. 60/2005
s. 9.

32M Determination of disputes

S. 32M(1)
amended by
No. 19/2018
s. 203.

- (1) If Parks Victoria has not entered into an agreement under section 32I—
- (a) with Melbourne Water Corporation about the management of a Melbourne water supply catchment area; or
 - (b) with Barwon Water about the management of the Barwon water supply catchment area; or
 - (c) with Wannon Water about the management of the Wannon water supply catchment area—

S. 32M(1)(c)
substituted by
No. 90/2009
s. 6.

and if there is a dispute about the management of the area, either Parks Victoria or the relevant managing water authority may refer the dispute to the Minister, the Minister responsible for administering the relevant managing water authority and (in the case of Melbourne Water Corporation) the Treasurer for determination.

- (2) A decision of the Ministers under subsection (1) is binding on the parties to the dispute.

32N Restricted areas in designated water supply catchment areas

S. 32N
inserted by
No. 57/1995
s. 9,
substituted by
No. 60/2005
s. 9.

- (1) The Minister may by notice published in the Government Gazette, prohibit, regulate or control access of persons to that part of a designated water supply catchment area that is specified in the notice.
- (2) The Minister must not make a notice under subsection (1) unless—
 - (a) the Minister is of the opinion that it is necessary to do so to prevent access of persons to that part of the designated water supply catchment area for the purposes of—
 - (i) protecting that area for the purposes of water supply; or
 - (ii) maintaining the water quality of and otherwise protecting the water resources of that area; and
 - (b) the Minister has, before doing so, consulted the Minister responsible for the managing water authority for that area.
- (3) A notice under subsection (1)—
 - (a) may be general or of limited application; and
 - (b) takes effect from the date of publication in the Government Gazette or from any later date specified in the notice; and
 - (c) in the absence of a date specified in the notice, continues to have effect until 90 days after publication of the notice in the Government Gazette; and
 - (d) may not provide that it continues to have effect for any period exceeding 12 months.

- (4) As soon as possible after publication of the notice in the Government Gazette, the Minister must publish a notice in a newspaper circulating generally in the area likely to be affected by the notice stating that he or she has published the notice.
- (5) Part 5 of the **Subordinate Legislation Act 1994** applies to a notice under this section as if that notice were a statutory rule within the meaning of that Act that had been laid before Parliament on the day on which the notice was published in the Government Gazette.
- (6) A person must comply with a notice under this section.

Penalty: 20 penalty units.

S. 32NA
inserted by
No. 90/2009
s. 7.

**32NA Management agreement with Barwon Water—
Brisbane Ranges National Park**

- (1) The Minister, with the agreement of the Minister administering the **Water Act 1989**, may enter into an agreement with Barwon Water for Barwon Water to manage and control any structures and installations on the land described in Part 2 of Schedule Two that are specified in the agreement.
- (2) For the purposes of giving effect to an agreement under subsection (1), Barwon Water may operate, repair, replace, maintain, remove, connect, disconnect or do any other thing necessary to manage or control the structures and installations specified in the agreement.
- (3) In this section, *structures and installations* means the dam wall and structures and installations associated with the dam wall, including, but not limited to, the spillway, outlet structures, valve houses, standing areas, security fences, survey and geotechnical monitoring points and the vehicle

access track between the dam wall security fence
and the toe of the dam wall.

32O Access rights—French Island Marine National Park

S. 32O
inserted by
No. 40/2002
s. 8.

- (1) The Minister may grant to a person who holds a fee-simple interest in land on French Island any rights of access to that land over the park that are, in the Minister's opinion, reasonable.
- (2) A right of access under subsection (1) is subject to any terms and conditions determined by the Minister.
- (3) For the purpose of allowing a person to exercise a right of access under subsection (1), the Minister may exempt that person from any regulation made under this Act affecting the park.
- (4) In this section *park* means the land described in Part 6 of Schedule Seven.

* * * * *

S. 32P
inserted by
No. 60/2005
s. 10, expired
by force of
No. 8702
s. 32P(6).

* * * * *

S. 32Q
inserted by
No. 60/2005
s. 10, expired
by force of
No. 8702
s. 32Q(5).

32R Drainage licences—Cobboboonee National Park

S. 32R
inserted by
No. 54/2008
s. 6.

- (1) Parks Victoria may grant a licence to the person who is the owner or occupier of drainage land, being a licence over land described in Part 45 of

S. 32R(1)
amended by
No. 19/2018
s. 204(1).

Schedule Two, for the purpose of draining the
drainage land.

- (2) A licence granted under subsection (1)—
- (a) must be in writing; and
 - (b) must not be for a term of more than 7 years;
and
 - (c) is subject to any fees and other charges and
terms and conditions determined by
Parks Victoria.

S. 32R(2)(c)
amended by
No. 19/2018
s. 204(2).

S. 32R(3)
repealed by
No. 19/2018
s. 204(3).

* * * * *

- (4) In this section—

S. 32R(4) def.
of *drainage*
land
amended by
No. 19/2018
s. 204(4).

drainage land means Crown Allotment 5, Parish
of Cobboboonee.

S. 32R(4) def.
of *drainage*
licence
repealed by
No. 19/2018
s. 204(5).

* * * * *

S. 32S
inserted by
No. 53/2017
s. 25.

32S Rehabilitation works—Great Otway National Park

- (1) Parks Victoria may authorise Alcoa of Australia
Limited ACN 004 879 298 to carry out works on
the relevant land managed by Parks Victoria that
are associated with the rehabilitation of the
Anglesea coal mine and associated works.

S. 32S(1)
amended by
Nos 19/2018
s. 205, 42/2021
s. 129(1).

- (1A) The Great Ocean Road Coast and Parks Authority may authorise Alcoa of Australia Limited ACN 004 879 298 to carry out works, on the relevant land managed by the Great Ocean Road Coast and Parks Authority, that are associated with the rehabilitation of the Anglesea coal mine and associated works. **S. 32S(1A) inserted by No. 42/2021 s. 129(2).**
- (2) An authorisation under subsection (1) or (1A) must be in writing. **S. 32S(2) amended by No. 42/2021 s. 129(3).**
- (3) In this section—
relevant land means the land delineated and shown cross-hatched on the plan lodged in the Central Plan Office and numbered N.P. 111E/5 and that is part of the park described in Part 31 of Schedule Two. **S. 32S(3) def. of *relevant land* amended by No. 40/2020 s. 80.**
- 32T Access rights—Yallock–Bulluk Marine and Coastal Park** **S. 32T inserted by No. 40/2020 s. 81.**
- (1) For the purpose of carrying out duties or obligations or exercising rights under any Desalination Project arrangement, AquaSure, any contractor of Aquasure or any person determined by the Minister may—
- (a) enter Yallock–Bulluk Marine and Coastal Park; and
- (b) install, maintain, operate, alter or remove any works in Yallock–Bulluk Marine and Coastal Park that are necessary or desirable to carry out those duties or obligations or exercise those rights; and
- (c) carry out any other actions in Yallock–Bulluk Marine and Coastal Park that are necessary or desirable to carry out those duties or obligations or exercise those rights.

- (2) A determination of the Minister under subsection (1) must—
- (a) be in writing; and
 - (b) published in the Government Gazette.
- (3) A person carrying out duties or obligations or exercising rights under any Desalination Project arrangement is not subject to any regulations made under this Act to the extent that the duties or obligations or rights authorised by the Desalination Project arrangement are inconsistent with the regulations.
- (4) In this section—

AquaSure means AquaSure Pty Ltd
(ACN 135 956 393);

Deed means the Victorian Desalination Project Project Deed, dated 30 July 2009, between the State of Victoria and AquaSure (as amended from time to time);

Desalination Project means the Desalination Project—

- (a) as defined—
 - (i) in the Nomination Order made under the **Project Development and Construction Management Act 1994** and published in the Government Gazette on 18 December 2007; or
 - (ii) in the Order referred to in subparagraph (i) as amended; or
- (b) as further defined in any subsequent Nomination Order made under the **Project Development and Construction Management Act 1994**;

Desalination Project arrangement means any of the following—

- (a) a relevant EPA licence;
- (b) the Deed;
- (c) any document conferring duties or obligations or rights made under the Deed;
- (d) any document conferring duties or obligations or rights made under another Act with respect to the Desalination Project;

old section 20 of the EPA means section 20 of the **Environment Protection Act 1970** as in force on or after 10 December 2017 until its repeal;

relevant EPA licence means—

- (a) the licence issued to AquaSure on 10 December 2017 under old section 20 of the EPA; and
- (b) any other licence or authority issued to AquaSure or any person determined by the Minister under subsection (1), for the purposes of the Desalination Project, issued under—
 - (i) old section 20 of the EPA; or
 - (ii) any subsequent corresponding provision to old section 20 of the EPA;

Yallock-Bulluk Marine and Coastal Park means the land described in Part 2 of Schedule Three.

Part IV—General

33 Rents etc. to be paid into the Consolidated Fund

S. 33(1)
repealed by
No. 9861
s. 3(1).

* * * *

S. 33(2)
amended by
No. 9570
s. 8(2)(a)–(c),
substituted by
No. 9861
s. 3(1).

- (2) There shall be paid into the Consolidated Fund any moneys received by a Committee, the Council or any other person—
- (a) by way of rents, fees, tolls or other charges payable under this Act or the regulations, whether under a lease, licence, permit, tenancy or other instrument granted under this Act or the regulations or by or under the **National Parks Act 1975** or a corresponding previous enactment or the regulations made thereunder;
 - (b) from the provision to the public of services, facilities or goods under this Act or the regulations;
 - (c) from the sale or disposal of produce under section 26; or
 - (d) otherwise in accordance with the provisions of this Act.

S. 33(2A)
inserted by
No. 57/1995
s. 10.

- (2A) Subsection (2) does not apply to money received by the Melbourne Water Corporation from the taking, sale or disposal of forest produce under section 32L.

S. 33(2B)
inserted by
No. 42/2021
s. 130(1).

- (2B) Subsection (2) does not apply to money received by the Great Ocean Road Coast and Parks Authority.

(3) The moneys appropriated by Parliament for national park purposes shall be applied only in the payment of—

S. 33(3)
substituted by
No. 9570
s. 8(1),
amended by
No. 9861
s. 3(1).

(a) the costs and expenditure incurred under this Act in the administration of this Act;

* * * * *

S. 33(3)(b)
repealed by
No. 9861
s. 3(1).

(c) remuneration and allowances payable under this Act;

(d) the whole or part of the cost of carrying out works under section 25;

(e) the whole or part of the cost of carrying out works for the establishment of roads or tracks into a park where those works are carried out by arrangement between the Minister and the Minister administering the **Planning and Environment Act 1987** or the Minister administering the **Transport Integration Act 2010**;

S. 33(3)(e)
amended by
Nos 9902
s. 2(1)(Sch.
item 186),
46/1998
s. 7(Sch. 1),
6/2010
s. 203(1)
(Sch. 6
item 32.2).

(f) subject to the approval of the Minister, the whole or part of the costs of the purchase or acquisition of land purchased or acquired or proposed to be purchased or acquired under section 5 of the **Crown Land (Reserves) Act 1978** for the purpose of a park; or

S. 33(3)(f)
amended by
No. 9902
s. 2(1)(Sch.
item 186).

(g) costs and expenditure incurred in the administration, protection or management—

(i) of any land of which the Council is, pursuant to section 14 of the **Crown Land (Reserves) Act 1978**, the committee of management;

S. 33(3)(g)(ia)
inserted by
No. 10166
s. 15,
amended by
Nos 70/1998
s. 14(Sch.
item 33),
19/2018 s. 206,
42/2021
s. 130(2).

- (ii) of any land the subject of an agreement under section 19A;
- (ia) of any land managed by Parks Victoria or the Great Ocean Road Coast and Parks Authority under section 19AA, 19C or 19E;

S. 33(3)(g)(iii)
amended by
Nos 70/1998
s. 14(Sch.
item 33),
19/2018 s. 206.

- (iii) of any land placed under the control and management of Parks Victoria pursuant to section 18(1) of the **Crown Land (Reserves) Act 1978**; or

S. 33(3)(g)(iv)
amended by
Nos 70/1998
s. 14(Sch.
item 33),
19/2018 s. 206.

- (iv) of any land managed by Parks Victoria pursuant to an agreement made under section 19D.

S. 34
amended by
Nos 9114
s. 16, 9212
s. 2(2), 9247
s. 16, 9427
s. 6(1)(Sch. 5
items 119,
120),
repealed by
No. 9570
s. 8(3).

* * * * *

35 Annual report

S. 35(1)
amended by
Nos 70/1998
s. 14(Sch.
item 34),
19/2018 s. 207.

- (1) Parks Victoria shall within three months after each year ending on 30 June submit to the Minister a report on the working of this Act during that year and on such other matters as the Minister directs.

S. 35(1A)
inserted by
No. 53/2017
s. 26.

- (1A) If a national park or State park is created in the financial year preceding the year referred to in subsection (1), the annual report must include a

summary of the actions taken to establish the park
in the 12 months after the creation of the park.

- (1B) A report under subsection (1) must deal with
parks for which the Great Ocean Road Coast and
Parks Authority has control and management.
- (2) The Minister shall cause a report under
subsection (1) to be laid before both Houses of
Parliament within three weeks after it is received
or, if Parliament is not then sitting, within three
weeks after the next assembling of Parliament.

S. 35(1B)
inserted by
No. 42/2021
s. 131.

* * * * *

S. 35A
inserted by
No. 7/1997
s. 10,
amended by
No. 46/1998
s. 7(Sch. 1),
repealed by
No. 70/1998
s. 8.

36 Seizure and forfeiture of guns and other weapons

S. 36
substituted by
No. 9247 s. 5.

- (1) An authorized officer or a police officer may in a
park seize a gun or other weapon unless the gun or
other weapon is in the possession of a person
authorized under this or another Act to use carry
or have in his possession in the park the gun or
other weapon.
- (2) Where a gun or other weapon is seized pursuant to
subsection (1) and an action is brought against the
person in possession of that gun or other weapon
and that person is convicted of an offence of using
that gun or other weapon in a park in
contravention of this Act that gun or other weapon
is forfeited to the Crown and shall be disposed of
as the Minister directs.

S. 36(1)
amended by
No. 37/2014
s. 10(Sch.
item 115.2).

S. 36(3)
amended by
No. 66/1996
s. 205.

(3) In any other case where a gun or other weapon is seized pursuant to subsection (1) and a court convicts a person of any offence in respect of which the seizure was made the court may authorize the return of the gun to the person convicted or to the owner (as the case requires) but where the person convicted is proved to have been previously convicted of an offence relating to the use carrying or possession of a gun or other weapon in a park or relating to the use of a gun in contravention of the **Wildlife Act 1975** or of an offence under the **Firearms Act 1996** the court shall order the forfeiture of the gun to the Crown and it shall be disposed of as the Minister directs.

(4) Where—

- (a) a gun or other weapon is seized under this section; and
- (b) no action is taken under this Act against the person from whom the gun or other weapon was seized within six months of the date upon which it was seized; and
- (c) at the expiry of the six-month period referred to in paragraph (b), the person from whom the gun or other weapon was seized is duly notified in writing sent by post to his last known address that no action has been taken under this Act and that he may claim the gun or other weapon; and
- (d) the gun or other weapon is not claimed within twelve months of the date on which the notice was posted—

the gun or other weapon shall be disposed of as the Minister directs.

- (5) Where any gun or other weapon is disposed of by sale pursuant to this section the proceeds of sale shall be paid into the Consolidated Fund.

S. 36(5)
amended by
No. 9861
s. 3(1).

37 Parks Victoria or the Great Ocean Road Coast and Parks Authority may consent to certain guns or other weapons being carried or used

S. 37
(Heading)
inserted by
No. 19/2018
s. 208(1),
amended by
No. 42/2021
s. 132(1).

S. 37
amended by
No. 9247
s. 6(a).

- (1) Parks Victoria or the Great Ocean Road Coast and Parks Authority may by instrument in writing authorize an authorized officer or another person to use carry or have in the authorized officer's or another person's possession a gun or other weapon in a specified park for such purposes, at such times and on such conditions as Parks Victoria or the Great Ocean Road Coast and Parks Authority specifies.

S. 37(1)
amended by
Nos 70/1998
s. 14(Sch.
item 35),
19/2018
s. 208(2),
42/2021
s. 132(2).

- (2) Notwithstanding anything contained in subsection (1) Parks Victoria may—

S. 37(2)
inserted by
No. 9247
s. 6(b),
amended by
Nos 10166
s. 16(a)(b),
38/1989
s. 18(3)(l),
43/1990
s. 16(3),
7/1997
s. 11(1)(a)(b),
70/1998
s. 14(Sch.
item 35),
50/2002
s. 9(a)–(c),
7/2012 s. 5(1),
19/2018
s. 208(3).

- (a) grant a permit to any person or persons named therein; or

- (b) by notice published in the Government Gazette authorize any class or classes of persons—

to carry or use any firearms or other weapons or class or classes of firearms or other weapons in the parks or in parts of the parks described in the specified areas of Part 37 of Schedule Two or in Parts 38 and 39 of Schedule Two B or Parts 2A, 3, 6 and 8 of Schedule Three or Parts 4 and 5 of Schedule Four for such period or periods as are

specified and subject to such conditions and restrictions as are specified in the permit or notice.

S. 37(3)
inserted by
No. 9247
s. 6(b),
substituted by
No. 9570 s. 9,
amended by
Nos 44/1986
s. 12, 37/1989
s. 8(b),
38/1989
s. 18(3)(m),
40/1992
s. 8(b),
57/1995
s. 40(a)(i)–(iii),
7/1997
s. 11(2)(a)(b),
70/1998
s. 14(Sch.
item 35),
90/2009
s. 8(1),
19/2018
s. 208(3).

(3) Notwithstanding anything contained in subsections (1) and (2) Parks Victoria may—

- (a) grant a permit to any person or persons named therein; or
- (b) by notice published in the Government Gazette authorize any class or classes of persons—

to carry and use any firearms or other weapons or class or classes of firearms or other weapons in the course of hunting deer by stalking in the parks described in Parts 7 and 8 and the specified areas of Part 27 or Part 37 of Schedule Two and Part 2 of Schedule Two A, Part 12 of Schedule Three and Parts 4 and 5 of Schedule Four or in such part or parts of the parks for such period or periods and subject to such conditions and restrictions as are specified in the permit or notice.

S. 37(4)
inserted by
No. 9570 s. 9,
amended by
Nos 70/1998
s. 14(Sch.
item 35),
19/2018
s. 208(4).

(4) Parks Victoria may revoke a permit granted under subsection (3) by notice in writing given to the person or persons named in the permit or sent to them at their address or addresses notified in the permit.

S. 37(5)
inserted by
No. 9570 s. 9,
amended by
Nos 70/1998
s. 14(Sch.
item 35),
19/2018
s. 208(4).

(5) Parks Victoria may revoke amend or alter any authority given pursuant to paragraph (b) of subsection (2) or paragraph (b) of subsection (3) by a notice published in the Government Gazette.

- (6) The Governor in Council may make such regulations as are necessary or convenient to regulate hunting in the parks described in Parts 7 and 8 and the specified areas of Parts 27 and 37 of Schedule Two and Part 2 of Schedule Two A and Part 10 of Schedule Two B and Parts 2A, 3, 6 and 8 of Schedule Three and Parts 4 and 5 of Schedule Four.

S. 37(6)
inserted by
No. 9570 s. 9,
amended by
Nos 44/1986
s. 12, 38/1989
s. 18(3)(n),
43/1990
s. 16(4),
40/1992
s. 8(c),
57/1995
s. 40(b),
7/1997
s. 11(3)(a)–(c),
90/2009
s. 8(2).

- (7) In subsection (2), *specified areas* means those areas of Part 37 of Schedule Two marked A1 and shown by dark shading or vertical hatching or marked A6/A6A or A8 and shown by light shading on the plan lodged in the Central Plan Office and numbered N.P. 70/1f.

S. 37(7)
inserted by
No. 37/1989
s. 8(d),
amended by
Nos 40/1992
s. 5(1)(a)(b),
46/1998
s. 7(Sch. 1).

- (7A) In subsections (3) and (6), *specified areas*, in relation to the park described in Part 27 of Schedule Two, means that part of the park described in Part 27 of Schedule Two east of the Thomson Valley Road.

S. 37(7A)
inserted by
No. 57/1995
s. 40(c).

- (8) In subsections (3) and (6), *specified areas*, in relation to the park described in Part 37 of Schedule Two, means those areas of Part 37 of Schedule Two marked A1 and shown by dark shading or vertical hatching, marked A6/A6A, A7, A7A, A8, A9, A10, A11, A12 and A19 and shown by light shading or marked A13 and A13A and shown by light shading or cross hatching, marked A14 and shown by light shading or open circle pattern, marked A20 and shown by light shading, herringbone pattern, diagonal hatching or open circle pattern or marked A21 and shown by light shading or open circle pattern or marked WONG. and shown by hatching on the plan lodged in the

S. 37(8)
inserted by
No. 37/1989
s. 8(d),
amended by
Nos 40/1992
s. 5(2)(a)–(f),
57/1995
s. 40(d),
46/1998
s. 7(Sch. 1),
50/2000
s. 7(a)(b),
7/2012 s. 5(2).

Central Plan Office and numbered N.P. 70/4f and shown bordered red or coloured yellow on the plan lodged in the Central Plan Office and numbered N.P. 70/1m and such other areas of Part 37 as may be specified in a management plan for the park described in that part but excluding any areas under the **Reference Areas Act 1978**.

S. 37(9)
inserted by
No. 37/1989
s. 8(d),
amended by
No. 57/1995
s. 40(e).

- (9) A person who does not comply with the conditions specified in a notice given under subsection (3)(b) is guilty of an offence and liable to a penalty not exceeding 20 penalty units.

S. 37AA
(Heading)
inserted by
No. 19/2018
s. 209(1),
amended by
No. 42/2021
s. 133(1).

37AA Parks Victoria or Great Ocean Road Coast and Parks Authority may consent to weapons other than guns being carried through parks

S. 37AA
inserted by
No. 57/1995
s. 41.

S. 37AA(1)
amended by
Nos 70/1998
s. 14(Sch.
item 36),
19/2018
s. 209(2),
42/2021
s. 133(2).

- (1) Notwithstanding anything in section 37, Parks Victoria or the Great Ocean Road Coast and Parks Authority may, by notice published in the Government Gazette, authorise that any weapon or class of weapons, other than firearms, may be carried by or be in the possession of any person in the park specified in the notice.
- (2) An authorisation under subsection (1) is—
- (a) for the period; and
 - (b) subject to the conditions and restrictions (if any)—
- specified in the notice.

37A Parks Victoria may cause to be erected signs to indicate parks

**S. 37A
(Heading)
inserted by
No. 19/2018
s. 210(1).**

**S. 37A
inserted by
No. 10166
s. 17(1).**

(1) Parks Victoria may with the consent of the Head, Transport for Victoria—

**S. 37A(1)
amended by
Nos 44/1989
s. 41(Sch. 2
item 29.4(a)),
19/2018
s. 210(2),
49/2019
s. 186(Sch. 4
item 31.3).**

- (a) cause to be erected or placed upon or across a road—
 - (i) any structure or sign to indicate an entrance to the park which is adjacent to the road or entered from the road;
 - (ii) in the vicinity of any such structure or sign a building or other structure for use as shelter by and office accommodation for persons carrying out functions referred to in subsections (2) and (3);
 - (iii) any notice sign light or other device to notify users of the road that they are approaching an entrance to the park adjacent to the road, or entered from the road;
- (b) carry out minor roadworks, construct entrance stations, install speed humps and erect signs on a road to facilitate the collection of fees for entry to the park which is adjacent to or entered from the road;

S. 37A(1)(c)
amended by
Nos 44/1989
s. 41(Sch. 2
item 29.4(b)),
49/2019
s. 186(Sch. 4
item 31.3).

(c) after consultation with the Head, Transport for Victoria, erect on a road traffic control signals at fee collection points.

(2) Any tolls or fees or charges payable—

- (a) for entry into the park which is adjacent to or entered from a road;
- (b) for any permit or authority under the Act in relation to the park which is adjacent to or entered from a road—

may be collected by an authorized officer in respect of the park from persons passing any structure or sign erected under subsection (1).

S. 37A(3)
amended by
Nos 70/1998
s. 14(Sch.
item 37),
19/2018
s. 210(3).

(3) Where any fee or charge payable in respect of a permit or authority which may be granted by Parks Victoria pursuant to section 21 has been paid, an authorized officer may issue the permit or authority to the person to whom the permit or authority is granted and who passes any structure or sign erected under subsection (1).

(4) Sections 36, 37 and 44 of the Act shall apply to a road specified under subsection (5) as if the road formed part of the park which is adjacent to or entered from the road.

(5) This section shall apply to—

S. 37A(5)(a)
amended by
No. 12/2004
s. 165(2).

(a) a road that is—

S. 37A(5)(a)(i)
amended by
No. 43/2012
s. 3(Sch.
item 34.3).

(i) the Wilsons Promontory Road;

- (ii) the Mount Buffalo Road—
as respectively declared to be an arterial road
within the meaning of the **Road
Management Act 2004**;
- (b) a road or part of a road that is an arterial road
within the meaning of the **Road
Management Act 2004**—
- S. 37A(5)(b)
amended by
No. 12/2004
s. 165(3).
- (i) that—
- S. 37A(5)(b)(i)
amended by
No. 38/1989
s. 35(c).
- (A) is bounded on each side by a park
and terminates in the park; or
- (B) leads into and terminates in a
park; and
- (ii) has by notice in the Government
Gazette been declared by the Head,
Transport for Victoria to be a road or
part of a road to which this section or a
provision of this section shall apply;
and
- S. 37A(5)(b)(ii)
amended by
Nos 44/1989
s. 41(Sch. 2
item 29.4(a)),
49/2019
s. 186(Sch. 4
item 31.3).
- (c) a road or part of a road that is not an arterial
road within the meaning of the **Road
Management Act 2004** that—
- S. 37A(5)(c)
amended by
No. 12/2004
s. 165(3).
- (i) is bounded on each side by a park or
leads into a park; and
- (ii) has by notice in the Government
Gazette been declared by the council of
the municipality responsible for
maintaining the road to be a road or
part of a road to which this section or a
provision of this section shall apply.
- (6) For the purposes of subsection (5) a road shall be
treated as terminating in a park notwithstanding
that the road is set out on a plan in Schedule Two
or Three as a road which continues through the
park if the road is not open and kept open to the

public for public use and public traffic free from obstructions (other than temporary obstructions) so that a vehicle may pass through the park on the road.

No. 8083 s. 24.
S. 38
amended by
No. 40/2002
s. 9 (ILA
s. 39B(1)).

38 Authorised officer may demand name etc.

S. 38(1)
amended by
No. 19/2018
s. 211(1).

(1) An authorised officer may—

S. 38(1)(a)
amended by
No. 19/2018
s. 211(2).

(a) if the authorised officer believes on reasonable grounds that a person has contravened or is contravening this Act or the regulations, request the person to state the person's name and address;

S. 38(1)(b)
amended by
Nos 9114
s. 17(a),
19/2018
s. 211(3).

(b) if the authorised officer believes on reasonable grounds that a person in a park is contravening this Act or the regulations, request the person to leave the park;

S. 38(1)(c)
amended by
Nos 9114
s. 17(b),
19/2018
s. 211(4).

(c) if the authorised officer believes on reasonable grounds that a person in a park is doing or intends to do anything in respect of which a licence permit or other authority is required under this or any other Act or enactment, request that person to produce for inspection the licence, permit or other authority; and

- (d) if the authorised officer is carrying out any functions referred to in subsection (2) or (3) of section 37A and believes on reasonable grounds that a person passing a sign or structure erected pursuant to that section intends to do in the park which is adjacent to or entered from the road anything for which a licence permit or other authority is required under this or any other Act or enactment, request the person to produce for inspection the licence permit or authority; and
- (e) if the authorised officer believes on reasonable grounds that a person in a park is acting in a manner which has damaged or polluted or poses a threat of damaging or polluting a designated water supply catchment area, direct that person to stop so acting and to rectify any damage the person has caused.
- (2) An authorised officer may direct any person who is in a marine national park or a marine sanctuary to cease engaging in an activity in the park, if, in the opinion of the authorised officer, the activity in which the person is engaging contravenes this Act, regulations made under this Act or a permit issued under this Act.

S. 38(1)(d)
inserted by
No. 9114
s. 17(c),
amended by
Nos 10166
s. 17(3)(a)(b),
57/1995 s. 11,
19/2018
s. 211(4).

S. 38(1)(e)
inserted by
No. 57/1995
s. 11,
amended by
No. 19/2018
s. 211(5).

S. 38(2)
inserted by
No. 40/2002
s. 9.

38AA Production of identification

S. 38AA
inserted by
No. 40/2002
s. 10.

- (1) An authorised officer must produce his or her identification for inspection, if asked to do so—
- (a) before exercising the authorised officer's power under section 38(2); and
- (b) at any time during the exercise of any such power under section 38(2)—

unless the request is unreasonable in the circumstances.

S. 38AA(2)
amended by
Nos 19/2018
s. 212, 42/2021
s. 134.

- (2) In this section, *identification*, in relation to an authorised officer, means a document that—
- (a) sets out the name of the authorised officer; and
 - (b) contains a photograph of the authorised officer; and
 - (c) indicates the fact that the person named in the document is authorised—

and that is in a form approved by the Secretary, for authorised officers appointed by the Secretary, and in a form approved by Parks Victoria, for authorised officers appointed by Parks Victoria, and that is in a form approved by the Great Ocean Road Coast and Parks Authority, for authorised officers appointed by the Great Ocean Road Coast and Parks Authority.

S. 38A
inserted by
No. 57/1995
s. 12.

38A Powers of authorised officers within catchment areas

- (1) An authorised officer may require the owner of a motor vehicle found on any occasion within a designated water supply catchment area in contravention of the regulations—
 - (a) to give any information which it is within the power of the owner to give and which may lead to the identification of any person who was the driver of the motor vehicle on that occasion; or
 - (b) to make all reasonable enquiries in order to obtain that information.
- (2) An owner of a motor vehicle must not fail to comply with a requirement made under subsection (1).

Penalty: 20 penalty units.

- (3) For the purposes of subsections (1) and (2)—
- (a) **motor vehicle** has the same meaning as in the **Road Safety Act 1986**;
 - (b) **owner** means the owner or the person in whose name the motor vehicle was registered at the time when the requirement is made under subsection (1) or any person who had possession or control of the vehicle at that time.

39 Application of section 188A of the Land Act 1958

The provisions of section 188A of the **Land Act 1958** and Schedule Seven A to that Act apply to and with respect to a building structure standing crop or improvement or any thing whatsoever that is constructed or placed or is found in a park as if—

- (a) a reference in that section to Crown land were a reference to a park;
- (b) a reference to a person appointed as an authorised officer under the **Conservation, Forests and Lands Act 1987** for the purposes of the **Land Act 1958** were a reference to an authorised officer; and
- (c) a reference to the Minister were a reference to the Minister within the meaning of this Act.

S. 39(b)
amended by
Nos 41/1987
s. 103(Sch. 4
item 49.10),
19/2018 s. 213.

40 Consent to mining leases and licences

No. 8083 s. 11.

S. 40(1)
amended by
Nos 9936
s. 108(a),
38/1989
s. 26(1),
92/1990
s. 128(Sch. 1
item
19.1(a)(b)),
67/1995
s. 58(Sch. 1
item 11),
84/2003
s. 18(a),
63/2006
s. 61(Sch.
item 23.2),
6/2009
s. 54(1).

- (1) Except as provided in this section a lease licence permit consent or other authority shall not be granted under the **Mineral Resources (Sustainable Development) Act 1990** in respect of any part of a park except with the consent of the Minister and subject to such terms and conditions as he thinks fit to impose.

S. 40(1AA)
inserted by
No. 38/1989
s. 26(2),
amended by
No. 84/2003
s. 18(b).

(1AA) The Minister must not consent—

- (a) to the grant of a lease, licence, permit, consent or other authority in respect of land in a national park, State park or wilderness park; or

S. 40(1AA)(b)
repealed by
No. 92/1990
s. 128(Sch. 1
item 19.2(a)).

* * * * *

unless—

S. 40(1AA)(c)
amended by
Nos 92/1990
s. 128(Sch. 1
item 19.2(b)),
67/1995
s. 58(Sch. 1
item 11),
84/2003
s. 18(b),
63/2006
s. 61(Sch.
item 23.2),
6/2009
s. 54(2).

- (c) the land is subject to another lease, licence, permit, consent or authority under the **Mineral Resources (Sustainable Development) Act 1990**; or

- (d) an application for a lease, licence, permit, consent or other authority or registration was made before the relevant date; or
- (e) in the case of the land shown delineated and cross-hatched on the plan lodged in the Central Plan Office and numbered N.P. 111E/5, the consent is to the granting of an extractive industry work authority under the **Mineral Resources (Sustainable Development) Act 1990**.
- (1AAA) The Minister must not consent to the grant of an extractive industry work authority under section 77I of the **Mineral Resources (Sustainable Development) Act 1990** in respect of land in a marine national park or a marine sanctuary.
- (1AB) In subsection (1AA), *relevant date* means—
- (a) in relation to land in a park that was a park before 1 October 1988—that date; and
- (b) in relation to any other land—
- (i) the date on which the Governor in Council makes a recommendation under the **Land Conservation Act 1970** on the use of the land; or
- (ii) if no such recommendation is made, the date on which the land became a park or part of a park.
- (1AC) Subsections (1AA), (3), (5) and (6) do not apply in relation to the consent of the Minister under subsection (1) or an extractive industry work authority granted under the **Mineral Resources (Sustainable Development) Act 1990** in relation to the Basalt Hill Quarry in the Alpine National

S. 40(1AA)(d)
amended by
Nos 84/2003
s. 18(b),
60/2005
s. 11(1)(a).

S. 40(1AA)(e)
inserted by
No. 60/2005
s. 11(1)(b),
amended by
Nos 6/2009
s. 54(3),
40/2020
s. 82(1).

S. 40(1AAA)
inserted by
No. 40/2002
s. 11(1),
amended by
No. 6/2009
s. 54(4).

S. 40(1AB)
inserted by
No. 38/1989
s. 26(2).

S. 40(1AC)
inserted by
No. 70/1998
s. 11,
amended by
No. 6/2009
s. 54(5).

Park, being the area shown bordered in red on the plan lodged in the Central Plan Office and numbered N.P. 70BHQ.

S. 40(1A)
inserted by
No. 9936
s. 108(b),
amended by
Nos 41/1987
s. 103(Sch. 4
item 49.11),
92/1990
s. 128(Sch. 1
item 19.1A(a)
(b)) (as
amended by
No. 27/1991
s. 4(6)),
67/1995
s. 58(Sch. 1
item 11),
84/2003
s. 18(c),
63/2006
s. 61(Sch
item 23.2),
6/2009
s. 54(6).

S. 40(1B)
inserted by
No. 9936
s. 108(b),
amended by
No. 41/1987
s. 103(Sch. 4
item 49.11).

S. 40(1C)
inserted by
No. 50/2002
s. 10(1),
amended by
Nos 7/2012
s. 6, 44/2016
s. 5, 53/2017
s. 27, 40/2020
s. 82(2).

- (1A) An exploration licence may be granted under the **Mineral Resources (Sustainable Development) Act 1990** without the consent of the Minister for the time being administering the **Conservation, Forests and Lands Act 1987** over an area which is part of a park, but the licence shall not operate in relation to that area unless and until the Minister for the time being administering the **Conservation, Forests and Lands Act 1987** consents in writing to that part of the park being included in the licence area and during the period between the granting of the licence and the grant or refusal of that consent, no application shall be made or received under the **Mineral Resources (Sustainable Development) Act 1990** for a lease licence claim permit consent or other authority in respect of that part of the park.
- (1B) Where in relation to a part of a park the Minister for the time being administering the **Conservation, Forests and Lands Act 1987** refuses to give his consent to the part of the park being included in a licence area the licence shall upon that refusal cease to be in force in respect of that part of the park.
- (1C) Despite subsections (1) and (1AA) of this section, a mining licence or an exploration licence may be granted (if the Minister so consents) in respect of any part of the park described in Part 41 of Schedule Two that is shown by hatching on the plans lodged in the Central Plan Office and numbered N.P. 105A/4 and N.P. 105B/4.

- (1D) A mining licence granted in accordance with subsection (1C)—
- S. 40(1D)
inserted by
No. 50/2002
s. 10(1).
- (a) despite section 14 of the **Mineral Resources (Sustainable Development) Act 1990**, does not entitle the holder to do anything in the part of the park in respect of which the licence has been granted other than construct and operate minor mining infrastructure; and
- S. 40(1D)(a)
amended by
No. 63/2006
s. 61(Sch.
item 23.2).
- (b) is subject to any terms and conditions imposed by the Minister as to the nature of the infrastructure and as to the effect any such infrastructure may have on the park.
- (1E) An exploration licence granted in accordance with subsection (1C) is subject to any terms and conditions that the Minister thinks fit to impose.
- S. 40(1E)
inserted by
No. 50/2002
s. 10(1).
- (1F) Despite the application of subsection (1) to the land described in Part 6 of Schedule Four and section 14 of the **Mineral Resources (Sustainable Development) Act 1990**, a mining licence granted in respect of any part of the land so described does not entitle the holder to carry out mining on the land surface of the whole or any part of the land so described.
- S. 40(1F)
inserted by
No. 50/2002
s. 10(1),
amended by
No. 63/2006
s. 61(Sch.
item 23.2).
- (1G) Despite any provision of this Act or section 14 of the **Mineral Resources (Sustainable Development) Act 1990**, a mining licence granted in respect of any part of the land described in Part 6 of Schedule Four may authorise the holder to construct and operate minor mining infrastructure (whether on the surface or otherwise) of the land so described, if the Minister has consented to any such construction or operation.
- S. 40(1G)
inserted by
No. 50/2002
s. 10(1),
amended by
No. 63/2006
s. 61(Sch.
item 23.2).

S. 40(1H)
inserted by
No. 50/2002
s. 10(1).

- (1H) A mining licence in respect of which a consent has been given under subsection (1G) is subject to any terms and conditions imposed by the Minister as to the nature of the infrastructure and as to the effect the infrastructure may have on the land described in Part 6 of Schedule Four.

S. 40(2)
substituted by
No. 40/1992
s. 17,
amended by
Nos 96/1998
s. 257(4)
(a)–(c), 7/2005
s. 171, 61/2008
s. 320.

- (2) Despite anything in the **Geothermal Energy Resources Act 2005**, the **Greenhouse Gas Geological Sequestration Act 2008** or the **Petroleum Act 1998** or any authority granted under either of those Acts, operations under such an authority must not be carried out—

(a) in a wilderness park or a wilderness zone; or

(b) in a marine national park or a marine sanctuary except—

(i) for the purposes of petroleum exploration from an aircraft or from a vessel that is carried out in a manner which does not detrimentally affect the seabed of the park or any flora or fauna of the park; and

(ii) with the consent of the Minister and subject to any terms and conditions that the Minister thinks fit to impose; or

S. 40(2)(b)
substituted by
No. 40/2002
s. 11(2).

(c) in any land in any park (other than a wilderness park, wilderness zone, marine national park or marine sanctuary) except with the consent of the Minister and subject to any terms and conditions that the Minister thinks fit to impose.

S. 40(2)(c)
inserted by
No. 40/2002
s. 11(2).

S. 40(3)
amended by
Nos 9936
s. 108(c),
50/2002
s. 10(2).

- (3) A consent shall not be given by the Minister for the purposes of subsection (1), (1A), (1C), (1G) or (2) unless the advice of the National Parks Advisory Council has been first obtained.

- (4) If any person is aggrieved by any refusal by the Minister to give consent under this section or by any terms or conditions imposed pursuant to this section he may in writing to the Minister appeal to the Governor in Council whose decision shall be final.
- (5) Any lease licence permit or consent to which subsection (1) applies or any consent of the Minister under subsection (1A) or (2)(c) shall be of no force or effect until fourteen sitting days after notice thereof has been laid before both Houses of Parliament.
- (6) Any such lease, licence, permit or consent to which subsection (1) applies or any such consent of the Minister under subsection (1A) or (2) shall be deemed to have been revoked if either House of Parliament passes a resolution (of which notice has been given in such House at any time within fourteen sitting days after notice of the grant of the lease licence permit or consent to which subsection (1) applies or of the consent of the Minister has been laid before both Houses of Parliament) to that effect.
- (7) The Minister must cause notice of any mining licence or exploration licence to which subsection (1C) or (1G) applies and any consent of the Minister to the granting of any such mining licence or exploration licence to be laid before both Houses of Parliament.
- (8) This section does not apply to any area of land described in Part 1 of Schedule Nine.
- S. 40(5)
amended by
Nos 9936
s. 108(d),
40/2002
s. 11(3),
84/2003
s. 18(d).**
- S. 40(6)
amended by
Nos 50/2002
s. 10(3),
84/2003
s. 18(e)(f),
60/2005
s. 11(2).**
- S. 40(7)
inserted by
No. 50/2002
s. 10(4).**
- S. 40(8)
inserted by
No. 40/2020
s. 82(3).**

S. 40A
(Heading)
amended by
No. 10/2010
s. 800(Sch. 6
item 9.1).

S. 40A
inserted by
No. 40/2002
s. 12,
amended by
No. 10/2010
s. 800(Sch. 6
item 9.2(a)).

S. 40A(a)
amended by
No. 10/2010
s. 800(Sch. 6
item 9.2(b)).

S. 40A(b)
amended by
No. 10/2010
s. 800(Sch. 6
item 9.2(c)).

40A Leases etc. under the Offshore Petroleum and Greenhouse Gas Storage Act 2010 deemed to be subject to conditions

Except as provided for under section 40B(2), a lease, licence, permit or other authority under the **Offshore Petroleum and Greenhouse Gas Storage Act 2010** that is either wholly or partly over land in a marine national park or a marine sanctuary is deemed to be subject to the conditions that—

- (a) exploration for petroleum or greenhouse gas storage must not be carried out under the lease, licence, permit or other authority in the park or sanctuary unless—
 - (i) it is done from a vessel or aircraft and is carried out in a manner that does not detrimentally affect the seabed of the park or any flora or fauna of the park; and
 - (ii) before the exploration is carried out, the Minister consents to the carrying out of the exploration, subject to any terms and conditions that the Minister thinks fit to impose; and
 - (iii) the exploration is carried out in accordance with any terms and conditions that the Minister has imposed on his or her consent; and
- (b) any other operations that are authorised by the lease, licence, permit or other authority are not carried out in the park or sanctuary.

40B Pipelines and seafloor cables in marine national parks and marine sanctuaries

S. 40B
inserted by
No. 40/2002
s. 12.

- (1) A consent to a use or development of Crown land involving a pipeline or a seafloor cable must not be granted under the **Marine and Coastal Act 2018**—

S. 40B(1)
amended by
No. 26/2018
s. 94(6).

- (a) in respect of any part of a marine sanctuary;
or
- (b) in respect of any part of a marine national park, except with the consent of the Minister and subject to any terms and conditions that the Minister thinks fit to impose.

- (2) A pipeline licence must not be granted under the **Offshore Petroleum and Greenhouse Gas Storage Act 2010**—

S. 40B(2)
amended by
No. 10/2010
s. 800(Sch. 6
item 9.3).

- (a) in respect of any part of a marine sanctuary;
or
- (b) in respect of any part of a marine national park, except with the consent of the Minister and subject to any terms and conditions that the Minister thinks fit to impose.

- (3) A licence, easement or other authority must not be granted under the **Pipelines Act 2005**—

S. 40B(3)
amended by
No. 61/2005
s. 219.

- (a) in respect of any part of a marine sanctuary;
or
- (b) in respect of any part of a marine national park, except with the consent of the Minister and subject to any terms and conditions that the Minister thinks fit to impose.

(4) The Minister must not consent under this section unless—

- (a) the Minister has first obtained and considered the advice of the Minister administering the **Environment Effects Act 1978**; and
- (b) the Minister is satisfied that there is no reasonable alternative outside the park.

41 Impounding of livestock

The **Impounding of Livestock Act 1994** applies to livestock trespassing—

- (a) in a park; or

- (ab) on land managed by the Great Ocean Road Coast and Parks Authority under section 32AA; or

- (b) on land managed by Parks Victoria under sections 19AA or 19E; or

- (c) on land managed pursuant to an agreement under sections 19A, 19C or 19D; or

No. 8083
ss 9, 10.
S. 41
amended by
Nos 9570
s. 10(a)(i)(ii)(b)
(as amended
by No. 9902
s. 2(1)(Sch.
item 187))(c),
10166 s. 18,
substituted by
No. 89/1994
s. 39(a),
amended by
Nos 70/1998
s. 14(Sch.
item 38),
19/2018
s. 214(1),
42/2021
s. 135(b).

S. 41(ab)
inserted by
No. 42/2021
s. 135(a).

S. 41(b)
amended by
Nos 70/1998
s. 14(Sch.
item 38),
19/2018
s. 214(1).

(d) on land placed under Parks Victoria's control and management pursuant to section 18(1) of the **Crown Land (Reserves) Act 1978**—

S. 41(d)
amended by
Nos 70/1998
s. 14(Sch.
item 39),
19/2018
s. 214(2).

as if Parks Victoria or the Great Ocean Road Coast and Parks Authority, an authorised officer or a person authorised in writing by Parks Victoria or the Great Ocean Road Coast and Parks Authority to impound livestock were an authorised officer within the meaning of that Act in relation to that park or land.

41A Land included in a park no longer reserved or affected by proclamation or Order

S. 41A
inserted by
No. 10073 s. 9.

Notwithstanding anything to the contrary in any other Act or enactment, upon any land becoming, or becoming included in, a park pursuant to this Act (whether before or after the commencement of this section) all Orders and proclamations under the **Land Act 1958** or under the **Crown Land (Reserves) Act 1978** reserving or affecting the land shall be deemed thereupon to be or to have been (as the case may be) revoked insofar as they affect such land.

Part V—Offences and proceedings

Division 1—General offences

Pt 5 Div. 1
(Heading)
inserted by
No. 40/2002
s. 13.

42 Use of certain names prohibited

A person shall not, with intent to imply that land owned or occupied by him is a national park, use a name for or in respect of that land that is likely to cause a person to believe on reasonable grounds that the land is a national park.

Penalty: 20 penalty units.

S. 42
amended by
Nos 10073
s. 10(a),
57/1995
s. 42(1).

43 Trades and businesses not to be carried on in parks unless authorised

- (1) A person must not, in a park, carry on a trade or business, including a trade or business authorised, permitted or licensed under any other Act or law, unless the trade or business—

(a) is being carried out under and in accordance with a licence, permit, tenancy, agreement or any other authority granted, made or given under this Act; or

(b) is authorised under subsection (2).

Penalty: 60 penalty units in the case of a natural person;

300 penalty units in the case of a body corporate.

S. 43
amended by
Nos 9114
s. 18, 10073
s. 10(b),
7/1988
s. 7(1)(a)(b),
57/1995
s. 42(2),
40/2009
s. 38 (as
amended by
No. 29/2011
s. 3(Sch. 1
item 26)),
substituted by
No. 79/2013
s. 19.

(2) For the purposes of subsection (1)(b), the following trades or businesses are authorised—

(a) a trade or business carried out in accordance with—

(i) an access licence within the meaning of the **Fisheries Act 1995** granted in respect of the carrying out of an activity in a park described in Part 2 of Schedule 3 or Part 1, 2, 4 or 5 of Schedule Four; or

S. 43(2)(a)(i)
amended by
No. 40/2020
s. 83(a).

(ii) an access licence within the meaning of the **Fisheries Act 1995** that is not subject to a restriction specified in section 38(1A) of that Act or that is not an access licence referred to in section 38(1B) of that Act; or

(iii) an aquaculture licence within the meaning of the **Fisheries Act 1995** that is not subject to a restriction specified in section 43(1AA) of that Act; or

(iv) a general permit issued under section 49 of the **Fisheries Act 1995** in respect of the carrying out of an activity in a park described in Part 2 of Schedule 3 or Part 1, 2, 4 or 5 of Schedule Four; or

S. 43(2)(a)(iv)
amended by
No. 40/2020
s. 83(a).

(v) a general permit issued under section 49 of the **Fisheries Act 1995** that is not subject to a restriction specified in section 49(2A) of that Act; or

(vi) a statutory fishing right within the meaning of the Fisheries Management Act 1991 of the Commonwealth in a

S. 43(2)(a)(vi)
amended by
No. 40/2020
s. 83(b).

park described in Part 2 of Schedule
Three or Part 1 or 2 of Schedule Four;

S. 43(2)(b)
amended by
Nos 12/2016
s. 33(a),
40/2020
s. 83(c).

- (b) a trade or business carried out in accordance with a licence, permit or other authority granted under the **Geothermal Energy Resources Act 2005**, the **Greenhouse Gas Geological Sequestration Act 2008**, the **Mineral Resources (Sustainable Development) Act 1990** or the **Petroleum Act 1998** in a park described in Part 8 of Schedule Four or Part 1 of Schedule Nine;

S. 43(2)(c)
inserted by
No. 12/2016
s. 33(b).

- (c) a trade or business carried out in accordance with a bee site licence granted under section 142 of the **Land Act 1958**.

- (3) In this section, *trade or business* does not include a trade or business to which Division 3A of Part III applies.

Note

See also section 45A which includes offences relating to marine national parks and marine sanctuaries and section 27C which includes an offence relating to an organised tour or recreational activity conducted for profit in a park.

S. 44
substituted by
No. 9247 s. 7,
amended by
No. 10073
s. 10(c).

44 Guns etc. not to be carried in parks

S. 44(1)
amended by
No. 57/1995
ss 42(1), 43.

- (1) Subject to sections 36, 37 and 37AA a person shall not in a park carry or have in his possession a gun or other weapon.

Penalty: 20 penalty units.

S. 44(2)
amended by
Nos 10073
s. 10(d),
57/1995
s. 42(2).

- (2) Subject to sections 36 and 37 a person shall not in a park use a gun or other weapon.

Penalty: 20 penalty units.

* * * * *

S. 44(3)(4)
inserted by
No. 40/2002
s. 14,
repealed by
No. 64/2004
s. 15.

44A Offence to cut or take away fallen or felled trees

S. 44A
inserted by
No. 46/2012
s. 22.

- (1) A person must not, in a park, cut or take away 2 cubic metres or less of fallen or felled trees.

Penalty: 20 penalty units.

- (2) A person must not, in a park, cut or take away more than 2 cubic metres of fallen or felled trees.

Penalty: 50 penalty units or imprisonment for 1 year or both.

- (3) Subsections (1) and (2) do not apply to a person who—

(a) cuts or takes away fallen or felled trees in a park in accordance with a lease, licence, permit or authorisation held by the person under this Act or any other Act; or

(b) cuts or takes away fallen or felled trees in a park in accordance with the regulations or regulations under any other Act.

- (4) In this section—

fallen or felled trees includes parts of fallen or felled trees;

tree or *trees* has the same meaning as in section 3(1) of the **Forests Act 1958**.

44B Offence to construct, remove, alter, or carry out maintenance on, a levee within specified areas

S. 44B
inserted by
No. 53/2014
s. 13.

- (1) A person must not—

(a) construct, remove or alter a levee within a specified area; or

(b) carry out maintenance on a levee within a specified area.

Penalty: Level 8 imprisonment (12 months maximum) or a level 8 fine (120 penalty units maximum) or both.

(2) Subsection (1)(a) and (b) do not apply to a person if the person constructs, removes, alters, or carries out maintenance on, a levee—

(a) in the performance of a function under this Act or the regulations; or

(b) that the person is authorised under this Act or the regulations to construct, remove, alter or carry out maintenance on in the performance of a function under another Act or regulations made under another Act.

S. 44B(2A)
inserted by
No. 43/2015
s. 38(2).

(2A) Subsection (1)(a) does not apply to a person if the person constructs, removes or alters a levee in accordance with section 32AC of the **Victoria State Emergency Service Act 2005**.

(3) Subsection (1)(b) does not apply to a person if the person carries out maintenance on a levee under and in accordance with a levee maintenance permit.

(4) In this section—

levee has the same meaning as in Part 5AA of the **Water Act 1989**;

levee maintenance permit has the same meaning as in the **Water Act 1989**;

maintenance has the same meaning as in Part 5AA of the **Water Act 1989**;

specified area means a park or any land that is described in Schedule Four.

45 Persons not to obstruct etc. or to fail to comply with requests of authorised officers

- | | |
|--|--|
| (1) A person shall not obstruct assault threaten or abuse or incite or encourage another person to obstruct assault threaten or abuse an authorized officer in the performance of his functions or exercise of his powers under this Act.

Penalty: 20 penalty units or imprisonment for 6 months. | S. 45(1)
amended by
Nos 10073
s. 10(e),
57/1995
s. 42(3). |
| (2) A person shall not, upon the request of an authorized officer under section 38, refuse or fail to state his true name and address.

Penalty: 20 penalty units. | S. 45(2)
amended by
Nos 10073
s. 10(f),
57/1995
s. 42(1). |
| (3) A person shall not, upon the request of an authorized officer under section 38 refuse or fail with reasonable expedition to leave a park.

Penalty: 20 penalty units. | S. 45(3)
amended by
Nos 10073
s. 10(g),
57/1995
s. 42(1). |
| (4) A person who is the holder of a licence, permit or other authority referred to in section 38 shall not refuse or fail to comply with a request of an authorized officer under that section for the production of the licence, permit or other authority.

Penalty: 5 penalty units. | S. 45(4)
amended by
Nos 10073
s. 10(h),
38/1989
s. 35(d). |
| (5) A person is not guilty of an offence under subsection (4) by reason only that he fails to comply with a request for the production of a licence, permit or other authority within fourteen days after the request is made. | |
| (6) A person to whom a direction of an authorised officer is given under section 38(e) must comply with that direction.

Penalty: 20 penalty units. | S. 45(6)
inserted by
No. 57/1995
s. 13. |

S. 45(7)
inserted by
No. 40/2002
s. 15.

- (7) A person to whom a direction of an authorised officer under section 38(2) has been given must comply with that direction.

Penalty: 20 penalty units.

S. 45(8)
inserted by
No. 40/2002
s. 15.

- (8) A person is not guilty of an offence under subsection (7) if the authorised officer who gave the direction failed to produce his or her identification under section 38AA.

Pt 5 Div. 2
(Heading and
ss 45A–45E)
inserted by
No. 40/2002
s. 16.

Division 2—Offences in marine national parks and marine sanctuaries and related matters

S. 45A
inserted by
No. 40/2002
s. 16.

45A Fishing offences in marine national parks and marine sanctuaries

- (1) A person must not, in a marine national park or a marine sanctuary, take or attempt to take fish or fishing bait for sale.

Penalty: 200 penalty units or 12 months imprisonment or both, in the case of a natural person.

400 penalty units, in the case of a body corporate.

S. 45A(2)
amended by
No. 57/2006
s. 5(1).

- (2) A person must not, in a marine national park or a marine sanctuary, take or attempt to take fish or fishing bait unless that person does so under and in accordance with a permit granted under section 21A.

Penalty: 60 penalty units or 6 months imprisonment or both.

S. 45A(2A)
inserted by
No. 57/2006
s. 5(2).

- (2A) A person must not, in a marine national park or a marine sanctuary, use recreational fishing equipment.

Penalty: 40 penalty units.

- (2B) A person must not, in a marine national park or a marine sanctuary, use commercial fishing equipment.

S. 45A(2B)
inserted by
No. 35/2010
s. 6(1).

Penalty: 200 penalty units or 12 months imprisonment or both, in the case of a natural person.
400 penalty units, in the case of a body corporate.

- (3) A person must not, in a marine national park or a marine sanctuary—

- (a) use, form or create a habitat (whether natural or artificial or partly natural and partly artificial) for hatching, rearing, breeding, displaying or growing fish or fishing bait; or
- (b) hatch, breed, display or grow fish or fishing bait.

Penalty: 100 penalty units or 6 months imprisonment or both, in the case of a natural person.
200 penalty units, in the case of a body corporate.

- (4) A person must not, in a prescribed area of the park described in Part 2 of Schedule Seven, be in charge of a boat—

- (a) that is of a prescribed class of boats; or
- (b) that is carrying equipment that is of a prescribed class of equipment.

Penalty: 100 penalty units or 6 months imprisonment or both, in the case of a natural person.
200 penalty units, in the case of a body corporate.

S. 45A(4A)
inserted by
No. 57/2006
s. 5(3).

(4A) Subsection (4) does not apply to a person who is acting under and in accordance with an authorisation in writing of the Minister.

S. 45A(4B)
inserted by
No. 57/2006
s. 5(3).

(4B) For the purposes of subsection (4A), the Minister may issue an authorisation in writing and may impose conditions on that authorisation.

(5) A person must not, in a marine national park or a marine sanctuary, have in the person's possession or the person's charge a boat carrying a priority species.

Penalty: 100 penalty units or 6 months imprisonment or both, in the case of a natural person.

200 penalty units, in the case of a body corporate.

S. 45A(5A)
inserted by
No. 35/2010
s. 6(2).

(5A) Subsection (5) does not apply to a person who—

- (a) is in possession or in charge of a boat that is specified in a Rock Lobster Fishery Access Licence and that is carrying rock lobster; and
- (b) is acting under and in accordance with that licence.

(6) It is a defence in any proceedings for an offence against subsection (5) if the person charged with the offence proves that the boat was travelling by the shortest practicable route from a point outside the park to another point outside the park.

- (6A) A person must not, in waters in a marine national park or a marine sanctuary, have in the person's possession a priority species.

S. 45A(6A)
inserted by
No. 57/2006
s. 5(4).

Penalty: 100 penalty units or 6 months
imprisonment or both, in the case of a
natural person;
200 penalty units, in the case of a body
corporate.

- (6B) Subsection (6A) does not apply to a person who is on a boat in waters in a marine national park or a marine sanctuary.

S. 45A(6B)
inserted by
No. 57/2006
s. 5(4).

- (6C) A person must not, in a marine national park or a marine sanctuary—

S. 45A(6C)
inserted by
No. 35/2010
s. 6(3).

- (a) anchor or moor a boat that is in his or her possession or charge; or
- (b) allow a boat that is in his or her possession or charge to remain anchored or moored—

if that boat is carrying one or more rock lobster pots.

Penalty: 100 penalty units or 6 months
imprisonment or both, in the case of a
natural person.
200 penalty units, in the case of a body
corporate.

- (7) A licence, permit or other authority (however described) issued under the **Fisheries Act 1995** does not authorise the holder to act in a manner that is prohibited by this section.

(8) An Order in Council, order, notice, direction or plan (however described) under the **Fisheries Act 1995** does not authorise any person to act in a manner that is prohibited by this section.

(9) In this section, *use* includes attempt to use or assist in the use of.

S. 45A(9)
repealed by
No. 64/2004
s. 16, new
s. 45A(9)
inserted by
No. 57/2006
s. 5(5),
repealed by
No. 82/2009
s. 14, new
s. 45A(9)
inserted by
No. 35/2010
s. 6(4).

S. 45A(10)–
(12)
repealed by
No. 64/2004
s. 16.

* * * *

S. 45B
inserted by
No. 40/2002
s. 16.

45B Approval to remain in Point Hicks Marine National Park

- (1) Section 45A(5) and (6C) do not apply to a person—
- (a) who is in the park described in Part 9 of Schedule Seven; and
 - (b) who has in his or her possession or charge a boat carrying priority species—
- if that person has the approval of the Minister to do so.
- (2) On application, the Minister may give approval under subsection (1) to the applicant.

S. 45B(1)
amended by
No. 35/2010
s. 7.

- (3) An approval under subsection (1) is subject to the prescribed conditions.
- (4) The holder of an approval under subsection (1) must comply with the conditions of the approval.

Penalty: 60 penalty units.

45C Proceedings and enforcement under this Division

Divisions 1 and 3 of Part 7 and section 130 of the **Fisheries Act 1995** apply to an offence under this Division as if the offence were an offence under the **Fisheries Act 1995**.

S. 45C
inserted by
No. 40/2002
s. 16,
amended by
No. 35/2010
s. 8.

45D Liability for offences

- (1) If an employee of a licence holder engages in conduct on behalf of the licence holder within the scope of the employee's actual or apparent authority, the licence holder is deemed, for the purposes of a prosecution for an offence against this Division, also to have engaged in the conduct, unless the licence holder establishes that the licence holder took reasonable precautions and exercised due diligence to avoid the conduct.
- (2) If a person in charge of a boat is party to a contract or arrangement with a licence holder and the person in charge of the boat engages in conduct on behalf of the licence holder within the scope of the person's actual or apparent authority under the contract or arrangement, the licence holder is deemed, for the purposes of a prosecution for an offence against this Division, also to have engaged in the conduct, unless the licence holder establishes that the licence holder took reasonable precautions and exercised due diligence to avoid the conduct.

S. 45D
(Heading)
substituted by
No. 57/2006
s. 6(1).
S. 45D
inserted by
No. 40/2002
s. 16.

S. 45D(2A)
inserted by
No. 57/2006
s. 6(2).

(2A) If an offence against this Division is committed from or in connection with a boat, the person in charge of the boat at the time that the offence is committed is also guilty of such an offence.

S. 45D(2B)
inserted by
No. 57/2006
s. 6(2).

(2B) Subsection (2A) does not apply in circumstances in which subsection (1) or (2) applies.

S. 45D(2C)
inserted by
No. 57/2006
s. 6(2).

(2C) It is a defence in any proceedings for an offence against subsection (2A) if the person in charge of the boat establishes—

(a) that he or she did everything that was reasonably practicable to ensure that the offence would not be committed; and

(b) that he or she did not in any way aid, abet, counsel or procure the commission of the offence.

(3) In this section, ***licence holder*** means a person who is the holder of a fishery licence within the meaning of paragraph (a), (c), (e) or (f) of the definition of ***fishery licence*** in section 4(1) of the **Fisheries Act 1995**.

S. 45E
inserted by
No. 40/2002
s. 16,
amended by
No. 57/2006
s. 7.

45E Time for bringing proceedings

Despite anything to the contrary in any Act, proceedings for an offence against sections 45A(1), 45A(4), 45A(5) or 45A(6A) may be commenced within the period of 3 years after the date on which the offence is alleged to have been committed.

Division 3—Provisions relating to proceedings and other matters

Pt 5 Div. 3
(Heading)
inserted by
No. 40/2002
s. 16.

* * * * *

No. 8083 s. 19.
S. 46
amended by
No. 57/1995
s. 14,
substituted by
No. 70/1998
s. 9,
repealed by
No. 19/2018
s. 215.

47 Evidence

S. 47
amended by
Nos 10073
s. 11, 7/1997
s. 12(1).

- (1) In proceedings for an offence against this Act or the regulations or any other Act—
- (a) a certificate purporting to be signed by the Secretary certifying that particular land is in a park; or
 - (b) a certificate purporting to be signed by the chief executive officer of Parks Victoria certifying as to the granting or cancellation of, or matters contained in a lease, licence, permit, tenancy or other instrument given under this Act; or
 - (c) a certificate purporting to be signed by the chief executive officer of the Great Ocean Road Coast and Parks Authority certifying the granting or cancellation of, or matters contained in, a licence, permit or determination granted under this Act—
- is evidence of the matters so certified.

S. 47(1)
amended by
No. 70/1998
s. 14(Sch.
item 40),
substituted by
No. 19/2018
s. 216(1).

S. 47(1)(b)
amended by
No. 42/2021
s. 136(1).

S. 47(1)(c)
inserted by
No. 42/2021
s. 136(2).

S. 47(2)
inserted by
No. 7/1997
s. 12(2),
amended by
Nos 70/1998
s. 14(Sch.
item 40),
19/2018
s. 216(2)(a),
42/2021
s. 136(3).

- (2) In proceedings for an offence against this Act or the regulations, a statement in writing purporting to be signed by the chief executive officer of Parks Victoria or the Great Ocean Road Coast and Parks Authority to the effect that—

S. 47(2)(a)
amended by
Nos 70/1998
s. 14(Sch.
item 40),
19/2018
s. 216(2)(b),
42/2021
s. 136(4).

- (a) an area has or has not been set aside by Parks Victoria or the Great Ocean Road Coast and Parks Authority (as the case may be) under this Act or the regulations; or

S. 47(2)(b)
amended by
Nos 70/1998
s. 14(Sch.
item 40),
19/2018
s. 216(2)(b),
42/2021
s. 136(4).

- (b) a determination has or has not been made by Parks Victoria or the Great Ocean Road Coast and Parks Authority (as the case may be) under this Act or the regulations—

is evidence, and, in the absence of evidence to the contrary, is proof of the facts stated in it.

S. 47A
inserted by
No. 9247 s. 8.

47A Compensation for damage to parks

Where any person is convicted of an offence against this Act or the regulations under this Act, he may in addition to any penalty or imprisonment imposed be ordered by the court to pay compensation for damage to any rock or other natural feature of the park or to any building structure facility or thing in the park caused by the commission of the offence.

47B General penalty provision

A person who commits an offence against this Act for which no penalty is expressly imposed shall be liable to a penalty of not more than 20 penalty units.

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S. 47B
inserted by
No. 10073
s. 12,
amended by
No. 57/1995
s. 42(4).

S. 47C
inserted by
No. 10073
s. 12,
amended by
No. 70/1998
s. 14(Sch.
item 41),
repealed by
No. 19/2018
s. 217.

47D Management plan to be tabled

- (1) The Minister must cause a copy of a management plan for the park described in Part 37 of Schedule Two to be laid before each House of the Parliament before the expiration of the seventh sitting day of that House after the plan is received by the Minister.

S. 47D
inserted by
No. 37/1989
s. 9.

- (1A) Subsection (1) applies whether or not the management plan is for the whole or a part of the park and whether or not the management plan is a joint management plan.
- (2) A management plan may be disallowed by resolution of both Houses of the Parliament.
- (3) Notice of a resolution to disallow a management plan may be given in a House of the Parliament on or before the eighteenth sitting day of that House after the copy of the plan is laid before that House.
- (4) A resolution to disallow a management plan must be passed on or before the twelfth sitting day of that House after notice of the resolution is given.

S. 47D(1A)
inserted by
No. 62/2010
s. 128.

- (5) If a House of the Parliament is prorogued or dissolved, the calculation of sitting days shall be determined as if there had been no prorogation or dissolution.

Part VI—Regulations and other matters

Pt 6 (Heading)
amended by
No. 40/2002
s. 17.

48 Regulations

(1) The Governor in Council may make regulations
for or with respect to—

(a) preserving and protecting parks or any
matter or thing in any park or a feature of
any park;

S. 48(1)(a)
amended by
No. 38/1989
ss 15(1)(a),
18(3)(o),
substituted by
Nos 40/2002
s. 18(a),
40/2020
s. 84(1).

* * * *

S. 48(1)(b)(c)
repealed by
No. 40/2020
s. 84(2).

(d) regulating the proceedings of the National
Parks Advisory Council;

S. 48(1)(d)
amended by
No. 53/2017
s. 28(a).

* * * *

S. 48(1)(e)
amended by
No. 53/2017
s. 28(b),
repealed by
No. 19/2018
s. 218(1).

(f) the control and management of parks in
accordance with section 17, 17A, 17D, 17E,
17F or 18;

S. 48(1)(f)
amended by
Nos 38/1989
s. 15(1)(b),
40/2002
s. 18(b),
40/2020
s. 84(3).

(g) protecting from damage or destruction
buildings, structures, other permanent works,
facilities and amenities in parks;

S. 48(1)(ha)
inserted by
No. 57/1995
s. 15.

(h) regulating the entry into parks of persons and regulating or prohibiting the entry into parks of vehicles and vessels and the landing in parks of helicopters and other aircraft and prescribing the periods during which persons, vehicles, vessels, helicopters or other aircraft may remain in parks;

(ha) prohibiting or restricting the entry of persons into any specified part of a park;

(i) prescribing the places in parks in which vehicles may be parked or left standing and the periods during which they may be parked or left standing in the places so prescribed;

(j) prescribing tolls, fees and charges for admission of persons vehicles and animals to parks and fees for parking vehicles in parks whether as annual fees or in respect of any other shorter period;

(k) prescribing rules for the collection of prescribed tolls fees and charges;

(l) regulating and controlling the use by the public of parks and prescribing conditions to be observed by persons using parks;

S. 48(1)(la)
inserted by
No. 45/2013
s. 19(1).

(la) setting aside areas in parks in which specified activities are permitted, restricted or prohibited;

(m) prescribing measures to be taken for the safety of persons using parks;

- (n) regulating bathing or prohibiting or regulating spear-fishing or the use of surf boards skiffle boards or other appliances, or the use of surf skis water skis or under-water breathing equipment in such waters as are specified in the regulations and are adjacent to and within 300 metres of a boundary of a park not being waters under the control of a port management body, local port manager or waterway manager within the meaning of the **Marine Safety Act 2010**;

S. 48(1)(n)
amended by
Nos 52/1988
s. 161(Sch. 6
item 8.1) (as
amended by
No. 20/1993
s. 27(1)(b)),
65/2010 s. 420
(Sch. 3 item
13).

- (o) prescribing rules prohibiting or restricting the bringing into or allowing the entry into parks of an animal included in a specified class of animals or imposing conditions subject to compliance with which such an animal is permitted to be brought into, allowed to enter or to remain in parks and where, in respect of a park, rules are in force prohibiting the bringing into or allowing the entry into the park of specified animals, prescribing rules permitting an authorized officer where he is satisfied on reasonable grounds that an animal has been brought into or allowed to enter that park in contravention of those first-mentioned rules and that the animal is at large in the park without incurring any liability to shoot or otherwise destroy the animal speedily and without causing it unnecessary suffering or to seize the animal and deliver it to a member of council staff of the municipal council within whose municipal district the park is situated or other appropriate person or body or persons;

S. 48(1)(o)
amended by
Nos 10/166
s. 19, 12/1989
s. 4(1)(Sch. 2
item 85.2).

National Parks Act 1975
No. 8702 of 1975
Part VI—Regulations and other matters

S. 48(1)(oa)
inserted by
No. 45/2013
s. 19(2).

- (oa) 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 a park in contravention of the regulations;

S. 48(1)(p)
repealed by
No. 89/1994
s. 39(b),
new s. 48(1)(p)
inserted by
No. 40/2002
s. 18(c).

- (p) for the purposes of section 45A(4), prescribing—
 - (i) areas of the park described in Part 2 of Schedule Seven; and
 - (ii) classes of boats; and
 - (iii) classes of equipment;

S. 48(1)(q)
repealed by
No. 89/1994
s. 39(b),
new s. 48(1)(q)
inserted by
No. 40/2002
s. 18(c).

- (q) prescribing conditions for approvals under section 45B;

S. 48(1)(r)
amended by
Nos 10073
s. 10(i),
57/1995
s. 42(5).

- (r) prescribing penalties not exceeding 20 penalty units for breaches of the regulations; and

- (s) generally prescribing any matters or things authorized or required to be prescribed under this Act.

S. 48(2)
substituted by
No. 2/1991
s. 4.

- (2) The regulations—
 - (a) may be of general or limited application; and
 - (b) may differ according to differences in time, place or circumstances; and

S. 48(2)(c)
substituted by
No. 7/1997
s. 13(1).

- (c) may confer a discretionary authority or impose a duty on a specified person or body or a specified class of persons or bodies; and

- (ca) may leave any matter or thing to be from time to time determined, applied, dispensed with or regulated by the Secretary, Parks Victoria or the Great Ocean Road Coast and Parks Authority, including, but not limited to—
- S. 48(2)(ca) inserted by No. 45/2013 s. 19(3), amended by Nos 19/2018 s. 218(2), 42/2021 s. 137.
- (i) the setting aside of areas in parks;
- (ii) the granting of permits subject to any reasonable conditions and the revocation of permits; and
- (cb) may provide in a specified case or class of cases for the exemption of persons or things or a class of persons or things from any of the provisions of the regulations—
- S. 48(2)(cb) inserted by No. 45/2013 s. 19(3).
- (i) whether unconditionally or on specified conditions; and
- (ii) either wholly or to such an extent as is specified; and
- (d) if the regulation is in respect of a toll, fee or charge, may provide for discounts, deductions, concessions or exemptions from the toll, fee or charge.
- (3) Despite subsection (2)(c) and (ca), the regulations may not empower any specified person or body or specified class of persons or bodies to increase any toll, fee or charge or to introduce any new toll, fee or charge.
- S. 48(3) substituted by No. 2/1991 s. 4, amended by Nos 7/1997 s. 13(2), 45/2013 s. 19(4).
- (4) A regulation may be made under this Act in respect of a part of a road that—
- (a) is bounded on each side by a park; and

S. 48(4)(b)
amended by
Nos 9921
s. 255, 44/1989
s. 41(Sch. 2
item 29.5),
12/2004
s. 165(4),
49/2019
s. 186(Sch. 4
item 31.4).

(b) is not a freeway or an arterial road within the meaning of the **Road Management Act 2004** or is a freeway or arterial road within the meaning of that Act which has by notice published in the Government Gazette been declared by the Head, Transport for Victoria to be a part of a road to which a regulation under this section may apply—

as if that part of the road formed part of the park.

S. 48(4A)
inserted by
No. 12/2004
s. 165(5).

(4A) The amendment of subsection (4)(b) by section 165(4) of the **Road Management Act 2004** does not affect the operation of any notice published under subsection (4)(b) as in force before the commencement of that amendment.

S. 48(4B)
inserted by
No. 51/2014
s. 9(Sch. 2
item 13.3).

(4B) Any regulations made under this Act for or with respect to the issuing of film permits must not be inconsistent with the film friendly principles.

S. 48(5)
inserted by
No. 38/1989
s. 15(2),
amended by
No. 57/2006
s. 8(1).

(5) Regulations made under this Act may be disallowed in whole or in part, by resolution of either House of Parliament in accordance with the requirements of section 23 of the **Subordinate Legislation Act 1994**.

S. 48(6)
inserted by
No. 38/1989
s. 15(2),
amended by
No. 57/2006
s. 8(2).

(6) Disallowance of a regulation under subsection (5) must be taken to be disallowance by Parliament for the purposes of the **Subordinate Legislation Act 1994**.

48AA Tour operator licence regulations

**S. 48AA
inserted by
No. 40/2009
s. 39.**

- (1) The Governor in Council may make regulations for or with respect to—
 - (a) the fees payable in respect of tour operator licences including—
 - (i) requirements for fees to be paid annually; and
 - (ii) methods for calculating fees, including by reference to the following—
 - (A) numbers of persons that may participate in or have participated in tours; and
 - (B) classes of persons that may participate in or have participated in tours; and
 - (b) prescribing tour operator licence conditions.
- (2) A power conferred by subsection (1) to make regulations providing for the imposition of fees in respect of tour operator licences may be exercised by providing for all or any of the following matters—
 - (a) specific fees;
 - (b) maximum fees;
 - (c) minimum fees;
 - (d) fees that vary according to the class of licence to which they apply;
 - (e) the manner of payment of fees, including the payment of fees by instalment;
 - (f) the time at which, or by which, fees are to be paid.

- (3) Regulations made under this Act in respect of tour operator licences may—
- (a) provide for the exemption of persons or a class of persons from any of the regulations providing for the imposition of fees; and
 - (b) provide for the reduction, waiver or refund, in whole or in part, of the fees fixed by regulations made under this section; and
 - (c) provide, in specified circumstances, for the reinstatement or payment, in whole or in part, of any fee reduced, waived or refunded in accordance with the regulations.
- (4) Without limiting subsection (3), if the regulations provide for a reduction, waiver or refund, in whole or in part, of a fee pursuant to subsection (3), the reduction, waiver or refund—
- (a) may be expressed to apply either generally or specifically—
 - (i) in respect of certain matters or classes of matters;
 - (ii) in respect of certain persons or classes of persons;
 - (b) may be subject to specified conditions.

S. 48A
inserted by
No. 40/2002
s. 19.

48A Native title not affected by amendments

- (1) The amendments made to this Act by the **National Parks (Marine National Parks and Marine Sanctuaries) Act 2002** are not intended to affect native title rights and interests.
- (2) The amendments made to this Act by the **Forests and National Parks Acts (Amendment) Act 2003** are not intended to affect native title rights and interests.

S. 48A(2)
substituted by
No. 97/2003
s. 8.

(2A) Subsections (1) and (2) do not apply in any case where native title rights and interests are—

S. 48A(2A)
inserted by
No. 97/2003
s. 8.

(a) affected; or

(b) authorised to be affected—

by or under the Native Title Act 1993 of the Commonwealth.

(3) In this section—

affect has the same meaning as in the Native Title Act 1993 of the Commonwealth;

native title rights and interests has the same meaning as in the Native Title Act 1993 of the Commonwealth.

48B Describing lands in notice

S. 48B
inserted by
No. 82/2009
s. 13.

Without limiting the use of any other means to describe land, a notice under this Act may describe land by reference to a plan lodged in the Central Plan Office.

48C Transitional provisions

S. 48C
inserted by
No. 40/2020
s. 85.

Schedule One has effect.

48D Schedule One A has effect

S. 48D
inserted by
No. 40/2020
s. 85.

Schedule One A has effect.

Pt 7
(Heading and
ss 49–55)
amended by
No. 9863 s. 2,
repealed by
No. 10073
s. 13(1),
new Pt 7
(Heading and
ss 49, 50)
inserted by
No. 70/1998
s. 13.

S. 49AA
inserted by
No. 35/2005
s. 8.

New s. 49
inserted by
No. 70/1998
s. 13.

Part VII—Transitional provisions

49AA Definition

In this Part—

Alpine Grazing Act means the **National Parks
(Alpine National Park Grazing) Act 2005**.

49 Duties etc. of Director to become duties of Secretary

- (1) On and from the commencement of this section all acts, matters or things of a continuing nature begun by, against or in relation to the Director may be continued or completed by, against or in relation to the Secretary.
- (2) If, immediately before the commencement of this section, proceedings to which the Director was a party were pending or existing in any court or tribunal, then, on and after that commencement, the Secretary is substituted for the Director as a party to the proceedings and has the same rights and obligations in the proceedings as the Director had.
- (3) On and from the commencement of this section, a reference to the Director in—
 - (a) an Act other than this Act; or
 - (b) a subordinate instrument made under this or any other Act—

is deemed to be a reference to the Secretary.

National Parks Act 1975
No. 8702 of 1975
Part VII—Transitional provisions

*	*	*	*	*	New s. 50 inserted by No. 70/1998 s. 13, repealed by No. 64/2004 s. 17(1).
*	*	*	*	*	Ss 50A, 50B inserted by No. 50/2002 s. 11, repealed by No. 64/2004 s. 17(1).
*	*	*	*	*	S. 50C inserted by No. 50/2002 s. 11, repealed by No. 7/2012 s. 7.
*	*	*	*	*	S. 50D inserted by No. 50/2002 s. 11, expired by force of No. 8702 s. 50D(3).
*	*	*	*	*	S. 50E inserted by No. 50/2002 s. 11, repealed by No. 60/2005 s. 12.
*	*	*	*	*	S. 50F inserted by No. 50/2002 s. 11, amended by Nos 8702 s. 50F(2)(4), 64/2004 s. 17(2), repealed by No. 57/2006 s. 9(1).

National Parks Act 1975
No. 8702 of 1975
Part VII—Transitional provisions

Ss 50G, 50H
inserted by
No. 50/2002
s. 11,
repealed by
No. 64/2004
s. 17(3).

* * * *

S. 50I
inserted by
No. 50/2002
s. 11
amended by
No. 8702
s. 50I(3)(7),
repealed by
No. 57/2006
s. 9(2).

* * * *

S. 50J
inserted by
No. 50/2002
s. 11,
repealed by
No. 64/2004
s. 17(3).

* * * *

S. 50K
inserted by
No. 50/2002
s. 11,
repealed by
No. 40/2020
s. 86.

* * * *

S. 50L
inserted by
No. 50/2002
s. 11,
amended by
No. 44/2016
s. 6,
repealed by
No. 53/2017
s. 29.

* * * *

S. 50M
inserted by
No. 50/2002
s. 11,
repealed by
No. 40/2020
s. 87.

* * * *

50N Native Title not affected by amendments

S. 50N
inserted by
No. 50/2002
s. 11.

- (1) The amendments made to this Act by the **National Parks (Box-Ironbark and Other Parks) Act 2002** are not intended to affect native title rights and interests.
- (2) Subsection (1) does not apply in any case where native title rights and interests are affected or are authorised to be affected by or under the Native Title Act 1993 of the Commonwealth.
- (3) In this section—

affect has the same meaning as in the Native Title Act 1993 of the Commonwealth;

native title rights and interests has the same meaning as in the Native Title Act 1993 of the Commonwealth.

* * * * *

S. 500
inserted by
No. 35/2005
s. 9,
repealed by
No. 40/2020
s. 88.

50P Licences not renewable

S. 50P
inserted by
No. 35/2005
s. 9.

On and from the commencement of section 7 of the Alpine Grazing Act, any licence (in force immediately before that commencement) that was granted under section 32AD (as in force before that commencement) is deemed not to be capable of being renewed.

* * * * *

Pt 8
(Heading and
ss 51, 52)
inserted by
No. 70/1998
s. 13,
repealed by
No. 90/2009
s. 9.

National Parks Act 1975
No. 8702 of 1975
Part IX—Further transitional provisions

Pt 9
(Heading and
ss 53–58)
inserted by
No. 50/2000
s. 8.

Part IX—Further transitional provisions

* * * * *

New s. 53
inserted by
No. 50/2000
s. 8,
repealed by
No. 64/2004
s. 17(3), new
s. 53
inserted by
No. 43/2005
s. 4,
repealed by
No. 40/2020
s. 89.

* * * * *

New s. 54
inserted by
No. 50/2000
s. 8,
repealed by
No. 40/2020
s. 90.

* * * * *

New s. 55
inserted by
No. 50/2000
s. 8,
repealed by
No. 35/2005
s. 10.

S. 56
inserted by
No. 50/2000
s. 8.

56 National Parks (Amendment) Act 2000— Continuation of leases

Despite the commencement of section 9(2) of the
National Parks (Amendment) Act 2000—

- (a) the lease entitled "Tunnel under Falls Creek
Alpine Resort" granted by the Minister for
Conservation and Land Management to
Infratil Australia Hydro Pty Ltd
ACN 080 429 901, Kanina Willows Pty Ltd
ACN 080 735 815 and Contact Hydro

Australia Pty Ltd ACN 080 810 546 over Crown Allotment 10E, Parish of Darbalang, with a commencement date of 18 December 1997, in so far as it applies to land to which section 9(2) applies, continues in force as if it were a lease granted under this Act;

- (b) the lease entitled "Northern Foreshore of Part Rocky Valley Reservoir" granted by the Minister for Conservation and Land Management to Infratil Australia Hydro Pty Ltd ACN 080 429 901, Kanina Willows Pty Ltd ACN 080 735 815 and Contact Hydro Australia Pty Ltd ACN 080 810 546 granted over Crown Allotments 9H and 9J, Parish of Darbalang, with a commencement date of 18 December 1997, continues in force as if it were a lease granted under this Act.

*	*	*	*	*	S. 57 inserted by No. 50/2000 s. 8, amended by No. 11/2002 s. 3(Sch. 1 item 47), repealed by No. 35/2005 s. 11.
*	*	*	*	*	S. 58 inserted by No. 50/2000 s. 8, repealed by No. 35/2005 s. 12.
*	*	*	*	*	S. 58A inserted by No. 43/2005 s. 8, repealed by No. 54/2008 s. 7.

National Parks Act 1975
No. 8702 of 1975
Part IX—Further transitional provisions

S. 59
inserted by
No. 40/2002
s. 20,
substituted by
No. 64/2004
s. 18,
repealed by
No. 54/2008
s. 7.

* * * *

S. 60
inserted by
No. 64/2004
s. 18,
repealed by
No. 57/2006
s. 9(3).

* * * *

S. 61
inserted by
No. 64/2004
s. 18,
substituted by
No. 60/2005
s. 13.

61 Definition—2005 Act

In this Part *2005 Act* means the **National Parks
(Otways and Other Amendments) Act 2005**.

S. 61A
inserted by
No. 60/2005
s. 13.

61A Continuation of lease—2005 Act

- (1) On and from the commencement of section 16(5) of the 2005 Act the Telstra Lease continues in force and may continue to be dealt with as a lease under section 51 of the **Forests Act 1958**.
- (2) In subsection (1), *Telstra Lease* means the lease granted under section 51 of the **Forests Act 1958** to Telstra Corporation Limited (ACN 051 775 556) dated to commence on 1 May 2001 over Crown Allotment 61D of Section 5, Parish of Lorne.

S. 61B
inserted by
No. 60/2005
s. 13,
repealed by
No. 90/2009
s. 10.

* * * *

National Parks Act 1975
No. 8702 of 1975
Part IX—Further transitional provisions

*	*	*	*	*	S. 61C inserted by No. 60/2005 s. 13, repealed by No. 57/2006 s. 9(4).
*	*	*	*	*	S. 61D inserted by No. 60/2005 s. 13, repealed by No. 57/2006 s. 9(5).
*	*	*	*	*	S. 62 inserted by No. 64/2004 s. 18, substituted by Nos 60/2005 s. 14, 57/2006 s. 10, repealed by No. 54/2008 s. 7.
62A Saving of agreement					
On and from the commencement of section 8 of the 2005 Act, the agreement between the Secretary and Melbourne Water Corporation made under section 32I (as in force before that commencement), and dated 6 December 1995, is deemed to continue in force on and from that commencement as if it were made under section 32I (as in force on and from that commencement).					
*	*	*	*	*	Ss 63, 64 inserted by No. 64/2004 s. 18, repealed by No. 40/2020 s. 91.

National Parks Act 1975
No. 8702 of 1975
Part IX—Further transitional provisions

Ss 65, 66 inserted by No. 43/2005 s. 5, repealed by No. 57/2006 s. 11.	*	*	*	*	*
S. 67 inserted by No. 43/2005 s. 5, repealed by No. 40/2020 s. 92.	*	*	*	*	*
S. 68 inserted by No. 57/2006 s. 12, repealed by No. 40/2020 s. 93.	*	*	*	*	*
S. 69 inserted by No. 57/2006 s. 12, repealed by No. 40/2020 s. 94.	*	*	*	*	*
S. 70 inserted by No. 57/2006 s. 12, substituted by No. 54/2008 s. 8, repealed by No. 35/2010 s. 14(1).	*	*	*	*	*
S. 71 inserted by No. 57/2006 s. 12, substituted by No. 54/2008 s. 8, repealed by No. 35/2010 s. 14(2).	*	*	*	*	*

National Parks Act 1975
No. 8702 of 1975
Part IX—Further transitional provisions

*	*	*	*	*	S. 72 inserted by No. 54/2008 s. 8, repealed by No. 35/2010 s. 14(2).
*	*	*	*	*	S. 73 inserted by No. 54/2008 s. 8, repealed by No. 35/2010 s. 14(3).
*	*	*	*	*	S. 74 inserted by No. 54/2008 s. 8, repealed by No. 82/2009 s. 15.
*	*	*	*	*	S. 75 inserted by No. 54/2008 s. 8, repealed by No. 82/2009 s. 16.
*	*	*	*	*	S. 76 inserted by No. 40/2009 s. 40 (as amended by No. 35/2010 s. 24(Sch. 6 item 1)), repealed by No. 40/2020 s. 95.

National Parks Act 1975
No. 8702 of 1975
Part IX—Further transitional provisions

S. 77
inserted by
No. 40/2009
s. 40 (as
amended by
No. 35/2010
s. 24(Sch. 6
item 1)),
repealed by
No. 40/2020
~~S. 98~~
inserted by
No. 44/2016
s. 7,
repealed by
No. 40/2020
s. 97.

*	*	*	*	*
*	*	*	*	*

S. 79
inserted by
No. 53/2017
s. 30,
substituted by
No. 40/2020
s. 98.

79 Land to become part of park on surrender of rights to Crown—Parks and Crown Land Legislation Amendment Act 2020

If any rights over the land held under the **Mines (Aluminium Agreement) Act 1961** and shown delineated and coloured blue on the plan lodged in the Central Plan Office and numbered N.P. 111E/5 are not surrendered to the Crown before the commencement of section 98 of the **Parks and Crown Land Legislation Amendment Act 2020**, that land is taken to be excluded from the park described in Part 31 of Schedule Two until those rights are surrendered to the Crown.

Part X—Transitional provisions—Parks Victoria Act 2018

Pt 10
(Heading and
ss 80–89)
inserted by
No. 19/2018
s. 219.

80 Definitions

S. 80
inserted by
No. 19/2018
s. 219.

In this Part—

Parks Victoria commencement means the day on which the **Parks Victoria Act 2018** comes into operation;

Parks Victoria matter means any function, power or duty as to the management of land under this Act that is conferred on Parks Victoria by the amendment of this Act by the **Parks Victoria Act 2018** or by the enactment of that Act.

81 Transfer of property from the Secretary to Parks Victoria

S. 81
inserted by
No. 19/2018
s. 219.

(1) On the Parks Victoria commencement—

- (a) all rights, property and assets in relation to any Parks Victoria matter that, immediately before the Parks Victoria commencement, 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 Parks Victoria commencement, 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 Parks Victoria commencement;
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 Parks Victoria commencement.
- (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 Parks Victoria commencement; 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 Parks Victoria commencement, 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 Parks Victoria commencement; and
- (b) if not inconsistent with the context or subject matter.

82 Saving of licences, permits, consents or authorities

S. 82
inserted by
No. 19/2018
s. 219.

If, in relation to any land under this Act, a licence, permit, consent or authority granted or issued under this Act was in force immediately before the Parks Victoria commencement, on the Parks Victoria commencement the licence, permit or authority is taken to continue in force—

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

83 Applications for tour operator licences and variations of tour operator licences

S. 83
inserted by
No. 19/2018
s. 219.

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

S. 84
inserted by
No. 19/2018
s. 219.

84 Agreements with Trust for Nature under section 19A

On the Parks Victoria commencement, in relation to any management agreement between the Minister and the Trust for Nature under section 19A(1) that is in force immediately before the Parks Victoria commencement—

- (a) the agreement is taken to be an agreement for Parks Victoria to manage the land rather than the Secretary; and
- (b) (if not inconsistent with the context or subject matter) any reference to the Secretary in the agreement is taken to be a reference to Parks Victoria.

S. 85
inserted by
No. 19/2018
s. 219.

85 Agreements with public authorities under section 19C

On the Parks Victoria commencement, in relation to any management agreement between the Minister and a public authority under section 19C(1) that is in force immediately before the Parks Victoria commencement—

- (a) the agreement is taken to be an agreement for Parks Victoria to manage the land rather than the Secretary; and
- (b) (if not inconsistent with the context or subject matter) any reference to the Secretary in the agreement is taken to be a reference to Parks Victoria.

S. 86
inserted by
No. 19/2018
s. 219.

86 Agreements with other governments under section 19D

On the Parks Victoria commencement, in relation to any management agreement between the Minister and another Minister of the Commonwealth or another State or an authority

under section 19D that is in force immediately before the Parks Victoria commencement, if the agreement is for the Secretary to manage the land—

- (a) the agreement is taken to be an agreement for Parks Victoria to manage the land rather than the Secretary; and
- (b) (if not inconsistent with the context or subject matter) any reference to the Secretary in the agreement is taken to be a reference to Parks Victoria.

87 References relating to Orders under section 19F

S. 87
inserted by
No. 19/2018
s. 219.

On the Parks Victoria commencement, any reference to the Secretary, in relation to land subject to an Order under section 19F, in any Act or in any proclamation, Order in Council, rule, regulation, order, agreement, instrument, deed or other document, in force immediately before that commencement, is taken to be a reference to Parks Victoria—

- (a) so far as it relates to any period on or after the Parks Victoria commencement; and
- (b) if not inconsistent with the context or subject matter.

88 Management agreements with managing water authorities

S. 88
inserted by
No. 19/2018
s. 219.

- (1) On the Parks Victoria commencement, any management agreement between the Secretary and Melbourne Water Corporation under section 32I(1)(a) that is in force immediately before the Parks Victoria commencement is taken to continue in force—
 - (a) subject to its terms and conditions and this Act; and

- (b) as if—
 - (i) the agreement were entered into by Parks Victoria rather than the Secretary; and
 - (ii) (if not inconsistent with the context or subject matter) any reference to the Secretary in the agreement, other than in relation to matters in the agreement which are the subject of section 32I(3)(d)(ii), were a reference to Parks Victoria.
- (2) On the Parks Victoria commencement, any management agreement between the Secretary and Barwon Water under section 32I(1)(b) that is in force immediately before the Parks Victoria commencement is taken to continue in force—
 - (a) subject to its terms and conditions and this Act; and
 - (b) as if—
 - (i) the agreement were entered into by Parks Victoria rather than the Secretary; and
 - (ii) (if not inconsistent with the context or subject matter) any reference to the Secretary in the agreement, other than in relation to matters in the agreement which are the subject of section 32I(3)(d)(ii), were a reference to Parks Victoria.
- (3) On the Parks Victoria commencement, any management agreement between the Secretary and Wannon Water under section 32I(1)(c) that is in force immediately before the Parks Victoria commencement is taken to continue in force—

- (a) subject to its terms and conditions and this Act; and
- (b) as if—
 - (i) the agreement were entered into by Parks Victoria rather than the Secretary; and
 - (ii) (if not inconsistent with the context or subject matter) any reference to the Secretary in the agreement, other than in relation to matters in the agreement which are the subject of section 32I(3)(d)(ii), were a reference to Parks Victoria.

89 Glenample Homestead

- (1) On the Parks Victoria commencement, any authorisation made under section 32AA(1) for the management of the land referred to in that section by the Secretary, that is in force immediately before the Parks Victoria commencement, is taken to be an authorisation for the management of the land by Parks Victoria.
- (2) Despite subsection (1), on and from the appointment of the Great Ocean Road Coast and Parks Authority as land manager for land referred to in section 32AA(1) by Order under section 16C(1) or under section 62Q(2) of the **Great Ocean Road and Environs Protection Act 2020**, any authorisation under section 32AA(1) for the management of land referred to in that section by Parks Victoria, that is in force immediately before that appointment, is taken to be an authorisation for the management of the land by the Great Ocean Road Coast and Parks Authority.

S. 89
inserted by
No. 19/2018
s. 219,
amended by
No. 42/2021
s. 138 (ILA
s. 39B(1)).

S. 89(2)
inserted by
No. 42/2021
s. 138.

Schedules

Sch. 1
substituted by
No. 40/2020
s. 99.

Schedule One—Transitional provisions

Part 1—Transitional provisions—Parks and Crown Land Legislation Amendment Act 2020

1 Certain leases, licences and other agreements with AquaSure Pty Ltd not affected by this Act

(1) Despite the commencement of section 109 of the
**Parks and Crown Land Legislation
Amendment Act 2020**—

(a) the AquaSure lease continues in force on and
after that commencement and may be dealt
with as a lease under Subdivision 1 of
Division 9 of Part I and section 137AA(4) of
the **Land Act 1958**; and

(b) Subdivision 1 of Division 9 of Part I and
section 137AA(4) of the **Land Act 1958**
continue to apply to the granting of leases
over Crown Allotments 2015 and 2016,
Parish of Wonthaggi.

(2) The amendments made to this Act by section 109
of the **Parks and Crown Land Legislation
Amendment Act 2020** are not to be taken to
affect any Desalination Project arrangement as in
force immediately before the commencement of
that section.

(3) In this clause—

AquaSure has the same meaning as in
section 32T;

AquaSure lease means the lease granted under section 134 of the **Land Act 1958** to AquaSure with a commencement date of 13 December 2012 over Crown Allotments 2015 and 2016, Parish of Wonthaggi;

Desalination Project arrangement has the same meaning as in section 32T.

2 Rights to cease—roads—Yallock–Bulluk Marine and Coastal Park

On the commencement of section 109 of the **Parks and Crown Land Legislation Amendment Act 2020**—

- (a) the land delineated and coloured yellow on the plan lodged in the Central Plan Office and numbered N.P. 122 ceases to be a road or part of a road or road reserve; and
- (b) all rights, easements and privileges existing or claimed either by the public or any body or person, as incident to the express implied grant or past dedication or supposed dedication or any past user or operation of law or otherwise, in relation to the land delineated and coloured yellow on that plan, cease.

3 Land to become part of park on surrender to the Crown—Yallock–Bulluk Marine and Coastal Park

If the land delineated and coloured blue on the plan lodged in the Central Plan Office and numbered N.P. 122 is not surrendered to the Crown before the commencement of section 109 of the **Parks and Crown Land Legislation Amendment Act 2020**, that land is taken not to be part of the park described in Part 2 of Schedule Three until the title to the land is surrendered to the Crown.

4 Certain licences and permissions not affected by this Act

- (1) The amendments made to this Act by section 109 of the **Parks and Crown Land Legislation Amendment Act 2020** are not to be taken to affect the licence—
 - (a) issued on 19 January 2017 to South Gippsland Region Water Corporation under old section 20 of the EPA; and
 - (b) as in force immediately before the commencement of section 109 of the **Parks and Crown Land Legislation Amendment Act 2020**.
- (2) In this clause—

old section 20 of the EPA has the same meaning as in section 32T;

South Gippsland Region Water Corporation means the South Gippsland Region Water Corporation established under section 85 of the **Water Act 1989**.

5 Revocation of reservations—Yellingbo Landscape Conservation Area

- (1) On the commencement of section 112 of the **Parks and Crown Land Legislation Amendment Act 2020** the reservation of land shown coloured brown on the plans lodged in the Central Plan Office and numbered N.P. 123A and N.P. 123C is revoked.
- (2) On the revocation of the reservation of the land shown coloured brown on the plans lodged in the Central Plan Office and numbered N.P. 123A and N.P. 123C—

- (a) that land is taken to be unalienated land of the Crown, freed and discharged from all trusts, limitations, reservations, restrictions, encumbrances, estates and interests; and
- (b) any regulations under section 13 of the **Crown Land (Reserves) Act 1978** are revoked to the extent that they apply to that land.

6 Rights to cease—roads—Yellingbo Landscape Conservation Area

On the commencement of section 112 of the **Parks and Crown Land Legislation Amendment Act 2020**—

- (a) the land delineated and coloured yellow or coloured green on the plans lodged in the Central Plan Office and numbered N.P. 123C, N.P. 123D, N.P. 123E and N.P. 123F ceases to be a road or part of a road or road reserve; and
- (b) all rights, easements and privileges existing or claimed either by the public or any body or person, as incident to the express implied grant or past dedication or supposed dedication or any past user or operation of law or otherwise, in relation to the land delineated and coloured yellow on those plans, cease.

7 Revocation of reserved forest—Errinundra National Park

On the commencement of section 107 of the **Parks and Crown Land Legislation Amendment Act 2020** the land shown coloured green on the plan lodged in the Central Plan Office and numbered N.P. 92/3 ceases to be reserved forest.

8 Rights to cease—roads—Errinundra National Park

On the commencement of section 107 of the
**Parks and Crown Land Legislation
Amendment Act 2020—**

- (a) the land delineated and coloured yellow on the plan lodged in the Central Plan Office and numbered N.P. 92/3 ceases to be a road or part of a road or road reserve; and
- (b) all rights, easements and privileges existing or claimed either by the public or any body or person, as incident to the express implied grant or past dedication or supposed dedication or any past user or operation of law or otherwise, in relation to the land delineated and coloured yellow on that plan, cease.

9 Rights to cease—roads—Dandenong Ranges National Park

On the commencement of section 103 of the
**Parks and Crown Land Legislation
Amendment Act 2020—**

- (a) the land delineated and coloured yellow on the plan lodged in the Central Plan Office and numbered N.P. 86/6 ceases to be a road or part of a road or road reserve; and
- (b) all rights, easements and privileges existing or claimed either by the public or any body or person, as incident to the express implied grant or past dedication or supposed dedication or any past user or operation of law or otherwise, in relation to the land delineated and coloured yellow on that plan, cease.

10 Land to become part of park on surrender to the Crown—Dandenong Ranges National Park

If the land delineated and coloured blue on the plan lodged in the Central Plan Office and numbered N.P. 86/6 is not surrendered to the Crown before the commencement of section 103 of the **Parks and Crown Land Legislation Amendment Act 2020**, that land is taken not to be part of the park described in Part 6 of Schedule Two until the title to the land is surrendered to the Crown.

11 Rights to cease—roads—Greater Bendigo National Park

On the commencement of section 108 of the **Parks and Crown Land Legislation Amendment Act 2020**—

- (a) the land delineated and coloured yellow on the plan lodged in the Central Plan Office and numbered N.P. 105B/4 ceases to be a road or part of a road or road reserve; and
- (b) all rights, easements and privileges existing or claimed either by the public or any body or person, as incident to the express implied grant or past dedication or supposed dedication or any past user or operation of law or otherwise, in relation to the land delineated and coloured yellow on that plan, cease.

12 Land to become part of park on surrender to the Crown—Greater Bendigo National Park

If the land delineated and coloured blue on the plan lodged in the Central Plan Office and numbered N.P. 105B/4 is not surrendered to the Crown before the commencement of section 108 of the **Parks and Crown Land Legislation**

Amendment Act 2020, that land is taken not to be part of the park described in Part 41 of Schedule Two until the title to the land is surrendered to the Crown.

13 Land surrendered to form part of Greater Bendigo National Park—correction of land description

- (1) Section 12(5) of the **National Parks (Box–Ironbark and Other Parks) Act 2002** is taken to have been enacted as if the land shown coloured grey on the plan lodged in the Central Plan Office and numbered N.P. 105B did not include land comprising Crown Allotment 11, Section 9, Parish of Mandurang.
- (2) Section 19(9) of the **National Parks (Additions and Other Amendments) Act 2004** is taken to have been enacted as if the land shown coloured pink on the plan lodged in the Central Plan Office and numbered N.P. 105B/1 did not include the land comprising Crown Allotment 11, Section 9, Parish of Mandurang.
- (3) Section 10 of the **National Parks and Victorian Environmental Assessment Council Acts Amendment Act 2016** is taken to have been enacted as if the land shown coloured pink on the plan lodged in the Central Plan Office and numbered N.P. 105B/2 did not include the land comprising Crown Allotment 11, Section 9, Parish of Mandurang.
- (4) Section 36 of the **Parks and Crown Land Legislation Amendment Act 2017** is taken to have been enacted as if the land shown coloured pink on the plan lodged in the Central Plan Office and numbered N.P. 105B/3 did not include the land comprising Crown Allotment 11, Section 9, Parish of Mandurang.

National Parks Act 1975
No. 8702 of 1975
Schedules

- (5) If the title to the land comprising Crown Allotment 11, Section 9, Parish of Mandurang is surrendered to the Crown before the commencement of section 108 of the **Parks and Crown Land Legislation Amendment Act 2020**, that land becomes part of the park on the commencement of that section.

*	*	*	*	*	Sch. 1AAA inserted by No. 90/2009 s. 11, amended by Nos 35/2010 s. 9, 29/2011 s. 3(Sch. 1 item 63), 7/2012 ss 8, 9, 44/2016 s. 31(1), repealed by No. 40/2020 s. 101.
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Sch. 1A
inserted by
No. 64/2004
s. 24(Sch. 1).

Schedule One A—Native Title not affected

1 Definitions

In this Schedule—

affect has the same meaning as in the Native Title Act 1993 of the Commonwealth;

native title rights and interests has the same meaning as in the Native Title Act 1993 of the Commonwealth.

2 Native Title not affected by the National Parks (Additions and Other Amendments) Act 2004

- (1) The amendments made to this Act by the **National Parks (Additions and Other Amendments) Act 2004** are not intended to affect native title rights and interests.
- (2) Subsection (1) does not apply in any case where native title rights and interests are affected or are authorised to be affected by or under the Native Title Act 1993 of the Commonwealth.

Sch. 1A cl. 2A
inserted by
No. 90/2009
s. 12.

2A Native Title not affected by the Parks and Crown Land Legislation Amendment (East Gippsland) Act 2009

- (1) The amendments made to this Act by the **Parks and Crown Land Legislation Amendment (East Gippsland) Act 2009** are not intended to affect native title rights and interests.
- (2) Subclause (1) does not apply in any case where native title rights and interests are affected or are authorised to be affected by or under the Native Title Act 1993 of the Commonwealth.

3 Native Title not affected by the National Parks (Otways and Other Amendments) Act 2005

Sch. 1A cl. 3
inserted by
No. 60/2005
s. 15.

- (1) The amendments made to this Act by the **National Parks (Otways and Other Amendments) Act 2005** are not intended to affect native title rights and interests.
- (2) Subclause (1) does not apply in any case where native title rights and interests are affected or are authorised to be affected by or under the Native Title Act 1993 of the Commonwealth.

4 Native Title not affected by the National Parks and Crown Land (Reserves) Acts Amendment Act 2008

Sch. 1A cl. 4
inserted by
No. 54/2008
s. 9.

- (1) The amendments made to this Act by the **National Parks and Crown Land (Reserves) Acts Amendment Act 2008** are not intended to affect native title rights and interests.
- (2) Subclause (1) does not apply in any case where native title rights and interests are affected or are authorised to be affected by or under the Native Title Act 1993 of the Commonwealth.

5 Native Title not affected by the National Parks Amendment (Point Nepean) Act 2009

Sch. 1A cl. 5
inserted by
No. 48/2009
s. 6.

- (1) The amendments made to this Act by the **National Parks Amendment (Point Nepean) Act 2009** are not intended to affect native title rights and interests.
- (2) Subclause (1) does not apply in any case where native title rights and interests are affected or are authorised to be affected by or under the Native Title Act 1993 of the Commonwealth.

Sch. 1A cl. 6
inserted by
No. 82/2009
s. 17.

6 Native title not affected by the Parks and Crown Land Legislation Amendment (River Red Gums) Act 2009

- (1) The amendments made to this Act by the **Parks and Crown Land Legislation Amendment (River Red Gums) Act 2009** are not intended to affect native title rights and interests.
- (2) Subclause (1) does not apply in any case where native title rights and interests are affected or are authorised to be affected by or under the Native Title Act 1993 of the Commonwealth.

Sch. 1A cl. 7
inserted by
No. 35/2010
s. 10.

7 Native Title not affected by the Parks and Crown Land Legislation (Mount Buffalo) Act 2010

- (1) The amendments made to this Act by the **Parks and Crown Land Legislation (Mount Buffalo) Act 2010** are not intended to affect native title rights and interests.
- (2) Subclause (1) does not apply in any case where native title rights and interests are affected or are authorised to be affected by or under the Native Title Act 1993 of the Commonwealth.

Sch. 1A cl. 8
inserted by
No. 7/2012
s. 10.

8 Native Title not affected by the Parks and Crown Land Legislation Amendment Act 2012

- (1) The amendments made to this Act by the **Parks and Crown Land Legislation Amendment Act 2012** are not intended to affect native title rights and interests.
- (2) Subclause (1) does not apply in any case where native title rights and interests are affected or are authorised to be affected by or under the Native Title Act 1993 of the Commonwealth.

9 Native Title not affected by the Parks and Crown Land Legislation Amendment Act 2013

Sch. 1A cl. 9
inserted by
No. 79/2013
s. 20.

- (1) The amendments made to this Act by the **Parks and Crown Land Legislation Amendment Act 2013** are not intended to affect native title rights and interests.
- (2) Subclause (1) does not apply in any case where native title rights and interests are affected or are authorised to be affected by or under the Native Title Act 1993 of the Commonwealth.

10 Native title not affected by the Crown Land Legislation Amendment (Canadian Regional Park and Other Matters) Act 2016

Sch. 1A cl. 10
inserted by
No. 12/2016
s. 38.

- (1) The amendments made to this Act by Part 4 of the **Crown Land Legislation Amendment (Canadian Regional Park and Other Matters) Act 2016** are not intended to affect native title rights and interests.
- (2) Subclause (1) does not apply in any case where native title rights and interests are affected or are authorised to be affected by or under the Native Title Act 1993 of the Commonwealth.

11 Native Title not affected by the National Parks and Victorian Environmental Assessment Council Acts Amendment Act 2016

Sch. 1A cl. 11
inserted by
No. 44/2016
s. 8.

- (1) The amendments made to this Act by the **National Parks and Victorian Environmental Assessment Council Acts Amendment Act 2016** are not intended to affect native title rights and interests.
- (2) Subclause (1) does not apply in any case where native title rights and interests are affected or are authorised to be affected by or under the Native Title Act 1993 of the Commonwealth.

Sch. 1A cl. 12
inserted by
No. 53/2017
s. 31.

**12 Native title not affected by the Parks and Crown
Land Legislation Amendment Act 2017**

- (1) The amendments made to this Act by the **Parks and Crown Land Legislation Amendment Act 2017** are not intended to affect native title rights and interests.
- (2) Subclause (1) does not apply in any case where native title rights and interests are affected or are authorised to be affected by or under the Native Title Act 1993 of the Commonwealth.

Sch. 1A cl. 13
inserted by
No. 40/2020
s. 102.

**13 Native title not affected by the Parks and Crown
Land Legislation Amendment Act 2020**

- (1) The amendments made to this Act by the **Parks and Crown Land Legislation Amendment Act 2020** are not intended to affect native title rights and interests.
- (2) Subclause (1) does not apply in any case where native title rights and interests are affected or are authorised to be affected by or under the Native Title Act 1993 of the Commonwealth.

Sch. 1AA
inserted by
No. 82/2009
s. 18,
amended by
Nos 7/2012
ss 11–15,
45/2013 s. 18,
79/2013 ss 21,
22, 12/2016
ss 34, 39, 40,
44/2016 ss 9,
31(2), 53/2017
s. 32, 19/2018
s. 220,
repealed by
No. 40/2020
s. 100.

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Schedule Two—National parks

Section 17

Part 1—Alfred National Park

All those pieces or parcels of land containing 3050 ha, more or less, situate in the Parishes of Karlo and Kooragan, County of Croajingolong, being the land delineated and bordered red or green, or coloured yellow excepting from them the roads shown as excluded in a plan prepared by the Surveyor-General lodged in the Central Plan Office and numbered N.P. 90.

Sch. 2 Pt 1
substituted by
No. 24/1988
s. 5(a),
amended by
No. 46/1998
s. 7(Sch. 1).

Part 2—Brisbane Ranges National Park

All those pieces or parcels of land containing 8885 hectares, more or less, situate in the Parishes of Anakie, Beremboke, Bungeeltap, Durdidwarrah, Gorrockburkghap and Moreep, County of Grant, being the land delineated and coloured pink excepting therefrom the roads shown as excluded in a plan lodged in the Central Plan Office and numbered N.P. 1/8.

Sch. 2 Pt 2
substituted by
Nos 9114
s. 3(1), 9247
s. 3(1), 9570
s. 3(1), 10166
s. 4(1),
amended by
Nos 57/1995
s. 29(2)(Sch. 3
Pt A(a)(i)(ii)),
46/1998
s. 7(Sch. 1),
90/2009
s. 13(1),
79/2013
s. 23(1).

Part 3—Tarra-Bulga National Park

All those pieces or parcels of land containing 2015 hectares, more or less, situate in the Parishes of Bulga and Devon, County of Buln Buln delineated and coloured pink or coloured green or coloured yellow in a plan lodged in the Central Plan Office and numbered N.P. 22/4 excepting therefrom the Tarra Valley Road.

Sch. 2 Pt 3
substituted by
Nos 9114
s. 3(1), 9570
s. 3(1),
44/1986
s. 4(1),
amended by
Nos 38/1989
s. 27(1),
2/1991
s. 5(1)(a)–(c),
46/1998
s. 7(Sch. 1),
64/2004
s. 19(1)(a)–(d).

Sch. 2 Pt 4
repealed by
No. 9247
s. 3(1), new
Sch. 2 Pt 4
inserted by
No. 7/1988
s. 4(1),
amended by
Nos 38/1989
s. 27(2)(a)–(c)
(3)(a)(b),
43/1990
s. 13(2)(a)–(c),
57/1995
s. 29(2)(Sch. 3
Pt A(b)(i)–(iv)),
46/1998
s. 7(Sch. 1),
40/2002
s. 21(1)(a)(b),
substituted by
No. 43/2005
s. 6(1),
amended by
Nos 57/2006
s. 13(1),
7/2012
s. 16(1).

Part 4—Mornington Peninsula National Park

All those pieces or parcels of land containing 2680 hectares, more or less, situate in the Parishes of Fingal, Flinders, Nepean and Wannaeue, County of Mornington, being the land delineated by solid and dashed lines and coloured pink in the plan lodged in the Central Plan Office and numbered N.P. 20A/14.

Sch. 2 Pt 5
amended by
Nos 57/1995
s. 29(2)(Sch. 3
Pt A(c)(i)(ii)),
46/1998
s. 7(Sch. 1).

Part 5—Churchill National Park

All those pieces or parcels of land containing 271 hectares, more or less, situate in the Parish of Narree Worran, County of Mornington, being the land delineated and coloured red in a plan prepared by the Surveyor-General lodged in the Central Plan Office and numbered N.P. 3/1.

Part 6—Dandenong Ranges National Park

All those pieces or parcels of land containing 3535 hectares, more or less, situated in the Parishes of Monbulk, Mooroolbark, Narree Worran, Scoresby and Wandin Yallock, Counties of Evelyn and Mornington being the land delineated and coloured pink or coloured yellow or coloured blue in a plan lodged in the Central Plan Office and numbered N.P. 86/6.

Sch. 2 Pt 6
substituted by
Nos 9114
s. 3(1), 9570
s. 3(1), 10073
s. 4(1),
44/1986
s. 4(1), 8/1987
s. 4(1),
amended by
Nos 7/1988
s. 4(2), 7/1997
s. 16(1)(a)–(f),
46/1998
s. 7(Sch. 1),
60/2005
s. 16(1)(a)–(d),
79/2013
s. 23(2),
12/2016
s. 41(1),
40/2020 s. 103.

Part 7—Lake Eildon National Park

All those pieces and parcels of land containing 27 750 hectares, more or less, situate in the Parishes of Banyarmbite, Darlingford, Eildon, Howqua West, Jamieson, Lodge Park, Thornton and Wappan, Counties of Anglesey and Wonangatta, being the land delineated and coloured pink excepting therefrom the roads shown as excluded in the plans lodged in the Central Plan Office and numbered N.P. 5/2 and N.P. 5A.

Despite the declaration of the land as a park, and subject to section 25B, timber harvesting of the pine plantation on allotment 7, Parish of Howqua West may be carried out.

Sch. 2 Pt 7
substituted by
Nos 9247
s. 3(1), 7/1997
s. 14(1),
amended by
No. 46/1998
s. 7(Sch. 1).

Part 8—Mitchell River National Park

Sch. 2 Pt 8
substituted by
Nos 9114
s. 3(1),
44/1986
s. 4(1),
amended by
Nos 46/1998
s. 7(Sch. 1),
50/2002
s. 12(1)(a)–(e),
7/2012
s. 16(2),
79/2013 s. 25.

All those pieces or parcels of land containing 14 395 hectares, more or less, situate in the Parishes of Cobbannah, Glenaladale, Marlooh, Morekana, Nungatta, Wamba and Wuk Wuk Counties of Dargo, Tanjil and Wonnangatta, being the land delineated and coloured pink or coloured yellow in a plan lodged in the Central Plan Office and numbered N.P. 7/5.

Part 9—Hattah–Kulkyne National Park

Sch. 2 Pt 9
substituted by
No. 9247
s. 3(1),
amended by
Nos 46/1998
s. 7(Sch. 1),
82/2009
s. 19(1),
40/2020 s. 104.

All those pieces or parcels of land containing 49 890 hectares, more or less, situate in the Parishes of Brockie, Cantala, Colignan, Gayfield, Konardin, Kulkyne, Mournpoul, Nurnurnemal and Yelwell, County of Karkarooc, being the land delineated and coloured pink or coloured green or coloured yellow in a plan lodged in the Central Plan Office and numbered N.P. 6/3.

Part 10—Kinglake National Park⁵

Sch. 2 Pt 10
substituted by
Nos 9114
s. 3(1), 9247
s. 3(1), 9570
s. 3(1), 10073
s. 4(1),
44/1986
s. 4(1),
57/1995 s. 16,
amended by
Nos 46/1998
s. 7(Sch. 1),
60/2005
s. 16(2)(a)–(d),
54/2008
s. 10(1),
35/2010
s. 11(1),
7/2012
s. 16(3).

All those pieces or parcels of land containing 23 210 hectares, more or less, situate in the Parishes of Billian, Burgoyne, Clonbinane, Derril, Flowerdale, Kinglake, Linton, Queenstown, Tarrawarra North, Tourourrong, Wallan Wallan and Woodbourne, Counties of Anglesey, Bourke, Dalhousie and Evelyn, being the land delineated and coloured pink or coloured blue or coloured yellow in plans lodged in the Central Plan Office and numbered N.P. 8/10, N.P. 8A/3 and N.P. 8B/1.

Part 11—The Lakes National Park

All those pieces or parcels of land containing 2390 hectares, more or less, situate in the Parish of Boole Poole, County of Tanjil, being the land delineated and bordered red in a plan lodged in the Central Plan Office and numbered N.P. 27/1.

Sch. 2 Pt 11
substituted by
Nos 9114
s. 3(1), 9247
s. 3(1), 10073
s. 4(1),
amended by
No. 46/1998
s. 7(Sch. 1).

Part 12—Lind National Park⁶

All those pieces or parcels of land containing 1370 ha, more or less, situate in the Parishes of Nungal and Winyar, County of Croajingolong, being the land bordered red or coloured yellow excepting from them the roads shown as excluded in a plan prepared by the Surveyor-General lodged in the Central Plan Office and numbered N.P. 91/1.

Sch. 2 Pt 12
substituted by
No. 24/1988
s. 5(b),
amended by
Nos 57/1995
s. 29(2)(Sch. 3
Pt A(d)(i)–(iii)),
46/1998
s. 7(Sch. 1).

Part 13—Little Desert National Park

All those pieces and parcels of land containing 132 647 hectares more or less in the Parishes of Moray, Nateyip, Beewar, Curtayne, Ding-a-Ding, Minimay, Mortat, Catiabrim, Spinifex, Koonik Koonik, Coynallan, Jungkum, Cooack, Duchembegarra, Pomponderoo, Watchegatcheca, Winiam and Woraig-worm, County of Lowan being the land delineated and bordered red or coloured yellow in a plan lodged in the Central Plan Office and numbered N.P. 9/3.

Sch. 2 Pt 13
substituted by
No. 7/1988
s. 4(3),
amended by
Nos 38/1989
s. 35(e)(i),
2/1991 s. 5(2),
7/1997
s. 16(2)(a)–(d),
46/1998
s. 7(Sch. 1).

Part 14—Lower Glenelg National Park

All those pieces or parcels of land containing 26 430 hectares, more or less, situate in the Parishes of Glenelg, Warrain, Kentbruck, Cobboboonee, Balrook, Drik Drik, Kinkella, Wanwin and Palpara, Counties of Normanby and Follett, being the land delineated and coloured pink or coloured green or coloured yellow in the plan lodged in the Central Plan Office and numbered N.P. 10/4.

Sch. 2 Pt 14
substituted by
Nos 9114
s. 3(1), 9570
s. 3(1),
amended by
Nos 61/1993
s. 35(a)(i)(ii),
57/1995
s. 29(2)(Sch. 3
Pt A(e)),
46/1998
s. 7(Sch. 1),
54/2008
s. 10(2).

Sch. 2 Pt 15
substituted by
No. 9114
s. 3(1),
repealed by
No. 9247
s. 3(1), new
Sch. 2 Pt 15
inserted by
No. 7/1997
s. 14(2),
amended by
Nos 46/1998
s. 7(Sch. 1),
7/1997
s. 14(3)(a)(b),
40/2002
s. 21(2)(a)–(c),
64/2004
s. 19(2)(a)–(d),
57/2006
s. 13(2),
7/2012
s. 16(4),
40/2020 s. 105.

Part 15—French Island National Park

All those pieces or parcels of land containing 11 155 hectares, more or less, situate partly in the Parish of French Island, County of Mornington, being the land delineated and coloured pink in the plan lodged in the Central Plan Office and numbered N.P. 83/7 and also including the land 150 metres seaward from the mean high water mark of the land coloured pink on the plan. Excepted from the park is any land between high water mark and 150 metres seawards of high water mark forming part of the park described in Part 6 of Schedule Seven.

Sch. 2 Pt 16
substituted by
No. 9570
s. 3(1),
amended by
Nos 38/1989
s. 27(4)(a)–(c),
46/1998
s. 7(Sch. 1),
64/2004
s. 19(3)(a)–(d).

Part 16—Morwell National Park

All those pieces or parcels of land containing 565 hectares, more or less, situate in the Parish of Yinnar and Jeeralang, County of Buln Buln, being the land delineated and coloured pink or coloured green or coloured yellow in a plan lodged in the Central Plan Office and numbered N.P. 12/3.

Part 17—Mount Buffalo National Park

All those pieces or parcels of land containing 31 020 hectares, more or less, situate in the Parishes of Barwidgee, Buckland, Dandongadale, Eurandelong, Myrtleford, Porepunkah, Towamba and Wandiligong, County of Delatite, being the land delineated and bordered red or coloured pink or coloured yellow in the plans lodged in the Central Plan Office and numbered N.P. 28/1 and N.P. 28A except for the following—

- (a) the roads shown as excluded;
- (b) the land delineated and bordered blue;
- (c) the land delineated and bordered blue in a plan lodged in the Central Plan Office and numbered N.P. 28B.

Sch. 2 Pt 17
substituted by
No. 9247
s. 3(1),
amended by
Nos 9427
s. 6(1)(Sch. 5
item 121),
57/1995
s. 9(2)(Sch. 3
Pt A(f)(i)(iii)),
46/1998
s. 7(Sch. 1),
82/2009
s. 19(2),
substituted by
No. 79/2013
s. 24.

Part 18—Budj Bim National Park

All those pieces or parcels of land containing 8565 hectares, more or less, situate in the Parishes of Ardonachie, Condah, Dunmore and Macarthur, County of Normanby, being the land delineated and coloured pink in a plan lodged in the Central Plan Office and numbered N.P. 13/4.

Sch. 2 Pt 18
(Heading)
amended by
No. 53/2017
s. 33(1).

Sch. 2 Pt 18
substituted by
No. 44/1986
s. 4(1),
amended by
Nos 46/1998
s. 7(Sch. 1),
64/2004
s. 19(4)(a)–(d),
79/2013
s. 23(3),
53/2017
s. 33(2).

Part 19—Mount Richmond National Park

All those pieces or parcels of land containing 1733 hectares, more or less, situate in the Parishes of Mouzie and Tarragal, County of Normanby, being the land delineated and bordered red or coloured yellow in a plan lodged in the Central Plan Office and numbered N.P. 14/2.

Sch. 2 Pt 19
substituted by
Nos 9114
s. 3(1), 7/1987
s. 4(1),
amended by
No. 46/1998
s. 7(Sch. 1).

Part 20—Organ Pipes National Park

Sch. 2 Pt 20
substituted by
No. 9114
s. 3(1),
amended by
Nos 7/1997
s. 16(3)(a)–(e),
46/1998
s. 7(Sch. 1),
50/2000
s. 9(1)(a)(b),
60/2005
s. 16(3)(a)(b).

All those pieces or parcels of land containing 153 hectares, more or less, situate in the Parishes of Holden, Maribyrnong and Tullamarine, County of Bourke, being the land delineated and coloured pink in a plan lodged in the Central Plan Office and numbered N.P. 15/4.

Part 21—Port Campbell National Park

Sch. 2 Pt 21
substituted by
No. 9570
s. 3(3),
amended by
Nos 7/1997
s. 16(4)(a)(b),
46/1998
s. 7(Sch. 1),
40/2002
s. 21(3)(a)–(e),
97/2003 s. 9,
60/2005
s. 16(4)(a)–(d).

All those pieces or parcels of land containing 1830 hectares, more or less, situate in the Townships of Port Campbell and Princetown, and in the Parishes of La Trobe, Narrawaturk, Paaratte and Waarre, County of Heytesbury, being the land delineated and coloured pink or coloured yellow excepting therefrom the Great Ocean Road in a plan lodged in the Central Plan Office and numbered N.P. 16/5. Excepted is any land forming part of the park described in Part 11 of Schedule Seven.

Sch. 2 Pt 22
substituted by
No. 9114
s. 3(1),
repealed by
No. 44/1986
s. 4(1).

* * * * *

Part 23—Wilsons Promontory National Park

Sch. 2 Pt 23
substituted by
No. 9114
s. 3(1),
amended by
Nos 46/1998
s. 7(Sch. 1),
40/2002
s. 21(4)(a)–(e),
50/2002
s. 12(2)(a)(b).

All those pieces or parcels of land containing 49 049 hectares, more or less, situate in the Parishes of Beek Beek, Kulk, Tallang, Warreen and Yanakie South, County of Buln Buln and including islands and rocks adjacent to Wilsons Promontory, being the land delineated and coloured pink on a plan lodged in the Central Plan Office and numbered N.P. 17A and the land delineated and coloured pink in a plan lodged in the Central Plan Office and numbered N.P. 17/3, excepting any land between high water mark and low water mark forming part of the park

described in Part 4 of Schedule Seven and part of the park described in Part 12 of Schedule Seven.

* * * * *

Sch. 2 Pt 24
repealed by
No. 9247
s. 3(1).

Part 25—Wyperfeld National Park

All those pieces or parcels of land containing 359 445 hectares, more or less, situate in the Counties of Karkarooc and Weeah, being the land delineated and coloured pink in the plan lodged in the Central Plan Office and numbered N.P. 19/5.

Sch. 2 Pt 25
substituted by
No. 9247
s. 3(1),
amended by
Nos 43/1990
s. 9(a)(b),
40/1992
s. 4(a)–(c),
7/1997
s. 16(5)(a)–(e),
46/1998
s. 7(Sch. 1),
64/2004
s. 19(5)(a)–(c),
79/2013
s. 23(4).

Part 26—Burrowa–Pine Mountain National Park

All those pieces or parcels of land containing 184 square kilometres, more or less, situate in the Parishes of Berringama, Cudgewa, Jemba, Jinjelic, Tintaldra, Wabba and Walwa, County of Benambra, being the land delineated and bordered red in a plan lodged in the Central Plan Office and numbered N.P. 24/2.

Sch. 2 Pt 26
inserted by
No. 9114
s. 3(1),
substituted by
No. 10073
s. 4(1),
amended by
Nos 38/1989
s. 27(5)(a)–(c),
46/1998
s. 7(Sch. 1).

Part 27—Baw Baw National Park

All those pieces or parcels of land containing 13 530 hectares, more or less, situate in the Parishes of Baw Baw, Bullung, Fumina North, Telbit, Telbit West, Walhalla and Wurutwun, Counties of Buln Buln and Tanjil, being the land delineated and bordered red or green excluding therefrom Walhalla Road, and Thompson Valley Road in a plan lodged in the Central Plan Office and numbered N.P. 29/1.

Sch. 2 Pt 27
inserted by
No. 9247
s. 3(1),
amended by
Nos 7/1997
s. 16(6)(a)–(e),
46/1998
s. 7(Sch. 1).

Sch. 2 Pt 28
inserted by
No. 9247
s. 3(1),
substituted by
Nos 9570
s. 3(1), 10073
s. 4(1),
24/1988
s. 5(c),
amended by
Nos 7/1997
s. 16(7)(a)(b),
46/1998
s. 7(Sch. 1),
40/2002
s. 21(5)(a)–(c),
64/2004
s. 19(6)(a)(b),
90/2009
s. 13(2),
35/2010
s. 11(2),
53/2017 s. 34.

Part 28—Croajingolong National Park

All those pieces or parcels of land containing 88 525 hectares, more or less, situate in the townships of Gipsy Point, Tamboon and Tamboon South and situate in the Parishes of Baawang, Barga, Bemm, Betka, Bralak, Brindat, Derndang, Gabo, Mallacoota, Maramingo, Tamboon, Thurra, Wau Wauka, Wau Wauka West, Wingan and Wooyoot, County of Croajingolong, being the land delineated and coloured pink in a plan lodged in the Central Plan Office and numbered N.P. 30/9, also including the Skerries and Tullaberga Island to low water mark. Excepted is any land between high water mark and low water mark forming part of the park described in Part 2 of Schedule Seven and part of the park described in Part 9 of Schedule Seven.

Sch. 2 Pt 29
inserted by
No. 9247
s. 3(1),
substituted by
Nos 9570
s. 3(1)(4),
24/1988
s. 5(d),
amended by
Nos 2/1991
s. 5(3)(a)–(c),
57/1995
s. 29(2)(Sch. 3
Pt A(g)(i)–(iii)),
46/1998
s. 7(Sch. 1),
90/2009
s. 13(3).

Part 29—Snowy River National Park

All those pieces or parcels of land containing 114 600 hectares, more or less, situate in the Parishes of Bonang, Buchan, Bullamalk, Chilpin, Deddick, Dellicknora, Detarka, Gelantipy East, Moonkan, Murrindal East, Pinnak, Tingaringy, Tubbut, Wat Wat, Woongulmerang East and Yalmy, Counties of Croajingolong and Tambo, being the land delineated and coloured pink or coloured green or coloured yellow in a plan lodged in the Central Plan Office and numbered N.P. 31/5.

Part 30—Chiltern-Mt Pilot National Park

All those pieces and parcels of land containing 21 650 hectares, more or less, in the Parishes of Barambogie, Barnawatha South, Beechworth, Byawatha, Chiltern, Chiltern West, El Dorado, Everton, Woorragee, Woorragee North, County of Bogong, being the land delineated and coloured pink or coloured yellow in the plans lodged in the Central Plan Office and numbered N.P. 42/6 and N.P. 42A/2.

Sch. 2 Pt 30
inserted by
No. 9247
s. 3(1),
substituted by
Nos 9570
s. 3(5),
44/1986
s. 4(1),
24/1988
s. 5(e),
repealed by
No. 37/1989
s. 10(1)(a),
new Sch. 2
Pt 30
inserted by
No. 7/1997
s. 14(4),
amended by
No. 46/1998
s. 7(Sch. 1),
substituted by
No. 50/2002
s. 12(3),
amended by
Nos 64/2004
s. 19(7)(a)(b),
7/2012
s. 16(5).

Part 31—Great Otway National Park

Sch. 2 Pt 31
inserted by
No. 9570
s. 3(3),
amended by
No. 10073
s. 4(1), GG
16.12.87
p. 3459,
Nos 57/1995
s. 29(2)(Sch. 3
Pt A(h)(i)–(iv)),
46/1998
s. 7(Sch. 1),
40/2002
s. 21(6)(a)(b),
substituted by
No. 60/2005
s. 16(5),
amended by
Nos 57/2006
s. 13(3),
54/2008
s. 10(3),
90/2009
s. 13(4),
35/2010
s. 11(3),
79/2013
s. 23(5),
12/2016
s. 41(2),
53/2017 s. 35,
40/2020 s. 106.

All those pieces or parcels of land containing 110 555 hectares, more or less, situate in the Counties of Grant, Heytesbury and Polwarth, being the land delineated and coloured pink or coloured yellow or coloured blue in plans lodged in the Central Plan Office and numbered N.P. 111A/4, N.P. 111B/4, N.P. 111C/3, N.P. 111D/3, N.P. 111E/5, N.P. 111F/2, N.P. 111G/2, N.P. 111H/4, N.P. 111J/2 and N.P. 111K/2, excepting the Great Ocean Road, Beech Forest Road, Carlisle–Colac Road, Colac–Lavers Hill Road, Deans Marsh–Lorne Road, Forrest–Apollo Bay Road, Gellibrand River Road, Lavers Hill–Cobden Road, Otway Lighthouse Road, Princetown Road and Skenes Creek Road. Also excepted is any land between high water mark and low water mark forming part of the park described in Part 8 and in Part 11 of Schedule Seven.

Sch. 2 Pt 32
inserted by
No. 9570
s. 3(6),
substituted by
No. 10073
s. 4(1),
repealed by
No. 37/1989
s. 10(1)(b).

* * * * *

National Parks Act 1975
No. 8702 of 1975
Schedule Two—National parks

* * * * *

Sch. 2 Pt 33
inserted by
No. 9570
s. 3(7),
amended by
No. 38/1989
s. 35(e)(ii),
repealed by
No. 37/1989
s. 10(1)(c).

Part 34—Grampians National Park

All those pieces or parcels of land containing 168 235 hectares, more or less, situate in the Counties of Borung, Dundas, Ripon, and Villiers, being the land delineated and coloured pink excepting therefrom the roads shown as excluded in a plan lodged in the Central Plan Office and numbered N.P. 61/6. Also excepted from the Grampians National Park is that area shown hatched on the plan lodged in the Central Plan Office and numbered N.P. 61B.

Sch. 2 Pt 34
inserted by
No. 10073
s. 4(3),
substituted by
No. 44/1986
s. 4(1),
amended by
Nos 57/1995
s. 29(2)(Sch. 3
Pt A(i)(i)(ii)),
7/1997
s. 16(8)(a)–(d),
46/1998
s. 7(Sch. 1),
70/1998
s. 12(1)(a)–(c),
64/2004
s. 19(8)(a)–(d),
57/2006
s. 13(4),
90/2009
s. 13(5),
7/2012
s. 16(6).

Part 35—Coopracambra National Park

All those pieces or parcels of land containing 388 km², more or less, situate in the Parishes of Cooaggalah, Derndang, Koola, Kowat, Loomat and Wangarabell, County of Croajingolong, being the land delineated and bordered red or green, excepting from them the roads shown as excluded also excepting from them the land bordered blue in a plan prepared by the Surveyor-General lodged in the Central Plan Office and numbered N.P. 43/2.

Sch. 2 Pt 35
inserted by
No. 24/1988
s. 5(f),
amended by
Nos 2/1991
s. 5(4)(a)–(c),
46/1998
s. 7(Sch. 1).

Part 36—Errinundra National Park

Sch. 2 Pt 36
inserted by
No. 24/1988
s. 5(g),
amended by
Nos 2/1991
s. 5(5)(a)(b),
46/1998
s. 7(Sch. 1),
70/1998
s. 12(2)(a)–(d),
90/2009
s. 13(6),
40/2020 s. 107.

All those pieces or parcels of land containing 43 090 hectares, more or less, situate in the Parishes of Bendock, Bidwell, Bungywarr, Cobon, Dellicknora, Errinundra, Goolengook, Goongerah, Kuark and Noonga, being the land delineated and coloured pink or coloured green or coloured yellow in a plan lodged in the Central Plan Office and numbered N.P. 92/3.

Part 37—Alpine National Park^{7 8}

Sch. 2 Pt 37
inserted by
No. 37/1989
s. 10(2),
amended by
Nos 2/1991
s. 5(6),
37/1989
s. 11(1)–(3)(5)
(as amended
by No. 7/1997
s. 25(2)),
57/1995
s. 29(2)(Sch. 3
Pt A(j)(i)–(iv)),
35/1997 s. 30
(a)–(f), 89/1997
s. 73(a)(b),
46/1998
s. 7(Sch. 1),
37/1989
s. 11(4)(a)(b)
(as amended
by No. 7/1997
s. 25(1)),
50/2000
s. 9(2)(a)–
(d)(3), 90/2009
s. 13(7),
7/2012
s. 16(7),
substituted by
No. 17/2013
s. 3.

All those pieces or parcels of land containing 661 777 hectares, more or less, situated in the Counties of Benambra, Bogong, Croajingolong, Dargo, Delatite, Tambo, Tanjil and Wonnangatta being the land delineated and bordered red or green or coloured red or yellow in the plans lodged in the Central Plan Office and numbered N.P. 70/1b, N.P. 70/2c, N.P. 70/1d, N.P. 70/2e, N.P. 70/1g, N.P. 70/1h, N.P. 70/1j and N.P. 70/1n, except for the following—

- (a) the land bordered blue (other than the land shown bordered red or coloured yellow on the plans lodged in the Central Plan Office and numbered N.P. 70/1k and N.P. 70/1m);
- (b) Crown Allotment 1, Section 5, Parish of Burrungabugge, County of Benambra;
- (c) the land shown hatched on the plan lodged in the Central Plan Office and numbered N.P. 70/1n;
- (d) the roads shown on the plans as excluded;
- (e) the Benambra-Corryong Road, the Benambra-Limestone-Black Mountain road, the Dargo High Plains Road, the Great Alpine Road and the Omeo Highway.

Part 38—Murray–Sunset National Park

All those pieces or parcels of land containing 665 400 hectares, more or less, situate in the Counties of Karkarooc, Millewa and Weeah, being the land delineated and coloured pink or coloured yellow in the plans lodged in the Central Plan Office and numbered N.P. 51/4A and N.P. 51/4B.

Sch. 2 Pt 38
inserted by
No. 43/1990
s. 5,
amended by
Nos 46/1998
s. 7(Sch. 1),
82/2009
s. 19(3),
12/2016
s. 41(3).

Part 39—Yarra Ranges National Park⁹

All those pieces or parcels of land containing 77 185 hectares, more or less, situate in the Parishes of Brimbonga, Bullung, Buxton, Coornburt, Glenwatts, Gracedale, Granton, Manango, Monda, Nar-be-thong, Noojee, St. Clair, Steavenson, Taponga, Toorong, Torbreck, Youarrabuck and Yuonga, Counties of Anglesey, Buln Buln, Evelyn, Tanjil and Wonnangatta being the land delineated and coloured pink or coloured blue excepting the roads shown as excluded in the plans lodged in the Central Plan Office and numbered N.P. 102A/3 and N.P. 102B/2.

Sch. 2 Pt 39
inserted by
No. 57/1995
s. 17,
amended by
Nos 46/1998
s. 7(Sch. 1),
50/2000
s. 9(4)(a)–(c),
60/2005
s. 16(6)(a)–(d),
54/2008
s. 10(4),
79/2013
s. 23(6).

Part 40—Terrick Terrick National Park

All those pieces of land containing 6390 hectares, situate in the Parishes of Patho, Terrick Terrick East, Terrick Terrick West, Turrumberry, Turrumberry North and Wanurp, Counties of Bendigo and Gunbower, being land delineated and coloured pink in a plan lodged in the Central Plan Office and numbered N.P. 84/4.

Sch. 2 Pt 40
inserted by
No. 70/1998
s. 10,
amended by
Nos 50/2002
s. 12(4)(a)–(d),
82/2009
s. 19(4),
35/2010
s. 11(4).

Part 41—Greater Bendigo National Park

All those pieces and parcels of land containing 17 615 hectares, more or less, situate in the Parishes of Bagshot, Egerton, Huntly, Lockwood, Mandurang, Neilborough, Nerring, Sandhurst, Strathfieldsaye and Whirrakee, County of Bendigo, being the land delineated and coloured pink or coloured yellow or coloured blue in plans lodged in the Central Plan Office and numbered N.P.105A/4 and N.P. 105B/4 and, in the case of the

Sch. 2 Pt 41
inserted by
No. 50/2002
s. 12(5),
amended by
Nos 64/2004
s. 19(9)(a)–(e),
90/2009
s. 13(8),
35/2010
s. 11(5),
44/2016 s. 10,
53/2017 s. 36,
40/2020 s. 108.

land shown by hatching or vertical hatching on those plans, that is at or above a depth of 100 metres below the land surface.

Sch. 2 Pt 42
inserted by
No. 50/2002
s. 12(5),
amended by
No. 64/2004
s. 19(10)(a)(b).

Part 42—Heathcote-Graytown National Park

All those pieces and parcels of land containing 12 700 hectares, more or less, situate in the Township of Graytown and the Parishes of Cherrington, Costerfield, Dargile, Heathcote, Moormbool East, Moormbool West, Redcastle and Wirrate, Counties of Dalhousie and Rodney, being the land delineated and coloured pink or coloured yellow in a plan lodged in the Central Plan Office and numbered N.P. 106/1.

Sch. 2 Pt 43
(Heading)
amended by
No. 7/2012
s. 17(1).

Sch. 2 Pt 43
inserted by
No. 50/2002
s. 12(5),
amended by
Nos 90/2009
s. 13(9),
7/2012
s. 17(2).

Part 43—Kara Kara National Park

All those pieces and parcels of land containing 13 990 hectares, more or less, situate in the Parishes of Barkly, Boola Boloke, Carapooee West and Redbank, County of Kara Kara, being the land delineated and coloured pink in a plan lodged in the Central Plan Office and numbered N.P. 107/2.

Sch. 2 Pt 44
inserted by
No. 43/2005
s. 6(2),
amended by
Nos 48/2009
s. 7, 79/2013
s. 23(7).

Part 44—Point Nepean National Park

All those pieces or parcels of land containing 578 hectares, more or less, situate partly in the Parish of Nepean, County of Mornington, being the land delineated by solid and dashed lines and coloured pink in the plan lodged in the Central Plan Office and numbered N.P. 110/2, excepting any land between high and low water mark forming part of the park described in Part 10 of Schedule Seven.

Sch. 2 Pt 45
inserted by
No. 54/2008
s. 10(5).

Part 45—Cobboboonee National Park

All those pieces or parcels of land containing 18 510 hectares, more or less, situate in the Parishes of Balrook, Cobboboonee, Drik Drik, Glenaulin, Gorae, Heywood, Kentbruck and Mouzie, County of Normanby, being the land delineated and coloured

green or coloured pink or coloured yellow in the plan lodged in the Central Plan Office and numbered N.P. 112.

Part 46—Barmah National Park

All those pieces and parcels of land containing 28 505 hectares, more or less, situate in the Parishes of Barmah, Cocomah, Picola, Strathmerton, Ulupna, Yalca and Yielima, County of Moira, being the land delineated and coloured pink or coloured green or coloured yellow in the plan lodged in the Central Plan Office and numbered N.P. 113.

Sch. 2 Pt 46
inserted by
No. 82/2009
s. 20.

Part 47—Gunbower National Park

All those pieces and parcels of land containing 9330 hectares, more or less, situate in the Parishes of Cohuna, Gunbower, Gunbower West and Patho, County of Karkaroc, being the land delineated and coloured pink or coloured green in the plan lodged in the Central Plan Office and numbered N.P. 114.

Sch. 2 Pt 47
inserted by
No. 82/2009
s. 20.

Part 48—Lower Goulburn National Park

All those pieces and parcels of land containing 9320 hectares, more or less, situate in the Parishes of Coomboona, Kaarimba, Kanyapella, Kotupna, Moira, Mooropna, Shepparton, Tallygaroopna, Taripta, Udera, Wyuna, Counties of Moira and Rodney, being the land delineated and coloured pink in the plan lodged in the Central Plan Office and numbered N.P. 115/2.

Sch. 2 Pt 48
inserted by
No. 82/2009
s. 20,
amended by
Nos 7/2012
s. 16(8),
53/2017 s. 37.

Part 49—Warby-Ovens National Park

All those pieces and parcels of land containing 14 750 hectares, more or less, situate in the Parishes of Boorhaman, Boweya, Brimin, Bundalong, Estcourt, Glenrowen, Killawarra, Peechelba and Taminick, Counties of Bogong and Moira, being the land delineated and coloured pink or coloured green or coloured yellow in the plans lodged in the Central Plan Office and numbered N.P. 116A and N.P. 116B/1.

Sch. 2 Pt 49
inserted by
No. 82/2009
s. 20,
amended by
No. 7/2012
s. 16(9).

Sch. 2A
inserted by
No. 38/1989
s. 16.

Schedule Two A¹⁰—Wilderness parks

Section 17A

Sch. 2A Pt 1
inserted by
No. 38/1989
s. 16,
amended by
Nos 40/1992
s. 6(a)–(c),
46/1998
s. 7(Sch. 1) (as
amended by
No. 12/1999
s. 3(Sch. 1
item 23)).

Part 1—Big Desert Wilderness Park

All those pieces or parcels of land containing 1423 square kilometres, more or less, situate in the County of Weeah, being the land delineated and shown by diagonal hatching in a plan lodged in the Central Plan Office and numbered N.P. 39/1.

Sch. 2A Pt 2
inserted by
No. 38/1989
s. 16,
amended by
Nos 40/1992
s. 9(a)(b),
46/1998
s. 7(Sch. 1) (as
amended by
No. 12/1999
s. 3(Sch. 1
item 23)).

Part 2—Avon Wilderness Park

All those pieces or parcels of land containing 39 650 hectares, more or less, situate in the Counties of Tanjil and Wonnangatta being the land delineated and bordered red or bordered green in a plan lodged in the Central Plan Office and numbered N.P. 74/1.

Sch. 2A Pt 3
inserted by
No. 40/1992
s. 7,
amended by
No. 46/1998
s. 7(Sch. 1).

Part 3—Wabba Wilderness Park

All those pieces or parcels of land, containing 201 square kilometres more or less, situate in the County of Benambra, being the land shown by diagonal hatching and delineated and bordered red or bordered green on the plan lodged in the Central Plan Office and numbered N.P. 99.

Schedule Two B¹¹—State parks

Section 17(1A)

Sch. 2B
inserted by
No. 38/1989
s. 28.

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Sch. 2B Pt 1
inserted by
No. 38/1989
s. 28,
amended by
Nos 57/1995
s. 29(3)(Sch. 3
Pt B(a)(i)–(iii)),
7/1997 s. 17(1)
(a)–(e),
46/1998
s. 7(Sch. 1),
64/2004
s. 20(1),
repealed by
No. 60/2005
s. 17(1).

Part 2—Arthurs Seat State Park

All those pieces or parcels of land containing 565 hectares, more or less, situate in the Parishes of Wannaeue and Kangerong, County of Mornington being the land delineated and coloured pink in a plan lodged in the Central Plan Office and numbered N.P. 36/7 and the strata of land which are 6 metres or more above the land surface delineated and coloured blue on the plan lodged in the Central Plan Office and numbered N.P. 36A.

Sch. 2B Pt 2
inserted by
No. 38/1989
s. 28,
amended by
Nos 7/1997
s. 17(2)(a)–(d),
46/1998
s. 7(Sch. 1),
64/2004
s. 20(2)(a)–(c),
7/2012
s. 18(1),
79/2013 s. 26.

* * * * *

Sch. 2B Pt 3
inserted by
No. 38/1989
s. 28,
amended by
Nos 46/1998
s. 7(Sch. 1),
64/2004
s. 20(3),
repealed by
No. 82/2009
s. 21(1).

Sch. 2B Pt 4
inserted by
No. 38/1989
s. 28,
amended by
No. 46/1998
s. 7(Sch. 1).

Part 4—Black Range State Park

All those pieces or parcels of land containing 11 700 hectares, more or less, situate in the Parishes of Daahl, Mockinya, Tyar and Yat Nat, County of Lowan, being the land delineated and bordered red or bordered green or coloured yellow excepting therefrom the roads shown as excluded in a plan lodged in the Central Plan Office and numbered N.P. 77.

Sch. 2B Pt 5
inserted by
No. 38/1989
s. 29(1),
amended by
Nos 7/1997
s. 17(3)(a)–(f),
46/1998
s. 7(Sch. 1),
64/2004
s. 20(4)(a)–(d).

Part 5—Bunyip State Park¹²

All those pieces or parcels of land containing 16 655 hectares, more or less, situate in the Parishes of Bunyip, Gembrook, Jindivick, Nayook West, Tonimbuk and Tonimbuk East, Counties of Buln Buln, Evelyn and Mornington, being the land delineated and coloured pink or coloured yellow in a plan lodged in the Central Plan Office and numbered N.P. 87/2.

Sch. 2B Pt 6
inserted by
No. 38/1989
s. 28,
amended by
No. 46/1998
s. 7(Sch. 1).

Part 6—Cape Nelson State Park

All those pieces or parcels of land containing 210 hectares, more or less, situate in the Parish of Trewalla, County of Normanby, being the land delineated and bordered red in a plan lodged in the Central Plan Office and numbered N.P. 40.

Sch. 2B Pt 7
inserted by
No. 38/1989
s. 28,
amended by
Nos 46/1998
s. 7(Sch. 1),
repealed by
No. 60/2005
s. 17(2).

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Sch. 2B Pt 8
inserted by
No. 38/1989
s. 28,
amended by
Nos 7/1997
s. 17(4)(a)–(c),
46/1998
s. 7(Sch. 1).

Part 8—Cathedral Range State Park

All those pieces or parcels of land containing 3616 hectares, more or less, situate in the Parishes of Taggerty and Torbreck, County of Anglesey, being the land delineated and bordered red excepting therefrom the roads shown as excluded also excepting

therefrom land bordered blue in a plan lodged in the Central Plan Office and numbered N.P. 41/2.

Part 9—Dergholm State Park¹³

All those pieces or parcels of land containing 10 400 hectares, more or less, situate in the Parishes of Dergholm, Bogalara, Ganoo Ganoo, Mageppa, Warrock and Youpayang, Counties of Dundas and Follett, being the land delineated and bordered red or bordered green excepting therefrom the roads shown as excluded in a plan lodged in the Central Plan Office and numbered N.P. 82.

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Sch. 2B Pt 9
inserted by
No. 38/1989
s. 29(2),
amended by
No. 46/1998
s. 7(Sch. 1).

Sch. 2B Pt 10
inserted by
No. 38/1989
s. 28,
repealed by
No. 7/1997
s. 17(5)(a).

Sch. 2B Pt 11
inserted by
No. 38/1989
s. 28,
repealed by
No. 7/1997
s. 17(5)(b).

Part 12—Holey Plains State Park

All those pieces or parcels of land containing 10 740 hectares, more or less, situate in the Parishes of Coolungoolun, Holey Plains and Rosedale, County of Buln Buln, being the land delineated and coloured pink in a plan lodged in the Central Plan Office and numbered N.P. 33/4.

Sch. 2B Pt 12
inserted by
No. 38/1989
s. 28,
amended by
Nos 57/1995
s. 29(3)(Sch. 3
Pt A(b)(i)(ii)),
7/1997
s. 17(6)(a)–(e),
46/1998
s. 7(Sch. 1),
54/2008
s. 11(1).

National Parks Act 1975
No. 8702 of 1975
Schedule Two B10F—State parks

Sch. 2B Pt 13
inserted by
No. 38/1989
s. 28,
amended by
Nos 2/1991
s. 6(1)(a)–(d),
7/1997 s. 17(7)
(a)–(d),
46/1998
s. 7(Sch. 1),
70/1998
s. 12(3)(a)(b),
50/2000
s. 10(a)(b),
repealed by
No. 50/2002
s. 13(1).

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Sch. 2B Pt 14
inserted by
No. 38/1989
s. 28,
amended by
Nos 7/1997
s. 17(8)(a)–(e),
46/1998
s. 7(Sch. 1),
repealed by
No. 50/2002
s. 13(1).

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Sch. 2B Pt 15
inserted by
No. 38/1989
s. 28,
amended by
No. 46/1998
s. 7(Sch. 1),
substituted by
No. 50/2002
s. 13(2).

Part 15—Kooyoora State Park

All those pieces and parcels of land containing 11 350 hectares, more or less, situate in the Township of Kooyoora and the Parishes of Brenanah, Glenalbyn, Kangderaar, Kingower, Tchuterr and Wehla, County of Gladstone, being the land delineated and coloured pink or coloured green or coloured yellow in a plan lodged in the Central Plan Office and numbered N.P. 64/2.

Part 16—Langi Ghiran State Park

All those pieces or parcels of land containing 3040 hectares, more or less, situate in the Parishes of Colvinsby and Warrak, Counties of Borung and Ripon, being the land delineated and coloured pink in a plan lodged in the Central Plan Office and numbered N.P. 65/2.

Sch. 2B Pt 16
inserted by
No. 38/1989
s. 28,
amended by
Nos 46/1998
s. 7(Sch. 1),
64/2004
s. 20(5)(a)–(d),
54/2008
s. 11(2).

Part 17—Lerderderg State Park

All those pieces or parcels of land containing 20 185 hectares, more or less, situate in the Parishes of Blackwood, Bullengarook, Coimadai, Coornmill, Myrniong and Yangardook, County of Bourke, being the land delineated and bordered red or coloured pink or coloured green or coloured yellow in plans lodged in the Central Plan Office and numbered N.P. 89/3 and N.P. 89A.

Sch. 2B Pt 17
inserted by
No. 38/1989
s. 28,
amended by
Nos 2/1991
s. 6(2)(a)(b),
57/1995
s. 29(3)(Sch. 3
Pt B(c)(i)–(iii))
(as amended
by No.
74/2000
s. 3(Sch. 1
item 88.3)),
46/1998
s. 7(Sch. 1),
64/2004
s. 20(6)(a)–
(e)(i)(ii),
90/2009 s. 14.

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Sch. 2B Pt 18
inserted by
No. 38/1989
s. 28,
amended by
Nos 57/1995
s. 29(3)(Sch. 3
Pt B(d)(i)(ii)),
46/1998
s. 7(Sch. 1),
repealed by
No. 60/2005
s. 17(3).

Sch. 2B Pt 19
inserted by
No. 38/1989
s. 28,
amended by
Nos 61/1993
s. 35(b)(i)(ii),
46/1998
s. 7(Sch. 1),
64/2004
s. 20(7)(a)–(e).

Part 19—Moondarra State Park

All those pieces or parcels of land containing 6330 hectares, more or less, situate in the Parishes of Bundowra, Moondarra, Tanjil and Tanjil East, County of Tanjil, being the land delineated and coloured pink excepting therefrom the Walhalla Road and Seninis Track and the land delineated and coloured brown in a plan lodged in the Central Plan Office and numbered N.P. 66/1.

Sch. 2B Pt 20
inserted by
No. 38/1989
s. 28,
amended by
Nos 57/1995
s. 29(3)(Sch. 3
Pt B(e)(i)–(iii)),
46/1998
s. 7(Sch. 1),
64/2004
s. 20(8)(a)–(e).

Part 20—Mount Arapiles–Tooan State Park¹⁴

All those pieces or parcels of land containing 7470 hectares, more or less, situate in the Parishes of Arapiles, Gymbowen, Kalingur and Tooan, County of Lowan, being the land delineated and coloured pink in a plan lodged in the Central Plan Office and numbered N.P. 81/3.

Sch. 2B Pt 21
inserted by
No. 38/1989
s. 29(4),
amended by
No. 46/1998
s. 7(Sch. 1).

Part 21—Mt. Buangor State Park¹⁵

All those pieces or parcels of land containing 2400 hectares, more or less, situate in the Parishes of Buangor, Glenpatrick, Raglan West and Warrak, Counties of Kara Kara and Ripon, being the land delineated and bordered red or bordered green excepting therefrom the roads shown as excluded, also excepting therefrom land delineated and bordered blue in a plan lodged in the Central Plan Office and numbered N.P. 95.

Sch. 2B Pt 22
inserted by
No. 38/1989
s. 28,
amended by
No. 46/1998
s. 7(Sch. 1).

Part 22—Mount Lawson State Park

All those pieces or parcels of land containing 13 150 hectares, more or less, situate in the Parishes of Bungil East, Burrowye, Koetong and Thologolong, County of Benambra, being the land delineated and bordered red or coloured yellow excepting therefrom the roads shown as excluded also excepting therefrom land bordered blue in a plan lodged in the Central Plan Office and numbered N.P. 80.

Part 23—Mount Napier State Park

All those pieces or parcels of land containing 2800 hectares, more or less, situate in the Parishes of Byaduk and Napier, County of Normanby, being the land delineated and bordered red or bordered green, excepting therefrom the roads shown as excluded in a plan lodged in the Central Plan Office and numbered N.P. 76.

Sch. 2B Pt 23
inserted by
No. 38/1989
s. 28,
amended by
No. 46/1998
s. 7(Sch. 1).

Part 24—Mount Samaria State Park

All those pieces or parcels of land containing 7600 hectares, more or less, situate in the Parishes of Dueran, Moorngag and Nillahcootie, County of Delatite, being the land delineated and bordered red or bordered green excepting therefrom the roads shown as excluded in a plan lodged in the Central Plan Office and numbered N.P. 49.

Sch. 2B Pt 24
inserted by
No. 38/1989
s. 28,
amended by
No. 46/1998
s. 7(Sch. 1).

Part 25—Mount Worth State Park

All those pieces or parcels of land containing 1040 hectares, more or less, situate in the Parishes of Allambee, Allambee East and Warragul, County of Buln Buln, being the land delineated and bordered red or coloured yellow excepting therefrom the Allambee Estate road in a plan lodged in the Central Plan Office and numbered N.P. 35/2.

Sch. 2B Pt 25
inserted by
No. 38/1989
s. 28,
amended by
No. 46/1998
s. 7(Sch. 1).

Part 26—Paddys Ranges State Park^{16 17}

All those pieces or parcels of land containing 2 010 hectares, more or less, situate in the Parishes of Amherst, Bung Bong and Maryborough, County of Talbot, being the land delineated and coloured pink or coloured green or coloured yellow in a plan lodged in the Central Plan Office and numbered N.P. 96/3.

Sch. 2B Pt 26
inserted by
No. 38/1989
s. 29(5),
amended by
Nos 2/1991
s. 6(3)(a)(b),
57/1995
s. 29(3)(Sch. 3
Pt B(f)(i)–(iii)),
46/1998
s. 7(Sch. 1),
50/2002
s. 13(3)(a)–(d).

National Parks Act 1975
No. 8702 of 1975
Schedule Two B10F—State parks

Sch. 2B Pt 27
inserted by
No. 38/1989
s. 28,
repealed by
No. 43/1990
s. 6.

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Sch. 2B Pt 28
inserted by
No. 38/1989
s. 28,
amended by
No. 46/1998
s. 7(Sch. 1),
repealed by
No. 70/1998
s. 12(4).

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Sch. 2B Pt 29
inserted by
No. 38/1989
s. 28,
repealed by
No. 37/1989
s. 12.

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Sch. 2B Pt 30
inserted by
No. 38/1989
s. 28,
substituted by
No. 38/1989
s. 29(6),
amended by
Nos 57/1995
s. 29(3)(Sch. 3
Pt B(g)(i)(ii)),
46/1998
s. 7(Sch. 1),
50/2002
s. 13(4)(a)–(d),
repealed by
No. 82/2009
s. 21(2).

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Part 31—Warrandyte State Park

All those pieces or parcels of land containing 689 hectares, more or less, situate in the Parishes of Nillumbik, Sutton and Warrandyte, County of Evelyn, being the land delineated and coloured pink in a plan lodged in the Central Plan Office and numbered N.P. 21/9.

Sch. 2B Pt 31
inserted by
No. 38/1989
s. 28,
amended by
Nos 7/1997
s. 17(9)(a)–(c),
46/1998
s. 7(Sch. 1),
60/2005
s. 17(4)(a)–(d),
54/2008
s. 11(3),
12/2016
s. 42(1),
53/2017 s. 38.

Part 32—Werribee Gorge State Park

All those pieces or parcels of land containing 575 hectares, more or less, situate in the Parishes of Gorong, Gorrockburkghap and Korkuperrimul, Counties of Grant and Bourke, being the land delineated and bordered red in a plan lodged in the Central Plan Office and numbered N.P. 37/1.

Sch. 2B Pt 32
inserted by
No. 38/1989
s. 28,
amended by
Nos 57/1995
s. 29(3)(Sch. 3
Pt B(h)(i)–(iii)),
46/1998
s. 7(Sch. 1).

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Sch. 2B Pt 33
inserted by
No. 38/1989
s. 28,
amended by
Nos 7/1997
s. 17(10)
(a)–(e),
46/1998
s. 7(Sch. 1),
repealed by
No. 50/2002
s. 13(5).

Part 34—Leaghur State Park

All that piece or parcel of land containing 2050 hectares, more or less, situate in the Parishes of Leaghur and Meering, County of Tatchera, being the land coloured pink or coloured green or coloured yellow in the plan lodged in the Central Plan Office and numbered N.P. 97/1.

Sch. 2B Pt 34
inserted by
No. 43/1990
s. 7,
amended by
Nos 46/1998
s. 7(Sch. 1),
82/2009
s. 21(3).

Sch. 2B Pt 35
inserted by
No. 57/1995
s. 29(1)
(Sch. 2) (as
amended by
No. 79/1995
s. 40),
amended by
No. 46/1998
s. 7(Sch. 1).

Part 35—Mount Granya State Park¹⁸

All those pieces or parcels of land containing 6140 hectares, more or less, situate in the Parishes of Bungil, Bullooh and Talgarno, County of Benambra, being the land delineated and bordered red or bordered green in a plan lodged in the Central Plan Office and numbered N.P. 100.

Sch. 2B Pt 36
inserted by
No. 57/1995
s. 29(1)
(Sch. 2) (as
amended by
No. 79/1995
s. 40),
amended by
Nos 7/1997
s. 17(11)
(a)–(c),
46/1998
s. 7(Sch. 1).

Part 36—Enfield State Park¹⁹

All those pieces or parcels of land containing 4400 hectares, more or less, situate in the Parishes of Lynchfield, Enfield and Dereel, County of Grenville, being the land delineated and bordered red excepting therefrom the roads shown as excluded and also excepting therefrom the Colac/Ballarat Road in a plan lodged in the Central Plan Office and numbered N.P. 98/1.

Sch. 2B Pt 37
inserted by
No. 50/2002
s. 13(6),
amended by
No. 57/2006
s. 14.

Part 37—Broken-Boosey State Park

All those pieces and parcels of land containing 1010 hectares, more or less, situate in the Townships of Dunbulbalane, Katamatite and Wunghnu and the Parishes of Boosey, Drumanure, Dunbulbalane, Katamatite, Naringaningalook, Tharanbegga, Youanmite and Youarang, County of Moira, being the land delineated and coloured pink and coloured yellow in a plan lodged in the Central Plan Office and numbered N.P. 108/1.

Sch. 2B Pt 38
inserted by
No. 50/2002
s. 13(6).

Part 38—Reef Hills State Park

All those pieces and parcels of land containing 2 020 hectares, more or less, situate in the Parishes of Benalla and Kelfeera, County of Delatite, being the land delineated and coloured pink in a plan lodged in the Central Plan Office and numbered N.P. 68/1.

Part 39—Lake Tyers State Park

All those pieces and parcels of land containing 8680 hectares, more or less, situate in the Parishes of Colquhoun, Colquhoun East, Ninnie, Nowa Nowa South, Tildesley East and Tildesley West, County of Tambo, being the land delineated and coloured pink in a plan lodged in the Central Plan Office and numbered N.P. 121/2.

Sch. 2B Pt 39
inserted by
No. 7/2012
s. 18(2),
amended by
Nos 79/2013
s. 27, 12/2016
s. 42(2).

Section 18.

Sch. 3
amended by
Nos 9114
s. 4(1), 9247
s. 3(2), 9570
s. 3(2)(7)(8),
10073
s. 4(2)(4)(5) (as
amended by
No. 10166
s. 21) (6)–(8),
10166
s. 4(2)–(5),
44/1986
s. 4(2)–(6),
7/1987
ss 4(2)(3)(5)–
(9), 8, 7/1988
s. 4(4)–(10),
24/1988 s. 6,
38/1989 s. 17,
substituted by
No. 38/1989
s. 28.

Schedule Three—Other parks

Sch. 3 Pt 1
inserted by
No. 38/1989
s. 28,
amended by
Nos 38/1989
s. 30(1)(a)(b),
46/1998
s. 7(Sch. 1),
50/2002
s. 14(1)(a)(b),
64/2004
s. 21(1)(a)–(f),
57/2006
s. 15(1),
35/2010
s. 12(1).

Part 1—Beechworth Historic Park

All those pieces or parcels of land containing 1090 hectares, more or less, situate in the Township of Beechworth and the Parishes of Beechworth, El Dorado and Stanley, County of Bogong, being the land delineated and coloured pink or coloured green or coloured yellow in plans lodged in the Central Plan Office numbered N.P. 38A/5 and N.P. 38B/2.

Part 1A—Bay of Islands Coastal Park

All those pieces and parcels of land containing 950 hectares, more or less, situate in the Parishes of Mepunga, Nirranda and Narrawaturk, County of Heytesbury, being the land delineated and bordered red excepting therefrom the roads shown as excluded in the plan lodged in the Central Plan Office and numbered N.P. 101.

Sch. 3 Pt 1A
inserted by
No. 7/1997
s. 15(1),
amended by
No. 46/1998
s. 7(Sch. 1).

Part 2—Yallock–Bulluk Marine and Coastal Park

All those pieces and parcels of land containing 3535 hectares, more or less, situated partly in the Parishes of Kirrak, Wonthaggi and Woolamai, Counties of Buln Buln and Mornington, being the land delineated and coloured pink or coloured yellow or coloured blue in the plan lodged in the Central Plan Office and numbered N.P. 122 excepting any land between high water mark and 1000 metres seawards of high water mark forming part of the park described in Part 1 of Schedule Seven.

Sch. 3 Pt 2
inserted by
No. 38/1989
s. 28,
amended by
Nos 38/1989
s. 30(2)(a)(b),
57/1995
s. 29(4)(Sch. 3
Pt C(a)(i)(iv)),
repealed by
No. 7/1997
s. 18(1), new
Sch. 3 Pt 2
inserted by
No. 40/2020
s. 109.

Part 2A—Cape Conran Coastal Park

All those pieces and parcels of land containing 11 700 hectares, more or less, situate in the Parishes of Bemm, Jilwain, Tabbara and Yarak, County of Croajingolong, being the land delineated and bordered red or coloured yellow excepting therefrom the roads shown as excluded in the plan lodged in the Central Plan Office and numbered N.P. 103.

Sch. 3 Pt 2A
inserted by
No. 7/1997
s. 15(2),
amended by
No. 46/1998
s. 7(Sch. 1).

Part 3—Discovery Bay Coastal Park

All those pieces or parcels of land containing 10 460 hectares, more or less, situate in the Parishes of Glenelg, Kentbruck, Mouzie, Portland, Tarragal, Trewalla and Warrain, Counties of Follett and Normanby, being the land delineated and coloured pink excepting therefrom the roads shown as excluded in plans lodged in the Central Plan Office and numbered N.P. 44/5 and

Sch. 3 Pt 3
inserted by
No. 38/1989
s. 28,
amended by
Nos 7/1997
s. 18(2)(a)–(h),
46/1998
s. 7(Sch. 1),
40/2002
s. 22(a)(b).

N.P. 44A/2. Also excepted is any land between high water mark and low water mark forming part of the park described in Part 5 of Schedule Seven.

Sch. 3 Pt 4
inserted by
No. 38/1989
s. 28,
amended by
Nos 57/1995
s. 29(4)(Sch. 3
Pt C(b)(i)–(iv)),
46/1998
s. 7(Sch. 1),
64/2004
s. 21(2)(a)–(c).

Part 4—Woodlands Historic Park

All those pieces or parcels of land containing 820 hectares, situate in the Parishes of Bulla Bulla, Will-will-rook and Yuroke, County of Bourke, being the land delineated and coloured pink in a plan lodged in the Central Plan Office and numbered N.P. 75/2.

Sch. 3 Pt 5
inserted by
No. 38/1989
s. 31,
repealed by
No. 7/1997
s. 18(3).

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Sch. 3 Pt 6
inserted by
No. 38/1989
s. 28,
amended by
Nos 7/1997
s. 18(4)(a)–(f),
46/1998
s. 7(Sch. 1),
50/2000
s. 11(a)–(c),
35/2010
s. 12(2),
7/2012 s. 19,
79/2013 s. 28.

Part 6—Gippsland Lakes Coastal Park

All those pieces or parcels of land containing 17 690 hectares, more or less, situate in the Township of Seacombe and the Parishes of Boole Poole, Booran, Colquhoun, Dulungalong, Giffard, Seacombe and Wulla Wullock, Counties of Buln Buln and Tanjil, being the land delineated and coloured pink or coloured yellow in plans lodged in the Central Plan Office and numbered N.P. 46A/7, N.P. 46B/4 and N.P. 46C/7.

Sch. 3 Pt 7
inserted by
No. 38/1989
s. 28,
amended by
No. 46/1998
s. 7(Sch. 1),
repealed by
No. 40/2020
s. 110.

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Part 8—Lake Albacutya Park

All those pieces or parcels of land containing 8300 hectares, more or less, situate in the Counties of Karkarooc and Weeah, being the land delineated and bordered red or bordered green in a plan lodged in the Central Plan Office and numbered N.P. 47/1.

Sch. 3 Pt 8
inserted by
No. 38/1989
s. 28,
amended by
Nos 43/1990
s. 10(a)–(c),
46/1998
s. 7(Sch. 1).

Part 9—Langwarrin Flora and Fauna Reserve

All those pieces or parcels of land containing 214 hectares, more or less, situate in the Parish of Langwarrin, County of Mornington, being the land delineated and bordered red in a plan lodged in the Central Plan Office and numbered N.P. 69/2.

Sch. 3 Pt 9
inserted by
No. 38/1989
s. 28,
amended by
Nos 57/1995
s. 29(4)(Sch. 3
Pt C(c)),
46/1998
s. 7(Sch. 1).

Part 10—Lysterfield Park²⁰

All those pieces or parcels of land containing 1397 hectares, more or less, situate in the Parish of Narree Worran, County of Mornington, and being the land delineated and bordered red excepting therefrom the road shown as excluded in a plan lodged in the Central Plan Office and numbered N.P. 60/4.

Sch. 3 Pt 10
inserted by
No. 38/1989
s. 28,
amended by
Nos 57/1995
s. 29(4)(Sch. 3
Pt C(d)(i)(ii)),
7/1997
s. 18(5)(a)–(d),
46/1998
s. 7(Sch. 1).

Part 11—Murray—Kulkyne Park

All those pieces or parcels of land containing 4555 hectares, more or less, situate in the Parishes of Brockie, Cantala, Colignan, Kulkyne, Liparoo and Yelwell, County of Karkarooc, being the land delineated and coloured pink or coloured green or coloured yellow in a plan lodged in the Central Plan Office and numbered N.P. 50/3.

Sch. 3 Pt 11
inserted by
No. 38/1989
s. 28,
amended by
Nos 43/1990
s. 11(a)–(d),
46/1998
s. 7(Sch. 1),
82/2009 s. 22.

Sch. 3 Pt 12
inserted by
No. 38/1989
s. 28,
amended by
No. 46/1998
s. 7(Sch. 1),
repealed by
No. 50/2002
s. 14(2), new
Sch. 3 Pt 12
inserted by
No. 90/2009
s. 15.

Part 12—Tara Range Park

All those pieces and parcels of land containing 7620 hectares, more or less, situate in the Parishes of Bete Belong North, Buchan, Loongelaat and Pinnak, Counties of Croajingolong and Tambo, being the land delineated and coloured pink or coloured green or coloured yellow in the plan lodged in the Central Plan Office and numbered N.P. 120.

Sch. 3 Pt 13
inserted by
No. 38/1989
s. 28,
amended by
Nos 57/1995
s. 29(4)(Sch. 3
Pt C(e)(i)(ii)),
46/1998
s. 7(Sch. 1),
64/2004
s. 21(3)(a)–(e),
57/2006
s. 15(2),
12/2016
s. 43(1).

Part 13—Steiglitz Historic Park

All those pieces or parcels of land containing 430 hectares, more or less, situate in the Township of Steiglitz and the Parishes of Durdidwarrah and Moreep, County of Grant, being the land delineated and coloured pink or coloured yellow in a plan lodged in the Central Plan Office and numbered N.P. 52/7.

Sch. 3 Pt 14
inserted by
No. 38/1989
s. 28,
amended by
No. 46/1998
s. 7(Sch. 1).

Part 14—Tyers Park

All those pieces or parcels of land containing 1810 hectares, more or less, situate in the Parish of Tanjil East, County of Tanjil, being the land delineated and bordered red or bordered green, excepting therefrom the road shown as excluded, also excepting therefrom land bordered blue in a plan lodged in the Central Plan Office and numbered N.P. 67.

Part 15—Cape Liptrap Coastal Park

All those pieces and parcels of land containing 4320 hectares, more or less, situate in the Parishes of Tarwin, Tarwin South, Waratah and Waratah North, County of Buln Buln, being the land delineated and coloured pink excepting therefrom the roads shown as excluded in the plan lodged in the Central Plan Office and numbered N.P. 104/3.

Sch. 3 Pt 15
inserted by
No. 38/1989
s. 28,
repealed by
No. 57/1995
s. 18,
new Sch. 3
Pt 15
inserted by
No. 7/1997
s. 15(3),
amended by
Nos 46/1998
s. 7(Sch. 1),
60/2005
s. 18(a)–(c),
79/2013 s. 29,
12/2016
s. 43(2).

Part 16—Gadsen Bend Park

All those pieces and parcels of land containing 1620 hectares, more or less, situate in the Parish of Bumbang, County of Karkarooc, being the land delineated and coloured pink in the plan lodged in the Central Plan Office and numbered N.P. 117/1.

Sch. 3 Pt 16
inserted by
No. 82/2009
s. 23,
amended by
No. 12/2016
s. 43(3).

Part 17—Kings Billabong Park

All those pieces and parcels of land containing 2195 hectares, more or less, situate in the Parish of Mildura, County of Karkarooc, being the land delineated and coloured pink in the plan lodged in the Central Plan Office and numbered N.P. 118.

Sch. 3 Pt 17
inserted by
No. 82/2009
s. 23.

Part 18—Nyah-Vinifera Park

All those pieces and parcels of land containing 1370 hectares, more or less, situate in the Parishes of Piangil, Tyntynder North and Tyntynder West, County of Tatchera, being the land delineated and coloured pink or coloured green or coloured yellow in the plan lodged in the Central Plan Office and numbered N.P. 119.

Sch. 3 Pt 18
inserted by
No. 82/2009
s. 23.

Section 19F.
Sch. 4
(Heading)
inserted by
No. 10166
s. 20.

Schedule Four

Sch. 4 Pt 1
inserted by
GG 23.4.86
p. 1049,
amended by
GG 1.4.93
p. 760,
Nos 57/1995
s. 44, 46/1998
s. 7(Sch. 1),
40/2002
s. 23(1)(a)(b),
57/2006
s. 16(1),
79/2013
s. 30(2).

Part 1—Wilsons Promontory Marine Reserve

Description

Crown land temporarily reserved for the conservation of areas of natural interest or beauty or scientific history or archaeological interest and shown coloured pink on plan N.P.M.R. 1/2 lodged in the Central Plan Office except any land reserved as a national park or declared or deemed to be reserved for any purpose under the **Crown Land (Reserves) Act 1978** and any land proclaimed or set aside as a road or any land for which permission to occupy has been given by the Crown or a licence or lease under the **Land Act 1958** is in force by Orders in Council of 18 March 1986 (see Government Gazette dated 26 March 1986) also excepting any land seawards of low water mark forming part of the park described in Part 12 of Schedule Seven.

Section of the Act under which land is managed

19B.

Date of Appointment of Director to Manage Land

18 March 1986, Gazette 26 March 1986.

Provisions of the Act to apply to the land

Sections 1 to 6 inclusive, 9 to 27 inclusive, 33(3), 35 to 39 inclusive, 40 to 48 inclusive.

Application of the Regulations to the land

National Parks Regulations 2013.

Part 2—Wilsons Promontory Marine Park

Description

Crown land shown coloured yellow on plan N.P.M.R. 1/2 lodged with the Central Plan Office except any land reserved as a national park or declared or deemed to be reserved for any purpose under the **Crown Land (Reserves) Act 1978** or any other Act which reserves Crown land and any land proclaimed or set aside as a road or any land for which permission to occupy has been given by the Crown or a licence or lease under the **Land Act 1958** is in force also excepting any land seawards of low water mark forming part of the park described in Part 12 of Schedule Seven.

Sch. 4 Pt 2
inserted by
GG 23.4.86
p. 1050,
amended by
GG 1.4.93
p. 760,
Nos 46/1998
s. 7(Sch. 1),
40/2002
s. 23(2)(a)(b),
57/2006
s. 16(1),
79/2013
s. 30(2).

Section of the Act under which land is managed

19B.

Date of Appointment of Director to Manage Land

18 March 1986, Gazette 26 March 1986.

Provisions of the Act to apply to the land

Sections 1 to 6 inclusive, 9 to 27 inclusive, 33(3), 36 to 39 inclusive and 40 to 48 inclusive.

Application of the Regulations to the land

National Parks Regulations 2013.

Part 3—Shallow Inlet Marine and Coastal Park

Description

Crown land temporarily reserved for the conservation of areas of natural interest or beauty or scientific history or archaeological interest and areas for public recreation and shown coloured blue on plan N.P.M.R. 1/2 lodged in the Central Plan Office except any land reserved as a national park or declared or deemed to be reserved for any purpose under the **Crown Land (Reserves) Act 1978** and any land proclaimed or set aside as a road or any

Sch. 4 Pt 3
inserted by
GG 23.4.86
p. 1050,
amended by
GG 1.4.93
p. 760,
Nos 46/1998
s. 7(Sch. 1),
40/2002
s. 23(3),
57/2006
s. 16(1),
79/2013
s. 30(2),
12/2016
s. 35(1).

land for which permission to occupy has been given by the Crown or a licence or lease under the **Land Act 1958** is in force by Orders in Council of 18 March 1986 (see Government Gazette dated 26 March 1986).

Section of the Act under which land is managed

19B.

Date of Appointment of Director to Manage Land

18 March 1986, Gazette 26 March 1986.

Provisions of the Act to apply to the land

Sections 1 to 6 inclusive, 9 to 27 inclusive, 33(3), 35 to 39 inclusive and 40 to 48 inclusive.

*Provisions of the **Land Act 1958** to apply to the land*

Sections 141 to 149 inclusive.

Application of the Regulations to the land

National Parks Regulations 2013.

Sch. 4 Pt 4
inserted by
GG 23.4.86
p. 1050,
amended by
GG 1.4.93
p. 760,
Nos 46/1998
s. 7(Sch. 1),
40/2002
s. 23(4)(a)(b),
57/2006
s. 16(1),
79/2013
s. 30(2),
12/2016
s. 35(2).

Part 4—Corner Inlet Marine and Coastal Park

Description

Crown land temporarily reserved for the conservation of areas of natural interest or beauty or scientific history or archaeological interest and areas for public recreation and shown coloured green on plan N.P.M.R. 1/2 lodged in the Central Plan Office except any land reserved as a national park or declared or deemed to be reserved for any purpose under the **Crown Land (Reserves) Act 1978** and any land proclaimed or set aside as a road or any land for which permission to occupy has been given by the Crown or a licence or lease under the **Land Act 1958** is in force by Orders in Council of 18 March 1986 (see Government Gazette dated 26 March 1986) also excepting any land seawards of low water mark forming part of the park described in Part 4 of Schedule Seven.

Section of the Act under which land is managed

19B.

Date of Appointment of Director to Manage Land

18 March 1986, Gazette 26 March 1986.

Provisions of the Act to apply to the land

Sections 1 to 6 inclusive, 9 to 29 inclusive, 33(3), 35 to 39 inclusive and 40 to 48 inclusive.

*Provisions of the **Land Act 1958** to apply to the land*

Sections 141 to 149 inclusive.

Application of the Regulations to the land

National Parks Regulations 2013.

Part 5—Nooramunga Marine and Coastal Park

Description

Crown land temporarily reserved—

- (a) for conservation of areas of natural interest or beauty or scientific history or archaeological interest and areas for public recreation and shown coloured orange, on plan N.P.M.R. 1/2 lodged in the Central Plan Office except any land reserved as a national park or declared or deemed to be reserved for any purpose under the **Crown Land (Reserves) Act 1978** and any land proclaimed or set aside as a road or any land for which permission to occupy has been given by the Crown or a licence or lease under the **Land Act 1958** is in force by Orders in Council of 18 March 1986 (see Government Gazette dated 26 March 1986) and the land shown by hatching on Plan NPMRIA lodged in the Central Plan Office; and

Sch. 4 Pt 5
inserted by
GG 23.4.86
p. 1051,
amended by
GGs 1.4.93
p. 760, 27.6.96
p. 1630,
Nos 40/2002
s. 23(5),
57/2006
s. 16(1),
79/2013 s. 30,
12/2016
s. 35(3),
53/2017 s. 39.

- (b) for the conservation of an area of natural interest or beauty being allotment 5A, Parish of St. Margaret and allotments 17A4, 52A, 52B and part allotment 20B6, Parish of Balloong, formerly contained in Freehold Certificates of Title Volume 5825 Folio 853, Volume 8753 Folio 466, Volume 4226 Folio 95 and Volume 6293 Folio 555.

Section of the Act under which land is managed

19B.

Date of Appointment of Director to Manage Land

18 March 1986, Gazette 26 March 1986.

Provisions of the Act to apply to the land

Sections 1 to 6 inclusive, 9 to 27 inclusive, 27C to 27L inclusive, 30I, 33, 35 to 39 inclusive and 40 to 48AA inclusive.

*Provisions of the **Land Act 1958** to apply to the land*

Sections 141 to 149 inclusive.

Application of the Regulations to the land

National Parks Regulations 2013.

Sch. 4 Pt 6
inserted by
GG 20.7.88
p. 2166,
amended by
GG 1.4.93
p. 760,
Nos 50/2002
s. 15(1)(b)–(e),
57/2006
s. 16(1),
79/2013
s. 30(2),
12/2016
s. 35(4).

Part 6—Deep Lead Nature Conservation Reserve (No. 1)

Description

Crown Land temporarily reserved for the preservation of species of native plants 1120 hectares, more or less, to a depth of 100 metres below the land surface being Crown Allotments 214H, 214J, and 214K in the Parish of Illawarra by Order in Council dated 24 November 1987 and section 33 of the **Crown Land (Reserves) Act 1978** (see Government Gazette, dated 2 December 1987 and section 33 of the **Crown Land (Reserves) Act 1978**).

National Parks Act 1975
No. 8702 of 1975
Schedule Four

Section of the Act under which land is managed

19B.

Date of Appointment of Director to Manage Land

19 July, 1988—(Gazette 20 July 1988).

Provisions of the Act to apply to the land

Sections 3, 4(b) and (c), 6, 11, 14, 15, 16, 16A, 18, 19, 19B, 19F, 20, 21, 22, 23, 24, 26A, 27, 33, 35, 36, 37, 38, 39, 40, 41, 43, 44, 45, 46, 47, 47A, 47B, 47C and 48.

*Provisions of the **Land Act 1958** to apply to the land*

Sections 141 to 149 inclusive.

Application of Regulations to the Land

National Parks Regulations 2013.

* * * *

Sch. 4 Pt 7
inserted by
GG 18.12.91
p. 3537,
amended by
GG 1.4.93
p. 760,
Nos 40/2002
s. 23(6)(a)(b),
57/2006
s. 16(1),
79/2013
s. 30(2),
12/2016
s. 35(5),
repealed by
No. 40/2020
s. 111.

Part 8—Castlemaine Diggings National Heritage Park

Sch. 4 Pt 8
inserted by
No. 50/2002
s. 15(2),
amended by
Nos 64/2004
s. 22(a)–(d),
57/2006 s. 16,
79/2013
s. 30(2),
12/2016
s. 35(6),
53/2017
s. 40(1).

Description

Crown land permanently reserved under the **Crown Land (Reserves) Act 1978** for the purposes of the protection of cultural and natural heritage and described in Division 1 of Part 2 of the Fifth Schedule to that Act.

Section of Act under which land is managed

19B.

Date of appointment of Secretary to manage the land

The date on which section 17 of the **National Parks (Box-Ironbark and Other Parks) Act 2002** comes into operation.

Provisions of the Act to apply to the land

Sections 3, 4(b) and (c), 4A, 4B, 4C, 6, 11, 14, 15, 16, 16A, 18, 19, 19B, 19F, 19G, 20, 21, 22, 23, 24, 26A, 27, 27C to 27L inclusive, 30I, 32D, 33, 35, 36, 37, 38, 39, 41, 43, 44, 44A, 45, 46, 47, 47A, 47B, 47C, 48 and 48AA.

*Provisions of the **Land Act 1958** to apply to the land*

Sections 141 to 149 inclusive.

Application of Regulations to the land

National Parks Regulations 2013.

Note to
Sch. 4 Pt 8
amended by
Nos 54/2008
s. 12, 35/2010
s. 13, 53/2017
s. 40(2).

Note: The description of this land is as follows—

All those pieces and parcels of land containing 7590 hectares, more or less, situate in the Township of Fryerstown and the Parishes of Castlemaine, Chewton, Faraday, Fryers, Holcombe and Yandoit, County of Talbot, being the land delineated and coloured pink or coloured yellow in plans lodged in the Central Plan Office and numbered N.P. 109A/5, N.P. 109B/2 and N.P. 109C/2 to the extent that that land is at or above a depth of 100 metres below the land surface.

Schedule Five—Wilderness zones

Section 22.
Sch. 5
inserted by
No. 40/1992
s. 12.

Part 1—Sunset Wilderness Zone

All those pieces or parcels of land, containing 1269 square kilometres more or less, situate in the Murray-Sunset National Park, being the land shown by diagonal hatching and delineated on the plan lodged in the Central Plan Office and numbered N.P.W.Z.1

Sch. 5 Pt 1
inserted by
No. 40/1992
s. 12,
amended by
No. 46/1998
s. 7(Sch. 1).

Part 2—Minook Wilderness Zone

All those pieces or parcels of land, containing 387 square kilometres more or less, situate in the Murray-Sunset National Park, being the land shown by diagonal hatching and delineated on the plan lodged in the Central Plan Office and numbered N.P.W.Z.2

Sch. 5 Pt 2
inserted by
No. 40/1992
s. 12,
amended by
No. 46/1998
s. 7(Sch. 1).

Part 3—Galpunga Wilderness Zone

All those pieces or parcels of land, containing 357 square kilometres more or less, situate in the Murray-Sunset National Park, being the land shown by diagonal hatching and delineated on the plan lodged in the Central Plan Office and numbered N.P.W.Z.3

Sch. 5 Pt 3
inserted by
No. 40/1992
s. 12,
amended by
No. 46/1998
s. 7(Sch. 1).

Part 4—Mount Cowra Wilderness Zone

All those pieces or parcels of land, containing 235 square kilometres more or less, situate in the Murray-Sunset National Park, being the land shown by diagonal hatching and delineated on the plan lodged in the Central Plan Office and numbered N.P.W.Z.4

Sch. 5 Pt 4
inserted by
No. 40/1992
s. 12,
amended by
No. 46/1998
s. 7(Sch. 1).

Sch. 5 Pt 5
inserted by
No. 40/1992
s. 12,
amended by
No. 46/1998
s. 7(Sch. 1).

Part 5—North Wyperfeld Wilderness Zone

All those pieces or parcels of land, containing 979 square kilometres more or less, situate in the Wyperfeld National Park, being the land shown by diagonal hatching and delineated on plan lodged in the Central Plan Office and numbered N.P.W.Z.5

Sch. 5 Pt 6
inserted by
No. 40/1992
s. 12,
amended by
No. 46/1998
s. 7(Sch. 1).

Part 6—South Wyperfeld Wilderness Zone

All those pieces or parcels of land, containing 613 square kilometres more or less, situate in the Wyperfeld National Park, being the land shown by diagonal hatching and delineated on plan lodged in the Central Plan Office and numbered N.P.W.Z.6

Sch. 5 Pt 7
inserted by
No. 40/1992
s. 12,
amended by
No. 46/1998
s. 7(Sch. 1).

Part 7—Chinaman Flat Wilderness Zone

All those pieces or parcels of land, containing 298 square kilometres more or less, situate in the Wyperfeld National Park, being the land shown by diagonal hatching and delineated on plan lodged in the Central Plan Office and numbered N.P.W.Z.7

Sch. 5 Pt 8
inserted by
No. 40/1992
s. 12,
amended by
No. 46/1998
s. 7(Sch. 1).

Part 8—Mount Darling—Snowy Bluff Wilderness Zone

All those pieces or parcels of land, containing 404 square kilometres more or less, situate in the Alpine National Park, being the land shown by diagonal hatching and delineated on plan lodged in the Central Plan Office and numbered N.P.W.Z.8

Sch. 5 Pt 9
inserted by
No. 40/1992
s. 12,
amended by
No. 46/1998
s. 7(Sch. 1).

Part 9—Razor—Viking Wilderness Zone

All those pieces or parcels of land, containing 157 square kilometres more or less, situate in the Alpine National Park, being the land shown by diagonal hatching and delineated on plan lodged in the Central Plan Office and numbered N.P.W.Z.9

Part 11—Indi Wilderness Zone

All those pieces or parcels of land, containing 138 square kilometres more or less, situate in the Alpine National Park, being the land shown by diagonal hatching and delineated on plan lodged in the Central Plan Office and numbered N.P.W.Z.11

Sch. 5 Pt 11
inserted by
No. 40/1992
s. 12,
amended by
No. 46/1998
s. 7(Sch. 1).

Part 12—Cobberas Wilderness Zone

All those pieces or parcels of land, containing 100 square kilometres more or less, situate in the Alpine National Park, being the land shown by diagonal hatching and delineated on plan lodged in the Central Plan Office and numbered N.P.W.Z.12

Sch. 5 Pt 12
inserted by
No. 40/1992
s. 12,
amended by
No. 46/1998
s. 7(Sch. 1).

Part 13—Buchan Headwaters Wilderness Zone

All those pieces or parcels of land, containing 300 square kilometres more or less, situate in the Alpine National Park, being the land shown by diagonal hatching and delineated on plan lodged in the Central Plan Office and numbered N.P.W.Z.13

Sch. 5 Pt 13
inserted by
No. 40/1992
s. 12,
amended by
No. 46/1998
s. 7(Sch. 1).

Part 14—Tingaringy Wilderness Zone

All those pieces or parcels of land, containing 7900 hectares more or less, situate in the Alpine National Park, being the land shown by diagonal hatching and delineated on plan lodged in the Central Plan Office and numbered N.P.W.Z.14

Sch. 5 Pt 14
inserted by
No. 40/1992
s. 12,
amended by
No. 46/1998
s. 7(Sch. 1).

Part 15—Snowy River Wilderness Zone

All those pieces or parcels of land, containing 270 square kilometres more or less, situate in the Snowy River National Park, being the land shown by diagonal hatching and delineated on plan lodged in the Central Plan Office and numbered N.P.W.Z.15

Sch. 5 Pt 15
inserted by
No. 40/1992
s. 12,
amended by
No. 46/1998
s. 7(Sch. 1).

Sch. 5 Pt 16
inserted by
No. 40/1992
s. 12,
amended by
No. 46/1998
s. 7(Sch. 1).

Part 16—Bowen Wilderness Zone

All those pieces or parcels of land, containing 175 square kilometres more or less, situate in the Snowy River National Park, being the land shown by diagonal hatching and delineated on plan lodged in the Central Plan Office and numbered N.P.W.Z.16

Sch. 5 Pt 17
inserted by
No. 40/1992
s. 12,
amended by
No. 46/1998
s. 7(Sch. 1).

Part 17—Genoa Wilderness Zone

All those pieces or parcels of land, containing 194 square kilometres more or less, situate in the Coopracambra National Park, being the land shown by diagonal hatching and delineated on plan lodged in the Central Plan Office and numbered N.P.W.Z.17

Sch. 5 Pt 18
inserted by
No. 40/1992
s. 12,
amended by
No. 46/1998
s. 7(Sch. 1).

Part 18—Sandpatch Wilderness Zone

All those pieces or parcels of land, containing 156 square kilometres more or less, situate in the Croajingolong National Park, being the land shown by diagonal hatching and delineated on plan lodged in the Central Plan Office and numbered N.P.W.Z.18

Sch. 5 Pt 19
inserted by
No. 40/1992
s. 12,
amended by
No. 46/1998
s. 7(Sch. 1).

Part 19—Cape Howe Wilderness Zone

All those pieces or parcels of land, containing 7100 hectares more or less, situate in the Croajingolong National Park, being the land shown by diagonal hatching and delineated on plan lodged in the Central Plan Office and numbered N.P.W.Z.19

Sch. 5 Pt 20
inserted by
No. 40/1992
s. 12,
amended by
Nos 46/1998
s. 7(Sch. 1),
43/2012
s. 3(Sch.
item 34.4).

Part 20—Wilsons Promontory Wilderness Zone

All those pieces or parcels of land, containing 218 square kilometres more or less, situate in the Wilsons Promontory National Park, being the land shown by diagonal hatching and delineated on plan lodged in the Central Plan Office and numbered N.P.W.Z.20

Schedule Six—Remote and natural areas

Section 21B.
Sch. 6
inserted by
No. 40/1992
s. 15.

Part 1—South Sunset Area

All those pieces or parcels of land, containing 240 square kilometres, more or less, situate in the Murray-Sunset National Park, being the land shown by diagonal hatching and delineated on a plan, lodged in the Central Plan Office and numbered N.P.R.N.A.1.

Sch. 6 Pt 1
inserted by
No. 40/1992
s. 15,
amended by
No. 46/1998
s. 7(Sch. 1).

Part 2—Hopping Mouse Hill Area

All those pieces or parcels of land, containing 321 square kilometres, more or less, situate in the Wyperfeld National Park, being the land shown by diagonal hatching and delineated on a plan, lodged in the Central Plan Office and numbered N.P.R.N.A.2.

Sch. 6 Pt 2
inserted by
No. 40/1992
s. 15,
amended by
No. 46/1998
s. 7(Sch. 1).

Part 3—Little Desert Area

All those pieces or parcels of land, containing 164 square kilometres, more or less, situate in the Little Desert National Park, being the land shown by diagonal hatching and delineated on a plan, lodged in the Central Plan Office and numbered N.P.R.N.A.3.

Sch. 6 Pt 3
inserted by
No. 40/1992
s. 15,
amended by
No. 46/1998
s. 7(Sch. 1).

Part 4—Victoria Range Area

All those pieces or parcels of land, containing 140 square kilometres, more or less, situate in the Grampians National Park, being the land shown by diagonal hatching and delineated on a plan, lodged in the Central Plan Office and numbered N.P.R.N.A.4.

Sch. 6 Pt 4
inserted by
No. 40/1992
s. 15,
amended by
No. 46/1998
s. 7(Sch. 1).

Sch. 6 Pt 5
inserted by
No. 40/1992
s. 15,
amended by
No. 46/1998
s. 7(Sch. 1).

Part 5—Serra Range Area

All those pieces or parcels of land, containing 112 square kilometres, more or less, situate in the Grampians National Park, being the land shown by diagonal hatching and delineated on a plan, lodged in the Central Plan Office and numbered N.P.R.N.A.5.

Sch. 6 Pt 6
inserted by
No. 40/1992
s. 15,
amended by
No. 46/1998
s. 7(Sch. 1).

Part 6—Major Mitchell Plateau Area

All those pieces or parcels of land, containing 6900 hectares, more or less, situate in the Grampians National Park, being the land shown by diagonal hatching and delineated on a plan, lodged in the Central Plan Office and numbered N.P.R.N.A.6.

Sch. 6 Pt 7
inserted by
No. 40/1992
s. 15,
amended by
No. 46/1998
s. 7(Sch. 1).

Part 7—Baw Baw Plateau Area

All those pieces or parcels of land, containing 6500 hectares, more or less, situate in the Baw Baw National Park, being the land shown by diagonal hatching and delineated on a plan, lodged in the Central Plan Office and numbered N.P.R.N.A.7.

Sch. 6 Pt 8
inserted by
No. 40/1992
s. 15,
amended by
No. 46/1998
s. 7(Sch. 1).

Part 8—The Governors Area

All those pieces or parcels of land, containing 8100 hectares, more or less, situate in the Alpine National Park, being the land shown by diagonal hatching and delineated on a plan, lodged in the Central Plan Office and numbered N.P.R.N.A.8.

Sch. 6 Pt 9
inserted by
No. 40/1992
s. 15,
amended by
No. 46/1998
s. 7(Sch. 1).

Part 9—Macalister Area

All those pieces or parcels of land, containing 333 square kilometres, more or less, situate in the Alpine National Park, being the land shown by diagonal hatching and delineated on a plan, lodged in the Central Plan Office and numbered N.P.R.N.A.9.

Part 10—Dandongadale Area

All those pieces or parcels of land, containing 3700 hectares, more or less, situate in the Alpine National Park, being the land shown by diagonal hatching and delineated on a plan, lodged in the Central Plan Office and numbered N.P.R.N.A.10.

Sch. 6 Pt 10
inserted by
No. 40/1992
s. 15,
amended by
No. 46/1998
s. 7(Sch. 1).

Part 11—Bundara–Cobungra Area

All those pieces or parcels of land, containing 137 square kilometres more or less, situate in the Alpine National Park, being the land shown by diagonal hatching and delineated on a plan, lodged in the Central Plan Office and numbered N.P.R.N.A.11.

Sch. 6 Pt 11
inserted by
No. 40/1992
s. 15,
amended by
No. 46/1998
s. 7(Sch. 1).

Part 12—Bogong Area

All those pieces or parcels of land, containing 163 square kilometres more or less, situate in the Alpine National Park, being the land shown by diagonal hatching and delineated on a plan, lodged in the Central Plan Office and numbered N.P.R.N.A.12.

Sch. 6 Pt 12
inserted by
No. 40/1992
s. 15,
amended by
No. 46/1998
s. 7(Sch. 1).

Part 13—Davies Plain Area

All those pieces or parcels of land, containing 105 square kilometres more or less, situate in the Alpine National Park, being the land shown by diagonal hatching and delineated on a plan, lodged in the Central Plan Office and numbered N.P.R.N.A.13.

Sch. 6 Pt 13
inserted by
No. 40/1992
s. 15,
amended by
No. 46/1998
s. 7(Sch. 1).

Part 14—Suggan Buggan Area

All those pieces or parcels of land, containing 178 square kilometres more or less, situate in the Alpine National Park, being the land shown by diagonal hatching and delineated on a plan, lodged in the Central Plan Office and numbered N.P.R.N.A.14.

Sch. 6 Pt 14
inserted by
No. 40/1992
s. 15,
amended by
No. 46/1998
s. 7(Sch. 1).

Sch. 6 Pt 15
inserted by
No. 40/1992
s. 15,
amended by
No. 46/1998
s. 7(Sch. 1).

Part 15—Upper Snowy Area

All those pieces or parcels of land, containing 118 square kilometres more or less, situate in the Alpine National Park, being the land shown by diagonal hatching and delineated on a plan, lodged in the Central Plan Office and numbered N.P.R.N.A.15.

Sch. 6 Pt 16
inserted by
No. 40/1992
s. 15,
amended by
No. 46/1998
s. 7(Sch. 1).

Part 16—North Buffalo Area

All those pieces or parcels of land, containing 6500 hectares, more or less, situate in the Mount Buffalo National Park, being the land shown by diagonal hatching and delineated on a plan, lodged in the Central Plan Office and numbered N.P.R.N.A.16.

Sch. 6 Pt 17
inserted by
No. 40/1992
s. 15,
amended by
Nos 46/1998
s. 7(Sch. 1),
70/1998
s. 12(5),
64/2004
s. 23(a)(b).

Part 17—Mount Burrowa Area

All those pieces or parcels of land, containing 6200 hectares more or less, situate in the Burrowa-Pine Mountain National Park, being the land shown by diagonal hatching and delineated on a plan, lodged in the Central Plan Office and numbered N.P.R.N.A. 17/1.

Sch. 6 Pt 18
inserted by
No. 40/1992
s. 15,
amended by
No. 46/1998
s. 7(Sch. 1).

Part 18—Brodribb Area

All those pieces or parcels of land, containing 7700 hectares more or less, situate in the Errinundra National Park, being the land shown by diagonal hatching and delineated on a plan, lodged in the Central Plan Office and numbered N.P.R.N.A.18.

Sch. 6 Pt 19
inserted by
No. 40/1992
s. 15,
amended by
No. 46/1998
s. 7(Sch. 1).

Part 19—Mount Kaye Area

All those pieces or parcels of land, containing 8100 hectares more or less, situate in the Coopracambra National Park, being the land shown by diagonal hatching and delineated on a plan, lodged in the Central Plan Office and numbered N.P.R.N.A.19.

Part 20—Rame Head Area

All those pieces or parcels of land, containing 9800 hectares more or less, situate in the Croajingolong National Park, being the land shown by diagonal hatching and delineated on a plan, lodged in the Central Plan Office and numbered N.P.R.N.A.20.

Sch. 6 Pt 20
inserted by
No. 40/1992
s. 15,
amended by
No. 46/1998
s. 7(Sch. 1).

Part 21—Wilsons Promontory Islands Area

An area situate in the Wilsons Promontory National Park, comprising the islands listed below and the land between high and low watermark adjacent to them—

Sch. 6 Pt 21
inserted by
No. 40/1992
s. 15,
amended by
No. 50/2002
s. 16(1).

Shellback island
Norman island
Great Glennie island
Dannevig island
Citadel island
McHugh island
Answer island
Kanowna island
Cleft island
Wattle island
Rabbit island
Rabbit Rock.

Part 22—Southern Wilsons Promontory Area

All those pieces and parcels of land, containing 144 square kilometres more or less, situate in the Wilsons Promontory National Park, being the land shown bordered red on a plan lodged in the Central Plan Office and numbered N.P.R.N.A. 21.

Sch. 6 Pt 22
inserted by
No. 50/2002
s. 16(2).

Sch. 7
inserted by
No. 40/2002
s. 24 (Sch. 1).

Schedule Seven—Marine national parks

Part 1—Bunurong Marine National Park

The land comprising 2100 hectares, more or less, delineated and shown shaded on the plan numbered M.N.P. 1 lodged in the Central Plan Office and which is at or above a depth of 200 metres below the land surface (whether or not that is covered by water).

Sch. 7 Pt 2
amended by
No. 97/2003
s. 10(1).

Part 2—Cape Howe Marine National Park

The land comprising 4050 hectares, more or less, delineated and shown shaded on the plan numbered M.N.P. 13/1 lodged in the Central Plan Office and which is at or above a depth of 200 metres below the land surface (whether or not that is covered by water).

Part 3—Churchill Island Marine National Park

The land comprising 670 hectares, more or less, delineated and shown shaded on the plan numbered M.N.P. 2 lodged in the Central Plan Office and which is at or above a depth of 200 metres below the land surface (whether or not that is covered by water).

Sch. 7 Pt 4
amended by
No. 97/2003
s. 10(2).

Part 4—Corner Inlet Marine National Park

The land comprising 1550 hectares, more or less, delineated and shown shaded on the plan numbered M.N.P. 3/2 lodged in the Central Plan Office and which is at or above a depth of 200 metres below the land surface (whether or not that is covered by water).

Part 5—Discovery Bay Marine National Park

Sch. 7 Pt 5
amended by
No. 90/2009
s. 16.

The land comprising 2770 hectares, more or less, delineated and shown shaded on the plan numbered M.N.P. 4/3 lodged in the Central Plan Office and which is at or above a depth of 200 metres below the land surface (whether or not that is covered by water).

Part 6—French Island Marine National Park

The land comprising 2800 hectares, more or less, delineated and shown shaded on the plan numbered M.N.P. 5 lodged in the Central Plan Office and which is at or above a depth of 200 metres below the land surface (whether or not that is covered by water).

Part 7—Ninety Mile Beach Marine National Park

The land comprising 2750 hectares, more or less, delineated and shown shaded on the plan numbered M.N.P. 6 lodged in the Central Plan Office and which is at or above a depth of 200 metres below the land surface (whether or not that is covered by water).

Part 8—Point Addis Marine National Park

Sch. 7 Pt 8
amended by
No. 97/2003
s. 10(3).

The land comprising 4600 hectares, more or less, delineated and shown shaded on the plan numbered M.N.P. 7/1 lodged in the Central Plan Office and which is at or above a depth of 200 metres below the land surface (whether or not that is covered by water).

Part 9—Point Hicks Marine National Park

The land comprising 4000 hectares, more or less, delineated and shown shaded on the plan numbered M.N.P. 8 lodged in the Central Plan Office and which is at or above a depth of 200 metres below the land surface (whether or not that is covered by water).

Part 10—Port Phillip Heads Marine National Park

The land comprising 3580 hectares, more or less, delineated and shown shaded on the plan numbered M.N.P. 9/1 lodged in the Central Plan Office and which is at or above a depth of 200 metres below the land surface (whether or not that is covered by water).

Sch. 7 Pt 11
amended by
No. 97/2003
s. 10(4).

Part 11—Twelve Apostles Marine National Park

The land comprising 7500 hectares, more or less, delineated and shown shaded on the plan numbered M.N.P. 10/2 lodged in the Central Plan Office and which is at or above a depth of 200 metres below the land surface (whether or not that is covered by water).

Part 12—Wilson's Promontory Marine National Park

The land comprising 15 550 hectares, more or less, delineated and shown shaded on the plan numbered M.N.P. 11 lodged in the Central Plan Office and which is at or above a depth of 200 metres below the land surface (whether or not that is covered by water).

Part 13—Yaringa Marine National Park

The land comprising 980 hectares, more or less, delineated and shown shaded on the plan numbered M.N.P. 12 lodged in the Central Plan Office and which is at or above a depth of 200 metres below the land surface (whether or not that is covered by water).

Schedule Eight—Marine sanctuaries

Sch. 8
inserted by
No. 40/2002
s. 24 (Sch. 1).

Part 1—Barwon Bluff Marine Sanctuary

The land comprising 17 hectares, more or less, delineated and shown shaded on the plan numbered M.S. 1 lodged in the Central Plan Office.

Part 2—Beware Reef Marine Sanctuary

Sch. 8 Pt 2
amended by
No. 90/2009
s. 17.

The land containing 220 hectares, more or less, delineated and shown shaded on the plan numbered M.S. 2 lodged in the Central Plan Office.

Part 3—Eagle Rock Marine Sanctuary

The land comprising 17 hectares, more or less, delineated and shown shaded on the plan numbered M.S. 3 lodged in the Central Plan Office.

Part 4—Jawbone Marine Sanctuary

The land comprising 30 hectares, more or less, delineated and shown shaded on the plan numbered M.S. 4 lodged in the Central Plan Office.

Part 5—Marengo Reefs Marine Sanctuary

The land comprising 12 hectares, more or less, delineated and shown shaded on the plan numbered M.S. 5 lodged in the Central Plan Office.

Part 6—Merri Marine Sanctuary

The land comprising 25 hectares, more or less, delineated and shown shaded on the plan numbered M.S. 6/1 lodged in the Central Plan Office.

Part 7—Mushroom Reef Marine Sanctuary

The land comprising 80 hectares, more or less, delineated and shown shaded on the plan numbered M.S. 7 lodged in the Central Plan Office.

Part 8—Point Cooke Marine Sanctuary

The land comprising 290 hectares, more or less, delineated and shown shaded on the plan numbered M.S. 8 lodged in the Central Plan Office.

Part 9—Point Danger Marine Sanctuary

The land comprising 25 hectares, more or less, delineated and shown shaded on the plan numbered M.S. 9 lodged in the Central Plan Office.

Part 10—Ricketts Point Marine Sanctuary

The land comprising 115 hectares, more or less, delineated and shown shaded on the plan numbered M.S. 11 lodged in the Central Plan Office.

Part 11—The Arches Marine Sanctuary

The land comprising 45 hectares, more or less, delineated and shown shaded on the plan numbered M.S. 10 lodged in the Central Plan Office.

Schedule Nine—Landscape conservation areas

Sch. 9
inserted by
No. 40/2020
s. 112.

Part 1—Yellingbo Landscape Conservation Area

All those pieces and parcels of land containing 1790 hectares, more or less, situated in the Parishes of Beenak, Gembrook, Gracedale, Gruyere, Nangana, Wandin Yallock, Woori Yallock and Yuonga, County of Evelyn, being the land delineated and coloured pink or coloured grey or coloured yellow or coloured green in the plans lodged in the Central Plan Office and numbered N.P. 123A, N.P. 123B, N.P. 123C, N.P. 123D, N.P. 123E and N.P. 123F.

Division 1—Nature Conservation Area

Subdivision 1—Beenak Nature Conservation Area

The land forming part of the Yellingbo Landscape Conservation Area delineated and coloured grey or coloured green in the plan lodged in the Central Plan Office and numbered N.P. 123E.

Subdivision 2—Hoddles Creek Nature Conservation Area

The land forming part of the Yellingbo Landscape Conservation Area delineated and coloured pink or coloured yellow in the plan lodged in the Central Plan Office and numbered N.P. 123E.

Subdivision 3—Sheep Station Creek Nature Conservation Area

The land forming part of the Yellingbo Landscape Conservation Area delineated and coloured pink or coloured yellow in the plan lodged in the Central Plan Office and numbered N.P. 123D.

**Subdivision 4—Warramate Hills Nature
Conservation Area**

The land forming part of the Yellingbo Landscape Conservation Area delineated and coloured pink in the plan lodged in the Central Plan Office and numbered N.P. 123A.

**Subdivision 5—Yellingbo Nature Conservation
Area**

The land forming part of the Yellingbo Landscape Conservation Area delineated and coloured pink or coloured yellow in the plan lodged in the Central Plan Office and numbered N.P. 123C.

Division 2—Natural Features Area

Subdivision 1—Wright Forest Bushland Area

The land forming part of the Yellingbo Landscape Conservation Area delineated and coloured pink or coloured yellow in the plan lodged in the Central Plan Office and numbered N.P. 123F.

**Division 3—Community Use Area—Education
Area**

Subdivision 1—Haining Farm

The land forming part of the Yellingbo Landscape Conservation Area delineated and coloured pink in the plan lodged in the Central Plan Office and numbered N.P. 123B.

Endnotes

1 General information

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

The **National Parks Act 1975** was assented to on 16 May 1975 and came into operation on 1 December 1975: Government Gazette 26 November 1975 page 3888.

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).

National Parks Act 1975
No. 8702 of 1975
Endnotes

2 Table of Amendments

This publication incorporates amendments made to the **National Parks Act 1975** by Acts and subordinate instruments.

National Parks Act 1978, No. 9247/1978

<i>Assent Date:</i>	19.12.78
<i>Commencement Date:</i>	All of Act (<i>except</i> Sch. 1 items (c)(d)(f), Sch. 2 item (b) Pt 7, item (c) Pts 10, 14, 17, 19, 21, 24, 25) on 26/04/1979: s. 1(3); rest of Act on 26/04/1980: s. 3(3); s. 50D(3) inserted on 30.10.02 by No. 50/2002: s. 2; ss 32P(6), 32Q(5) inserted on 11.11.05 by No. 60/2005 s. 10: Government Gazette 8.12.05
<i>Note:</i>	S. 32P(6) provided that s. 32 expired on 1.7.09; s. 32Q(5) provided that s. 32Q expired on 1.7.09; s. 50D(3) provided that s. 50D expired on 26.2.12
<i>Current State:</i>	All of Act in operation

National Parks (Amendment) Act 1978, No. 9114/1978

<i>Assent Date:</i>	16.5.78
<i>Commencement Date:</i>	16.5.78
<i>Current State:</i>	All of Act in operation

Crown Land (Reserves) Act 1978, No. 9212/1978

<i>Assent Date:</i>	19.12.78
<i>Commencement Date:</i>	1.3.79: Government Gazette 21.2.79 p. 441
<i>Current State:</i>	All of Act in operation

National Parks Act 1978, No. 9247/1978

<i>Assent Date:</i>	19.12.78
<i>Commencement Date:</i>	26.4.79: subject to s. 3(3)
<i>Current State:</i>	All of Act in operation

Statute Law Revision Act 1980, No. 9427/1980

<i>Assent Date:</i>	27.5.80
<i>Commencement Date:</i>	27.5.80: subject to s. 6(2)
<i>Current State:</i>	All of Act in operation

National Parks (Amendment) Act 1981, No. 9570/1981 (as amended by Nos 9902/1983, 24/1988)

<i>Assent Date:</i>	19.5.81
<i>Commencement Date:</i>	S. 3(8) on 25.4.80: s. 2(6); rest of Act (<i>except</i> ss 3(3)–(7), 7, 13) on 19.5.81: s. 2(1); s. 3(3) on 1.7.81: s. 2(2); ss 3(6), 7, 13 on 1.10.81: s. 2(4); s. 3(7) on 1.7.82: s. 2(5); s. 3(4) on 24.6.87: Government Gazette 24.6.87 p. 1694; s. 3(5) on 19.4.89: Government Gazette 19.4.89 p. 870
<i>Current State:</i>	All of Act in operation

National Parks Act 1975
No. 8702 of 1975
Endnotes

Public Account (Trust Funds) Act 1982, No. 9861/1982

Assent Date: 5.1.83
Commencement Date: 12.1.83: Government Gazette 12.1.83 p. 81
Current State: All of Act in operation

Statute Law Revision (Repeals) Act 1982, No. 9863/1982

Assent Date: 5.1.83
Commencement Date: 5.1.83
Current State: All of Act in operation

Statute Law Revision Act 1983, No. 9902/1983

Assent Date: 15.6.83
Commencement Date: 15.6.83: subject to s. 2(2)
Current State: All of Act in operation

Transport Act 1983, No. 9921/1983

Assent Date: 23.6.83
Commencement Date: S. 255 on 1.7.83: s. 1(2)(c)
Current State: This information relates only to the provision/s amending the **National Parks Act 1975**

Mines (Amendment) Act 1983, No. 9936/1983

Assent Date: 5.7.83
Commencement Date: 30.10.83: Government Gazette 5.10.83 p. 3293
Current State: All of Act in operation

National Parks (Amendment) Act 1984, No. 10073/1984 (as amended by Nos 38/1989, 10166 s. 21)

Assent Date: 15.5.84
Commencement Date: Ss 4(1)(2)(10)–(13), 5–16 on 15.5.84: s. 3(1); s. 4(3) on 1.7.84: s. 3(2); s. 4(5) on 17.11.85: Government Gazette 13.11.85 p. 4267; s. 4(7)(8) on 7.1.86: Government Gazette 11.12.85 p. 4544; s. 4(4) on 26.2.86: Government Gazette 26.2.86 p. 452; s. 4(6) on 24.6.87: Government Gazette 24.6.87 p. 1694; s. 4(9) never proclaimed, repealed by No. 38/1989
Current State: All of Act in operation

National Parks (Further Amendment) Act 1984, No. 10166/1984

Assent Date: 20.11.84
Commencement Date: All of Act (*except* ss 4(2)(4)(5), 16) on 18.12.84: s. 2(1); s. 4(5) on 11.12.85: Government Gazette 4.12.85 p. 4459; ss 4(4), 16 on 2.5.86: Government Gazette 30.4.86 p. 1115; s. 4(2) on 28.10.87: Government Gazette 28.10.87 p. 2925
Current State: All of Act in operation

National Parks Act 1975
No. 8702 of 1975
Endnotes

National Parks (Amendment) Act 1986, No. 44/1986

Assent Date: 20.5.86
Commencement Date: Ss 1–3, 4(1)(2)(7)–(9), 5–10, 12 on 17.6.86: s. 2(1); ss 4(3)(4), 11 on 26.6.86: Government Gazette 25.6.86 p. 2178; s. 4(6) on 24.6.87: Government Gazette 24.6.87 p. 1694; s. 4(5) on 27.11.87: Government Gazette 18.11.87 p. 3138
Current State: All of Act in operation

National Parks (Amendment) Act 1987, No. 7/1987

Assent Date: 28.4.87
Commencement Date: Ss 1–3, 4(1)(2)(10)–(14), 6, 8 on 26.5.87: s. 2(1); s. 4(5) on 24.11.87: Government Gazette 18.11.87 p. 3138; s. 4(7) on 17.12.87: Government Gazette 2.12.87 p. 3309; ss 4(9), 5(1)(2) on 17.12.87: Government Gazette 16.9.87 p. 3459; ss 5(3), 7 on same day as s. 4(9)—17.12.87: s. 2(3); rest of Act on 21.6.88: Special Gazette (No. 52) 21.6.88 p. 1
Current State: All of Act in operation

National Parks (Dandenong Ranges) Act 1987, No. 8/1987

Assent Date: 28.4.87
Commencement Date: 13.12.87: Special Gazette (No. 54) 10.12.87 p. 1
Current State: All of Act in operation

Conservation, Forests and Lands Act 1987, No. 41/1987

Assent Date: 19.5.87
Commencement Date: S. 103(Sch. 4 items 49.1–49.8, 49.10, 49.11) on 1.7.87: Government Gazette 24.6.87 p. 1694; Sch. 4 item 49.9 never proclaimed, repealed by No. 11/1995
Current State: This information relates only to the provision/s amending the **National Parks Act 1975**

Planning and Environment Act 1987, No. 45/1987

Assent Date: 27.5.87
Commencement Date: Ss 103(Sch. 4 items 49.1–49.11), 116(4) on 16.2.88: Government Gazette 10.2.88 p. 218
Current State: This information relates only to the provision/s amending the **National Parks Act 1975**

National Parks and Wildlife (Amendment) Act 1988, No. 7/1988 (as amended by No. 38/1989)

Assent Date: 19.4.88
Commencement Date: S. 4(3) on 25.5.88: Government Gazette 25.5.88 p. 1458; rest of Act (*except* ss 4(1)(4), 6) on 21.6.88: Special Gazette (No. 52) 21.6.88 p. 1; ss 4(1)(4), 6 on 18.9.88: Government Gazette 14.9.88 p. 2764
Current State: All of Act in operation

National Parks Act 1975
No. 8702 of 1975
Endnotes

National Parks (Amendment) Act 1988, No. 24/1988

Assent Date: 17.5.88
Commencement Date: 15.7.88: Government Gazette 13.7.88 p. 2058
Current State: All of Act in operation

State Superannuation Act 1988, No. 50/1988

Assent Date: 24.5.88
Commencement Date: S. 93(3) on 1.7.87: s. 2(1); s. 93(4) on 27.11.87: s. 2(2); Pt 1, Pt 6 Div. 2, s. 91 on 1.1.88: s. 2(3); rest of Act on 1.7.88: Government Gazette 1.6.88 p. 1487
Current State: All of Act in operation

Marine Act 1988, No. 52/1988 (as amended by No. 20/1993)

Assent Date: 31.5.88
Commencement Date: All of Act (*except* s. 159(4)) on 20.12.88: Special Gazette (No. 105) 20.12.88 p. 1; s. 159(4) on 1.7.89: Government Gazette 28.6.89 p. 1558
Current State: All of Act in operation

Local Government (Consequential Provisions) Act 1989, No. 12/1989

Assent Date: 9.5.89
Commencement Date: S. 4(1)(Sch. 2 items 85.1, 85.2) on 1.11.89: Government Gazette 1.11.89 p. 2798
Current State: This information relates only to the provision/s amending the **National Parks Act 1975**

National Parks (Alpine National Park) Act 1989, No. 37/1989 (as amended by No. 7/1997)

Assent Date: 6.6.89
Commencement Date: All of Act (*except* s. 11(1)–(5)) on 2.12.89: Government Gazette 29.11.89 p. 3040; s. 11(1) on 31.12.89: s. 2(1); s. 11(2) on 1.7.91: s. 2(2); s. 11(3) on 1.7.93: s. 2(3); s. 11(5) on 1.7.96: s. 2(5); s. 11(4) on 1.7.99: s. 2(4)
Current State: This information relates only to the provision/s amending the **National Parks Act 1975**

National Parks (Amendment) Act 1989, No. 38/1989 (as amended by No. 11/1995)

Assent Date: 6.6.89
Commencement Date: S. 27(1) on 17.6.86: s. 2(2); s. 24 on 18.9.88: s. 2(1); ss 1–21, 25, 26, 27(2)(4)(5), 28, 29(6), 30, 32–35 on 23.8.89: Government Gazette 23.8.89 p. 2146; s. 29(4)(5) on 27.10.89: Government Gazette 25.10.89 p. 2698; ss 27(3), 29(1)(2), 31 on 23.9.92: Government Gazette 23.9.92 p. 2787; s. 22 never proclaimed, repealed by No. 11/1995
Current State: This information relates only to the provision/s amending the **National Parks Act 1975**

Prescribed Weapons Act 1989, No. 39/1989 (as amended by No. 24/1990)

Assent Date: 6.6.89
Commencement Date: 1.9.89: Government Gazette 30.8.89 p. 2210
Current State: All of Act in operation

National Parks Act 1975
No. 8702 of 1975
Endnotes

Transport (Amendment) Act 1989, No. 44/1989

Assent Date: 6.6.89
Commencement Date: S. 39(2) on 16.12.86: s. 2(3); ss 16, 39(3), Sch. 2 items 42.1, 42.11, 42.12 on 6.6.89: s. 2(2); s. 42(1) on 1.11.89: s. 2(4); s. 42(2) on 1.11.89: s. 2(5); s. 42(3) on 11.11.89: s. 2(6); rest of Act on 1.7.89: s. 2(1)
Current State: All of Act in operation

Water (Consequential Amendments) Act 1989, No. 81/1989 (as amended by No. 25/1991)

Assent Date: 5.12.89
Commencement Date: 1.11.90: Government Gazette 15.8.90 p. 2473
Current State: All of Act in operation

National Parks (Further Amendment) Act 1990, No. 43/1990

Assent Date: 13.6.90
Commencement Date: Ss 12, 16(2) on 18.9.88: s. 2(4); s. 16(3)(4) on 2.12.89: s. 2(6); rest of Act (*except* ss 4–10, 13, 14) on 13.6.90: s. 2(7); Pts 2 (ss 4–6), 4 (ss 8–10) on 5.6.91: Government Gazette 29.5.91 p. 1387; ss 7, 13, 14 on 23.9.92: Government Gazette 23.9.92 p. 2788
Current State: All of Act in operation

Mineral Resources Development Act 1990, No. 92/1990 (as amended by No. 27/1991)

Assent Date: 18.12.90
Commencement Date: S. 128(Sch. 1 items 19.1, 19.2) on 6.11.91: Government Gazette 30.10.91 p. 2970
Current State: This information relates only to the provision/s amending the **National Parks Act 1975**

National Parks (Miscellaneous Amendments) Act 1991, No. 2/1991

Assent Date: 9.4.91
Commencement Date: 9.4.91
Current State: All of Act in operation

National Parks (Wilderness) Act 1992, No. 40/1992

Assent Date: 23.6.92
Commencement Date: Pts 1 (ss 1–3), 3 (s. 5), 7 (ss 10–12), 9 (ss 16–19) on 23.6.92: s. 2(1); Pts 2 (s. 4), 4–6 (ss 6–9), 8 (ss 13–15) on 30.6.92: Government Gazette 24.6.92 p. 1531
Current State: All of Act in operation

Victorian Tourism Commission (Tourism Victoria) Act 1992, No. 81/1992

Assent Date: 24.11.92
Commencement Date: 24.11.92
Current State: All of Act in operation

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

National Parks Act 1975
No. 8702 of 1975
Endnotes

Victorian Plantations Corporation Act 1993, No. 61/1993

Assent Date: 8.6.93
Commencement Date: Pt 1 (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

Electricity Industry Act 1993, No. 130/1993

Assent Date: 14.12.93
Commencement Date: S. 122(Sch. 4 item 10) on 3.1.94: Special Gazette
(No. 97) 23.12.93 p. 1
Current State: This information relates only to the provision/s
amending the **National Parks Act 1975**

Financial Management (Consequential Amendments) Act 1994, No. 31/1994

Assent Date: 31.5.94
Commencement Date: S. 3(Sch. 1 item 45) 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 **National Parks Act 1975**

Electricity Industry (Amendment) Act 1994, No. 53/1994 (as amended by
No. 110/1994)

Assent Date: 15.6.94
Commencement Date: S. 34 on 3.10.94: Special Gazette (No. 64) 27.9.94
p. 1; Sch. 1 item 6 on 3.10.94: s. 2(4A)
Current State: This information relates only to the provision/s
amending the **National Parks Act 1975**

Impounding of Livestock Act 1994, No. 89/1994

Assent Date: 6.12.94
Commencement Date: 6.12.94
Current State: All of Act in operation

Electricity Industry (Further Amendment) Act 1994, No. 110/1994

Assent Date: 20.12.94
Commencement Date: S. 41(Sch. 1 item 7) on 20.12.94: Special Gazette
(No. 100) 20.12.94 p. 1
Current State: This information relates only to the provision/s
amending the **National Parks Act 1975**

Gas Industry Act 1994, No. 112/1994

Assent Date: 20.12.94
Commencement Date: S. 114(Sch. 5 item 6) on 20.12.94: Special Gazette
(No. 100) 20.12.94 p. 1
Current State: This information relates only to the provision/s
amending the **National Parks Act 1975**

Gas and Fuel Corporation (Repeal) Act 1995, No. 31/1995

Assent Date: 6.6.95
Commencement Date: S. 52(Sch. 1 item 7) on 21.6.95: Special Gazette
(No. 49) 14.6.95 p. 1
Current State: This information relates only to the provision/s
amending the **National Parks Act 1975**

National Parks Act 1975
No. 8702 of 1975
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
(as amended by Nos 79/1995, 74/2000)

Assent Date: 20.6.95
Commencement Date: Ss 1, 2 on 20.6.95: s. 2(1); s. 45 on 2.12.89: s. 2(2);
s. 18 on 15.12.95: s. 2(3); s. 3, Pt 3 (ss 29–31),
ss 32–44, Sch. 2, Sch. 3 (*except* Pt B(c) on 3.8.95:
Government Gazette 3.8.95 p. 2013; Pt 2 (ss 4–28),
ss 46, 47, Sch. 1 on 15.12.95: Government Gazette;
14.12.95 p. 3488; s. 48, Sch. 3 Pt B(c), Sch. 4 on
20.6.96: s. 2(5)
Current State: All of Act in operation

Extractive Industries Development Act 1995, No. 67/1995

Assent Date: 17.10.95
Commencement Date: S. 58(Sch. 1 item 11) 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 **National Parks Act 1975**

Electricity Industry (Further Amendment) Act 1995, No. 79/1995

Assent Date: 28.11.95
Commencement Date: S. 40 on 20.6.95: s. 2(4)
Current State: This information relates only to the provision/s
amending the **National Parks Act 1975**

Fisheries Act 1995, No. 92/1995

Assent Date: 5.12.95
Commencement Date: S. 161(Sch. 2 item 4) on 1.4.98: Government Gazette
26.2.98 p. 418
Current State: This information relates only to the provision/s
amending the **National Parks Act 1975**

Electricity Industry (Further Amendment) Act 1996, No. 48/1996

Assent Date: 26.11.96
Commencement Date: 26.11.96
Current State: All of Act in operation

Firearms Act 1996, No. 66/1996

Assent Date: 17.12.96
Commencement Date: S. 205 on 29.4.97: Government Gazette 24.4.97 p. 921
Current State: This information relates only to the provision/s
amending the **National Parks Act 1975**

National Parks Act 1975
No. 8702 of 1975
Endnotes

National Parks (Amendment) Act 1997, No. 7/1997

Assent Date: 22.4.97
Commencement Date: S. 20 on 20.6.96: s. 2(3); ss 4–13, 14(1)(2)(4), 15–24 on 4.6.97: Special Gazette (No. 59) 4.6.97 p. 1; s. 14(3) on 4.6.99: s. 2(2)
Current State: This information relates only to the provision/s amending the **National Parks Act 1975**

Electricity Industry (Miscellaneous Amendment) Act 1997, No. 35/1997

Assent Date: 3.6.97
Commencement Date: S. 30 on 12.8.97: Special Gazette (No. 92) 12.8.97 p. 1.
Current State: This information relates only to the provision/s amending the **National Parks Act 1975**

Electricity Industry (Further Miscellaneous Amendment) Act 1997, No. 55/1997
(as amended by No. 91/1997)

Assent Date: 21.10.97
Commencement Date: Ss 29, 30 on 21.10.97: s. 2(1)
Current State: This information relates only to the provision/s amending the **National Parks Act 1975**

Alpine Resorts (Management) Act 1997, No. 89/1997

Assent Date: 9.12.97
Commencement Date: S. 73 on 16.12.97: Special Gazette (No. 159) 16.12.97 p. 1
Current State: This information relates only to the provision/s amending the **National Parks Act 1975**

Rail Corporations (Amendment) Act 1997, No. 104/1997

Assent Date: 16.12.97
Commencement Date: S. 53 on 31.3.98: Special Gazette (No. 23) 31.3.98 p. 1
Current State: This information relates only to the provision/s amending the **National Parks Act 1975**

Public Sector Reform (Miscellaneous Amendments) Act 1998, No. 46/1998
(as amended by No. 12/1999)

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 **National Parks Act 1975**

National Parks (Amendment) Act 1998, No. 70/1998

Assent Date: 4.11.98
Commencement Date: Ss 3–14, Sch. on 15.4.99: Government Gazette 15.4.99 p. 838
Current State: This information relates only to the provision/s amending the **National Parks Act 1975**

National Parks Act 1975
No. 8702 of 1975
Endnotes

**Conservation, Forests and Lands (Miscellaneous Amendments) Act 1998,
No. 76/1998**

Assent Date: 10.11.98
Commencement Date: S. 14 on 15.12.98: s. 2(5)
Current State: This information relates only to the provision/s
amending the **National Parks Act 1975**

Petroleum Act 1998, No. 96/1998

Assent Date: 24.11.98
Commencement Date: S. 257(4) on 1.12.99: s. 2(3)
Current State: This information relates only to the provision/s
amending the **National Parks Act 1975**

Transport (Amendment) Act 2000, No. 30/2000

Assent Date: 30.5.00
Commencement Date: 31.5.00: s. 2
Current State: All of Act in operation

National Parks (Amendment) Act 2000, No. 50/2000

Assent Date: 14.6.00
Commencement Date: S. 9(3) on 2.12.89: s. 2(2); s. 6 on 15.6.00: s. 2(1); ss 4,
5, 7, 8, 9(1)(2)(4), 10, 11 on 25.1.01: Government
Gazette 25.1.01 p. 100
Current State: This information relates only to the provision/s
amending the **National Parks Act 1975**

Water Industry (Amendment) Act 2000, No. 66/2000

Assent Date: 8.11.00
Commencement Date: Ss 35(1), 36–38 on 9.11.00: s. 2(1); ss 35(2), 39 on
1.12.01: s. 2(4)
Current State: This information relates only to the provision/s
amending the **National Parks Act 1975**

**Electricity Industry Legislation (Miscellaneous Amendments) Act 2000,
No. 69/2000**

Assent Date: 21.11.00
Commencement Date: S. 61 on 1.1.01: s. 2(4)
Current State: This information relates only to the provision/s
amending the **National Parks Act 1975**

Statute Law Revision Act 2000, No. 74/2000

Assent Date: 21.11.00
Commencement Date: S. 3(Sch. 1 item 87) on 22.11.00: s. 2(1)
Current State: This information relates only to the provision/s
amending the **National Parks Act 1975**

Mineral Resources Development (Amendment) Act 2000, No. 82/2000

Assent Date: 28.11.00
Commencement Date: S. 75 on 31.7.01: Government Gazette 26.7.01 p. 1703
Current State: This information relates only to the provision/s
amending the **National Parks Act 1975**

National Parks Act 1975
No. 8702 of 1975
Endnotes

Corporations (Consequential Amendments) Act 2001, No. 44/2001

Assent Date: 27.6.01
Commencement Date: S. 3(Sch. item 86) on 15.7.01: s. 2
Current State: This information relates only to the provision/s amending the **National Parks Act 1975**

Statute Law (Further Revision) Act 2002, No. 11/2002

Assent Date: 23.4.02
Commencement Date: S. 3(Sch. 1 item 47) on 24.4.02: s. 2(1)
Current State: This information relates only to the provision/s amending the **National Parks Act 1975**

National Parks (Marine National Parks and Marine Sanctuaries) Act 2002, No. 40/2002

Assent Date: 18.6.02
Commencement Date: Ss 3–24, Sch. 1 on 16.11.02: s. 2
Current State: This information relates only to the provision/s amending the **National Parks Act 1975**

National Parks (Box-Ironbark and Other Parks) Act 2002, No. 50/2002

Assent Date: 29.10.02
Commencement Date: Ss 3–16 on 30.10.02: s. 2
Current State: This information relates only to the provision/s amending the **National Parks Act 1975**

Cemeteries and Crematoria Act 2003, No. 80/2003

Assent Date: 11.11.03
Commencement Date: S. 182 on 1.7.05: s. 2
Current State: This information relates only to the provision/s amending the **National Parks Act 1975**

Extractive Industries Development (Amendment) Act 2003, No. 84/2003

Assent Date: 11.11.03
Commencement Date: S. 18 on 27.5.04: Government Gazette 27.5.04 p. 1364
Current State: This information relates only to the provision/s amending the **National Parks Act 1975**

Forests and National Parks Acts (Amendment) Act 2003, No. 97/2003

Assent Date: 2.12.03
Commencement Date: Ss 7–10 on 3.12.03: s. 2
Current State: This information relates only to the provision/s amending the **National Parks Act 1975**

Road Management Act 2004, No. 12/2004

Assent Date: 11.5.04
Commencement Date: Ss 164, 165 on 1.7.04: s. 2(2)
Current State: This information relates only to the provision/s amending the **National Parks Act 1975**

National Parks Act 1975
No. 8702 of 1975
Endnotes

Sustainable Forests (Timber) Act 2004, No. 48/2004

Assent Date: 16.6.04
Commencement Date: S. 136 on 17.6.04; s. 2(1)
Current State: This information relates only to the provision/s amending the **National Parks Act 1975**

National Parks (Additions and Other Amendments) Act 2004, No. 64/2004

Assent Date: 12.10.04
Commencement Date: Ss 3–18 on 13.10.04; s. 2(1); ss 19(1)–(3)(5)(7)–(10), 20–24 on 16.11.04: Special Gazette (No. 236) 16.11.04 p. 1; s. 19(6) on 1.1.05: Special Gazette (No. 236) 16.11.04 p. 1; s. 19(4) on 30.6.05: s. 2(4)
Current State: This information relates only to the provision/s amending the **National Parks Act 1975**

Geothermal Energy Resources Act 2005, No. 7/2005

Assent Date: 27.4.05
Commencement Date: S. 171 on 4.4.06: Special Gazette (No. 104) 4.4.06 p. 1
Current State: This information relates only to the provision/s amending the **National Parks Act 1975**

National Parks (Alpine National Park Grazing) Act 2005, No. 35/2005

Assent Date: 28.6.05
Commencement Date: Ss 3, 5, 6, 8, 9 on 29.6.05: s. 2(1); ss 4, 7, 10–12 on 14.8.05: s. 2(2)
Current State: This information relates only to the provision/s amending the **National Parks Act 1975**

National Parks (Point Nepean) Act 2005, No. 43/2005

Assent Date: 16.8.05
Commencement Date: Ss 3–6 on 17.8.05: s. 2(1); ss 7, 8 on 1.7.06: s. 2(3)
Current State: This information relates only to the provision/s amending the **National Parks Act 1975**

National Parks (Otways and Other Amendments) Act 2005, No. 60/2005

Assent Date: 20.9.05
Commencement Date: S. 12 on 21.9.05: s. 2(1); ss 3–11, 13–18 on 11.12.05: Government Gazette 8.12.05 p. 2845
Current State: This information relates only to the provision/s amending the **National Parks Act 1975**

Pipelines Act 2005, No. 61/2005

Assent Date: 20.9.05
Commencement Date: S. 219 on 1.4.07: Government Gazette 29.3.07 p. 532
Current State: This information relates only to the provision/s amending the **National Parks Act 1975**

National Parks Act 1975
No. 8702 of 1975
Endnotes

**National Parks and Crown Land (Reserves) Acts (Amendment) Act 2006,
No. 57/2006**

Assent Date: 15.8.06
Commencement Date: Ss 3–12, 13(1)(3)(4), 14, 15, 16(1) on 16.8.06: s. 2(1);
ss 13(2), 16(2) on 19.10.06: Government Gazette
19.10.06 p. 2221
Current State: This information relates only to the provision/s
amending the **National Parks Act 1975**

**Mineral Resources Development (Sustainable Development) Act 2006,
No. 63/2006**

Assent Date: 29.8.06
Commencement Date: S. 61(Sch. item 23) on 30.8.06: s. 2(1)
Current State: This information relates only to the provision/s
amending the **National Parks Act 1975**

Water (Governance) Act 2006, No. 85/2006

Assent Date: 17.10.06
Commencement Date: S. 173(Sch. 1 item 8) on 1.7.07: s. 2(3)
Current State: This information relates only to the provision/s
amending the **National Parks Act 1975**

**National Parks and Crown Land (Reserves) Acts Amendment Act 2008,
No. 54/2008**

Assent Date: 23.9.08
Commencement Date: Ss 4, 7 on 24.9.08: s. 2(1); ss 3, 5, 6, 8–12 on 9.11.08:
Government Gazette 6.11.08 p. 2574
Current State: This information relates only to the provision/s
amending the **National Parks Act 1975**

Greenhouse Gas Geological Sequestration Act 2008, No. 61/2008

Assent Date: 5.11.08
Commencement Date: S. 320 on 1.12.09: Special Gazette (No. 439) 1.12.09
p. 1
Current State: This information relates only to the provision/s
amending the **National Parks Act 1975**

Resources Industry Legislation Amendment Act 2009, No. 6/2009

Assent Date: 3.3.09
Commencement Date: S. 54 on 1.1.10: s. 2(2)
Current State: This information relates only to the provision/s
amending the **National Parks Act 1975**

Crown Land Acts Amendment (Lease and Licence Terms) Act 2009, No. 40/2009
(as amended by Nos 35/2010, 29/2011)

Assent Date: 5.8.09
Commencement Date: Ss 35–40 on 1.7.11: s. 2(3)
Current State: This information relates only to the provision/s
amending the **National Parks Act 1975**

National Parks Act 1975
No. 8702 of 1975
Endnotes

National Parks Amendment (Point Nepean) Act 2009, No. 48/2009

Assent Date: 18.8.09
Commencement Date: Ss 4–7 on 6.12.09: Government Gazette 3.12.09 p. 3153
Current State: This information relates only to the provision/s amending the **National Parks Act 1975**

Parks and Crown Land Legislation Amendment (River Red Gums) Act 2009, No. 82/2009

Assent Date: 8.12.09
Commencement Date: Ss 3, 4, 13–16 on 1.1.10: Government Gazette 17.12.09 p. 3338; ss 5–12, 17–23 on 29.6.10: Government Gazette 24.6.10 p. 1274
Current State: This information relates only to the provision/s amending the **National Parks Act 1975**

Parks and Crown Land Legislation Amendment (East Gippsland) Act 2009, No. 90/2009

Assent Date: 15.12.09
Commencement Date: Ss 3–17 on 20.8.10: Government Gazette 19.8.10 p. 1799
Current State: This information relates only to the provision/s amending the **National Parks Act 1975**

Transport Integration Act 2010, No. 6/2010

Assent Date: 2.3.10
Commencement Date: Ss 25(5)(Sch. 2 item 8), 203(1)(Sch. 6 item 32) 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 **National Parks Act 1975**

Offshore Petroleum and Greenhouse Gas Storage Act 2010, No. 10/2010

Assent Date: 23.3.10
Commencement Date: S. 800(Sch. 6 item 9) on 1.1.12: s. 2(2)
Current State: This information relates only to the provision/s amending the **National Parks Act 1975**

Parks and Crown Land Legislation (Mount Buffalo) Act 2010, No. 35/2010

Assent Date: 15.6.10
Commencement Date: Ss 3–8, 14 on 8.7.10: Government Gazette 8.7.10 p. 1518; ss 9–13 on 21.8.10: Government Gazette 19.8.10 p. 1799
Current State: This information relates only to the provision/s amending the **National Parks Act 1975**

Traditional Owner Settlement Act 2010, No. 62/2010

Assent Date: 21.9.10
Commencement Date: Ss 124–128 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 **National Parks Act 1975**

National Parks Act 1975
No. 8702 of 1975
Endnotes

Marine Safety Act 2010, No. 65/2010

Assent Date: 28.9.10
Commencement Date: S. 420(Sch. 3 item 13) on 1.7.12: s. 2(2)
Current State: This information relates only to the provision/s amending the **National Parks Act 1975**

Statute Law Revision Act 2011, No. 29/2011

Assent Date: 21.6.11
Commencement Date: S. 3(Sch. 1 item 63) on 22.6.11: s. 2(1)
Current State: This information relates only to the provision/s amending the **National Parks Act 1975**

Parks and Crown Land Legislation Amendment Act 2012, No. 7/2012

Assent Date: 6.3.12
Commencement Date: Ss 3–19 on 1.9.12: Special Gazette (No. 291) 28.8.12 p. 1
Current State: This information relates only to the provision/s amending the **National Parks Act 1975**

Statute Law Revision Act 2012, No. 43/2012

Assent Date: 27.6.12
Commencement Date: S. 3(Sch. item 34) on 28.6.12: s. 2(1)
Current State: This information relates only to the provision/s amending the **National Parks Act 1975**

Forests Amendment Act 2012, No. 46/2012

Assent Date: 21.8.12
Commencement Date: S. 22 on 1.9.12: s. 2(2)
Current State: This information relates only to the provision/s amending the **National Parks Act 1975**

Alpine Resorts and National Parks Acts Amendment Act 2013, No. 17/2013

Assent Date: 23.4.13
Commencement Date: S. 3 on 1.8.13: Special Gazette (No. 277) 30.7.13 p. 1
Current State: This information relates only to the provision/s amending the **National Parks Act 1975**

National Parks Amendment (Leasing Powers and Other Matters) Act 2013, No. 45/2013

Assent Date: 27.8.13
Commencement Date: S. 19 on 28.8.13: s. 2(1); ss 4–18 on 19.12.13: Special Gazette (No. 449) 17.12.13 p. 1
Current State: This information relates only to the provision/s amending the **National Parks Act 1975**

Parks and Crown Land Legislation Amendment Act 2013, No. 79/2013

Assent Date: 17.12.13
Commencement Date: Ss 16–24, 26, 29, 30 on 18.12.13: s. 2(1); ss 25, 27, 28 on 1.9.14: Special Gazette (No. 282) 26.8.14 p. 1
Current State: This information relates only to the provision/s amending the **National Parks Act 1975**

National Parks Act 1975
No. 8702 of 1975
Endnotes

Victoria Police Amendment (Consequential and Other Matters) Act 2014, No. 37/2014

Assent Date: 3.6.14
Commencement Date: S. 10(Sch. item 115) 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 **National Parks Act 1975**

Filming Approval Act 2014, No. 51/2014

Assent Date: 12.8.14
Commencement Date: S. 9(Sch. 2 item 13) on 1.3.15: s. 2(2)
Current State: This information relates only to the provision/s amending the **National Parks Act 1975**

Water Amendment (Flood Mitigation) Act 2014, No. 53/2014

Assent Date: 12.8.14
Commencement Date: S. 13 on 1.3.15: s. 2(2)
Current State: This information relates only to the provision/s amending the **National Parks Act 1975**

National Parks Amendment (Prohibiting Cattle Grazing) Act 2015, No. 16/2015

Assent Date: 12.5.15
Commencement Date: Ss 3, 4 on 13.5.15: s. 2
Current State: This information relates only to the provision/s amending the **National Parks Act 1975**

Emergency Management (Control of Response Activities and Other Matters) Act 2015, No. 43/2015

Assent Date: 22.9.15
Commencement Date: S. 38 on 19.9.16: Special Gazette (No. 284) 13.9.16 p. 1
Current State: This information relates only to the provision/s amending the **National Parks Act 1975**

National Parks Amendment (No 99 Year Leases) Act 2015, No. 54/2015

Assent Date: 27.10.15
Commencement Date: Ss 3–13 on 28.10.15: s. 2
Current State: This information relates only to the provision/s amending the **National Parks Act 1975**

Crown Land Legislation Amendment (Canadian Regional Park and Other Matters) Act 2016, No. 12/2016

Assent Date: 5.4.16
Commencement Date: Ss 38–43 on 5.8.16: Special Gazette (No. 239) 2.8.16 p. 1; ss 28–35 on 1.12.16: s. 2(2)
Current State: This information relates only to the provision/s amending the **National Parks Act 1975**

National Parks Act 1975
No. 8702 of 1975
Endnotes

**National Parks and Victorian Environmental Assessment Council Acts
Amendment Act 2016, No. 44/2016**

Assent Date: 23.8.16
Commencement Date: Ss 3–10, 31 on 7.9.16: Special Gazette (No. 278)
6.9.16 p. 1
Current State: This information relates only to the provision/s
amending the **National Parks Act 1975**

Crown Land Legislation Amendment Act 2016, No. 51/2016

Assent Date: 18.10.16
Commencement Date: S. 14 on 19.10.16: s. 2
Current State: This information relates only to the provision/s
amending the **National Parks Act 1975**

Traditional Owner Settlement Amendment Act 2016, No. 67/2016

Assent Date: 15.11.16
Commencement Date: S. 33 on 1.5.17: s. 2(2)
Current State: This information relates only to the provision/s
amending the **National Parks Act 1975**

Victorian Fisheries Authority Act 2016, No. 68/2016

Assent Date: 15.11.16
Commencement Date: S. 169 on 1.7.17: s. 2(2)
Current State: This information relates only to the provision/s
amending the **National Parks Act 1975**

Yarra River Protection (Wilip-gin Birrarung murrnong) Act 2017, No. 49/2017

Assent Date: 26.9.17
Commencement Date: Ss 81–83 on 1.12.17: s. 2(3)
Current State: This information relates only to the provision/s
amending the **National Parks Act 1975**

Parks and Crown Land Legislation Amendment Act 2017, No. 53/2017

Assent Date: 24.10.17
Commencement Date: Ss 18–40 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 **National Parks Act 1975**

**Planning and Environment Amendment (Distinctive Areas and Landscapes)
Act 2018, No. 17/2018**

Assent Date: 29.5.18
Commencement Date: Ss 18–20 on 30.5.18: s. 2
Current State: This information relates only to the provision/s
amending the **National Parks Act 1975**

Parks Victoria Act 2018, No. 19/2018

Assent Date: 5.6.18
Commencement Date: Ss 153–220 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 **National Parks Act 1975**

National Parks Act 1975
No. 8702 of 1975
Endnotes

Marine and Coastal Act 2018, No. 26/2018

Assent Date: 26.6.18
Commencement Date: S. 94 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 **National Parks Act 1975**

Victorian Independent Remuneration Tribunal and Improving Parliamentary Standards Act 2019, No. 5/2019

Assent Date: 19.3.19
Commencement Date: S. 81(2) on 16.9.19: s. 2(4)
Current State: This information relates only to the provision/s amending the **National Parks Act 1975**

Transport Legislation Amendment Act 2019, No. 49/2019

Assent Date: 3.12.19
Commencement Date: S. 186(Sch. 4 item 31) on 1.1.20: Special Gazette (No. 514) 10.12.19 p. 1
Current State: This information relates only to the provision/s amending the **National Parks Act 1975**

Great Ocean Road and Environs Protection Act 2020, No. 19/2020

Assent Date: 23.6.20
Commencement Date: Ss 99–101 on 1.12.20: s. 2(2)
Current State: This information relates only to the provision/s amending the **National Parks Act 1975**

Parks and Crown Land Legislation Amendment Act 2020, No. 40/2020

Assent Date: 1.12.20
Commencement Date: Ss 62, 65–67, 69, 71, 72, 75, 80, 82(1)(2), 84(1)(2), 85–108 on 15.12.20: Special Gazette (No. 666) 15.12.20 p. 1; ss 63, 64, 68, 70, 73, 74, 76–79, 81, 82(3), 83, 84(3), 109–112 on 1.5.21: Special Gazette (No. 189) 27.4.21 p. 1
Current State: This information relates only to the provision/s amending the **National Parks Act 1975**

Great Ocean Road and Environs Protection Amendment Act 2021, No. 42/2021

Assent Date: 19.10.21
Commencement Date: Ss 102–138 on 1.9.22: s. 2(2)
Current State: This information relates only to the provision/s amending the **National Parks Act 1975**

Suburban Rail Loop Act 2021, No. 43/2021

Assent Date: 19.10.21
Commencement Date: S. 219(Sch. 1 item 8) on 1.12.21: Special Gazette (No. 649) 23.11.21 p. 1
Current State: This information relates only to the provision/s amending the **National Parks Act 1975**

Government Gazette 23 April 1986 pages 1049–1051
Government Gazette 16 December 1987 page 3459
Government Gazette 20 July 1988 page 2166

National Parks Act 1975
No. 8702 of 1975
Endnotes

Government Gazette	18 December 1991 pages 3537, 3538
Government Gazette	1 April 1993 page 760
Government Gazette	27 June 1996 page 1630

3 Explanatory details

¹ S. 13(5): Section 7(3)(4) of the **National Parks (Further Amendment) Act 1984**, No. 10166 reads as follows:

7 Convenor of Advisory Council and Advisory Committee

- (3) The person holding the office of Chairman of the National Parks Advisory Council or a Committee appointed under section 14 of the Principal Act, immediately before the commencement of this section, shall become and be the Convenor of the Council or committee respectively for the unexpired portion of the period for which the person was appointed Chairman of the Council or the Committee (as the case may be).
- (4) Any reference in any Act, proclamation, appointment, Order in Council, rule, regulation or other enactment or in any instrument, document or writing of any kind to the Chairman of the National Parks Advisory Council or a Committee appointed under section 14 of the Principal Act shall be deemed to be a reference to the Convenor of the Council or Committee as the case may be.

² S. 13(6): See note 1.

³ S. 13(8): See note 1.

⁴ S. 31AB: Sections 21 and 22 of the **National Parks (Yarra Ranges and Other Amendments) Act 1995**, No. 57/1995 read as follows:

21 Divesting of land from the MWC—O'Shannassy

- (1) Crown grant Volume 3507 Folio 701293 is **revoked**.
- (2) The proclamation made by the Governor in Council on 28 January 1910 and published in the Government Gazette dated 9 February 1910 at page 1100 is **revoked**.

- (3) The Order in Council referred to in Part C of Schedule 1 is **revoked**.
- (4) The **Manango (O'Shannassy River Watershed) Lands Act 1969** is **repealed**.
- (5) Despite anything to the contrary in any Act, the land, in respect of which the Crown Grant has been revoked, is deemed to be unalienated land of the Crown freed and discharged from all trusts, encumbrances, limitations and restrictions and from every estate or interest therein.

22 O'Shannassy Lodge lease

- (1) Nothing in section 21 affects the continuity of—
 - (a) the lease between the Melbourne and Metropolitan Board of Works and Victorian Snow Resorts Pty Ltd dated 15 November 1988 over land coloured red on the plan attached to the lease; or
 - (b) any assignment of that lease made before the commencement of this subsection or any guarantee entered into before that commencement in relation to that lease or any such assignment.
- (2) The lease referred to in subsection (1)(a) and any assignment or guarantee to which subsection (1)(b) relates—
 - (a) continue in force despite anything to the contrary in the Principal Act or any other Act; and
 - (b) the Minister is, by force of this subsection, substituted as a party in place of the Melbourne Water Corporation in that lease and in any such assignment or guarantee.

⁵ Sch. 2 Pt 10: Sections 24–28 of the **National Parks (Yarra Ranges and Other Amendments) Act 1995**, No. 57/1995 (as amended by No. 85/1998) read as follows:

24 Divesting of management from MWC—Yarra Ranges National Park

- (1) The agreement made on 4 October 1928 between the Minister for the time being administering the Forests Acts and Melbourne and Metropolitan Board of Works (as in force immediately before the commencement of this subsection) and the agreement made on that same day between the Forests Commission and Melbourne and Metropolitan Board of Works (as in force immediately before the commencement of this subsection) as they relate to the land shown on the plans referred to in Part 39 of Schedule Two are cancelled on the date on which the land becomes part of the Yarra Ranges National Park.
- (2) To the extent that the Melbourne Water Corporation has control and management of any land shown on the plans referred to in Part 39 of Schedule Two, Melbourne Water Corporation ceases to have control and management of that land.

25 Rights, etc. to cease

- (1) Any land that is part of the lands delineated by a green border on the plans referred to in Parts 10 and 39 of Schedule Two to the Principal Act as amended by this Act ceases to be reserved forest on the date on which that land becomes part of Kinglake National Park or Yarra Ranges National Park (as the case requires).
- (2) The alpine resort known as Mount Donna Buang and being the Crown lands declared by the Governor in Council to be an alpine resort under section 19(1) of the **Alpine Resorts Act 1983** by

Order made on 19 February 1985 and published in the Government Gazette on 27 February 1985 ceases to be an alpine resort on the date on which those lands become part of Yarra Ranges National Park.

- (3) The land delineated and shown hatched on the plan in Part D of Schedule 1 (being part of the alpine resort known as Lake Mountain and being part of the Crown lands declared by the Governor in Council to be an alpine resort under section 19(1) of the **Alpine Resorts Act 1983** by Order made on 24 March 1987 and published in the Government Gazette on 25 March 1987) ceases to be part of Lake Mountain Alpine Resort on the date on which that land becomes part of Yarra Ranges National Park.
- (4) The lands delineated and coloured yellow on the plans referred to in Part 39 of Schedule Two to the Principal Act as amended by this Act cease to be roads or parts of roads and all rights, easements and privileges existing or claimed either by the public or any other body and incidental to any past dedication or supposed dedication or by any past user or by any fiction of law cease and determine.

26 Registrar of Titles to make necessary amendments to records

S. 26(1) repealed by No. 85/1998 s. 24(Sch. item 43).

* * * * *

- (2) The Registrar of Titles, on being requested to do so and on submission of any relevant certificate of title or other document, must make any amendments in the Register under the provisions of the **Transfer of Land Act 1958** that are necessary because of the operation of any provision of this Part.

27 No compensation payable by Crown

No compensation is payable by the Crown in respect of anything done under or arising out of this Part.

28 Supreme Court—limitation of jurisdiction

It is the intention of this section to alter or vary section 85 of the **Constitution Act 1975** to the extent necessary to prevent the Supreme Court awarding compensation in respect of anything done under or arising out of this Part.

⁶ Sch. 2 Pt 12: Section 30(1) of the **National Parks (Yarra Ranges and Other Amendments) Act 1995**, No. 57/1995 reads as follows:

30 Cessation of rights

(1) On the day on which—

- (a) Schedule Two to the Principal Act is amended by item (d) and item (j) of Part A of Schedule 3; and
- (b) Schedule Two B to the Principal Act is amended by item (e) and item (f) of Part B of Schedule 3; and
- (c) Schedule Three to the Principal Act is amended by item (d) of Part C of Schedule 3—

the lands delineated and coloured yellow in the plans substituted by those items cease to be roads or parts of roads and all rights, easements and privileges existing or claimed either by the public or any other body and incidental to any past dedication or supposed dedication or by any past user or by any fiction of law cease and determine.

⁷ Sch. 2 Pt 37: See note 6.

⁸ Sch. 2 Pt 37: Section 45 of the **National Parks (Yarra Ranges and Other Amendments) Act 1995**, No. 57/1995 reads as follows:

**45 Operation of amendments to Part 37 of
Schedule Two**

Part 37 of Schedule Two to the Principal Act is to be deemed to have always been enacted as amended by item (j)(iii) of Part A of Schedule 3.

⁹ Sch. 2 Pt 39: See note 5.

¹⁰ Sch. 2A: Section 34 of the **National Parks (Amendment) Act 1989**, No. 38/1989 reads as follows:

34 Transitional provision

Regulations in force under this Act that, immediately before the commencement of this section, applied to parks referred to in Schedule Three apply, on and after that commencement, to parks referred to in Schedule Two A, Schedule Two B or Schedule Three.

¹¹ Sch. 2B: See note 10.

¹² Sch. 2B Pt 5: Section 33 of the **National Parks (Amendment) Act 1989**, No. 38/1989 reads as follows:

33 Cessation of rights

- (1) The lands delineated and coloured yellow in the plans referred to in Part 4 of Schedule Two, Part 5 of Schedule Two B and Parts 2 and 5 of Schedule Three to the Principal Act as amended by this Act, cease to be roads or parts of roads and all rights, easements and privileges existing or claimed either by the public or any other body and incidental to any past dedication or supposed dedication or by any past user or fiction of law cease.

- (2) The lands delineated by a green border in the plans referred to in Parts 5, 9, 21 and 26 of Schedule Two B and Part 5 of Schedule Three to the Principal Act as amended by this Act, cease to be reserved forest.

¹³ Sch. 2B Pt 9: See note 12.

¹⁴ Sch. 2B Pt 20: See note 6.

¹⁵ Sch. 2B Pt 21: See note 12.

¹⁶ Sch. 2B Pt 26: See note 6.

¹⁷ Sch. 2B Pt 26: See note 12.

¹⁸ Sch. 2B Pt 35: Section 30(2) of the **National Parks (Yarra Ranges and Other Amendments) Act 1995**, No. 57/1995 reads as follows:

30 Cessation of rights

- (2) On the day on which Schedule Two B to the Principal Act is amended by Schedule 2, the lands delineated by a green border on the plans referred to in Parts 35 and 36 of Schedule Two B to the Principal Act as amended by this Act cease to be reserved forest, and on the day on which Schedule Three to the Principal Act is amended by item (a) of Part C of Schedule 3, the lands delineated by a green border on the plan referred to in that item cease to be reserved forest.

¹⁹ Sch. 2B Pt 36: See note 18.

²⁰ Sch. 3 Pt 10: See note 6.