

**Version No. 010**  
**Wildlife (State Game Reserve) Regulations**  
**1994**

**S.R. No. 192/1994**

Version incorporating amendments as at 6 August 1998

**TABLE OF PROVISIONS**

<i>Regulation</i>	<i>Page</i>
1. Objective	1
2. Authorising provision	1
3. Revocation	1
4. Definitions	1
5. Exemptions	2
6. Request to leave	3
7. Entry, access and setting aside areas	3
8. Lighting of fires	5
9. Animals	6
10. Removal of flora	7
11. Structures	8
12. Camping and use of amenities	9
13. Caravans	10
14. General	10
15. Carriage and possession of firearms or bows in reserves	11
16. Use of firearms or bows in reserves	12
17. Discharge of firearm across reserve prohibited	13
18. Possession of wildlife	13
19. Specific provisions—Tower Hill State Game Reserve	14
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<b>SCHEDULES</b>	<b>16</b>
SCHEDULE 1—Regulations revoked	16
SCHEDULE 2—State game reserves where quail hunting is permitted	17

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<i>Regulation</i>	<i>Page</i>
<b>ENDNOTES</b>	<b>18</b>
1. General Information	18
2. Table of Amendments	19
3. Explanatory Details	20

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**1. Objective**

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

**2. Authorising provision**

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

**3. Revocation**

The Regulations listed in the Schedule are revoked.

**4. Definitions**

In these Regulations—

**"Act"** means the **Wildlife Act 1975**;

*	*	*	*	*	Reg. 4 def. of "bow" revoked by S.R. No. 67/1996 reg. 4.
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**"firearm"** means any weapon designed or adapted to discharge shot or a bullet or other missile by the expansion of gases produced in the weapon by the ignition of strongly combustible materials or by compressed air or other gases, whether stored in the weapon in pressurised containers or produced in the weapon by mechanical means;

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

**"game duck"** means any species of duck specified in the third Schedule to the Wildlife (Game) Regulations 1990<sup>1</sup>;

**"game licence"** means a licence issued under section 22A of the Act;

**"gun dog"** means a dog from a breed recognised by the Secretary as a breed of gun dog;

**"hunt"** includes pursue, trail, stalk, search for or drive out, for the purpose of taking or attempting to take game and includes causing, permitting or assisting in any of those activities;

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

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

**"take"** means to—

- (a) kill; or
- (b) destroy; or
- (c) gain possession or control of wildlife by any means—

and includes causing, permitting or assisting in the taking of wildlife.

## **5. Exemptions**

Nothing in these Regulations applies to make the Secretary, an employee of the Secretary or an authorised officer acting in the course of duty liable for an offence.

## **6. Request to leave**

- (1) If the Secretary reasonably believes that a person in a reserve has contravened the Act, or any regulation under the Act, to the extent that the offence relates to hunting or other activity within a reserve, the Secretary may direct that person to leave the reserve.
- (2) A person must leave a reserve immediately if directed to do so by the Secretary.

Penalty: 10 penalty units.

## **7. Entry, access and setting aside areas**

- (1) The Secretary may determine that an area within a reserve is to be set aside—
  - (a) as an area where camping is not permitted; or
  - (b) for research purposes; or
  - (c) as an area where camping in caravans is permitted or where caravans may be left; or
  - (d) for the conservation of wildlife; or
  - (e) for the planting or re-establishment of trees or vegetation; or
  - (f) as an area where the collection of vegetation for construction of a hide or blind, or collection of firewood is prohibited; or
  - (g) as an area where hang gliding is permitted; or
  - (h) for any other particular purpose or activity or where any other activity is prohibited or restricted.
- (2) The Secretary may determine that entry or access to or through all, or any area within, a reserve is to be prohibited or restricted—

- (a) for the landing or launching of vessels generally or vessels of a particular class; or
  - (b) for vehicles generally or vehicles of a particular class; or
  - (c) for any other particular purpose or activity.
- (3) A determination under sub-regulation (1) may specify the times or periods during which the area may or may not be used for the purposes for which it has been set aside.
- (4) A determination under sub-regulation (2) may specify the times or periods during which entry or access to or through all, or any area within a reserve is prohibited or restricted.
- (5) The Secretary must ensure that signs setting out details of a determination made under sub-regulation (1) or (2) are displayed within or at any entrance to a reserve in such a place and manner that the particulars are reasonably likely to be seen by persons affected by them.
- (6) A person must not—
  - (a) enter or use an area within a reserve that has been set aside under sub-regulation (1); or
  - (b) enter a reserve or an area within a reserve to which access has been prohibited or restricted under sub-regulation (2)—in contravention of a determination, displayed in accordance with sub-regulation (5).

Penalty: 10 penalty units.
- (7) Sub-regulation (6) does not apply to a person who is acting in accordance with an authority in writing of the Secretary to enter a reserve or an area within a reserve, or to undertake an activity in an area that is subject to a determination.

## **8. Lighting of fires**

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

Penalty: 50 penalty units.

- (2) Subject to regulation 19(1), sub-regulation (1) does not apply to a person who lights, kindles, or maintains a fire in the open air in a reserve for the purpose of meal preparation or personal comfort if—
- (a) the fire is confined to a properly constructed stove, receptacle or fireplace or to a trench at least 30 centimetres deep; and
  - (b) the fire is not left unattended at any time; and
  - (c) the fire is thoroughly and completely extinguished by that person before they leave the site; and
  - (d) the fire does not occupy an area in excess of one square metre and the size of the fire and the dimensions of solid fuel used are the minimum necessary for the purpose; and
  - (e) the ground and air space within a distance of 3 metres from the outer perimeters and uppermost point of the fire are clear of flammable material; and
  - (f) the fire is lit, kindled or maintained in circumstances of weather and position so that no part of a reserve or the property of any person is in danger of damage.
- (3) The Secretary may direct a person to extinguish a fire that has been lit, kindled or maintained by that person in a reserve in contravention of these Regulations.

- (4) A person who lights, kindles or maintains any fire in a reserve must extinguish that fire when directed to do so by the Secretary.

Penalty: 20 penalty units.

## **9. Animals**

- (1) A person must not—

- (a) bring an animal into a reserve; or
- (b) release an animal into a reserve; or
- (c) allow any animal under his or her control to enter or remain in a reserve.

Penalty: 10 penalty units.

- (2) Sub-regulation (1) does not apply to—

- (a) a person who brings any cattle into a reserve, releases cattle in a reserve or allows any cattle under his or her control to enter or remain in a reserve, in accordance with the conditions of a licence issued under section 16 of the Act; or
- (b) a person who, during the period commencing 48 hours prior to the first day of the open season for game ducks and ending on the last day of the open season in each year, brings a gun dog into a reserve, or allows a gun dog under his or her control to enter or remain in a reserve, for the purposes of flushing or retrieving game ducks during the open season, in accordance with the Wildlife (Game) Regulations 1990<sup>2</sup>, if that gun dog is at all times—
  - (i) under the effective control of that person; and
  - (ii) restrained from causing danger or unreasonable disturbance to other persons or to wildlife; or



- (c) a disabled person who brings a dog into a reserve or allows a dog under his or her control to enter or remain in a reserve, if that dog is used by that person as a guide dog; or
- (d) a person who brings any animal into a reserve or allows an animal to enter or remain in a reserve in accordance with a written authority of the Secretary.

#### **10. Removal of flora**

(1) A person must not in a reserve—

- (a) cut, fell, pick, remove, uproot or damage any tree, plant or other vegetation whether alive or dead; or
- (b) be in possession of any vegetation taken from that reserve.

Penalty: 20 penalty units.

(2) Sub-regulation (1) does not apply to a person who—

- (a) collects or is in possession of firewood for the purpose of lighting or maintaining a fire in accordance with regulation 8 or 19; or
- (b) collects, other than from an area set aside under regulation 7 where such collection is prohibited, or is in possession of the minimum amount of vegetation necessary for the construction of a blind or hide for use by that person in the reserve, in accordance with regulation 11; or
- (c) is acting in accordance with a permit issued under the **Flora and Fauna Guarantee Act 1988** to take protected flora; or
- (d) takes or is in possession of any tree, plant or other vegetation in accordance with a written authority of the Secretary.

**11. Structures**

- (1) A person must not in a reserve construct or erect any building, dam, weir, drain or other structure or install or use any water pump.

Penalty: 10 penalty units.

- (2) Sub-regulation (1) does not apply to a person who—

- (a) erects a blind or hide for the purpose of hunting game ducks or observing wildlife, if—

(i) the height of the hide or blind does not exceed 2 metres; and

(ii) any signs placed on the hide or blind by that person are affixed to the inside of the hide or blind so as not to extend above the height of the hide or blind; and

- (b) is acting in accordance with a written authority of the Secretary to undertake any of the activities referred to in sub-regulation (1).

- (3) If the Secretary considers it necessary, the Secretary may—

(a) direct the person who constructed a hide or blind in a reserve to dismantle it within a specified period; or

(b) take any necessary steps to have the hide or blind dismantled.

- (4) A person who has notice of a direction under sub-regulation (3) must dismantle the hide or blind within the period specified by the Secretary.

Penalty: 10 penalty units.

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**12. Camping and use of amenities**

- (1) A person must not erect a tent or awning in a reserve.

Penalty: 5 penalty units.

- (2) Sub-regulation (1) does not apply to a person who erects a tent or awning for the purposes of camping in a reserve other than in an area set aside under regulation 7 as an area where camping is not permitted.

- (3) A person who camps in or occupies or uses a camping area, fire place or other amenity in a reserve must—

- (a) maintain the site occupied or used in a clean and tidy condition at all times; and
- (b) before vacating a site that has been used or occupied by that person, clear and remove all litter from the site; and
- (c) camp not less than 20 metres from any river, stream, well, spring, creek, lake, lagoon, swamp, marsh, dam, bore or watercourse; and
- (d) dispose of any soap, detergent or similar substance not less than 50 metres from any river, stream, well, spring, creek, lake, lagoon, swamp, marsh, dam, bore or watercourse; and
- (e) not use any soap, detergent or similar substance in any river, stream, well, spring, creek, lake, lagoon, swamp, marsh, dam, bore or watercourse.

Penalty: 5 penalty units.

- (4) A person in a reserve in which toilet facilities are not readily accessible must bury all faeces not less than 50 metres from any river, stream, creek, lake, lagoon, swamp, marsh, well, spring, dam, bore or watercourse.

Penalty: 5 penalty units.

### **13. Caravans**

- (1) A person must not camp in or leave a caravan in a reserve.

Penalty: 5 penalty units.

- (2) Sub-regulation (1) does not apply to a person who camps in or leaves a caravan in an area in a reserve which has been set aside under regulation 7 as an area where camping in caravans is permitted or where caravans may be left.

### **14. General**

- (1) A person must not in a reserve—
- (a) destroy, damage or interfere with any bird's nest or eggs or the habitat of any other wildlife; or
  - (b) plant, or introduce any seed, tree, shrub, plant or other vegetation; or
  - (c) keep an apiary; or
  - (d) destroy, damage or interfere with any seat, gate, fence, bridge, building, sign or other structure; or
  - (e) feed or offer for food any item to any wildlife; or
  - (f) subject to regulation 11(3), destroy, deface or damage any hide or blind constructed by another person in a reserve; or

(g) bury any rubbish.

Penalty: 10 penalty units.

- (2) Sub-regulation (1) does not apply to a person who is acting in accordance with a licence under section 16 of the Act or a written authority of the Secretary to undertake any of the activities referred to in that sub-regulation.

**15. Carriage and possession of firearms or bows in reserves**

- (1) A person must not carry or be in possession of a firearm or bow in a reserve.

Penalty: 20 penalty units.

- (2) Sub-regulation (1) does not apply to a person who—

(a) is the holder of a current valid game licence—

- (i) authorising the taking of game birds, including duck, who carries or possesses a firearm authorised under the Wildlife (Game) Regulations 1990<sup>3</sup> for the purpose of hunting game ducks, in the period 48 hours before, or at any time during, the open season for game ducks; or

- (ii) authorising the taking of deer, who carries or possesses a firearm or bow authorised under the Wildlife (Game) Regulations 1990<sup>4</sup> for the purpose of hunting Hog Deer in the Lake Coleman, Dowd Morass, Jack Smith Lake, Ewing Morass, Clydebank Morass or Heart Morass State Game Reserves, in the period 48 hours before, or at any time during, the open season for Hog Deer; or; or

Reg. 15(2)  
(a)(ii)  
amended by  
S.R. No.  
67/1996 reg. 5.

Reg. 15(2)  
(a)(iii)  
inserted by  
S.R. No.  
67/1996 reg. 5.

- (iii) authorising the taking of game birds, who carries or possesses a firearm authorised under the Wildlife (Game) Regulations 1990<sup>5</sup> for the purpose of hunting Stubble Quail in the reserves listed in Schedule 2, in the period 48 hours before, or at any time during the open season for Stubble Quail; or
- (b) carries or possesses a firearm for the purposes of controlling vermin in accordance with a written authority of the Secretary.

#### **16. Use of firearms or bows in reserves**

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

Penalty: 20 penalty units.

- (2) Sub-regulation (1) does not apply to a person who—

- (a) is the holder of a current valid game licence—

- (i) authorising the taking of game birds, including duck, who uses a firearm in accordance with the Wildlife (Game) Regulations 1990<sup>6</sup> for the purpose of hunting or taking game ducks during the open season for game ducks; or

Reg. 16(2)  
(a)(ii)  
amended by  
S.R. No.  
67/1996 reg. 6.

- (ii) authorising the taking of deer, who uses a firearm or bow in accordance with the Wildlife (Game) Regulations 1990<sup>7</sup> for the purpose of hunting or taking Hog Deer, in the Lake Coleman, Dowd Morass, Jack Smith Lake, Ewing Morass, Clydebank Morass or Heart Morass State Game Reserves during the open season for Hog Deer; or; or

- (iii) authorising the taking of game birds, who uses a firearm in accordance with the Wildlife (Game) Regulations 1990<sup>8</sup> for the purpose of hunting or taking Stubble Quail, in the reserves listed in Schedule 2, during the open season for Stubble Quail; or

Reg. 16(2)  
(a)(iii)  
inserted by  
S.R. No.  
67/1996 reg. 6.

- (b) uses a firearm for the purpose of controlling vermin in accordance with a written authority of the Secretary.

#### **17. Discharge of firearm across reserve prohibited**

A person must not discharge a firearm across a reserve at any time in the period 24 hours prior to the commencement of an open season for game ducks.

Penalty: 10 penalty units.

#### **18. Possession of wildlife**

- (1) A person must not hunt, take, injure, disturb or be in possession or control of any wildlife in a reserve.

Penalty: 20 penalty units.

- (2) Sub-regulation (1) does not apply to a person who is the holder of a current valid game licence—

- (a) authorising the taking of game birds, including duck, who hunts, takes or is in possession of game ducks in accordance with the Wildlife (Game) Regulations 1990<sup>9</sup>, during the open season for game ducks; or
- (b) authorising the taking of deer, who hunts, takes or is in possession of Hog Deer in the Lake Coleman, Dowd Morass, Jack Smith Lake, Ewing Morass, Clydebank Morass and Heart Morass State Game Reserves, in accordance with the Wildlife (Game)

Reg. 18(2)(b)  
amended by  
S.R. No.  
67/1996 reg. 7.

Reg. 18(2)(c)  
inserted by  
S.R. No.  
67/1996 reg. 7.

Regulations 1990<sup>10</sup>, during the open season for Hog Deer; or

- (c) authorising the taking of game birds, who hunts, takes or is in possession of Stubble Quail in the reserves listed in Schedule 2, in accordance with the Wildlife (Game) Regulations 1990<sup>11</sup>, during the open season for Stubble Quail.

#### **19. Specific provisions—Tower Hill State Game Reserve**

- (1) Despite regulation 8, a person must not light, kindle or maintain a fire in the open air in the Tower Hill State Game Reserve.

Penalty: 50 penalty units.

- (2) Sub-regulation (1) does not apply to a person who in the Tower Hill State Game Reserve lights, kindles or maintains a fire in—

- (a) a fixed facility provided in the reserve for cooking purposes; or  
(b) an area set aside under regulation 7 as an area where fires are permitted.

- (3) A person must not in the Tower Hill State Game Reserve—

- (a) discharge a firearm within 100 metres of Wagon Bay; or  
(b) discharge a firearm within 100 metres of any building; or  
(c) despite anything to the contrary in regulation 15, 16 or in the Wildlife (Game) Regulations 1990<sup>12</sup>, carry, possess or use a firearm at any time after 9 am and before 5 pm on any day during an open season for game ducks.

Penalty: 10 penalty units.

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- (4) A person must not take part in hang gliding or use a manned free kite in free flight or take off or land a manned free kite in the Tower Hill State Game Reserve.

Penalty: 5 penalty units.

- (5) Sub-regulation (4) does not apply to a person who takes part in hang gliding or uses a manned free kite or who takes off or lands a hang glider or manned free kite in an area within the Tower Hill State Game Reserve that has been set aside under regulation 7 for that purpose.
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**SCHEDULES****SCHEDULE 1**

Sch.  
re-numbered  
as Sch. 1 by  
S.R. No.  
67/1996 reg. 8.

**REGULATIONS REVOKED**

<i>S.R. No.</i>	<i>Title</i>	<i>Extent of Revocation</i>
392/84	State Game Reserve Regulations 1984	Whole
34/87	State Game Reserve (Amendment) Regulations 1987	Whole
94/88	State Game Reserve (Amendment) Regulations 1988	Whole
46/91	State Game Reserve (Amendment) Regulations 1991	Whole
54/91	State Game Reserve (Amendment No. 2) Regulations 1991	Whole

*Wildlife (State Game Reserve) Regulations 1994*  
*S.R. No. 192/1994*

Sch. 2

**SCHEDULE 2**

Sch. 2  
inserted by  
S.R. No.  
67/1996 reg. 9.

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

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

## ENDNOTES

### 1. General Information

The Wildlife (State Game Reserve) Regulations 1994, S.R. No. 192/1994 were made on 29 November 1994 by the Governor in Council under section 87 of the **Wildlife Act 1975**, No. 8699/1975 and came into operation on 29 November 1994.

The Wildlife (State Game Reserve) Regulations 1994 will sunset 10 years after the day of making on 29 November 2004 (see section 5 of the **Subordinate Legislation Act 1994**).

*Wildlife (State Game Reserve) Regulations 1994*  
*S.R. No. 192/1994*

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<b>Endnotes</b>
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**2. Table of Amendments**

This Version incorporates amendments made to the Wildlife (State Game Reserve) Regulations 1994 by statutory rules, subordinate instruments and Acts.

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Wildlife (State Game Reserve) (Amendment) Regulations 1996, S.R. No. 67/1996	
<i>Date of Making:</i>	23.7.96
<i>Date of Commencement:</i>	23.7.96

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### **3. Explanatory Details**

<sup>1</sup> Reg. 4 def. of "game duck": S.R. No. 254/1990 as amended by S.R. Nos 32/1991, 34/1991, 9/1992, 56/1992, 25/1994 and 27/1994.

<sup>2</sup> Reg. 9(2)(b): See note 1.

<sup>3</sup> Reg. 15(2)(a)(i): See note 1.

<sup>4</sup> Reg. 15(2)(a)(ii): See note 1.

<sup>5</sup> Reg. 15(2)(a)(iii): S.R. No. 254/1990. Reprinted to S.R. No. 27/1994 and subsequently amended by S.R. Nos 15/1996 and 21/1996.

<sup>6</sup> Reg. 16(2)(a)(i): See note 1.

<sup>7</sup> Reg. 16(2)(a)(ii): See note 1.

<sup>8</sup> Reg. 16(2)(a)(iii): See note 5.

<sup>9</sup> Reg. 18(2)(a): See note 1.

<sup>10</sup> Reg. 18(2)(b): See note 1.

<sup>11</sup> Reg. 18(2)(c): See note 5.

<sup>12</sup> Reg. 19(3)(c): See note 1.