

Version No. 001
Forests (Murrindindi Scenic Reserve)
Regulations 1999

S.R. No. 40/1999

Version as at 13 April 1999

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1. Objectives

The objectives of these Regulations are—

- (a) to provide for the effective management and conservation of the Murrindindi Scenic Reserve; and
- (b) to provide for fees for camping in the reserve.

2. Authorising provisions

These Regulations are made under sections 50 and 99 of the **Forests Act 1958**.

3. Definitions

In these Regulations—

"Act" means the **Forests Act 1958**;

"car" means a motor vehicle having seats for up to 9 persons;

"Committee" means the Murrindindi Scenic Reserve Committee of Management as appointed from time to time under section 50(3)(a) of the Act;

"fixed fireplace" means a fixed facility constructed of stone, metal, concrete or other non-flammable material provided by the Committee for the purposes of lighting and maintaining fires;

"large bus" means a motor vehicle having seats for 30 or more persons;

"reserve" means the land set aside and declared to be the Murrindindi Scenic Reserve under section 50 of the Act;

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

"small bus" means a motor vehicle with seats for more than 9 persons and less than 30 persons.

4. Application of Regulations

- (1) These Regulations do not apply to the Secretary, the Committee, any employee of the Secretary or an authorised officer acting in the course of his, her or its duties.
- (2) The holder of any lease, licence or permit granted under the Act with respect to the reserve or his or her employees, agents or contractors may enter any part of the reserve for the purpose of engaging in activities authorised by that lease, licence or permit.

5. Camping

- (1) A person must not erect a tent or awning or use a caravan or other mobile structure for camping in the reserve.

Penalty: 5 penalty units.

- (2) Sub-regulation (1) does not apply to a person who—
 - (a) is authorised in writing by the Committee to camp in the reserve; and
 - (b) camps in an area set aside by the Committee for camping.
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- (3) The Committee may impose and collect the following fees for camping per vehicle per night:

Motorcycle	\$2.00
Car	\$5.00
Small bus	\$15.00
Large bus	\$25.00.

- (4) The Committee must cause details of the fee payable under sub-regulation (3) to be displayed within, or at the entrance to, the reserve in such a place and manner that the details are reasonably likely to be seen by persons likely to be affected by them.
- (5) A person who enters the reserve in a vehicle referred to in sub-regulation (3) must not camp in the reserve unless the fee payable under that sub-regulation has been paid.

Penalty: 5 penalty units.

- (6) A person who camps or occupies or uses a camping area in the reserve must—
- (a) maintain the site occupied or used in a clean and tidy condition; and
 - (b) before vacating the site, clear all litter from the site; and
 - (c) camp not less than 20 metres from any river, stream, well, spring, creek, 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, dam, bore or watercourse.

Penalty: 5 penalty units.

6. Entry, access and setting aside areas

- (1) The Committee may determine that a portion of the reserve be set aside—
 - (a) as an area where camping is permitted; or
 - (b) as an area where the riding, driving, leading or bathing of horses is permitted; or
 - (c) as an area where the playing of any game in which a hard ball is used is permitted; or
 - (d) as an area where the parking of vehicles is permitted; or
 - (e) as an area in which vehicles may only travel in a specified direction or at no more than a specified speed; or
 - (f) for the protection, planting or re-establishment of trees or vegetation; or
 - (g) as an area where the collection of firewood is prohibited; or
 - (h) as an area where the lighting or maintaining of fires is prohibited; or
 - (i) as an area where a person may bring a dog or allow a dog to remain, in accordance with regulation 17; or
 - (j) for any other purpose in connection with the care, protection and management of the reserve or for the safety of visitors.
- (2) The Committee may determine that entry or access to or through any area within the reserve is to be prohibited or restricted for vehicles generally or vehicles of a particular class.
- (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 any area within the reserve is prohibited or restricted.
- (5) The Committee must ensure that signs setting out details of a determination made under sub-regulations (1) or (2) are displayed—
 - (a) at the areas affected by a determination under sub-regulation (1) or (2); and
 - (b) at any entrance to the reserve—in such a place and manner that the details are reasonably likely to be seen by persons affected by them.
- (6) A person must not, in contravention of a determination displayed in accordance with sub-regulation (5)—
 - (a) enter or use an area within the reserve that has been set aside under sub-regulation (1); or
 - (b) enter an area within the reserve to which access has been prohibited or restricted under sub-regulation (2).

Penalty: 5 penalty units.

7. Hygiene

A person in an area of the reserve in which toilet facilities are not readily accessible must bury all faeces not less than 100 metres from any river, stream, creek, lake, lagoon, swamp, marsh, well, spring, dam, bore or watercourse.

Penalty: 5 penalty units.

8. Lighting of fires

- (1) A person must not light, kindle or maintain a fire within 50 metres of a fixed fireplace.

Penalty: 5 penalty units.

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

- (a) lights, kindles or maintains a fire in a fixed fireplace; or
- (b) uses a liquid or gaseous fuel barbecue in accordance with regulations 11 and 12 of the **Fire Protection Regulations 1992**¹.

9. Prohibited activities

A person must not, within the reserve—

- (a) intentionally or recklessly mark, write on, deface or damage any structure, facility, equipment or natural object; or
- (b) carry, use or discharge any firearm, long-bow or cross bow.

Penalty: 5 penalty units.

10. Behaviour

A person must not, within the reserve—

- (a) behave in a manner likely to be dangerous to public health; or
- (b) behave in a manner likely to cause danger or unreasonable disturbance to any person.

Penalty: 5 penalty units.

11. Games and entertainment

- (1) A person must not, within the reserve—
- (a) play any game in which a hard ball is used;
or
 - (b) engage in any game, sport or entertainment likely to cause danger or unreasonable disturbance to any person.

Penalty: 5 penalty units.

- (2) Sub-regulation (1)(a) does not apply to a person who plays any game using a hard ball in an area set aside for that purpose by the Committee under regulation 6(1)(c).

12. Construction and excavation activities

- (1) A person must not, within the reserve—
- (a) construct any building or structure or improvement; or
 - (b) excavate, dig or remove any soil, rocks or stones.

Penalty: 5 penalty units.

- (2) A person must not, within the reserve—
- (a) intentionally remove or cut a tree or plant; or
 - (b) intentionally or recklessly damage a tree or plant.

Penalty: 5 penalty units.

- (3) Sub-regulations (1) and (2)(a) do not apply to a person acting in accordance with a lease, licence or permit under the Act who undertakes an activity referred to in that sub-regulation to the extent that the lease, licence or permit authorises that activity.

- (4) Sub-regulation (1)(b) does not apply to a person—
- (a) acting in accordance with regulation 7; or
 - (b) who digs a trench in accordance with regulation 10 of the **Fire Protection Regulations 1992**².

13. Use of amenities and equipment

- (1) A person must not, within the reserve—
- (a) occupy, use or enter any building or structure which is not set aside for public use; or
 - (b) operate any portable or stationary generator or air compressor.

Penalty: 5 penalty units.

- (2) Sub-regulation (1) does not apply to a person acting in accordance with a written authority of the Committee who undertakes an activity referred to in that sub-regulation to the extent that the authority authorises that activity.

14. Commercial activities

- (1) A person must not, within the reserve—
- (a) conduct a commercial enterprise or offer for sale or hire any article or service; or
 - (b) distribute or display any handbills, pamphlets, books, papers or advertising matter or put up or leave any placards or notices; or
 - (c) deliver any address or use any amplifier, public address system, loud hailer or any similar device; or
 - (d) take photographs, film or videos for commercial purposes.

Penalty: 5 penalty units.

- (2) Sub-regulation (1) does not apply to a person acting in accordance with a written authority of the Committee who undertakes an activity referred to in that sub-regulation to the extent that the authority authorises that activity.

15. Events and functions

- (1) A person must not, within the reserve, conduct an organised entertainment or sporting or recreational function, rally, festival, tour, fete or public meeting or similar event.

Penalty: 5 penalty units.

- (2) Sub-regulation (1) does not apply to a person acting in accordance with a written authority of the Committee who conducts the event or function referred to in that sub-regulation to the extent that the authority authorises that activity.

16. Disturbance of flora and fauna

- (1) A person must not, within the reserve—
- (a) knowingly disturb, interfere with or destroy any animal or bird; or
 - (b) knowingly disturb, interfere with or destroy the lair or nest of any animal or bird; or
 - (c) carry or use any poison, trap or snare; or
 - (d) knowingly bring into or plant in the reserve any seed or any tree, shrub, fern or plant.

Penalty: 5 penalty units.

- (2) Sub-regulation (1) does not apply to a person acting in accordance with a written authority of the Committee who undertakes an activity referred to in that sub-regulation to the extent that the authority authorises that activity.

- (3) Sub-regulation (1) does not apply to a person who brings into the reserve a poison which is for his or her therapeutic use.
- (4) Sub-regulation (1) does not apply to a person acting in accordance with the **Catchment and Land Protection Act 1994**.

17. Dogs

- (1) A person must not bring a dog into, or allow a dog under his or her control to enter or remain in, the reserve.

Penalty: 5 penalty units.

- (2) Sub-regulation (1) does not apply to—
 - (a) a person who brings a dog into, or allows a dog under his or her control to enter or remain in, the reserve in an area set aside by the Committee for those purposes, if the dog is—
 - (i) on a leash, chain or cord which is suitable to restrain the dog; and
 - (ii) under the control of that person; and
 - (iii) restrained from causing unreasonable disturbance to persons or damage or interference with property; or
 - (b) a visually impaired person or hearing impaired person who brings a dog into the reserve or allows a dog to enter or remain in the reserve if that dog is used by that person as a guide dog; or
 - (c) a person who brings or allows a dog confined in a vehicle into the reserve—
 - (i) into an area set aside as a carpark; or
 - (ii) for transit through the reserve by a route which is open to the public.
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18. Horses

- (1) A person must not ride, drive, lead or bathe a horse in the reserve.

Penalty: 5 penalty units.

- (2) Sub-regulation (1) does not apply to a person who rides, drives, leads or bathes a horse in an area set aside by the Committee for those purposes.

19. Animals

- (1) A person must not bring any animal, other than a dog or a horse brought into the reserve in accordance with regulations 17(2) or 18(2), into the reserve or allow any such animal under his or her control to enter or remain in the reserve.

Penalty: 5 penalty units.

- (2) A person who has brought or allowed an animal under his or her control to enter or remain in the reserve in contravention of these regulations, must not allow that animal to remain in the reserve after a request by the Secretary, a member of the Committee or an authorised officer to remove the animal from the reserve.

Penalty: 5 penalty units.

20. Destruction of animals

An authorised officer may, if he or she is satisfied on reasonable grounds that an animal has been brought into or allowed to enter the reserve in contravention of these regulations and the animal is at large within the reserve, shoot or otherwise destroy the animal speedily and without causing it unnecessary suffering.

21. Requests to leave the reserve

- (1) If an authorised officer reasonably believes that a person has failed to comply with these Regulations, the officer may request that person to leave the reserve.
- (2) An authorised officer may, for the reason of safety of persons within the reserve or for the protection of the reserve or for the preservation of good order and decency, request members of the public to leave the reserve.
- (3) A person who has notice of a request under sub-regulations (1) or (2) must leave the reserve when requested to do so by an authorised officer.

Penalty: 5 penalty units.

22. Committee authority

- (1) The Committee must—
 - (a) care for, protect and manage the reserve and for the purpose may employ persons;
 - (b) expend any tolls, fees, rents or other charges received by it on—
 - (i) the payment of remuneration or fees to persons employed by the Committee; and
 - (ii) the care, protection and management of the reserve;
 - (c) keep a full and particular account of all sums of money received and expended by it and must whenever required—
 - (i) give the Secretary a statement of such receipts and expenditure and of the balance in hand; and

- (ii) if requested by the Secretary provide any further details relating to its financial affairs.
 - (2) Where the Regulations confer or impose a power, function or duty on the Committee, the Committee must consider the care, protection and management of the reserve in the exercise of that power, function or duty.
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ENDNOTES

1. General Information

The Forests (Murrindindi Scenic Reserve) Regulations 1999, S.R. No. 40/1999 were made on 13 April 1999 by the Governor in Council under sections 50 and 99 of the **Forests Act 1958**, No. 6254/1958 and came into operation on 13 April 1999.

The Forests (Murrindindi Scenic Reserve) Regulations 1999 will sunset 10 years after the day of making on 13 April 2009 (see section 5 of the **Subordinate Legislation Act 1994**).

2. Table of Amendments

There are no amendments made to the Forests (Murrindindi Scenic Reserve) Regulations 1999 by statutory rules, subordinate instruments and Acts.

3. Explanatory Details

¹ Reg. 8(2)(b): S.R. No. 188/1992.

² Reg. 12(4)(b): See note 1.