

Authorised Version No. 004
Wildlife (State Game Reserves)
Regulations 2014

S.R. No. 190/2014

Authorised Version incorporating amendments as at
12 September 2018

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Part 1—Preliminary

Division 1—General

1 Objective

The objective of these Regulations is to provide for—

- (a) the management of State Game Reserves established under the **Wildlife Act 1975**; and
- (b) the preservation of wildlife and wildlife habitat within State Game Reserves with particular emphasis on indigenous game species; and
- (c) the hunting, taking or destroying of certain game species within State Game Reserves; and
- (d) the safety, enjoyment and recreation of visitors to State Game Reserves.

2 Authorising provision

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

3 Commencement

These Regulations come into operation on 30 October 2014.

4 Revocation

The Wildlife (State Game Reserve) Regulations 2004¹ are **revoked**.

5 Definitions

In these Regulations—

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

assistance dog has the same meaning as in the **Equal Opportunity Act 2010**;

authorisation order means an authorisation order that remains in force under the saving provision in section 96 of the **Traditional Owner Settlement Act 2010**;

blind or hide means a temporary artificial structure, shelter or cover (other than a tree stand) erected for the purpose of concealment to facilitate the hunting, watching or taking of wildlife;

camp means—

- (a) to erect, occupy or use a tent, tarpaulin or any similar kind of shelter or temporary structure for accommodation; or
- (b) to occupy or use a swag or sleeping bag for accommodation; or
- (c) to occupy or use a vehicle or vessel for accommodation;

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

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

Reg. 5 def. of
*authorisation
order*
inserted by
S.R. No.
50/2018 reg. 5.

flora has the same meaning as in the **Flora and Fauna Guarantee Act 1988**;

game bird has the same meaning as in the Wildlife (Game) Regulations 2012²;

game duck means any species of waterfowl specified in Schedule 11 to the Wildlife (Game) Regulations 2012;

gundog means any dog from a breed listed in Part 1 of Schedule 5 to the Wildlife (Game) Regulations 2012;

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

manufactured wooden object includes a wooden vessel, a wooden fishing rod and a wooden walking stick;

motorised wheelchair means a wheelchair that is built to be propelled by a motor that forms part of the wheelchair and which is capable of a speed of not more than 10 kilometres per hour;

nest box means an artificial structure or box designed to harbour birds during their nesting period at any particular point in time;

* * * * *

Reg. 5 def. of *Parks Victoria* revoked by S.R. No. 128/2018 reg. 5(1).

prohibited access area means an area set aside by the land manager under regulation 9(1)(a);

Reg. 5 def. of *prohibited access area* amended by S.R. No. 128/2018 reg. 5(2).

Reg. 5 def. of
*restricted
access area*
amended by
S.R. No.
128/2018
reg. 5(3).

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;

restricted access area means an area set aside by the land manager under regulation 9(1)(b);

Reg. 5 def. of
*specified pest
animals*
inserted by
S.R. No.
50/2018 reg. 5.

specified pest animals means any species of animal set out in Schedule 4;

take, in relation to an animal, means—

- (a) to gain possession or control of an animal by any means; or
- (b) to cause, permit or assist in gaining possession or control of an animal by any means;

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

tree stand means a portable platform used to hunt, watch or take wildlife;

vehicle means a conveyance that is designed to be propelled or drawn by any means, whether or not capable of being so propelled or drawn, and includes a bicycle or other pedal-powered vehicle, trailer, tram car and air-cushion vehicle but does not include—

- (a) a railway locomotive or railway rolling stock; or
- (b) an aircraft; or

- (c) a wheelchair, motorised wheelchair, pram, stroller or other device for the conveyance of children or disabled or injured persons;

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

Division 2—Application of Regulations

6 Application of Regulations to parties to certain agreements etc.

A person acting under and in accordance with the terms and conditions of any agreement entered into under the Act, or a lease or licence granted over or in relation to a reserve, is not subject to these Regulations to the extent that the activities authorised by that agreement, lease or licence are inconsistent with these Regulations.

7 Application of Regulations to employees etc.

An offence under these Regulations does not apply to a person if that person—

- (a) is acting as a servant of the Crown; or

Reg. 7(a)
amended by
S.R. No.
128/2018
reg. 6.

- (b) is acting under and in accordance with a contract with—

- (i) the Crown; or

Reg. 7(b)(i)
amended by
S.R. No.
128/2018
reg. 6.

- (ii) a person who is a servant or an agent of the Crown; or

Reg. 7(b)(ii)
amended by
S.R. No.
128/2018
reg. 6.

Reg. 7(c)
amended by
S.R. No.
128/2018
reg. 6.

(c) is acting under the direction of a person while that person is acting as a servant or an agent of the Crown; or

(d) is an authorised officer acting in the course of their duties.

8 Exemptions for members of a traditional owner group

(1) Regulation 13(1) does not apply to a person who is a member of a traditional owner group if that person—

Reg. 8(1)(a)
substituted by
S.R. No.
50/2018
reg. 6(1).

(a) is acting under an authorisation order; and

(b) is hunting, taking or in possession of—

(i) game ducks during the open season for game ducks; or

(ii) Hog Deer in a reserve listed in Schedule 1 during the open season for Hog Deer; or

(iii) Stubble Quail in a reserve listed in Schedule 2 during the open season for Stubble Quail; or

(iv) Sambar Deer in a reserve listed in Schedule 3 during the period commencing on 1 May and ending on 30 November in each year.

(2) Regulation 28(1) does not apply to a person who is a member of a traditional owner group if that person—

Reg. 8(2)(a)
substituted by
S.R. No.
50/2018
reg. 6(2).

(a) is acting under an authorisation order; and

- (b) is in possession of, or is carrying—
- (i) a firearm for the purpose of taking or destroying game ducks during the open season for game ducks; or
 - (ii) a firearm or bow for the purpose of taking or destroying Hog Deer in a reserve listed in Schedule 1 during the open season for Hog Deer; or
 - (iii) a firearm for the purpose of taking or destroying Stubble Quail in a reserve listed in Schedule 2 during the open season for Stubble Quail; or
 - (iv) a firearm or bow for the purpose of taking or destroying Sambar Deer in a reserve listed in Schedule 3 during the period commencing on 1 May and ending on 30 November in each year.
- (3) Regulation 29(1) does not apply to a person who is a member of a traditional owner group if that person—
- (a) is acting under an authorisation order; and
 - (b) is using—
 - (i) a firearm for the purpose of taking or destroying game ducks during the open season for game ducks; or
 - (ii) a firearm or bow for the purpose of taking or destroying Hog Deer in a reserve listed in Schedule 1 during the open season for Hog Deer; or

Reg. 8(3)(a)
substituted by
S.R. No.
50/2018
reg. 6(3).

- (iii) a firearm for the purpose of taking or destroying Stubble Quail in a reserve listed in Schedule 2 during the open season for Stubble Quail; or
- (iv) a firearm or bow for the purpose of taking or destroying Sambar Deer in a reserve listed in Schedule 3 during the period commencing on 1 May and ending on 30 November in each year.

Reg. 8(4)
amended by
S.R. No.
50/2018
reg. 6(4).

- (4) Regulation 30(1) and (2) does not apply to a person who is a member of a traditional owner group if that person is acting under and in accordance with an authorisation order.
- (5) Regulations 39(1) and 40(1) do not apply to a person who is a member of a traditional owner group in relation to which the State has entered into a recognition and settlement agreement under the **Traditional Owner Settlement Act 2010** if that person is acting in accordance with the traditional owner rights recognised in the agreement.

Reg. 8(6)
revoked by
S.R. No.
50/2018
reg. 6(5).

* * * * *

Note to reg. 8
inserted by
S.R. No.
50/2018
reg. 6(6).

Note

See regulation 8A for exemptions to the offences under regulations 13(1) and 29(1).

Reg. 8A
inserted by
S.R. No.
50/2018 reg. 7.

8A Exemptions for certain persons taking and destroying specified pest animals

- (1) Regulations 13(1) and 29(1) do not apply to a person who is taking or destroying specified pest animals during the open season for game ducks if that person—

- (a) is—
- (i) a holder of a game licence that allows the hunting, taking or destroying of game ducks; or
 - (ii) a member of a traditional owner group acting under an authorisation order and is authorised to hunt game ducks under that order; and
- (b) is in an area of a reserve that has not been set aside by the land manager under regulation 13(4); and
- (c) takes or destroys a specified pest animal within the period of a day commencing a half-hour before sunrise and ending a half-hour after sunset; and
- (d) uses a shotgun; and
- (e) does not use toxic shot except by discharging toxic shot using a firearm that is a muzzle-loading, Damascus steel or twist-barrelled shotgun.
- (2) Regulation 13(1) does not apply to a person who uses a gundog to retrieve specified pest animals during the open season for game ducks if that person—
- (a) is taking or destroying specified pest animals in accordance with subregulation (1); and
 - (b) brings the gundog into or allows the gundog to remain on a reserve under and in accordance with regulation 19(1).

Reg. 8A(1)(b)
amended by
S.R. No.
128/2018
reg. 7.

(3) In this regulation—

shotgun means a firearm used for the purpose of hunting, taking or destroying game ducks that has a gauge that is not greater than 12;

toxic shot has the same meaning as in the Wildlife (Game) Regulations 2012.

Part 2—Access to reserves

9 Areas where access is prohibited or restricted

- (1) The land manager may make a determination setting aside an area of a reserve—
 - (a) as an area to which access is prohibited; or
 - (b) as an area to which access is restricted.
- (2) The land manager must not make a determination under subregulation (1) unless the land manager considers that the determination is necessary for the purposes of—
 - (a) the protection or management of flora, wildlife and associated habitat; or
 - (b) the control or management of animals (other than wildlife) and associated habitat; or
 - (c) the protection of structures (including buildings), bridges, dams, weirs, facilities, amenities, tracks, trails and other assets; or
 - (d) the planting of trees, shrubs, grass or other vegetation; or
 - (e) the re-establishment of vegetation; or
 - (f) the reclamation of land; or
 - (g) public safety.

Reg. 9(1)
amended by
S.R. No.
128/2018
reg. 8(1).

Reg. 9(2)
amended by
S.R. No.
128/2018
reg. 8(2).

10 Offence to enter prohibited or restricted access area

- (1) A person must not enter into, or remain in, a prohibited access area.
Penalty: 10 penalty units.
- (2) A person must not enter into, or remain in, a restricted access area unless the person does so in accordance with the determination of the land manager under which the area is set aside.
Penalty: 10 penalty units.

Reg. 10(2)
amended by
S.R. No.
128/2018
reg. 9(1).

Reg. 10(3)
amended by
S.R. No.
128/2018
reg. 9(1).

(3) Subregulation (1) does not apply to a person who enters into, or remains in, the area under and in accordance with a permit issued by the land manager under subregulation (5).

Reg. 10(4)
amended by
S.R. No.
128/2018
reg. 9(1).

(4) Subregulation (2) does not apply to a person who enters into, or remains, in the area under and in accordance with a permit issued by the land manager under subregulation (6).

Reg. 10(5)
amended by
S.R. No.
128/2018
reg. 9(1).

(5) For the purposes of subregulation (3), the land manager may issue a permit to a person authorising the person to enter into, or remain in, a prohibited access area.

Reg. 10(6)
amended by
S.R. No.
128/2018
reg. 9(2).

(6) For the purposes of subregulation (4), the land manager may issue a permit to a person authorising the person to enter into, or remain in, a restricted access area other than in accordance with the determination of the land manager under which the area is set aside.

11 Request to leave

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

Penalty: 10 penalty units.

12 Gates

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

Penalty: 5 penalty units.

Part 3—Protection of animals and fish

13 Interfering with animals

- (1) A person must not, in a reserve, disturb, harass, remove, hunt, capture, take, kill or injure or otherwise destroy or interfere with any animal.

Penalty: 20 penalty units.

- (2) A person must not, in a reserve, destroy, disturb or interfere with the nest, bower, display mound, lair or burrow of any animal.

Penalty: 20 penalty units.

- (3) Subregulation (1) does not apply to a person—

- (a) who is in an area of a reserve that has not been set aside by the land manager under subregulation (4) and who, being the holder of a game licence—

- (i) that allows the hunting, taking or destroying of game birds is hunting, taking or is in possession of game ducks; or
- (ii) that allows the hunting, taking or destroying of deer, is hunting, taking or is in possession of Hog Deer in a reserve listed in Schedule 1; or
- (iii) that allows the hunting, taking or destroying of game birds, is hunting, taking or is in possession of Stubble Quail in a reserve listed in Schedule 2; or
- (iv) that allows the hunting, taking or destroying of deer, is hunting, taking or is in possession of Sambar Deer in a reserve listed in Schedule 3; or

Reg. 13(3)(a)
amended by
S.R. No.
128/2018
reg. 10.

(b) who engages in an activity referred to in that subregulation in relation to an animal that is not wildlife under and in accordance with a permit issued by the land manager under subregulation (6).

Reg. 13(3)(b)
amended by
S.R. No.
128/2018
reg. 10.

Note

See regulation 8A for exemptions to the offences under regulations 13(1) and 29(1).

Note to
reg. 13(3)
inserted by
S.R. No.
50/2018 reg. 8.

(4) The land manager may make a determination setting aside an area of a reserve as an area in which hunting is prohibited.

Reg. 13(4)
amended by
S.R. No.
128/2018
reg. 10.

(5) The land manager must consult with the Game Management Authority before making a determination under subregulation (4).

Reg. 13(5)
amended by
S.R. No.
128/2018
reg. 10.

(6) For the purposes of subregulation (3)(b), the land manager may issue a permit to a person authorising the person to engage in an activity referred to in subregulation (1) in relation to an animal that is not wildlife.

Reg. 13(6)
amended by
S.R. No.
128/2018
reg. 10.

Note

See also regulation 8 for exemptions for members of a traditional owner group.

14 Feeding animals restricted

(1) A person must not, in a reserve, feed, offer food to or offer any object as food to an animal.

Penalty: 15 penalty units.

(2) A person must not, in a reserve, permit or allow food to be taken from the possession of the person by an animal.

Penalty: 15 penalty units.

(3) Subregulation (1) does not apply—

(a) in relation to an animal brought lawfully into a reserve; or

Reg. 14(3)(b)
amended by
S.R. No.
128/2018
reg. 11.

(b) to a person acting under and in accordance with a permit issued by the land manager under subregulation (4).

Reg. 14(4)
amended by
S.R. No.
128/2018
reg. 11.

(4) For the purposes of subregulation (3)(b), the land manager may issue a permit to a person authorising the person to engage in an activity referred to in subregulation (1).

15 Fishing

Reg. 15(1)
amended by
S.R. No.
128/2018
reg. 12.

(1) The land manager may make a determination setting aside an area of a reserve as an area in which fishing is prohibited.

Reg. 15(2)
amended by
S.R. No.
128/2018
reg. 12.

(2) A person must not fish in an area of a reserve that has been set aside by the land manager under subregulation (1).

Penalty: 10 penalty units.

Part 4—Restrictions on bringing animals into reserves

Division 1—Restrictions on animals other than dogs or horses

16 Animals other than dogs or horses

- (1) In this regulation, *animal* does not include a dog or a horse.
- (2) A person must not bring an animal into a reserve or allow an animal to remain in a reserve.

Penalty: 20 penalty units.

- (3) If an animal is found in a reserve and it is not under the immediate control of any person, the owner of the animal or if another person apparently has the care and control of the animal, that other person, is guilty of an offence and liable to a penalty not exceeding 20 penalty units.
- (4) Subregulation (2) does not apply to a person who brings an animal into a reserve or allows an animal to remain in a reserve if—
 - (a) the animal is brought into the reserve to be used as bait for fishing; or
 - (b) the animal is confined to a vehicle that is in transit; or
 - (c) the animal is brought into, or allowed to remain in, the reserve under and in accordance with a permit issued by the land manager under subregulation (5).

Reg. 16(4)(c)
amended by
S.R. No.
128/2018
reg. 13.

- (5) For the purposes of subregulation (4)(c), the land manager may issue a permit to a person authorising the person to bring an animal into a reserve or to allow an animal to remain in a reserve.

Reg. 16(5)
amended by
S.R. No.
128/2018
reg. 13.

Division 2—Restrictions on dogs

17 Dogs prohibited except in specified circumstances

(1) A person must not bring a dog into a reserve.

Penalty: 20 penalty units.

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

(a) the dog is the person's assistance dog; or

(b) the dog is brought into an area of the reserve that is set aside under regulation 22; or

(c) the dog is confined in a vehicle that is in transit; or

(d) the dog is brought into the reserve under and in accordance with a permit issued by the land manager under subregulation (3).

Reg. 17(2)(d)
amended by
S.R. No.
128/2018
reg. 14.

(3) For the purposes of subregulation (2)(d), the land manager may issue a permit to a person authorising the person to bring a dog into an area of a reserve, or to allow a dog to remain in an area of a reserve, other than an area that has been set aside under regulation 22.

Reg. 17(3)
amended by
S.R. No.
128/2018
reg. 14.

18 Dogs must be under control

A person must not allow a dog to remain in a reserve unless—

(a) the person has brought the dog into the reserve in a circumstance referred to in regulation 17(2); and

(b) the dog is under the immediate control of the person at all times.

Penalty: 20 penalty units.

Note

See also regulation 19.

19 Gundogs

- (1) Regulations 17(1) and 18 do not apply to a person during the period commencing 48 hours before the first day of the open season for game ducks and ending 48 hours after the last day of the open season for game ducks if—
 - (a) the person is the holder of a game licence that allows the hunting, taking or destroying of game ducks; and
 - (b) the dog is a gundog; and
 - (c) the reserve is not a reserve that is listed in Schedule 2; and
 - (d) the gundog is brought into or allowed to remain in the reserve for the purpose of flushing or retrieving game ducks; and
 - (e) the person ensures at all times that the gundog is—
 - (i) under the person's effective control; and
 - (ii) restrained from causing danger or unreasonable disturbance to other persons or to wildlife.
- (2) Regulations 17(1) and 18 do not apply to a person during the period commencing 48 hours before the first day of the open season for Stubble Quail and ending 48 hours after the last day of the open season for Stubble Quail if—
 - (a) the person is the holder of a game licence that allows the hunting, taking or destroying of Stubble Quail; and
 - (b) the dog is a gundog; and

- (c) the reserve is a reserve that is listed in Schedule 2; and
- (d) the gundog is brought into or allowed to remain in the reserve for the purpose of flushing or retrieving Stubble Quail; and
- (e) the person ensures at all times that the gundog is—
 - (i) under the person's effective control; and
 - (ii) restrained from causing danger or unreasonable disturbance to other persons or to wildlife.

Reg. 19(3)
revoked by
S.R. No.
50/2018 reg. 9.

* * * * *

20 Owner or carer guilty if dog found at large

- (1) Subject to subregulation (2), if a dog is found in a reserve and it is not under the immediate control of a person, the owner of the dog is guilty of an offence and liable to a penalty not exceeding 20 penalty units.
- (2) If a person other than the owner of the dog has care and control of the dog—
 - (a) that other person is guilty of the offence against subregulation (1); and
 - (b) the owner of the dog is not guilty of the offence against subregulation (1).

21 Dog faeces

A person who brings a dog into a reserve, or who allows a dog to remain in a reserve, must not leave in the reserve any faeces deposited by that dog unless the faeces—

- (a) are placed in a receptacle provided for that purpose; or
- (b) are buried.

Penalty: 10 penalty units.

22 Areas for dogs

The land manager may make a determination setting aside an area of a reserve as an area into which dogs may be brought or in which dogs may be allowed to remain.

Reg. 22
amended by
S.R. No.
128/2018
reg. 15.

Division 3—Restrictions on horses

23 Horses prohibited except in specified circumstances

- (1) A person must not bring a horse into a reserve.

Penalty: 20 penalty units.

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

- (a) the person brings the horse into an area of a reserve set aside under regulation 26; or
- (b) the horse is confined in a vehicle that is in transit; or
- (c) the person brings the horse into the reserve under and in accordance with a permit issued by the land manager under subregulation (3).

Reg. 23(2)(c)
amended by
S.R. No.
128/2018
reg. 16.

- (3) For the purposes of subregulation (2)(c), the land manager may issue a permit to a person authorising the person to bring a horse into an area of a reserve other than an area of a reserve that has been set aside under regulation 26.

Reg. 23(3)
amended by
S.R. No.
128/2018
reg. 16.

24 Horses must be under control

A person must not allow a horse to remain in a reserve unless—

- (a) the person has brought the horse into the reserve in a circumstance referred to in regulation 23(2); and
- (b) the horse is under the immediate control of the person at all times.

Penalty: 20 penalty units.

25 Owner or carer guilty if horse found at large

- (1) Subject to subregulation (2), if a horse is found in a reserve and it is not under the immediate control of a person, the owner of the horse is guilty of an offence and liable to a penalty not exceeding 20 penalty units.
- (2) If a person other than the owner of the horse has care and control of the horse—
 - (a) that other person is guilty of the offence against subregulation (1); and
 - (b) the owner of the horse is not guilty of the offence against subregulation (1).

26 Areas for horses

The land manager may make a determination setting aside an area of a reserve as an area into which horses may be brought or allowed to remain.

Reg. 26
amended by
S.R. No.
128/2018
reg. 17.

Part 5—Use of hunting equipment in reserves

27 Use and carriage of poisons and traps

- (1) A person must not, in a reserve, possess, carry or use any poison.

Penalty: 20 penalty units.

- (2) A person must not, in a reserve, possess, carry or use any trap.

Penalty: 20 penalty units.

- (3) Subregulations (1) and (2) do not apply to a person who is acting under and in accordance with a permit issued by the land manager under subregulation (4).

Reg. 27(3)
amended by
S.R. No.
128/2018
reg. 18.

- (4) For the purposes of subregulation (3), the land manager may issue a permit to a person authorising the person to possess or carry any poison or trap and to use that poison or trap in relation to an animal that is not wildlife.

Reg. 27(4)
amended by
S.R. No.
128/2018
reg. 18.

- (5) In this regulation, *trap* includes a snare, net (that is not designed to be used for fishing) or similar equipment.

28 Possession or carriage of firearms or bows in reserves

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

Penalty: 20 penalty units.

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

- (a) is in an area of a reserve that has not been set aside by the land manager under regulation 13(4) and who, being the holder of a game licence—

Reg. 28(2)(a)
amended by
S.R. No.
128/2018
reg. 19.

- (i) that allows the hunting, taking or destroying of game birds, is in possession of, or is carrying, a firearm for the purpose of taking or destroying game ducks, during the period commencing 48 hours before the first day of the open season for game ducks and ending 48 hours after the last day of the open season for game ducks; or
 - (ii) that allows the hunting, taking or destroying of deer, is in possession of, or is carrying, a firearm or bow for the purpose of taking or destroying Hog Deer in a reserve listed in Schedule 1, during the period commencing 48 hours before the first day of the open season for Hog Deer and ending 48 hours after the last day of the open season for Hog Deer; or
 - (iii) that allows the hunting, taking or destroying of game birds, is in possession of, or is carrying, a firearm for the purpose of taking or destroying Stubble Quail in a reserve listed in Schedule 2, during the period commencing 48 hours before the first day of the open season for Stubble Quail and ending 48 hours after the last day of the open season for Stubble Quail; or
 - (iv) that allows the hunting, taking or destroying of deer, is in possession of, or is carrying, a firearm or bow for the purpose of taking or destroying Sambar Deer in a reserve listed in Schedule 3 during the period commencing on 1 May and ending on 30 November in each year; or
-

- (b) is in possession of, or is carrying, a firearm or bow under and in accordance with a permit issued by the land manager under subregulation (3). Reg. 28(2)(b) amended by S.R. No. 128/2018 reg. 19.
- (3) For the purposes of subregulation (2)(b), the land manager may issue a permit to a person authorising the person to possess or carry a firearm or bow in a reserve. Reg. 28(3) amended by S.R. No. 128/2018 reg. 19.
- * * * * *
- Reg. 28(4) revoked by S.R. No. 50/2018 reg. 10.

Note

See also regulation 8 for exemptions for members of a traditional owner group.

29 Use of firearms or bows

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

Penalty: 20 penalty units.

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

- (a) is in an area of a reserve that has not been set aside by the land manager under regulation 13(4) and who, being the holder of a game licence—

Reg. 29(2)(a) amended by S.R. No. 128/2018 reg. 20.

- (i) that allows the hunting, taking or destroying of game birds, is using a firearm for the purpose of taking or destroying game ducks during the open season for game ducks; or
- (ii) that allows the hunting, taking or destroying of deer, is using a firearm or bow for the purpose of taking or destroying Hog Deer in a reserve listed

in Schedule 1 during the open season for Hog Deer; or

- (iii) that allows the hunting, taking or destroying of game birds, is using a firearm for the purpose of taking or destroying Stubble Quail in a reserve listed in Schedule 2 during the open season for Stubble Quail; or
- (iv) that allows the hunting, taking or destroying of deer, is using a firearm or bow for the purpose of taking or destroying Sambar Deer in a reserve listed in Schedule 3 during the period commencing on 1 May and ending on 30 November in each year; or

Reg. 29(2)(b)
amended by
S.R. No.
128/2018
reg. 20.

- (b) uses a firearm or bow under and in accordance with a permit issued by the land manager under subregulation (3).

Note to
reg. 29(2)
inserted by
S.R. No.
50/2018
reg. 11(1).

Note

See regulation 8A for exemptions to the offence under regulation 29(1).

Reg. 29(3)
amended by
S.R. No.
128/2018
reg. 20.

- (3) For the purposes of subregulation (2)(b), the land manager may issue a permit to a person authorising the person to use a firearm or bow in a reserve in relation to an animal that is not wildlife.

Reg. 29(4)
revoked by
S.R. No.
50/2018
reg. 11(2).

* * * * *

Note

See also regulation 8 for exemptions for members of a traditional owner group.

Part 6—Protection of natural features

30 Protection of flora

- (1) A person must not, in a reserve, cut, fell, pick, remove, uproot or damage any tree, plant or other flora.

Penalty: 20 penalty units.

- (2) A person must not, in a reserve, be in possession of any flora taken from that reserve.

Penalty: 20 penalty units.

- (3) Subregulation (1) does not apply to—

- (a) a person who cuts or takes away fallen or felled trees—

(i) in an area set aside by the land manager under regulation 31; or

(ii) while acting under and in accordance with a levee maintenance permit issued under Part 5AA of the **Water Act 1989**; or

- (b) a person who cuts, fells, picks, removes, uproots or damages the floral species *Phragmites australis*, *Typha spp.* or *Leptospermum spp.* for the purposes of erecting a blind or hide in accordance with regulation 60.

- (4) Subregulation (2) does not apply to a person in possession of—

- (a) fallen or felled trees in an area set aside by the land manager under regulation 31; or

Reg. 30(3)
substituted by
S.R. No.
16/2015 reg. 5.

Reg. 30(3)(a)(i)
amended by
S.R. No.
128/2018
reg. 21.

Reg. 30(4)
inserted by
S.R. No.
16/2015 reg. 5.

Reg. 30(4)(a)
amended by
S.R. No.
128/2018
reg. 21.

- (b) the floral species *Phragmites australis*, *Typha spp.* or *Leptospermum spp.* taken for the purposes of erecting a blind or hide in accordance with regulation 60.

Note

See also regulation 8 for exemptions for members of a traditional owner group.

Reg. 31
amended by
S.R. No.
128/2018
reg. 22.

31 Areas for collecting firewood for camp fires

For the purposes of section 21AA(3)(b) of the Act, the land manager may make a determination setting aside an area of a reserve—

- (a) into which firewood may be brought; or
- (b) in which fallen or felled trees may be cut and taken away for use as firewood within the area.

Note

Regulation 47 prohibits the lighting and maintaining of fires in reserves in certain circumstances.

32 Introducing flora

- (1) A person must not knowingly bring in or plant any flora in a reserve.

Penalty: 20 penalty units.

- (2) Subregulation (1) does not apply to—
 - (a) flora that is a manufactured wooden object; or
 - (b) flora—
 - (i) that is firewood; and
 - (ii) that is brought into an area set aside under regulation 31.

33 Interfering with rocks or natural objects

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

Penalty: 20 penalty units.

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

- (a) collects or arranges rocks or stones for the purpose of encircling a fire that is lit and maintained in accordance with regulation 47;
or

- (b) engages in an activity referred to in that subregulation under and in accordance with—

- (i) a permit issued by the land manager under subregulation (3); or

- (ii) a levee maintenance permit issued under Part 5AA of the **Water Act 1989**.

- (3) For the purposes of subregulation (2)(b), the land manager may issue a permit to a person authorising the person to engage in an activity referred to in subregulation (1).

Reg. 33(2)(b)
substituted by
S.R. No.
16/2015 reg. 6.

Reg. 33(2)(b)(i)
amended by
S.R. No.
128/2018
reg. 23.

Reg. 33(3)
amended by
S.R. No.
128/2018
reg. 23.

34 Gravel, shell, grit, sand, soil and other material

- (1) A person must not knowingly take into, or remove from, a reserve any gravel, shell, grit, sand, soil or other similar material.

Penalty: 20 penalty units.

- (2) A person must not, in a reserve, dig any gravel, shell, grit, sand, soil or other similar material.

Penalty: 20 penalty units.

Wildlife (State Game Reserves) Regulations 2014

S.R. No. 190/2014

Part 6—Protection of natural features

Reg. 34(3)
substituted by
S.R. No.
16/2015 reg. 7.

- (3) Subregulation (2) does not apply to a person who—
- (a) digs for the purpose of burying faeces for the purposes of regulation 21(b) or in accordance with regulation 49(b); or
 - (b) engages in an activity referred to in that subregulation under and in accordance with a levee maintenance permit issued under Part 5AA of the **Water Act 1989**.

Part 7—Recreation, safety and amenity

35 Tower Hill State Game Reserve

- (1) A person must not, in the Tower Hill State Game Reserve, discharge a firearm on or within 100 metres of Wagon Bay.

Penalty: 10 penalty units.

- (2) A person must not, in the Tower Hill State Game Reserve, discharge a firearm on or within 100 metres of Fairy Island.

Penalty: 10 penalty units.

- (3) A person must not, in the Tower Hill State Game Reserve, discharge a firearm in or within 100 metres of any building.

Penalty: 10 penalty units.

- (4) Despite anything to the contrary in regulations 28 and 29 or in the Wildlife (Game) Regulations 2012, a person must not, in the Tower Hill State Game Reserve, possess, carry or use a firearm at any time after 9 a.m. and before 5 p.m. on any day during an open season for game ducks.

Penalty: 10 penalty units.

36 Noisy devices or equipment

- (1) A person must not, in a reserve, use or operate any device or equipment that produces noise that disturbs another person or that disturbs or harasses wildlife.

Penalty: 10 penalty units.

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

- (a) is using the device or equipment for necessary medical purposes; or
(b) is operating a vehicle or vessel lawfully; or

Reg. 36(2)(d)
amended by
S.R. No.
128/2018
reg. 24.

(c) is discharging a firearm or using a duck or game caller while engaged in lawful hunting;
or

(d) is engaging in an activity referred to in that subregulation under and in accordance with a permit issued by the land manager under subregulation (3).

Reg. 36(3)
amended by
S.R. No.
128/2018
reg. 24.

(3) For the purposes of subregulation (2)(d), the land manager may issue a permit to a person authorising the person to engage in an activity referred to in subregulation (1).

37 Engaging in sport or recreational activity

Reg. 37(1)
amended by
S.R. No.
128/2018
reg. 25.

(1) The land manager may make a determination setting aside an area of a reserve as an area in which engaging in a sport or recreational activity is prohibited.

(2) A person must not engage in a sport or recreational activity in an area of a reserve set aside under subregulation (1).

Penalty: 10 penalty units.

Reg. 37(3)
amended by
S.R. No.
128/2018
reg. 25.

(3) Subregulation (2) does not apply to a person who is acting under and in accordance with a permit issued by the land manager under subregulation (4).

Reg. 37(4)
amended by
S.R. No.
128/2018
reg. 25.

(4) For the purposes of subregulation (3), the land manager may issue a permit to a person authorising the person to engage in a sport or recreational activity in an area of a reserve set aside under subregulation (1).

38 Organised events

(1) A person must not, in a reserve, conduct an organised entertainment, sporting or recreational event.

Penalty: 20 penalty units.

(2) Subregulation (1) does not apply to a person who is acting under and in accordance with a permit issued by the land manager under subregulation (3).

Reg. 38(2)
amended by
S.R. No.
128/2018
reg. 26.

(3) For the purposes of subregulation (2), the land manager may issue a permit to a person authorising the person to engage in an activity referred to in subregulation (1).

Reg. 38(3)
amended by
S.R. No.
128/2018
reg. 26.

39 Rallies, festivals and public meetings

(1) A person must not, in a reserve, conduct a rally, festival, show, tour, fete or public meeting.

Penalty: 20 penalty units.

(2) Subregulation (1) does not apply to a person who is acting under and in accordance with a permit issued by the land manager under subregulation (3).

Reg. 39(2)
amended by
S.R. No.
128/2018
reg. 27.

(3) For the purposes of subregulation (2), the land manager may issue a permit to a person authorising the person to engage in an activity referred to in subregulation (1).

Reg. 39(3)
amended by
S.R. No.
128/2018
reg. 27.

Note

See also regulation 8 for exemptions for members of a traditional owner group.

40 Demonstrations and similar events

(1) A person must not, in a reserve, conduct a demonstration, training class or similar event.

Penalty: 20 penalty units.

(2) Subregulation (1) does not apply to a person who is acting under and in accordance with a permit issued by the land manager under subregulation (3).

Reg. 40(2)
amended by
S.R. No.
128/2018
reg. 28.

Reg. 40(3)
amended by
S.R. No.
128/2018
reg. 28.

- (3) For the purposes of subregulation (2), the land manager may issue a permit to a person authorising the person to engage in an activity referred to in subregulation (1).

Note

See also regulation 8 for exemptions for members of a traditional owner group.

41 Commercial activities

- (1) A person must not, in a reserve, conduct a commercial activity or offer for sale or hire any article or service.

Penalty: 20 penalty units.

Reg. 41(2)
amended by
S.R. No.
128/2018
reg. 29.

- (2) Subregulation (1) does not apply to a person who is acting under and in accordance with a permit issued by the land manager under subregulation (3).

Reg. 41(3)
amended by
S.R. No.
128/2018
reg. 29.

- (3) For the purposes of subregulation (2), the land manager may issue a permit to a person authorising the person to engage in an activity referred to in subregulation (1).

42 Advertising material

- (1) A person must not, in a reserve, distribute or display any handbills, pamphlets, books, papers or advertising matter or erect or leave any advertising placards or notices.

Penalty: 20 penalty units.

Reg. 42(2)
amended by
S.R. No.
128/2018
reg. 30.

- (2) Subregulation (1) does not apply to a person who is acting under and in accordance with a permit issued by the land manager under subregulation (3).

Reg. 42(3)
amended by
S.R. No.
128/2018
reg. 30.

- (3) For the purposes of subregulation (2), the land manager may issue a permit to a person authorising the person to engage in an activity referred to in subregulation (1).

43 Public address of a commercial nature

- (1) A person must not, in a reserve, use any amplifier, public address system, loud hailer or any similar device to deliver an address of a commercial nature.

Penalty: 20 penalty units.

- (2) Subregulation (1) does not apply to a person who is acting under and in accordance with a permit issued by the land manager under subregulation (3).

Reg. 43(2)
amended by
S.R. No.
128/2018
reg. 31.

- (3) For the purposes of subregulation (2), the land manager may issue a permit to a person authorising the person to engage in an activity referred to in subregulation (1).

Reg. 43(3)
amended by
S.R. No.
128/2018
reg. 31.

44 Commercial filming and photography

- (1) A person must not, in a reserve, take photographs, film or videos for commercial purposes.

Penalty: 20 penalty units.

- (2) Subregulation (1) does not apply to a person who is acting under and in accordance with a permit issued by the land manager under subregulation (3).

Reg. 44(2)
amended by
S.R. No.
128/2018
reg. 32.

- (3) For the purposes of subregulation (2), the land manager may issue a permit to a person authorising the person to engage in an activity referred to in subregulation (1).

Reg. 44(3)
amended by
S.R. No.
128/2018
reg. 32.

Part 8—Camping and camp fires

45 Areas where camping is prohibited

Reg. 45(1)
amended by
S.R. No.
128/2018
reg. 33.

- (1) The land manager may make a determination setting aside an area of a reserve in which camping is prohibited.
- (2) A person must not camp in an area that has been set aside under subregulation (1).

Penalty: 10 penalty units.

46 Restrictions on camping

- (1) A person must not, in a reserve, camp less than 20 metres away from any river, stream, well, spring, creek, lake, lagoon, swamp, marsh, dam, bore or watercourse.

Penalty: 10 penalty units.

- (2) A person must not, in a reserve, camp in the reserve for more than 42 consecutive nights.

Penalty: 10 penalty units.

- (3) A person who camps in a reserve must maintain the site free of litter.

Penalty: 10 penalty units.

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

Penalty: 10 penalty units.

47 Lighting, kindling or maintaining fires restricted

Reg. 47(1)
amended by
S.R. No.
128/2018
reg. 34.

- (1) The land manager may make a determination setting aside an area of a reserve as an area in which lighting, kindling or maintaining a fire is prohibited.

- (2) A person must not light, kindle or maintain a fire in the open air in an area of a reserve set aside under subregulation (1).

Penalty: 20 penalty units.

- (3) A person who lights, kindles or maintains a fire in the open air in an area of a reserve that is not an area that has been set aside under subregulation (1) must ensure that—

(a) the ground and airspace within a distance of 3 metres from the outer perimeter and uppermost point of the fire are clear of inflammable material; and

(b) if the fire is in a commercial appliance—

(i) the fuel used in the appliance is of a type that the appliance has been designed and manufactured to use; and

(ii) the fire is contained in the appliance; and

(iii) when the fire is alight, the appliance is placed in a stable position.

Penalty: 20 penalty units.

- (4) A person who is in charge of a fire in a reserve must extinguish that fire—

(a) immediately at the request of an authorised officer; or

(b) before leaving the fire.

Penalty: 20 penalty units.

48 Use of soaps and detergents

A person who uses any soap, detergent or other similar substance in a reserve must not dispose of that soap, detergent or substance less than 50 metres away from any river, stream, well, spring, creek, lake, lagoon, swamp, marsh, dam, bore or watercourse.

Penalty: 10 penalty units.

49 Hygiene

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

- (a) if the person is in an area in which toilet facilities are provided and readily available, the person does so in those facilities; or
- (b) if the person is not in an area in which toilet facilities are provided and readily available, the person does so by burying those faeces at least 50 metres away from any river, stream, well, spring, creek, lake, lagoon, swamp, marsh, dam, bore or watercourse.

Penalty: 10 penalty units.

Part 9—Vehicles, vessels and aircraft

50 Road and track closures to some or all vehicles

- (1) The land manager may make a determination setting aside an area of a reserve as an area—
 - (a) to which the entry of vehicles or a class of vehicles is prohibited; or
 - (b) to which the entry of vehicles or a class of vehicles is restricted.
- (2) A determination under subregulation (1) may except a class of vehicles from any prohibition or restriction in the determination.

Reg. 50(1)
amended by
S.R. No.
128/2018
reg. 35.

51 Entering or parking in closed roads or tracks

- (1) A person must not use or operate a vehicle, or park or leave a vehicle standing, in an area set aside by a determination under regulation 50(1)(a).
Penalty: 20 penalty units.
- (2) A person must not use or operate a vehicle, or park or leave a vehicle standing, in an area set aside by a determination under regulation 50(1)(b) unless the person does so in accordance with the determination.
Penalty: 20 penalty units.

52 One-way roads or tracks

- (1) The land manager may erect a notice or sign in a reserve that specifies the direction of movement of vehicles in a reserve.
- (2) A person in charge of a vehicle in a reserve must not operate that vehicle in contravention of a notice or sign referred to in subregulation (1).
Penalty: 10 penalty units.

Reg. 52(1)
amended by
S.R. No.
128/2018
reg. 36.

53 Parking restrictions

Reg. 53(1)
amended by
S.R. No.
128/2018
reg. 37.

- (1) The land manager may erect a sign or notice in a reserve that specifies that vehicles or a class of vehicles—
 - (a) may be parked or left standing subject to restrictions; or
 - (b) may not be parked or left standing.
- (2) A person must not park or leave a vehicle standing in contravention of a sign or notice referred to in subregulation (1).

Penalty: 10 penalty units.

Note

The Land Conservation (Vehicle Control) Regulations 2013³ make further provision for the parking of vehicles in reserves. They contain offences relating to operating vehicles off-road, obstructing other vehicles and causing damage to land with vehicles.

54 Vessels

Reg. 54(1)
amended by
S.R. No.
128/2018
reg. 38.

- (1) The land manager may make a determination setting aside an area of a reserve as an area in which any of the following is prohibited or restricted, either for all vessels or for those vessels that are specified in the determination—
 - (a) the launching of vessels;
 - (b) the landing of vessels;
 - (c) the loading and unloading of vessels;
 - (d) the mooring of vessels;
 - (e) the anchoring of vessels;
 - (f) the operating of vessels.

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

Reg. 54(2)
amended by
S.R. No.
128/2018
reg. 38.

Penalty: 20 penalty units.

55 Aircraft

- (1) A person must not, in a reserve, launch or land any aircraft.

Penalty: 10 penalty units.

- (2) Subregulation (1) does not apply to a person who launches or lands an aircraft—

- (a) in an area set aside by a determination of the land manager under subregulation (5)(a) and in accordance with that determination; or

Reg. 55(2)(a)
amended by
S.R. No.
128/2018
reg. 39.

- (b) under and in accordance with a permit issued by the land manager under subregulation (6).

Reg. 55(2)(b)
amended by
S.R. No.
128/2018
reg. 39.

- (3) A person must not, in a reserve, deliver anything by use of an aircraft.

Penalty: 10 penalty units.

- (4) Subregulation (3) does not apply to a person who delivers anything by use of an aircraft—

- (a) in an area set aside by a determination of the land manager under subregulation (5)(b) and in accordance with that determination; or

Reg. 55(4)(a)
amended by
S.R. No.
128/2018
reg. 39.

- (b) under and in accordance with a permit issued by the land manager under subregulation (7).

Reg. 55(4)(b)
amended by
S.R. No.
128/2018
reg. 39.

Wildlife (State Game Reserves) Regulations 2014
S.R. No. 190/2014
Part 9—Vehicles, vessels and aircraft

Reg. 55(5)
amended by
S.R. No.
128/2018
reg. 39.

- (5) The land manager may make a determination setting aside an area of a reserve as an area in which a person may—
- (a) launch or land an aircraft or a class of aircraft specified in the determination; or
 - (b) deliver anything by use of an aircraft or a class of aircraft specified in the determination.

Reg. 55(6)
amended by
S.R. No.
128/2018
reg. 39.

- (6) For the purposes of subregulation (2)(b), the land manager may issue a permit to a person authorising the person to engage in an activity referred to in subregulation (1) in an area other than an area set aside under subregulation (5)(a).

Reg. 55(7)
amended by
S.R. No.
128/2018
reg. 39.

- (7) For the purposes of subregulation (4)(b), the land manager may issue a permit to a person authorising the person to engage in an activity referred to in subregulation (3) in an area other than an area set aside under subregulation (5)(b).

Part 10—Buildings, structures, blinds, hides and tree stands

Division 1—Buildings and structures

56 Offence to occupy buildings and other structures

- (1) A person must not, in a reserve, occupy, use or enter a building or other structure (that is not a blind or hide) that is not provided for use by the public.

Penalty: 10 penalty units.

- (2) A person who occupies, uses or enters a building or structure in a reserve that is provided for use by the public must not occupy, use or enter the building or structure for a purpose other than the purpose for which the building or structure is provided.

Penalty: 10 penalty units.

- (3) A person who occupies, uses or enters a building or structure in a reserve that is provided for use by the public must not exclude, or attempt to exclude, other persons from occupying, using or entering the building or structure.

Penalty: 10 penalty units.

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

- (a) is camping in accordance with these Regulations; or
(b) is acting under and in accordance with a permit issued by the land manager under regulation 38(3) or 39(3).

Reg. 56(4)(b)
amended by
S.R. No.
128/2018
reg. 40.

57 Offence to interfere with signs, buildings and other structures

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

Penalty: 20 penalty units.

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

Penalty: 10 penalty units.

- (3) Subregulation (2) does not apply to a person—

- (a) who is acting under and in accordance with a permit issued by the land manager under subregulation (4); or
- (b) in respect of the construction or erection of a structure by that person for the purpose of camping in accordance with these Regulations; or
- (c) who is acting under and in accordance with a permit issued by the land manager under regulation 38(3), 39(3), 40(3), 41(3), 42(3), 43(3) or 44(3); or
- (d) in respect of the erection of a sign by that person in accordance with Division 2 of this Part; or
- (e) in respect of the erection of a tree stand by that person in accordance with Division 2 of this Part; or
- (f) in respect of the construction of a nest box by that person for the purpose of providing habitat for breeding birds.

Reg. 57(3)(a)
amended by
S.R. No.
128/2018
reg. 41.

Reg. 57(3)(c)
amended by
S.R. No.
128/2018
reg. 41.

- (4) For the purposes of subregulation (3)(a), the land manager may issue a permit to a person authorising the person to engage in an activity referred to in subregulation (2).

Reg. 57(4)
amended by
S.R. No.
128/2018
reg. 41.

Division 2—Blinds, hides and tree stands

58 Areas where blinds, hides or tree stands are prohibited

- (1) The land manager may make a determination setting aside an area of a reserve as an area in which erecting a blind, hide or tree stand is prohibited.
- (2) A person must not erect a blind, hide or tree stand in an area of a reserve that is set aside under subregulation (1).

Reg. 58(1)
amended by
S.R. No.
128/2018
reg. 42.

Penalty: 10 penalty units.

59 Areas where blinds, hides or tree stands are restricted

- (1) The land manager may make a determination setting aside an area of a reserve as an area in which erecting a blind, hide or tree stand is restricted.
- (2) A person must not erect a blind, hide or tree stand in an area of a reserve in contravention of a determination referred to in subregulation (1).

Reg. 59(1)
amended by
S.R. No.
128/2018
reg. 43.

Penalty: 10 penalty units.

60 Requirements for the use and construction of blinds, hides or tree stands

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

Penalty: 10 penalty units.

- (2) A person must not, in a reserve, erect a tree stand unless the tree stand is erected for the purpose of hunting, watching or taking wildlife.

Penalty: 10 penalty units.

- (3) A person who is erecting a blind or hide in a reserve must erect the blind or hide so that the height of the blind or hide does not exceed 2 metres and the floor area of the blind or hide does not exceed 6 square metres.

Penalty: 10 penalty units.

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

Penalty: 10 penalty units.

- (5) A person must not, in a reserve, remove, displace, deface or interfere with a blind, hide or tree stand unless the person erected the blind, hide or tree stand, or is assisting a person who erected the blind, hide or tree stand.

Penalty: 10 penalty units.

61 Requirement to dismantle blinds, hides or tree stands

- (1) If an authorised officer considers it necessary, the officer may—
- (a) direct a person who has erected a blind, hide or tree stand in a reserve to dismantle it within a reasonable time specified by the authorised officer; or
 - (b) take any necessary steps to have the blind, hide or tree stand dismantled.

- (2) A person who is given a direction by an authorised officer under subregulation (1) must comply with that direction.

Penalty: 10 penalty units.

Part 11—Common provisions for determinations and permits

62 Determinations setting areas aside

Reg. 62(1)
amended by
S.R. No.
128/2018
reg. 44(1).

(1) In a determination of the land manager under these Regulations setting aside an area, the land manager may specify conditions under which the use of the area to which the determination relates may or may not be carried out.

Reg. 62(2)
amended by
S.R. No.
128/2018
reg. 44(1).

(2) If the land manager has made a determination setting aside an area under these Regulations in which a particular use of an area is restricted or prohibited, the land manager must cause signs or notices to be erected or displayed at or near the entrance to the area indicating—

- (a) the area that has been set aside under the determination; and
- (b) the nature of the determination; and
- (c) in the case of a use that is restricted by the determination, the conditions under which the use that is restricted may be carried out in the area so set aside.

Reg. 62(3)
amended by
S.R. No.
128/2018
reg. 44(2).

(3) The land manager may amend or revoke a determination made under these Regulations.

Reg. 62(4)
amended by
S.R. No.
128/2018
reg. 44(1).

(4) If the land manager amends a determination made under these Regulations, the land manager must ensure that the details of the amendment are included on any signs or notices erected or displayed under subregulation (2).

Reg. 62(5)
amended by
S.R. No.
128/2018
reg. 44(1).

(5) If the land manager revokes a determination made under these Regulations, the land manager must ensure that the signs or notices erected under subregulation (2) relating to that determination are removed.

63 Offence not to comply with conditions of determinations setting areas aside

A person entering or engaging in conduct or an activity in an area set aside by a determination under these Regulations (other than a determination under regulation 9(1)(b), 50(1)(b), 54(1) or 59(1)) must comply with any conditions specified in the determination.

Penalty: 10 penalty units.

64 Issuing of permits

- (1) A permit issued under these Regulations authorises the holder to enter and use an area of a reserve specified in the permit—
 - (a) for the purpose specified in the permit; and
 - (b) for the period specified in the permit; and
 - (c) subject to any terms and conditions in respect of that entry or use that are specified in the permit.
- (2) A permit issued under these Regulations must be in writing.

65 Cancellation of permits

- (1) The land manager may cancel a permit issued under these Regulations at any time—
 - (a) if the holder of the permit has—
 - (i) contravened the conditions of the permit; or
 - (ii) contravened these Regulations; or
 - (b) if the continuation of the permit is likely to be detrimental to, or interfere with, the management and protection of the natural environment, flora, wildlife, features or visitors in a reserve or the control or

Reg. 65(1)
amended by
S.R. No.
128/2018
reg. 45.

management of animals (other than wildlife) within a reserve.

Reg. 65(2)
amended by
S.R. No.
128/2018
reg. 45.

- (2) Before cancelling a permit, the land manager must—
- (a) notify the holder that it is proposed to cancel the permit; and
 - (b) allow the holder of the permit an opportunity to make either oral or written submissions about the proposed cancellation.
- (3) For the purposes of subregulation (2)(b), the holder of the permit must make any submission within the period specified in the notice, which must not be less than 14 days after the day on which the notice is issued.

Reg. 65(4)
amended by
S.R. No.
128/2018
reg. 45.

- (4) In deciding whether or not to cancel a permit, the land manager must have regard to any submission made under subregulation (2)(b) within the period specified in the notice.

Reg. 65(5)
amended by
S.R. No.
128/2018
reg. 45.

- (5) On cancellation of a permit under subregulation (1), the land manager must notify the holder of the permit of the cancellation of the permit within 7 days after the cancellation.
- (6) The cancellation of a permit under subregulation (1) comes into effect when the holder of the permit is given notice of that cancellation in accordance with subregulation (5).

66 Offence not to comply with a permit

The holder of a permit issued under these Regulations must comply with any terms and conditions of that permit.

Penalty: 10 penalty units.

Schedules

Schedule 1—State Game Reserves where hunting Hog Deer is permitted

Regulations 8,13(3), 28(2) and 29(2)

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

Wildlife (State Game Reserves) Regulations 2014
S.R. No. 190/2014

Schedule 2—State Game Reserves where hunting Stubble Quail is permitted

**Schedule 2—State Game Reserves where
hunting Stubble Quail is permitted**

Regulations 8, 13(3), 19, 28(2) and 29(2)

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

Wildlife (State Game Reserves) Regulations 2014

S.R. No. 190/2014

Schedule 3—State Game Reserves where hunting Sambar Deer is permitted

**Schedule 3—State Game Reserves where
hunting Sambar Deer is permitted**

Regulations 8, 13(3), 28(2) and 29(2)

<i>Title of Reserve</i>	<i>Parish where Reserve is situated</i>
Ewing Morass	Tildesley East, Waygara, Newmerella

Wildlife (State Game Reserves) Regulations 2014
S.R. No. 190/2014
Schedule 4—Specified pest animals

Sch. 4
inserted by
S.R. No.
50/2018
reg. 12.

Schedule 4—Specified pest animals

Regulation 8A

<i>Common name</i>	<i>Scientific name</i>
European hare	<i>Oryctolagus cuniculus</i>
European rabbit (feral or wild population only)	<i>Lepus europaeus</i>
Red fox	<i>Vulpes vulpes</i>

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 Wildlife (State Game Reserves) Regulations 2014, S.R. No. 190/2014 were made on 29 October 2014 by the Governor in Council under section 87 of the **Wildlife Act 1975**, No. 8699/1975 and came into operation on 30 October 2014: regulation 3.

The Wildlife (State Game Reserves) Regulations 2014 will sunset 10 years after the day of making on 29 October 2024 (see section 5 of the **Subordinate Legislation Act 1994**).

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 regulation, rule or clause of a Schedule is amended by the insertion of one or more subregulations, subrules or subclauses the original regulation, rule or clause becomes subregulation, subrule or subclause (1) and is amended by the insertion of the expression "(1)" at the beginning of the original regulation, rule or clause.

Interpretation

As from 1 January 2001, amendments to section 36 of the ILA have the following effects:

- **Headings**

All headings included in a Statutory Rule which is made on or after 1 January 2001 form part of that Statutory Rule. Any heading inserted in a Statutory Rule which was made before 1 January 2001, by a Statutory Rule made on or after 1 January 2001, forms part of that Statutory Rule. This includes headings to Parts, Divisions or Subdivisions in a Schedule; Orders; Parts into which an Order is divided; clauses; regulations; rules; items; tables; columns; examples; diagrams; notes or forms. See section 36(1A)(2A)(2B).

- **Examples, diagrams or notes**

All examples, diagrams or notes included in a Statutory Rule which is made on or after 1 January 2001 form part of that Statutory Rule. Any examples, diagrams or notes inserted in a Statutory Rule which was made before

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1 January 2001, by a Statutory Rule made on or after 1 January 2001, form part of that Statutory Rule. See section 36(3A).

- **Punctuation**

All punctuation included in a Statutory Rule which is made on or after 1 January 2001 forms part of that Statutory Rule. Any punctuation inserted in a Statutory Rule which was made before 1 January 2001, by a Statutory Rule made on or after 1 January 2001, forms part of that Statutory Rule. See section 36(3B).

- **Provision numbers**

All provision numbers included in a Statutory Rule form part of that Statutory Rule, whether inserted in the Statutory Rule before, on or after 1 January 2001. Provision numbers include regulation numbers, rule numbers, subregulation numbers, subrule 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 a Statutory Rule 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 a Statutory Rule. See section 36(3)(3D)(3E).

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Endnotes

2 Table of Amendments

This publication incorporates amendments made to the Wildlife (State Game Reserves) Regulations 2014 by statutory rules, subordinate instruments and Acts.

Wildlife (State Game Reserves) Amendment Regulations 2015, S.R. No. 16/2015

Date of Making: 17.3.15

Date of Commencement: 18.3.15: reg. 3

Wildlife (State Game Reserves) Amendment Regulations 2018, S.R. No. 50/2018

Date of Making: 1.5.18

Date of Commencement: 2.5.18: reg. 3

Wildlife (State Game Reserves) Further Amendment Regulations 2018,
S.R. No. 128/2018

Date of Making: 11.9.18

Date of Commencement: 12.9.18: reg. 3

3 Amendments Not in Operation

There are no amendments which were Not in Operation at the date of this publication.

4 Explanatory details

¹ Reg. 4: S.R. No. 147/2004.

² Reg. 5 def. of *game bird*: S.R. No. 99/2012 as amended by S.R. Nos 161/2012 and 53/2014.

³ Reg. 53 (Note): S.R. No. 3/2013.

Penalty Units

These Regulations provide for penalties by reference to penalty units within the meaning of section 110 of the **Sentencing Act 1991**. The amount of the penalty is to be calculated, in accordance with section 7 of the **Monetary Units Act 2004**, by multiplying the number of penalty units applicable by the value of a penalty unit.

The value of a penalty unit for the financial year commencing 1 July 2018 is \$161.19.

The amount of the calculated penalty may be rounded to the nearest dollar.

The value of a penalty unit for future financial years is to be fixed by the Treasurer under section 5 of the **Monetary Units Act 2004**. The value of a penalty unit for a financial year must be published in the Government Gazette and a Victorian newspaper before 1 June in the preceding financial year.